

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 18th JULY 2017

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

Turning to the Consolidated Order Paper. First, on Members' behalf, I welcome His Excellency the Lieutenant Governor. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 THE DEPUTY OF GROUVILLE OF THE CHIEF MINISTER REGARDING THE EXTENSION OF THE FREEDOM OF INFORMATION (JERSEY) LAW 2011 TO COMPANIES OWNED BY, OR CONTROLLED BY, THE STATES OF JERSEY: [1(396)]

Question

Further to his answer to written question 1(1), tabled on 17th January 2017, in which he stated that “*the extension of the Freedom of Information (Jersey) Law 2011 (FOI) to cover companies wholly owned by, or controlled by, the States of Jersey, and bodies majority funded by the States of Jersey, remains under review*” and that the review would be concluded during the first quarter of 2017 “*in order then to deliver on the decision of the Assembly*”, and given we are now in third quarter of 2017 what progress, if any, has been made in 2017 to extend the FOI Law as described; which additional companies, if any, have been required to comply with the FOI Law during 2017; and will the Chief Minister advise whether or not he is now in a position to uphold the wishes of the Assembly, in adopting P.149/2014 on 25th November 2014, and deliver on its decision on that matter?

Answer

The review remains ongoing but is nearing conclusion. It is expected that it will recommend that the Law be extended to a wider range of bodies than proposed in P.149/2014, to bring in entities delivering functions on behalf of government, thereby extending the right to know to a wide range of organisations.

As the scope has been extended, and as the review will also consider the position in other jurisdictions, the review is taking longer than anticipated.

2.2 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONSTRUCTION OF THE EASTERN CYCLE NETWORK: [1(397)]

Question

Since the States Assembly agreed to introduce a contribution to the Eastern Cycle Network in the Island Plan, will the Minister set out how much money, if any, his Department has received for the construction of the Eastern Cycle Network, as well as the dates on which funding was received and from whom it was received?

Will he also set out in detail which phases of the Eastern Cycle Network have been built and at what cost?

Answer

This question is very similar to the one asked by Deputy of Grouville to the Minister for Environment at the previous States sitting [1240/5/1(395) – *The administration of the contribution to the Eastern Cycle Network*].

Since the States Assembly agreed to introduce a contribution to the Eastern Cycle Network (ECN) in the Island Plan (Policy TT3), the Department for Infrastructure collects funds via Planning Obligation Agreements (POAs) to fund the development of the network.

A total of 31 planning applications have POAs attached to them requiring financial contribution to the development of the Eastern Cycle Route Network with a total value of £621,720. The details of these POAs, in relation to the nature of the agreement and the parties involved, are in the public domain and available in the Register of Planning Obligation Agreements are held by the Department of the Environment and published on the States website.

The Department for Environment is responsible for administering the monies collected through POAs and to date has released £424,720 in relation to the development of the ECN. A further £197,000 remains payable from developments that are yet to commence.

Appendix A in question #395 (mentioned above) contains information relating to dates on which funding was received and from whom it was received.

In terms of the phases of the ECN that have been built and the costs, these are summarised in the table below.

Section Description	Cost
Gorey to Grouville Fuel Station	£170,000
Gorey Fuel Station to Pembroke Hotel	£200,000

The next phase scheduled to be delivered is the section from Le Hocq to Le Rocquier School, which has a budgeted value of £250,000. This is to cover feasibility, consultation, design, contract procurement, project management, construction and contingency. Work is due to commence on this section in the school summer holidays in 2017.

A further amount of £150,000, including £50,000 from a separate POA in the area, has been allocated to the ECN for a section from Le Rocquier School to Le Squez.

2.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING INDIVIDUALS STILL IN THE EMPLOYMENT OF THE STATES OF JERSEY WHO HAD RECEIVED CRITICISM FROM THE INDEPENDENT JERSEY CARE INQUIRY: [1(415)]

Question

Is the Chairman able to confirm whether any of the individuals who have received criticism from the Independent Jersey Care Inquiry are still in the employ of the States of Jersey; and, if so, what action, if any, will be taken in relation to them?

Answer

Current members of staff who were mentioned in the report were removed from frontline duties.

A review of the report is underway and once that review is complete we will be in a position to determine whether any disciplinary process is required.

2.4 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE NEW HOSPITAL DEVELOPMENT: [1(416)]

Question

In relation to the new hospital development, will the Minister advise –

- (a) how the budget figure for the new hospital development was arrived at, given that architectural plans have not been finalised;
- (b) what is to stop developers from using the amount that has been specified for funding the new hospital as their absolute base line when tendering;
- (c) what standard of building is specified as part of the published budget figure and whether adoption of the European 'EN standard' is envisaged, thus opening the market to international companies; and
- (d) what criteria will be used to assess developers wishing to tender for the development and, specifically, whether the tender application process will be open to international firms outside Jersey and the U.K.?

Answer

- (a) The development of a modern hospital, or indeed any large scale modern building, involves the generation of increasingly more detailed costing as more designed detail and tendered construction price information is confirmed. In the early stages of a major construction project, significant contingencies and risk allowances are included within the project cost. For major public projects in the United Kingdom, these are based upon the real out-turn cost of many hundreds of previous building projects gathered by the Royal Institute of Chartered Surveyors Building Cost Information Services. In the specific case of National Health Service hospitals, specific Health Premises Cost Guides are used, which use all of the costing experience of the development of over a hundred major hospitals in the United Kingdom over more than a decade. A Jersey location factor is also employed on a discrete basis for certain cost elements to allow for prevailing local construction costs, again based upon the actual costs of local building construction reported to the Royal Institute of Chartered Surveyors and in line with proven best practice experience. As a result, the cost estimates are of increasing level of accuracy and considerable confidence in them can be assumed. By way of example, at the Royal Institute of British Architects Stage 3 Detailed Design phase of development for the Future Hospital, an 80% accuracy level is expected for the main construction works costs, with risk allowances to cover any unforeseeable issues arising.

The overall budget sum also contains allowances for property acquisition, enabling works, fees and other relevant ancillary costs, together with an estimate of future inflation, to provide an estimated outturn cost.

- (b) In short, nothing, other than this would be a high risk strategy in an environment where there is considerable competition for the work. In the case of the Future Hospital Main Works Construction contract which is currently in procurement, there have been 40 expressions of interest which means the success of such an approach is unlikely.
- (c) Building standards for a new general hospital encompass a multitude of different elements and therefore an exhaustive list will only be available once the technical design phase is complete, the detailed building specification produced and contract ready to be signed. However, in general, the Health and Social Service Department wish to procure a hospital that meets the standards and practices of a United Kingdom National Health Service Hospital, for reasons that the majority of staff are trained and experienced in using these hospitals. Therefore, the base hospital design is informed by United Kingdom National Health Service Health Building Notes and Technical Memoranda as well as other good practice. As companies sufficiently experienced in, and with sufficient standing to undertake, a major National Health Service hospital development will be of international status, the specification or otherwise of European Standards is not considered to be an issue of any concern. That being said, many of the building requirements will specify International / European / British standards, which are often aligned in any case.
- (d) A Detailed Procurement Strategy including selection criteria has been approved and has informed the pre-qualification and will then inform the Invitation to Tender phases for the Integrated Supply Chain Partner for the Future Hospital Main Works Construction Contract.

As an example, the Pre-Qualification Criteria already in the public domain on the Supply Jersey procurement portal, are as follows

Section	Question	Evaluation	Weighting %
A 1 to 19	Company Information	Mandatory	Pass/Fail
B 1 to 35	Declarations and Conflicts of Interest	Mandatory	Pass/Fail
B 36 to 41	Acceptance of Agreements	Mandatory	Pass/Fail
C 1 to 2	Insurances Cover and Confirmation of Insurance	Mandatory	Pass/Fail
D 1 to 9	Financial Status, Legitimacy and Legal Claims	Mandatory	Pass/Fail
E1	Case Studies	Scored	35
E2	Technical Capability	Scored	20
F1	Quality Management	Scored	10
F2	Health and Safety Management	Scored	15
F3	Environmental Management	Scored	5

F4	Building Information Modelling	Scored	15
		Total	100

The precise Invitation to Tender selection criteria will be refined following receipt of the Pre-Qualification submissions in accordance with best procurement practice.

The tender was notified through a Prior Information Notice via the Supply Jersey portal as open to international firms, not just those from Jersey or the United Kingdom. That said, companies without experience of developing a major National Health Service hospital are unlikely to be able to demonstrate sufficient technical capability or competence at the Pre-Qualification stage.

2.5 THE DEPUTY OF GROUVILLE OF THE CHIEF MINISTER REGARDING THE ADMINISTRATION OF CONTROL OF HOUSING AND WORK LEGISLATION: [1(417)]

Question

In relation to administration of Control of Housing and Work legislation, will the Chief Minister –

- provide details of the employment quotas or numbers (broken down by Entitled / Licensed / Registered categories) allocated to those organisations which employ more than 50 staff;
- state how those quotas or numbers are broken down per sector and per firm, including States Departments and ‘quangos’ (but excluding the Hospital);
- explain what criteria are used to decide the allocation per firm and how quota numbers are arrived at;
- explain what measures, if any, he has in place to control the number of Registered people coming into the Island to service the construction industry, given that the industry is currently booming in Jersey; and
- state whether there is any plan in place to halt States building developments, to ensure employment resources in this market are not all drawn upon at the same time?

Answer

- (a) and (b)

The table below shows the permissions held for registered and licenced staff, by sector, of businesses (including arms-length bodies) which employed more than 50 staff on 31st December, 2016.

The public sector figures include the Health and Social Services Department as that is how the public sector reports under the Control of Housing and Work (Jersey) Law, 2012.

The figures for individual companies are not made public.

Standard Classification Codes	Permitted Staff	Registered	Permitted Staff	Licensed

Agriculture and fishing	785	2
Manufacturing	13	6
Construction and quarrying	281	25
Electricity gas and water supply	33	13
Wholesale and retail trades	681	44
Hotels, restaurants & bars	2,047	21
Transport, storage and communication	171	77
Computer and related activities	61	18
Financial and legal activities	1,019	913
Real estate and other business activities	408	3
Education, health and other services	353	116
States of Jersey	180	699
TOTAL:	6,032	1,937

(c)

The published “Business Licensing Guidance”, available at www.gov.je, outlines how decisions are taken on the granting of permissions for registered and licenced staff, including the role of the Housing and Work Advisory Group.

(d) and e)

The construction sector is growing considerably as new offices, homes and infrastructure are developed. Permissions are being granted in support of this, in recognition of the importance of this infrastructure for Islanders and economic growth. The public sector is contributing to this through Andium Homes and the Department for Infrastructure, and in due course the hospital. These works are essential and it is important that permissions are granted where needed, and when resident labour is not available.

2.6 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR THE ENVIRONMENT REGARDING PLANNING REQUIREMENTS IN RELATION TO DEVELOPMENTS UNDERTAKEN BY THE CONSTRUCTION INDUSTRY: [1(418)]

Question

Will the Minister advise, in respect of the construction industry, –

- (a) if there is any plan or conditions in place from a planning perspective to limit or halt large building developments, to ensure that employment resources in this market are not all drawn upon at the same time; and
- (b) what requirements, if any, there are currently in place to ensure that developers employ a certain number or percentage of apprentices, depending on their size, or contribute to a training levy for the construction industry?

Answer

- (a) There are no plans or conditions in place from a planning perspective to limit or halt the timing of building developments.
- (b) There are no requirements currently in place from a planning perspective to ensure that developers employ a certain number or percentage of apprentices or contribute to a training levy for the construction industry.

2.7 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING PROSPECTIVE CHANGES TO THE OATH OF OFFICE FOR ELECTED MEMBERS OF THE STATES ASSEMBLY: [1(419)]

Question

Further to the sixth recommendation of ‘Independent Jersey Care Inquiry Report’ (R.59/2017) that reference should be made to the specific responsibility of being corporate parent in the oath of office taken by members of the States Assembly, will the Chairman state whether the Privileges and Procedures Committee will be bringing forward proposals to amend the oath of office for all elected members of the States Assembly before the 2018 elections; and, if not, why not?

Answer

The Committee will be considering this matter at its next meeting, scheduled for 1st August.

2.8 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING BRIEFINGS OR TRAINING FOR STATES MEMBERS ON THEIR RESPONSIBILITIES AS CORPORATE PARENTS FOR LOOKED-AFTER CHILDREN: [1(420)]

Question

Further to the sixth recommendation of ‘Independent Jersey Care Inquiry Report’ (R.59/2017) that there should be a mandatory briefing for all States members as to their responsibilities as corporate parents for looked-after children, will the Chairman state whether the Privileges and Procedures Committee supports the recommendation in respect of briefing members and, if so, will he explain what briefings or training will be put in place for States members and whether the Committee will seek to amend its remit in Standing Orders to include this provision?

Answer

The Committee will be considering this matter at its next meeting, scheduled for 1st August.

2.9 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING A REVIEW OF THE SERIOUS COMPLAINTS POLICY: [1(421)]

Question

Does the States Employment Board intend to review the serious complaints policy; if so, when will this review be completed, and, if not, why not?

Answer

The current Serious Concerns policy is due for revision in September this year as part of the regular review and refresh programme of States Human Resource policies.

The consultation process for this review has already begun and the revised draft is scheduled to be presented to the States Employment Board for review and approval at their meeting in October 2017.

2.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE REPORTING BY PROFESSIONALS OF ABUSE OF CHILDREN AND ADULTS: [1(422)]

Question

Could the Minister advise what practices are currently in place for mandatory reporting (by professionals) of abuse of both children and adults? If none, what consideration is the Minister giving to mandatory reporting and what extra resources does he estimate would be required?

Answer

The issue of mandatory reporting has been referred by the Children and Vulnerable Adults Policy Group (CAVA) to the Safeguarding Children Partnership Board (SCPB) on two occasions, most recently in February 2016. The SCPB is an independent body, chaired by Glenys Johnston OBE.

The advice of the SCPB was that a duty to report concerns is already enshrined in professional standards. Experience has shown that where reporting has been made mandatory, it has led to a large volume of referrals being made which were not all appropriate and which led to pressure on resources, distracting staff from their main safeguarding priorities.

The SCPB's decision was informed by the attitude of the NSPCC, which did not support the introduction of mandatory reporting laws. Recently, the NSPCC has modified its stance and has recommended a restricted form of mandatory reporting. The UK government is considering the issue. The Children's Commissioner in England does not support mandatory reporting.

The SCPB has agreed that it would be sensible to see if/how the NSPCC recommendations are taken forward by the UK to ascertain if the suggested changes make a significant difference. The SCPB continues to keep the issue under review and is able to provide CAVA with advice on the matter.

2.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOUSING REGARDING THE IMPLEMENTATION OF RECOMMENDATIONS MADE IN ‘HOUSING TRANSFORMATION PROGRAMME’ (S.R.6/2013): [1(423)]

Question

Further to the Ministerial response to ‘Housing Transformation Programme’ (S.R.6/2013 Res), published on 10th May 2013, could the Minister advise on the current status of the implementation of the accepted recommendations based on the outcomes achieved so far, including, in particular, recommendation 9 on the Jersey Homes Standard?

Answer

The majority of recommendations accepted by the Minister for Housing with regard to the Health, Social Security and Housing Scrutiny Panel’s review of the ‘Housing Transformation Programme’ (S.R.6/2013) have been implemented. The remainder of the recommendations are either subject to ongoing Ministerial oversight or, in the case of introducing social housing regulation, being developed into draft proposals in accordance with the programme of work identified by the Housing Strategy published in March 2016.

A summary of the accepted recommendations and their current status is provided below.

Recommendation 1
An agreed position on the role and purpose of social housing should be developed within 6-12 months to support implementation of the housing reforms. The definition should clarify how the new housing company [Andium Homes] will balance its social and moral obligations alongside its role as a States Strategic Investment.
The Minister for Housing believes that this recommendation is best addressed through the proposals to introduce a regulatory framework for social housing, as set out in response to recommendations 9 and 10.

Recommendation 2
Reliable means to deliver new supply of both social rented and affordable home ownership properties must be urgently investigated and committed to, including partnerships with the private sector.
Additional capital investment from the States should be considered if required and States owned land should be utilised at a price that enables development of affordable housing
A clear commitment must be made by the Housing Company [Andium Homes] to review its Business Plans within 3 years to see if additional capacity to support new development can be identified, and this information reported back to the States.
The £250 million Bond made available to affordable housing providers is providing the funding necessary to enable the delivery of more than 1,000 new affordable homes for rent and purchase as well as the achievement of the Decent Homes Standard on all Andium Homes rented properties by 2020.

Andium Homes also has the ability to seek private borrowing should it require funding above the level of Bond money available in order to deliver more affordable housing developments. This is subject to the approval of the Minister for Treasury and Resources.

The Minister for Housing is responsible for deciding what level of affordable housing supply is required to meet the island's housing needs. As the Affordable Housing Gateway continues to show significant demand for affordable homes for both rent and purchase, the Minister is keen to see more affordable housing delivered in the years ahead, especially affordable housing that contributes towards the regeneration of St. Helier.

Andium Homes is actively looking in the open market to purchase new sites for affordable housing, as are the housing trusts, and the Minister is working with the Minister for Infrastructure, through Jersey Property Holdings, to identify sites that may be suitable for new affordable housing development – the long-term use of The Limes site for affordable housing is a case in point.

Recommendation 3

The requirement for the housing trusts to contribute towards the Income Support housing component should be reviewed and reported back to the States within 2 years to ensure that the Trusts are able to operate efficiently and deliver additional stock.

It is important that all affordable housing providers make a return to the Treasury in order to support States spending on Income Support, but this return must be managed in a way that ensures the providers are able to operate on a sustainable financial basis, as was the intention of the Housing Transformation Programme.

Recommendation 4

The Minister for Housing should establish and agree a protocol with the Parishes within 6 months to provide clarity about how the Gateway system will impact on social and affordable homes delivered by the Parishes.

The Minister for Housing is open to discussion with the *Comité des Connétables* should any Parish wish to take forward an affordable housing development, and notes the successful partnership that has been established between the Parish of St Peter and Andium Homes on the proposed *Ville Du Manoir* first-time buyer scheme.

There could be benefits for the Parishes utilising the Housing Gateway for their allocations should they wish to do so, although this is a matter for the individual Parishes.

Recommendation 5

An exit gateway, savings initiatives or shared equity schemes should be developed to meet the needs of those wishing to move out of the social sector if their financial circumstances significantly improve.

The Housing Strategy identifies the need to introduce affordable home purchase schemes for first-time buyers to enter into home ownership.

The Andium Homebuy scheme is one such example, which provides medium income households who would not be able to purchase in the open market, including existing social housing tenants, with the opportunity to purchase an affordable home at a reduced price to the open market. Andium Homes has plans to sell 300 affordable homes by 2020 on new and existing sites.

The Minister for Housing hopes that the Homebuy scheme can continue to develop so that more of the 800 households on the Affordable Housing Gateway waiting list 'Band 5' have an opportunity to purchase a home. This, however, is dependent on new sites coming forward for development.

The Jersey College for Girls development includes forty Shared Equity units sold through the Assisted Purchase Scheme and forty Category A, over 55's social rented units with Jersey Homes Trust.

The Minister for Housing is also looking to introduce a second deposit loan scheme to assist first-time buyers with the cost of raising a deposit on the purchase of a property in the open market. Funding has been identified for a scheme, which originally ran in 2013, and discussion is ongoing with a potential mortgage provider in order to support lending for the scheme.

Recommendation 6

The Minister for Housing should be retained as the head of the Strategic Housing Unit and given responsibility for housing across all tenures. This is critical in helping to address the lack of joined-up thinking on affordable housing policies and should be agreed by the States as it is essential to the success of stimulating new supply.

The position of Minister for Housing was maintained following the acceptance by the Council of Ministers of an amendment by the former Health, Social Security and Housing Scrutiny Panel to P.33/ 2013 *'The Reform of Social Housing'*.

The Minister is responsible for the development and coordination of housing strategy and policy in all categories of tenure through the work of the Strategic Housing Unit.

Recommendation 7

Additional steps setting out expected ways of working to build a more collaborative culture and ensure adequate resources are available should be developed for the Strategic Housing Unit. This should be reported back to the States by the Minister for Housing within 6 months.

The Strategic Housing Unit is the responsibility of the Minister for Housing. The SHU sits

within the Department for Community and Constitutional Affairs and has 2.5 full time members of staff and the oversight of an Accounting Officer.

Since it was established in 2014, the SHU has prepared a Housing Strategy (published by the Minister in 2016), which directs its immediate programme of work. In delivering this programme, the Strategic Housing Unit works collaboratively across departments to deliver housing policy and is a member of both the Safeguarding Partnership Board and JMPPA arrangements. The SHU maintains strong working relationships with all affordable housing providers to deliver new supply.

Recommendations 9 and 10

Prior to introducing a social housing regulator, alternatives for regulation must be brought forward that are more appropriate to the size and nature of Jersey's social housing sector including a Social Housing Charter or Code of Practice developed within the next 12 months and signed up to by all providers.

A Jersey Homes Standard that is appropriate to Jersey's needs must be created within 12 months.

Regulatory activity needs to be focused on improving service delivery as opposed to dealing with service failure and should rely upon cooperation rather than compulsion as much as possible with regard to directing the financial affairs of other Social Housing Providers.

The Minister for Housing will shortly be lodging a regulatory framework for social housing provision, including the Affordable Housing Gateway (the point of access for social housing) and social housing providers (Andium Homes and the housing trusts). Social housing providers carry out functions of a public nature and receive public funding to varying degrees and regularity, so it is important for the sector to be subject to appropriate oversight.

A consultation was undertaken in January 2017, which considered the principle of regulation and a potential structure for a regulatory framework. The Minister is currently speaking with stakeholders regarding the draft proposals and will bring the draft proposals to the States Assembly by the autumn. In developing these proposals, the Minister has sought to reflect the recommendations of the former Health, Social Security and Housing Scrutiny Panel that regulation is appropriate to the size and nature of Jersey's social housing sector.

One of the main aspects of the proposals will be the introduction of standards of financial management, governance and service delivery (e.g. the quality of homes, rent levels and tenancy management), in order to provide a consistent and accessible framework of standards of practice.

In respect of the 'Jersey Homes Standard' it has been decided to adopt the UK Decent Homes Standard, which provides a comprehensive framework of standards for rented accommodation and reflects best practice for housing. A copy of the Decent Homes Standard is available at:

<https://www.gov.je/home/rentingbuying/housinglaws/pages/housingstandards.aspx>

Andium Homes has adopted the UK Decent Home Standard as the minimum standard for its rented accommodation and aim to achieve the Standard on all properties by 2020, four years

earlier than was originally planned. By the end of 2016, 93% of properties had been upgraded to meet the Decent Homes Standard.

The Decent Home Standard will be given statutory effect through the draft Health and Safety (Rented Dwellings) Law, which the Minister for the Environment will lodge for debate in the autumn.

Recommendation 14

The re-lets policy should be kept under review to make sure that the turnover of properties is not negatively affected and that re-lets are happening at a rate that supports delivery of the Housing Company's commitments. The Minister should report back to the States annually on this policy.

The risk that Andium Homes' rental income is lower than expected as a result of lower rental market growth or re-lets are lower than expected was identified and mitigated in the full business case for the Housing Company. This continues to be a risk identified by the Andium Homes board in its Strategic Business Plan.

Andium Homes funds all of its expenditure – including maintenance and development costs for new homes – from rental income. It is therefore essential that Andium Homes keeps its re-let policy under review. The Minister for Housing is pleased to note from the Andium Homes 2016 Annual Report that rental income has been better than expected due to efficiencies in Andium Homes' letting procedure.

In 2016, a Choice-Based Lettings service was introduced, which is having a positive effect on average turnaround times for properties. In the first quarter of 2016, for instance, the average turnaround time was 42 days, which has reduced to 23 days in the first quarter of 2017. Moreover, the numbers of offers turned down by applicants has reduced significantly:

Q1 2015	57%
Q1 2016	51%
Q2 2017	18%

The housing trusts also demonstrate similar efficiency in re-letting properties. As part of a regulatory framework for social housing, it is proposed that a key performance indicator will include the average time taken to re-let properties.

Recommendation 15

Action should be taken to ensure the most vulnerable households are protected against rent increases upon moving, including the introduction of elderly rate for low-income pensioners.

The Minister for Social Security was charged with taking the necessary action to address the

Income Support implications of the 90 per cent rents policy approved by the States Assembly in P.33/2013, and this was enacted through the Income Support (Amendment No. 10) Regulations 2014.

The housing component of Income Support provides financial assistance towards the cost of renting a social housing property. Income Support will recognise the full rent charged for a social housing property, providing that the household is occupying a property appropriate to its need.

Recommendation 16

Policies should also be developed to assist those considered higher earners to move into other tenures that are appropriate to their needs

The Minister for Housing's 2016 Housing Strategy identifies the need to make efficient use of all available housing resources, including social rented accommodation. It is important that social rented housing is occupied by low income households who would be unable to afford to rent in the private sector. High earners should therefore be assisted to move into other tenures as is appropriate for their needs.

From the 1st January 2017, Andium Homes have been using a new collection of Fixed Term Tenancy Agreements.

There are 3 types now used:-

- Introductory Tenancy Agreement (for 1 year)
- Supported Housing Tenancy Agreement (up to 2 years)
- Standard Tenancy Agreement (for up to 5 years)

This gives Andium Homes the opportunity to have a conversation with the tenant in advance of renewing the tenancy agreement, to see if their housing needs or aspirations have changed.

The Andium Homebuy scheme provides existing social housing tenants with opportunities to purchase an affordable home at a reduced price to the open market. Andium Homes plans to sell 300 affordable homes by 2020 on existing and new sites, although this is dependent on the sites being approved for development.

Recommendation 18

The housing company [Andium Homes] and the housing trusts should join an appropriate benchmarking club so that comparative measures of performance can be made available to staff and tenants and support future improvements.

Andium Homes has developed key performance indicators as part of its Strategic Business

Plan, which are used to assess and monitor performance. These KPIs are a requirement of the Memorandum of Understanding between the Minister for Treasury and Resources and Andium Homes.

Andium Homes' performance against these KPIs is published in the company's annual report.

The housing trusts also monitor their performance against comparative industry benchmarks, and this information is published in their annual accounts.

One of the main aspects of the proposed regulatory framework for social housing is the introduction of KPIs for all affordable housing providers. The KPIs will provide tenants with information about the performance of their landlords compared to another, and will help to drive service improvement. It should be noted that many of the potential KPIs under consideration are already monitored by the affordable housing providers as best practice.

Recommendation 19

Care must be taken to avoid competition between the Housing Company [Andium Homes] and the housing trusts with regard to pursuing the same sites for development.

The Minister for Housing is in active dialogue with all affordable housing providers with regard to their future development plans, and will offer support wherever possible to help them progress with developments.

Where a States-owned site has been identified for affordable housing development, or where land has been re-zoned specifically for affordable housing, the Minister, in consultation with the Minister for Infrastructure and the Minister for Treasury and Resources, will determine the most appropriate social housing provider to develop the land, having taken into consideration issues such as their finances and capacity to deliver new affordable housing developments.

2.12 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE POST-IMPLEMENTATION REVIEW OF THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012: [1(424)]

Question

What have been the results of the post-implementation review of the Control of Housing and Work (Jersey) Law 2012 referred to in finding 6 and pages 30-31 of the report accompanying 'Interim Population Policy: 2014-2015' (P.10/2014); what changes have resulted from that review; and what review has taken place of the "complimentary measures around migration" referred to on page 30 of that report?

Answer

Some of the results have already been announced and are being implemented – for instance fee changes and the removal of permissions. Some will be outlined in the population policy.

The forthcoming population policy will cover a number of areas where improvements in the Law would be valuable. These areas were identified while considering the effectiveness of the Control of Housing and

Work (Jersey) Law 2012. Examples include enhanced compliance, an e-census, fees, and increased use of bespoke licence conditions.

Substantial work has also been undertaken on the development of a long term plan. Its latest iteration, “Future Jersey”, points out that a population policy needs to be complemented by a range of other outcomes, such as housing.

Finally, our response to Brexit will consider how migrants access public services, the rights of existing residents from the European Economic Area, and future migration.

2.13 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING AN UPDATE TO THE ANSWERS PROVIDED TO WRITTEN QUESTION 9569 AND 9570 IN REPARTION TO THE COST OF INWARD MIGRATION: [1(425)]

Question

Further to the answers to Questions 9569 and 9570 tabled on 13th September 2016, could the Chief Minister now provide full answers to both questions and, if he is still unable to provide complete answers, could he explain the reasons for the delay and why the research work required to provide both answers has not been prioritised?

Answer

The Economics Unit started work this year on modelling the long-term trends in States revenue and expenditure under different scenarios of inward migration and economic performance. It is planned that this work will also consider the net fiscal contribution of different types of migration employed in different economic sectors.

Future trends in health expenditure are being updated to properly reflect the business case for the new hospital. This modelling and analysis is an important component of the work we are undertaking.

It is anticipated that the health expenditure information will be available in the final quarter of this year and that the Economics Unit will complete its work as soon as possible. This will inform the development of the long-term plan and the next strategic plan.

This work will go some way to providing the type of information the Deputy requested while also making it relevant to long-term planning. However, as pointed out in the previous answers to Questions 9569 and 9570, it will not be possible to provide all the detailed information that the Deputy requested.

2.14 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PROSPECT OF ASSISTANCE FOR START-UP SELF-EMPLOYED BUSINESSES WITH THE PAYMENT OF SOCIAL SECURITY CONTRIBUTIONS: [1(427)]

Question

What plans, if any, does the Minister have to help start-up self-employed businesses deal with the payment of Social Security contributions in their first year of operations? What timescale does she have for implementing such plans and, if there are no such plans, could she explain why not?

Answer

There is already assistance for people who are self-employed and start-up a new business in the first two to three years of trading.

When starting a business, a person has two choices. They can either:

1. Pay Class 2 contributions based on their earnings situation from two years ago, or
2. Pay a deferred Class 2 contribution rate. This is currently set at £174.17 a month, which is equivalent to contributions based on earning £16,720 a year.

The first option helps people with previous earnings lower than £16,720 a year, because their contributions would be set at less than £174.17 a month. Depending on their situation, they may also have the option of opting out of paying contributions altogether, although this would affect their entitlement to contributory benefits and building their Social Security pension entitlement.

The second option, called “Deferred Rate Contributions” helps people with previous earnings higher than £16,720 a year by fixing the contributions they pay at a low level while they get their business up and running. During this time they are entitled to the full range of contributory benefits and they are building their entitlement to a Social Security pension.

After this initial period, their contributions are recalculated using their actual income from their business. There may be a balance of contributions to pay, or the option of a refund depending on their business income.

You can find out more at www.gov.je/DeferredRateContributions

We understand that every self-employed person’s business is different, that it can take time to build up a business and that incomes and cash flows will vary widely. If a person is struggling to pay their contributions, they can talk to the contributions team to arrange a suitable payment plan.

In addition, Income Support is available to low income households who satisfy the qualifying criteria.

A review of Class 2 contributions is currently underway and discussions have already taken place with Jersey Business, Digital Jersey and individual business owners; further consultation is planned with the Chamber of Commerce and other stakeholders.

This review is part of a larger programme which is examining all aspects of the contributory social security scheme. During 2016, a major public consultation “Living Longer: Thinking Ahead” asked for islanders’ views on saving for retirement and explored options in respect of the increasing cost of old age pensions.

Alongside the ongoing review of Class 2 contributions which will be completed this year, a further public consultation in 2017 will examine some of the other contributory benefits currently available.

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING POPULATION GROWTH [1(428)]

Question

Does the Chief Minister accept ministerial responsibility for the growth of the resident population by 11,900 over the last decade, as shown by the Jersey resident population estimate 2016? Is it his assessment that the level of total net inward migration in 2016 reflects a failure on the part of the Council of Ministers to control such migration and, consequently, to limit population growth?

Will he also state whether it is his assessment, as part of his work on the ‘My Jersey’ consultation, that the current rate of population growth is sustainable in the long term? What is his estimate of the resident population in 2035 and what measures does he have under consideration to provide sufficient resources for such a population size?

Answer

People generally move to Jersey to obtain work, and this is driven by our economy and the success of our business in creating jobs.

Jersey has experienced record employment growth, economic growth that is double that forecast, and the lowest employment for 6 years. In this context, it is not a surprise that net migration is high at the moment.

The Island experienced similar high levels of growth in the 1980s and the mid-2000s, during other periods of strong economic performance.

“Future Jersey” proposes that net migration should be reduced over the period to 2035. This is alongside a population policy that takes Brexit-related uncertainties into account and a range of other measures on housing.

2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PRODUCTIVITY WITHIN JERSEY’S ECONOMY: [1(429)]

Question

With reference to ‘Measuring Jersey’s Economy – GVA and GDP 2015’, published by the Statistics Unit on 28th September 2016, is it the Chief Minister’s assessment that the 0.2% reduction in productivity in 2015 demonstrates that the Council of Ministers has failed to achieve its aim of growing productivity? With reference to the 2014 report, is it also his assessment that the 2015 reduction is part of a 20% reduction in productivity over the last decade and that this has reduced average living standards by 18% since 2007? What explanation does he have for that decline when the 2014 report shows that the average standard of living has increased in Guernsey and been unchanged in the U.K.?

Could he state what impact, if any, the Economic and Productivity Growth Drawdown Provision (EPGDP) has had on productivity and state:

- (a) what portion of the £5m available in 2016 and 2017 has been granted for growth and productivity initiatives,

- (b) which States department or private sector bodies received those grants,
- (c) what criteria were used to assess the proposals prior to granting funds,
- (d) who signed off each grant, and
- (e) what criteria, if any, were used to assess the success of the initiatives supported by such grants?

Answer

Productivity

The fall in productivity in 2015 does not mean that the Council of Ministers has failed in its aim of raising productivity. The intention is to improve Jersey's underlying productivity performance over the course of the economic cycle and in the long-term. Variations in productivity in any one year can be due to a number of factors and are not necessarily reflective of the underlying trend.

Productivity fell in 2015 because it declined in financial services as a result of a fall in profitability (partially reversing a large increase in profits in 2014). Financial services profits can be volatile and not necessarily reflective of wider trends in the economy. Productivity in the non-finance sectors increased by 3% in 2015 with all sectors except the manufacturing sector recording an improvement.

The fall in productivity since 2007 has been the result of a fall in productivity in financial services. This is largely due to the low interest rate environment which has significantly reduced the profitability of the banking sector. Productivity in the non-finance sector has remained more stable over the longer term and in 2015 was 3% higher than in 1998.

These productivity trends have led to a decline in GVA per capita over the period since 2007 and this is one measure of the standard of living in an economy. However, when assessing Jersey's economic performance it is important to look at all the information available to understand trends. For example, employment in the Island is now at an all-time peak and real earnings have grown in each of the last four years returning to the level in 2007. This is not to say the economy and Islanders have not been impacted by the global financial crisis just that we need to be careful in drawing conclusions from any one set of data.

The Economic and Productivity Growth Drawdown Provision (EPGDP)

£5m was available in 2016 and for 2017 the States, in the MTFP Addition 2017-2019, agreed an allocation of £0.6m from the £5m available to protect existing budgets within the Department for External Relations and the Financial Services, Digital, Competition and Innovation Team within the Chief Minister's Department.

The Economic Policy Political Oversight Group (EPPOG)¹ has approved a further £5.7m for projects to date to support economic growth, Brexit and increases in productivity. Each of the initiatives are multi-year projects and funding is released in tranches.

In total £3.4m of the approvals have been released to departments in respect of the 2016 and 2017 tranches.

¹ Consists of the: Chief Minister; Assistant Chief Minister; Minister for Economic Development, Tourism, Sport and Culture; Minister for Education; Minister for Social Security; and Minister for Treasury and Resources

External organisations require a sponsoring government department to access EPGDP funding. The Department receives the funding, is responsible for the expenditure and partnership agreements with any third parties. The following departments have so far received approvals from the EPGDP:

- Chief Minister's Department
- Community and Constitutional Affairs
- Economic Development, Tourism, Sport and Culture
- Education
- External Relations
- Law Officer's Department

To qualify for funding from the EPGDP, proposals must be capable of offering cost effective demonstrable impacts in terms of economic growth or increases in productivity. Successful proposals may include initiatives designed to maintain existing levels of economic growth and productivity as well as those targeting increases in the current rate of economic and productivity growth.

To be given priority for funding from the EPGDP projects need to demonstrate that they only require one-off funding from government and clearly set out:

- evidence that alternative funding from within existing budgets has been fully explored and that existing funding is fully aligned with strategic economic priorities;
- strong rationale for why government intervention is required including evidence from success elsewhere and evidence of relevance for Jersey;
- a detailed costing plan for the proposal in keeping with Treasury best practice;
- an assessment of the scale of potential impacts in Jersey relative to costs and why the intervention should be prioritised;
- well defined objectives that are SMART – Specific, Measurable, Achievable, Relevant and Time bound;
- a clear monitoring and evaluation process that will assess the policy against objectives going forward.

In order to respond effectively to the potential challenges and opportunities that may emerge from the UK's evolving relationship with Europe, the EPGDP's scope also includes support for a broad range of Brexit-related proposals across government.

The EPGDP Officer Group² reviews applications to determine whether they appear to meet the criteria of the EPGDP and also meet the governance requirements.

EPPOG then evaluates proposals and makes recommendations to the Treasury Minister as to which projects should be supported.

Each project is required to provide details of success criteria as part of the application process. These criteria are bespoke for each project but, as far as possible, are linked to impacts on GVA, employment or productivity. Where direct links cannot be made due, for example, to a lack of available data, success criteria are focused on outputs and a demonstrable economic rationale. The potential impacts are assessed by the Economics Unit as part of the approval process.

² Consists of the Chief Executive, Treasurer of the States and the Chief Economic Adviser

2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING PROSPECTIVE MEASURES TO ADDRESS INAPPROPRIATE EMPLOYMENT PRACTICES: [1(430)]

Question

In the light of the recommendations of the Taylor Review on modern employment practices, published on 11th July 2017, will the Minister:

- (a) bring forward proposals to ban the inappropriate use of zero-hour contracts,
- (b) empower her departmental officers through regulations to investigate and, if necessary, enforce appropriate usage of such contracts,
- (c) give employees the right to request a minimum-hours contract,
- (d) publicly adopt the position expressed by the Chief Minister, that employees should have a choice of type of employment contract, and
- (e) state when she intends to bring a report to the States on options for protecting workers in a changing employment market?

Answer

The Taylor Review was commissioned by the UK government in October 2016. The review was asked to consider employment practices in the modern economy.

This written question was submitted before the report on the Taylor Review was released.

The report does not recommend that zero-hour contracts should be banned, or that the appropriate use of zero-hour contracts should be investigated and enforced through workplace inspections.

The final report of the Taylor Review is a detailed document that makes a number of interesting recommendations aimed at encouraging “good quality work” while balancing flexibility and fairness. Some of the recommendations are specific to the UK legislation which is different to Jersey’s employment legislation. For example, a number of the recommendations seek to provide additional protection for a group currently known as ‘workers’ in the UK. These individuals already have protection as ‘employees’ under Jersey’s legislation.

The Taylor Review also recommends that zero-hour contract staff should have the right to request guaranteed working hours. The Minister is pleased to have this opportunity to remind the Assembly that Article 15A of the Employment Law already gives some employees in Jersey the right to request a change to their contracted working hours. The right currently applies to employees who provide care for a child or an adult and who have worked for their employer for at least 15 months. As part of the ongoing review of family friendly employment rights, the Employment Forum is in the process of considering whether the right should be extended so that it applies to **all employees**. The Minister has asked the Forum to take into account the specific recommendation of the Taylor Review in the course of preparing its recommendation in December. If the Forum recommends that the right to request a change to contracted working hours should be extended to all employees, an amendment could be made to the Employment Law next year.

The Minister will take time to reflect on the whole report in detail and will consider the **other** recommendations in the context of Jersey’s Employment (Jersey) Law 2003 before she decides whether any action should be taken.

2.18 DEPUTY R. LABEY OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE PROCEDURE FOR DEALING WITH COMPLAINTS BY STAFF AT HIGHLANDS COLLEGE ABOUT BULLYING AND HARASSMENT: [1(431)]

Question

Further to his answer to Question 1(392) on 4th July 2017, has the Minister established whether it was recent practice in his Department for teachers of Highlands College who had instigated grievance procedures against senior management for bullying and harassment - and who had those complaints upheld - to appear before a panel comprising the Director, Inclusion and Family Support and / or other departmental staff? If so, how was this justified and is it still procedure?

Also further to that answer, when does the Minister intend to submit the staff survey to the Education and Home Affairs Scrutiny Panel; and will he make available to the Panel a copy of each completed questionnaire so that the Panel can assess whether answers have been accurately summarised?

Answer

The Education Department is unable to comment on any ongoing investigations concerning staff employed by the States of Jersey. This is usual practice and ensures matters can be concluded fairly for all parties involved. The States of Jersey has a number of Human Resource policies in place to cover allegations of bullying and harassment and the management of Grievances raised by staff. Any allegation or complaint made by a member of staff is treated seriously by the department and will be investigated in line with States of Jersey procedures. This includes the appointment of a panel chair who has no involvement in any proceeding prior to the hearing.

The staff survey analysis which was referred to by the Minister was provided to the Education and Home Affairs Scrutiny Panel on Friday 14th July. It would not be permissible to include individual submissions of information, which would have been provided by responders in confidence and could be individually identifiable.

2.19 DEPUTY R. LABEY OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING ACTIONS IN RELATION TO STATES OF JERSEY EMPLOYEES, BOTH FORMER AND EXISTING, IMPLICATED IN THE REPORT OF THE INDEPENDENT JERSEY CARE INQUIRY: [1(432)]

Question

What confidence can the Chairman of the States Employment Board give abuse survivors and their families that those who failed in their public duty to ensure children or vulnerable adults in the care of the States were not sexually or physically abused will be held to account? Could he explain the procedure in place for such action resulting from the report of the Independent Jersey Care Inquiry (R.59/2017)? Will action extend to those no longer in the employ of the States but who are named in the report as presiding over unsatisfactory regimes?

Answer

The findings of the Committee of Inquiry are being considered carefully. Any evidence of misconduct in public office will be referred to the States of Jersey Police. This would, in principle, apply to those no longer employed by the States Employment Board.

2.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING STAFFING WITHIN THE CHILD AND ADOLESCENT MENTAL HEALTH SERVICE: [1(433)]

Question

Will the Minister inform States Members what the full complement of staffing is across the Child and Adolescent Mental Health Service and state what positions are currently filled by temporary, interim or agency staff?

What recent progress has been made, if any, in managing the caseloads of child social workers, especially those dealing with crisis interventions?

Answer

CAMHS Staffing July 2017

POSTS	NUMBER OF FTE POSTS	STATUS	VACANT	COMMENTS
Admin & Managerial	3	In post	0	
Lead nurse	1	In post	0	
Core nursing Staff	3.6	Vacant post out to advert	1	
Duty nursing staff	2	In post	0	
Clinical social worker	1	In post	0	
Family therapist	2	Vacant post out to advert	1	
Psychologists	4.1	3.5 in post	0.6	
Assistant psychologist	1	New post - out to advert	1	
Consultant psychiatrists	2	In post	0	

Primary mental health workers	2	In post	0	Seconded to Education
Agency psychologist	0	1 in post	0	Fixed-term contract to deal with waiting list
Agency medical staff	0	1.2 in post	0	Fixed-term contract
Totals	21.7		3.6	

Managing the caseloads of child social workers

The answer to written question 379 of 4 July 2017 gave details of the increase in caseload of the children’s social work service. The answer also explained that to deal with this increased caseload, staff across children’s social work were being deployed to assist at the ‘front door’ in the assessment and support of children and families considered to be in need of social work assessment.

These arrangements are still in place, with all Children’s teams part of a rota whereby they are on such duty once every five weeks. All social workers assess and progress the cases that are allocated to them until it is appropriate for the case to close or have ongoing intervention.

This structure supports the teams with higher caseloads to progress or close down cases, whilst ensuring all children who were referred into the service receive a quality assessment.

Since November, an extra social worker has been recruited to each team to provide extra capacity across the service and recruitment of qualified social workers continues. Caseloads have reduced during this period. The service is also in the process of restructuring. It follows the model described above, whereby each team has one week on duty enabling the other teams to have time to complete assessments before their next duty week. This model will ensure consistency of social worker and equity of caseloads by enabling flexibility across teams to allocate across the service.

2.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A RECONCILIATION OF THE NUMBER OF NEWLY-REGISTERED TAXPAYERS WITH THE ESTIMATES FOR NEWLY-LICENSED AND REGISTERED INWARD MIGRANTD: [1(434)]

Question

Will the Minister provide States Members with a reconciliation of the numbers given in Question 1(374) of newly registered taxpayers by year with the figures in published population estimates for newly licensed and registered inward migrants by year?

Answer

Any exercise attempting to reconcile taxpayer numbers derived from Taxes Office systems with statistical data published by the Statistics Unit in relation to the Jersey resident population is complex and a full reconciliation is not possible to achieve. Taxpayer data relates to persons resident in the Island and is derived from information collected from individuals. In contrast, the methodology which produces the year end population uses aggregated figures from a range of sources, combined with some assumptions on migration patterns, to provide a best estimate of the *change* in resident population, and consequently its size. Significantly, the Taxes Office data relates to persons resident at any point during a tax year whereas the Statistics Unit data refers to residents at a particular point in time.

In the context of this question the Deputy is requesting a reconciliation between newly registered taxpayers and registered inward migrants by year. The answer to Question 374 makes it clear that the Taxes Office is unable to provide any detailed breakdown of newly registered taxpayers. The data therefore includes Jersey resident individuals registering for tax purposes for the first time at any point during the year of assessment (such as school leavers and Island resident graduates returning to the Island) as well as those new residents arriving in the Island to take up work or for other purposes at any time during the year of assessment.

The Statistics Unit data in the published annual population estimates provides the estimated *net* inward migration figure at a specific time in the year, i.e. the *difference* between the flow of inward and outward migrants, not the inward flow itself.

The table below summarises the figures derived from these two sources:

Year	Newly registered taxpayers (derived from Taxes Office systems) – as published in Question 374	Net inward migration (derived from population estimates published by the Statistics Unit)
2007	6,700	1,400
2008	5,950	1,100
2009	4,600	500
2010	4,450	700
2011	4,650	600
2012	3,550	500
2013	3,600	700
2014	3,750	700
2015	4,400	1,500

2.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COSTS OF LEGAL REPRESENTATION OF STATES

DEPARTMENTS IN RELATION TO THE INDEPENDENT JERSEY CARE INQUIRY: [1(435)]

Question

Will the Chief Minister advise Members what the full cost of legal representation was for States Departments, the Law Officers' Department, and the Bailiff's Chambers at the Independent Jersey Care Inquiry, breaking the figures down by each department? Will he also confirm whether or not these sums have been, or will be, taxed to ensure the fees charged are allowable?

Answer

A Freedom of Information answer was published on 9th June 2017:

<https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=2890>

This answer set out that, for the latest confirmed costs (to the end of February 2017), total costs of the Inquiry were £21,632,184.

Within this amount the total expenditure on lawyers' fees (acting for the Inquiry Panel, States departments, witnesses and interested parties) to the end of February 2017 was £13,769,805.

Total legal costs for States Departments were £4,765,830 broken down as follows:

Law Officers' Department	£1,210,919
States of Jersey Police	£1,290,428
All other departments	£2,264,483

The Bailiff's Chambers were not an Interested Party for the purposes of the Inquiry.

The process of taxation is undertaken at the conclusion of litigation to determine the costs which should be allowed.

2.23 DEPUTY M. R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PEOPLE ATTENDING THE DRUG AND ALCOHOL SERVICE: [1(436)]

Question

Will the Minister advise Members:

- (a) how many people attending the Drug and Alcohol Service are addicted to opiates;
- (b) how many of those people are being treated with Methadone;
- (c) how many people who need Methadone are not being given the drug due to insufficient funds allocated for dealing this form of addiction; and

- (d) how many people are addicted to other drugs, identifying what those drugs are and the treatment offered in each case?

Answer

(a) how many people attending the drug and alcohol service are addicted to opiates;

As of 12th July, 130 individuals were addicted and being treated for an opiate addiction.

From January 1st 2017 until 12th July, 28 individuals were referred to the Alcohol and Drug Service with opiates as their primary drug problem.

All were offered assessment for their opiate problem which might have included: illicit buprenorphine, heroin, illicit pharmaceutical opiates, and prescribed pharmaceutical opiates or over the counter opiate pain killers or a mixture of these. If clinically indicated, they would have been offered an opiate substitution programme delivered within UK best practice guidelines.

(b) how many of those people are being treated with Methadone;

As of 12th July 2017, the Alcohol and Drug Service was treating 81 people on a Methadone Substitution programme for an opiate dependency.

(c) how many people who need Methadone are not being given the drug due to insufficient funds allocated for dealing this form of addiction;

None

(d) how many people are addicted to other drugs, identifying what those drugs are and the treatment offered in each case.

As of 12th July 2017, the Service was treating 49 people with an opiate addiction with an opiate substitute medication called Buprenorphine. (This is in addition to the 81 individuals already receiving Methadone ie a total of 130 individuals receiving an opiate substitution programme.)

The Service is also treating 19 individuals who have a concurrent benzodiazepine addiction alongside their opiate addiction. Clinicians are prescribing them diazepam on a reducing programme in accordance with UK best practice guidelines. Alongside this, they are being offered harm reduction advice, psychosocial interventions and relapse prevention advice according to the particular needs of the individual.

Other drug addictions referred to the Alcohol and Drug Service in 2017, not including opiate referrals

- There have been 7 referrals for benzodiazepine use. The treatment includes assessing the levels of dependency, discussing this with the individuals and their GPs and recommending a programme for reducing use in accordance with UK best practice guidelines.

- There have been 12 referrals for cannabis use. The numbers for cocaine, ecstasy, new psychoactive substances (NPS) and solvent use are collectively too small to disclose as individuals could be identifiable. The treatment for all of these includes assessing the levels of dependency and offering treatment in accordance with how the client wishes to proceed and their need (to either reduce their use or come off) in accordance with UK best practice guidelines. This would include harm reduction messages, psychosocial interventions, clinical interventions and looking at relapse prevention interventions.

2.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF ARTIFICIAL INTELLIGENCE AND FINTECH ON EMPLOYMENT IN FINANCIAL SERVICES AND THE ACCOUNTANCY AND LEGAL SECTORS: [1(437)]

Question

Will the Minister advise Members what studies, if any, have been commissioned by the States of Jersey into the impact of Artificial Intelligence and Fintech on employment in the financial services, accountancy and legal sectors? If he has commissioned any such studies, will he publish them; and if he has not, will he explain why has he not conducted such research due the importance of this sector to the Jersey economy?

Answer

The potential opportunities and challenges that new technology presents for the financial services sector are being considered as part of a Strategic Review led by Jersey Finance. This will identify how the sector might benefit from innovations in areas such as artificial intelligence and Fintech, and how companies can mitigate the impact of digital disruption on their business models. As with the Strategic Review of Financial Services in 2012-13, the key findings will be published and reflected in Government policy for the financial services sector.

Fintech in particular offers tremendous potential to strengthen the financial services sector while simultaneously contributing to the continued growth of Jersey's digital sector. Jersey Finance and Digital Jersey, together with the JFSC, are working to develop and publish a Fintech Strategy for the Island so we can ensure that Jersey captures the opportunities that exist.

2.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MEASURES BEING TAKEN TO DEAL WITH THE DRUG FENTANYL: [1(438)]

Question

Will the Minister explain to Members what steps his Department is taking to deal with the drug Fentanyl, given that it is 50 times more toxic than heroin and is a danger not only to users but also to first responders and police?

Answer

The Alcohol and Drug Service is not currently involved with any interventions around Fentanyl, as it has not had any referrals in 2017 with Fentanyl use as a primary drug of referral or a secondary drug of referral.

Fentanyl is a drug that is regularly prescribed by GPs and pain experts for pain relief. Mindful of the risks, the number of prescriptions for Fentanyl in patch form has fallen consistently. GP prescribing of this and other controlled drugs is fed back to individual doctors by the Primary Care Governance team and prescribing adviser via Jersey Activity Monitoring Cards on an annual basis. Doctors who are 'outliers' then have one to one meetings with the team and are encouraged to reflect on this data as part of their appraisal.

In addition to GPs, the forensic medical examiners – a team of doctors working with the police – have a high level of awareness for substance misuse issues. They are also not aware of any current concerns in Jersey about this specific drug.

However, in April 2017, following a cluster of deaths in the UK with heroin spiked with Fentanyl and Carfentanyl, the Alcohol and Drug Service sent out an alert to all its IV drug users via all the needle exchange programmes on the Island to alert them to the risks. This was a proactive strategy to inform clients of the risks with the intention of preventing anything similar occurring in Jersey. The Service is not aware that this combination of drugs has been detected on the Island to date.

2.26 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF THE NEW CHIEF EXECUTIVE OF THE STATES OF JERSEY: [1(439)]

Question

Will the Chief Minister set out in detail the timetable for the appointment of the new Chief Executive of the States of Jersey?

Answer

Following the States approval of P.11/2017 in relation to the appointment of a Chief Executive Officer for the States of Jersey, we have been making progress on recruitment in accordance with the following timetable:

- Advertising 3 – 31 May
- Longlisting 13 June
- Shortlisting 29 June
- Interviews 11 July

We hope to be in a position to make further announcements in the coming days.

2.27 DEPUTY J.A.N. LE FONDRE OF ST. LAWRENCE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INCOME TAX PAID BY PEOPLE ARRIVING IN THE ISLAND IN 2014 AND 2015 [1(440)]

Question

Could the Minister provide the total income tax received from people who arrived in the Island in 2014, 2015 and 2016; the total income tax received in 2015 and 2016 from people who arrived in the Island in 2014; and the total income tax received in 2016 from people who arrived in the Island in 2015?

Answer

As explained in the answer to Question 374 tabled on 4 July 2017 the Taxes Office system does not distinguish between different types of newly-registered taxpayers. It is not possible therefore separately to distinguish “people who arrived in the Island” from (for example) resident taxpayers entering work for the first time.

The table provided in the answer to Question 374 gave the best information available from the Taxes Office system – namely details in respect of all newly-registered taxpayers.

The answer given to Question 374 was based on finalised assessments for the relevant year of assessment. Information based on finalised assessments is not available for 2016 as this is the year of assessment being worked by the Taxes Office during 2017. Information based on finalised assessments will not therefore be available until 2018.

The table below is an extract of the table produced for Question 374, with the additional information (in respect of all newly-registered taxpayers) included where available for the additional years requested.

Year of registration	Newly registered taxpayers	TAX 2014	TAX 2015
2014	3,750	£7m	£11m
2015	4,400		£8m

Further notes on the table (as included in Question 374):

1. Count rounded to nearest 50
2. The count is of taxpayers and not individuals. One “taxpayer” could therefore be two individuals if married or in a civil partnership
3. A taxpayer is included in the count irrespective of whether they have a positive tax liability or are exempt to tax in the year of assessment.

2.28 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE NUMBER OF PEOPLE ARRIVING IN THE ISLAND IN 2014, 2015 AND 2016: [1(446)]

Question

What is the total number of people who arrived in the Island in each of 2014, 2015 and 2016?

Answer

Jersey's annual net migration statistics were last reported on the 23rd June.

The full range of published statistics, including net migration and employment by residential status and by sector, are available at:

<https://www.gov.je/Government/JerseyInFigures/Pages/index.aspx>

The Statistics Unit is available to assist any States Member in understanding more about these statistics.

3. Oral Questions

3.1 Deputy R. Labey of St. Helier of the Chief Minister regarding whether an official apology would be provided to the former Chief Officer of the States of Jersey Police, Mr. Graham Power: [1(443)]

Following the publication of the Independent Jersey Care Inquiry's report, will the Chief Minister be sending an official apology to the former Chief Police Officer, Mr. Graham Power, for the treatment Mr. Power received at the hands of the Council of Ministers?

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

It is for those who were in public office at the time to reflect upon their actions in light of the report and consider whether, with the passage of time, they may or may not have acted differently with the benefit of hindsight.

3.1.1 Deputy R. Labey:

Will the Chief Minister be offering Graham Power an apology for his treatment?

Senator I.J. Gorst:

I do not think that that would be appropriate for me to do so. The Council of Ministers does not serve or hold office in perpetuity and that is why I answered as I did in the first instance.

3.1.2 Deputy M. Tadier of St. Brelade:

The Chief Minister has, quite rightly I think, issued an apology on behalf of the States of Jersey to victims of child abuse, even though he was not in office at the time and although the 2 are not comparable by any stretch of the imagination, where there has been a further injustice, is it not the case that the current Chief Minister could issue an apology and given the fact that there has been a report recently that has vindicated Mr. Power and also found that the process in his dismissal was wrong?

Senator I.J. Gorst:

The Deputy is right, it is completely different. The apology that I offered to those who had themselves suffered abuse and I stand by that apology. For my part, it was right to make that apology but even that apology goes nowhere at all to mitigating the suffering and abuse that those individuals indeed suffered and, again, for my part the suspension of the former Chief of Police is wholly different. Some Members may have completed the reading of the entire report; I have not yet done so but will over the summer. But my initial reading was that it was carefully balanced, as I think the report in its entirety was very carefully and well written, in its assessment of Mr. Power's suspension. On the one hand the Inquiry panel recorded their disquiet at the manner in which the suspension of Mr. Power was handled, while also recognising that at the time of the

suspension there were genuine reasons for concern about some aspects of the past conduct of Operation Rectangle and, for those reasons, I think it is a different matter.

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

Is it not in fact common practice for Ministers to offer apologies for the actions of their predecessors? This happens commonly in the U.K. (United Kingdom) and why will the Minister not consider such an apology?

[9:45]

Senator I.J. Gorst:

I do not think it does happen commonly. I do not want to draw any comparisons with where responsibility lay because we know that one of my previous Assistant Ministers... his words about responsibility for previous actions were taken out of context. Therefore we, I think, going forward have to be very careful about this issue of responsibility and that Ministers do not or the Council of Ministers does not perpetually hold office and it is different for the reasons that I just answered in response to Deputy Tadier.

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

The Independent Care Inquiry's report raises issues to do with injustices that occurred, that were not necessarily directly related to the victims of abuse themselves but to people who were on the periphery involved in the investigation and the political side of things as well. Now that the question has been raised by Deputy Labey, would the Chief Minister like to give further consideration about what official statement could be made to those people who were not victims of abuse themselves but were people involved in the periphery, Mr. Graham Power being one example, Mr. Stuart Syvret being another? Would he like to consider what could be done by way of making, if not an apology, at least a statement that recognises the way that they were treated?

Senator I.J. Gorst:

I am always happy to consider questions that Members ask of me and, of course, in this regard I will do so. I would, however, say that if such a statement were to be made, it would reflect what was in the report. I think the report reflects that it was a carefully balanced decision and although, as I said, the Inquiry recorded their disquiet with regard to the manner of the suspension and we had a number of Members spoke about that at the last States sitting, it did also recognise that there were issues with the past conduct of Operation Rectangle and wanting to ensure that prosecutions took place. Of course I am prepared to consider making such a statement, as the Deputy asks, but such a statement would have to be balanced and represent the entirety of the report's finding in regard to such individuals.

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

In the light of the fact that Members were told at the of the suspension of Mr. Power that it was a neutral act and the subsequent findings of the Napier Report, does the Chief Minister believe that it was indeed a neutral act and if it was not, is not some kind of apology overdue?

Senator I.J. Gorst:

I am going to repeat myself. I know Standing Orders do not allow me to do so but the point, I think, is worth reiterating, that, as the Constable suggested in his question, the panel did record their disquiet at the manner in which the suspension was handled. I think that that is the issue that the Constable is referring to in regard to a neutral act. We, of course, know that suspensions are technically neutral acts but I think we also know, in a small community such as ours, that technicality of the neutral act can very easily be seen to be something else. That is where we then

end up in difficulty because we are not always good in our private and sometimes public dialogue of recognising that an individual is innocent until proven guilty and, therefore, suspension should be considered a neutral act. But we know from our own conversations and other public statements that in our community it is not always considered so and people start to judge once one has been suspended as a neutral act and that is what I think gives rise to difficulty. Having said all that, of course I am prepared to consider, as Deputy Mézec has asked me to consider, with regard to a future statement.

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

Has the Chief Minister reflected on the damning findings contained in the Wiltshire Report about the former chief officer of States of Jersey Police in preparing to answer his question today, a report that is freely available for any Member to read?

Senator I.J. Gorst:

I have not really looked at the Wiltshire Report in preparing for this morning; time is not a luxury that I enjoy. But, I think, my reading of the Inquiry's report balances those 2 issues, which is why I made the comments that I did about the Inquiry recognised that at the time of the suspension there were genuine reasons for concern about some aspects of the past conduct of Operation Rectangle, which is what the, I think, Wiltshire Report was looking at.

Deputy A.D. Lewis:

Supplementary, Sir.

The Bailiff:

No, I am sorry, we have other Members wishing to ask questions. We have to get through Question Time and the Chief Minister is up for Questions without notice later on. Deputy Higgins.

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

I saw Deputy Andrew Lewis lobbying the Chief Minister before we came in the Chamber about Wiltshire. What I would say is: will the Chief Minister accept that his words and waffling on this particular issue is giving rise to the view that the Jersey way is still alive and kicking? We will not get anywhere until we deal with some of the injustices that occurred in the past. One of those injustices was the suspension of the former Chief of Police, Graham Power. Does the Chief Minister accept that?

The Bailiff:

Is not the Jersey way about fairness and compassion and integrity, Deputy?

Deputy M.R. Higgins:

Sorry, Sir, I have a different view to yours about what the Jersey way is, based on the experience ...

Senator I.J. Gorst:

Sir, you were not in the Assembly at the last States sitting, rightly you were enjoying the hospitality of our friends to the north. But I do not think it is helpful for us in this Assembly to continue to perpetuate this understanding of what some in the Assembly refer to as a negative Jersey way. What is important is that we act in the future in the correct way, as I know that Members of this Assembly want to do so. I am trying as best I can to represent what is a large report and is well written and is carefully balanced. It will not and I do not think it does necessarily represent those who have come with preconceived ideas. It does say, as I have said, that the panel records their disquiet at the manner of the suspension, so it says that. But it does not just stay there, it does not just say that, it also says that they recognise that there were genuine reasons of concern about the

past conduct of Operation Rectangle and, therefore, we cannot just separate them out and jump to a conclusion because of one particular part of the report and one particular area where they have disquiet and concern because there are other areas also where they record their concern.

3.1.8 Deputy C.F. Labey of Grouville:

In the last sitting I asked about the suspension of Graham Power and if there would be an apology or an inquiry. The Chief Minister responded and said: "There are not yet answers to a number of questions that this Inquiry has left us with. I did not expect us, over the last 2 days, to be able to find these answers but I wanted us to start to ask those questions." Is he going to start to ask those questions as to the real reason why Graham Power was suspended or is he going to offer an apology?

Senator I.J. Gorst:

Sir, you are being very generous to me this morning because the Deputy is asking about questions and those 2 findings of the report do not lead to an easy answer to the question of, particularly, whether the former Police Chief is owed an apology or not. I think the right approach is for me, personally, to continue the complete reading of the report and to ask some of those questions on behalf of Members, taking into account the Napier Report, which dealt in depth with this issue but not being able to forget what the Wiltshire Report said and some of the feelings and sentiments at the time around ensuring that nothing was done to interfere with prosecutions and allowing for those appropriate prosecution decisions to take place.

3.1.9 Deputy R. Labey:

The Chief Minister's argument here is arrant nonsense. Only recently the Government of the U.K. made an apology on behalf of the Government of the time for those soldiers in World War I that were shot for desertion. Let us hope Mr. Power is not going to have to wait as long. The Chief Minister must be incredibly careful not to be selective in the way he is being by quoting so-called genuine reasons and the Wiltshire Report without balancing that with a 95-page rebuttal that Mr. Power made to those allegations that were never tested because he was never given his chance to put his case; for that alone he deserves an apology. I can tell the Chief Minister that the Committee of Inquiry says that they could not get to the bottom of his suspension. They could not understand why the Chief Minister of the time and the Chief Executive of the time acted in the way they did. The official line was that they acted in response to a critical review from the Met., which, it later turned out, nobody had ever seen. I ask the Minister, will he pursue this? Can we get to the bottom of this? Will there be a further inquiry into all of this so we can clear this up, embarrassing as though it may be for the personalities involved, so that Mr. Power can get his rightful apology?

Senator I.J. Gorst:

Again, the questioner reflects rightly part of what the report says. I do not say anything other than that. Of course it says the questioner has read directly from the report but the report also says other things that may indeed balance that decision. As I said, I will continue reading this report and considering the issues that Members raise but it cannot be right that we simply jump to judgment based on part of a very detailed, carefully considered report. I am not prepared to do that. I do not think it does justice to the report writers to some of these areas where, again, the Deputy of Grouville acknowledges, that there remain questions. If a public inquiry, which has spent 3 years reviewing these questions, is not able to provide the answers to Members' satisfaction, it is difficult for me to see how another review could do so. But I have given an undertaking to Deputy Mézec that I am happy to consider making a further statement. In order to do so I will have to do more work in this particular regard.

3.2 Deputy J.A. Martin of St. Helier of the Minister for Treasury and Resources regarding Andium Homes' £5.7 million in surplus, or profit, from social housing rental income: [1(441)]

When Andium Homes was set up and this Assembly agreed that rents in social housing would be charged at 90 per cent of the market value so that the bond of £250 million could be repaid, could the Minister confirm whether it was expected that these higher rents would or could bring the company £5.7 million in surplus or profit?

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

Sir, I have asked my Assistant Minister, the Constable of St. Peter, to take this question, Sir, as he has responsibility for Andium.

[10:00]

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

The short answer is no, we did not expect that sort of level of profit to be made. However, it is important to reference back to P.33/2013 - Reform of Social Housing, in which the strategic business case for change to the proposed rent policy level of 90 per cent of market rates would enable the following actions to be met, that is to put in place schemes to generate affordable housing for social rental and purchase and, secondly, bring forward schemes to support those who may qualify for assistance to purchase their own home. Any surpluses generated by Andium Homes will, therefore, be reinvested into schemes to generate much needed affordable housing for the public of the Island and to ensure that they meet their commitment to deliver full decent homes compliance by 2020. Any company, including Andium, must retain some surplus in order to renovate existing assets and their housing stock.

3.2.1 Deputy J.A. Martin:

I asked this question of Treasury because I wondered if there was a concern, the rents are high and Treasury is passing £15 million a year to Social Security to subsidise these rents. How is this a profit? There is something going wrong, would the Assistant Minister not agree?

The Connétable of St. Peter:

No, I would not agree. In fact everything is going very well indeed. They are a class act, I have to say, Andium, in my opinion. They are delivering far ahead of their expectations in the decent home standards now up to ... it was projected, I think, at 86 per cent for this year, it is already up to 93 per cent; they are already ahead on decent home standards. They are delivering more and more new properties; Ernest Watson Close is another class project that they have delivered out of St. Brelade and others in the pipeline. There are some very interesting ones in there for the plans for this year going forward, which the Parish of St. Helier should be quite pleased to hear about, which I cannot talk about yet because they are not sealed. But, no, I am very happy that they managed to make that profit, much of which has been achieved by driving down their internal costs, setting up long-term arrangements with contractors where they, for the security of work for those contracts, have reduced their prices which has enabled this level of profit to occur in one year.

3.2.2 Deputy G.P. Southern:

Is it not the case that some £26 million worth of rent or more each year recirculates through the Treasury and that the Treasury has failed to produce a system which breaks that cycle of rents going to the Treasury and, thereby, out of the housing system? Is it not the case that the system has not changed in the past 10 years?

The Connétable of St. Peter:

The Deputy is correct, it is £27.8 million. It was up 1.4 per cent in 2016, that is the year we are talking of and that was directly in line with inflation increases. That is a matter for the Treasury to consider in the longer term because that £27.8 million goes to fund many other things, as well as income support, supporting the poor, the needy and the sick in the Island.

3.2.3 Deputy G.P. Southern:

Does the Assistant Minister have a picture of whether rents at 80 per cent of the private sector level would be as viable as 90 per cent of the private sector rentals? Would the system still enable the repayment of the bond?

The Connétable of St. Peter:

Short answer, no, it would not. If I could just refer Members to the Strategic Business Plan 2017-2021 from Andium, on page 14 it sets out there their expected profit is for this financial year is going to drop to £0.9 million. It is a one-off increase in profits over 2016 and we are looking at a significant decrease looking at 2017, rising to about £2.5 million in 2018 and, therefore, going forward for the next few years. I am afraid 80 per cent would put them, effectively, in deficit on an annual basis.

Deputy G.P. Southern:

On an annual basis but not long term.

The Connétable of St. Peter:

I cannot predict that far ahead.

3.2.4 Senator S.C. Ferguson:

Did the Treasury Department not consider that we have 4,500 rental units, in fact Andium dominated the market and was this not factored-in to the calculations?

The Connétable of St. Peter:

Yes, it played a major part in the debate of P.33/2013.

3.2.5 Senator S.C. Ferguson:

Does the Assistant Minister not realise that in fact working to 90 per cent of the market value inflated the rental costs for people in the Island?

The Connétable of St. Peter:

In some cases that may well be true. The people who could afford to pay 90 per cent paid 90 per cent, if people who are on income support who could not afford to pay that were supported by income support payments.

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

I was wondering if the Assistant Minister could tell us what the state of the bond is currently and has it been spent in line with the plans when it was first taken on board?

The Connétable of St. Peter:

I am afraid I cannot be precise. It is performing roughly as expected, however, there are one or 2 developments that have been held back due to planning and other concerns, which would mean it is not performing exactly as we would wish it to have been at this time.

3.2.7 Senator P.F.C. Ozouf:

Would the Assistant Minister not agree that in fact the amount of the bond that is still sitting, effectively, on deposit is rather higher than expected and indeed, other things remaining equal, one would have expected more of the bond to be paid? Could he just agree with me that also the word “profit” is probably the wrong word to use because it is a not-for-profit organisation and, as he said, all surpluses are ploughed back, so it is not profit?

The Connétable of St. Peter:

The good Senator is absolutely correct, it is operating surplus. If you look at the actual accounts, of course, it is operating surplus and not as profit. In regard to the bond, yes, it has not been spent as quickly as we had hoped to do, simply for the reasons I said a moment ago, due to delays in planning and other considerations.

3.2.8 Deputy M. Tadier:

I would suggest that the tenants of Andium are not so concerned about whether we call it a surplus or a profit. First of all, does the Assistant Minister not think there is something quite distasteful that, effectively, a profit or a surplus is being made on some of the poorest people in Jersey because social housing, of course, is there to help some of those who cannot afford rents in the private sector?

The Connétable of St. Peter:

I think our tenants in Andium Homes are in a very good position. They are only paying 90 per cent of the rent if they can afford it, if not they are being supported by income support. The one thing that Andium is doing in bringing up the homes to decent home standard with the environmental measures they are putting into them, they are reducing the cost to all of our tenants by reducing energy cost in consumption as required. I think Andium tenants are very lucky to be in Andium with a quality landlord looking after their best interests. I would appreciate it if there are no further interruptions from the Reform Party on the other side of the Chamber. I will leave it at that at the moment.

Deputy M. Tadier:

Sir, may I have a supplementary?

The Bailiff:

A supplementary and then final supplementary.

3.2.9 Deputy M. Tadier:

I think it is distasteful to talk about these tenants being lucky when they are paying over the odds for more than what it costs because there is a profit being made and the fact that housing is a human right under the United Nations declaration. But will the Minister, going back to Deputy Southern’s earlier question, tell us what the crossover point is to break even for Andium on the repayment for the loan? It seems to be somewhere between 80 per cent and 90 per cent. For example, could he tell us whether in fact if there is an 85 per cent of market rate that would be more than sufficient to cover the loan and probably to still have a small profit?

The Connétable of St. Peter:

I am afraid I cannot give the Deputy that detail. All I can say is when the 90 per cent level was brought forward in P.33/2013 they did look at the 80 per cent market at that particular time and it was not viable and currently that continues to be the same.

3.2.10 Deputy J.A. Martin:

Let us hope this will be ongoing because I do think there is a big piece of work needs to be done to check this. My point is and it is a shame that an Assistant Minister for Treasury and Resources is missing this, £15 million goes from Treasury, which is taxpayers' money, to Social back to Andium and it cannot be right that taxpayers' money is subsidising, whether it is called a surplus, a profit or a windfall of £5.7 million. Is the Assistant Minister for Treasury and Resources not concerned because I was and it was reported as a profit in the *J.E.P. (Jersey Evening Post)*, so that must be right?

The Connétable of St. Peter:

On a final point, in the forward business plan it does say it is an operating surplus. No, I cannot agree with the Deputy. I do think that the tenants that we have have a very good lifestyle and the ones that still need to be improved with also have a good lifestyle on the back of this. I am afraid I do not agree with the Deputy's question at all.

Deputy G.P. Southern:

If I may, will the Assistant Minister circulate the answer he failed to give about the crossover point on the loan?

The Bailiff:

It is a matter for him.

3.3 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding whether the entire Council of Ministers supported the aim to implement all the recommendations of the Independent Jersey Care Inquiry: [1(449)]

Does the Chief Minister have the support of his entire Council of Ministers in his aim to implement all of the recommendations set out by the Independent Jersey Care Inquiry?

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

I am committed, as I have said on a number of occasions, to delivering the recommendations of the Care Inquiry. Ministers have started discussions on the actions needed to implement those recommendations and will continue their work, together with States Members over the summer recess.

3.3.1 Deputy S.Y. Mézec:

Was the Chief Minister listening to his Minister for External Relations who did an interview with BBC Radio Jersey a few days ago where he made it perfectly clear that he does not support all of the recommendations set out by the Independent Jersey Care Inquiry? The answer to my first question was no and what will he do, as Chief Minister, to make sure that there is a unified position from the Council of Ministers where they do support all of the recommendations and we can get on with it and see all of those implemented without Ministers appearing in the media and being deliberately obstructive to that aim?

Senator I.J. Gorst:

I did not hear that interview. It will not surprise the questioner, and he knows, and I think that is probably why he is asking the question, that not all Ministers share the same view on any given issue, which is why we have started working together in a consensual way to think about the practical actions, which will be required, in order to deliver the recommendations. There is a recommendation around the review of Clothier and Carswell and I think this is perhaps at the heart of the question where one of my colleagues on a number of occasions and for a long time has held a view that the separation of the roles of the Bailiff was not appropriate, as have many Members of

this Assembly, which is why I have made the point that I did, which is also I have been challenged on and that is that we need to build consensus in this Assembly. If we simply try to approach this one issue in the same way that we have approached it in the past, we will not deliver the change that I know he and I want to see delivered.

3.3.2 Deputy M. Tadier:

The Chief Minister has quite rightly given the highest or a very high degree of priority to implementing the recommendations. Given the fact that he has also expressed an interest to bring back Senator Ozouf into a ministerial position, would it not be simpler for him, in order to deliver on those recommendations, rather than creating a new ministry, simply to replace one of his Ministers with Senator Ozouf who is fully committed to the delivery of all the recommendations if there are other Ministers who are not able to?

Senator I.J. Gorst:

Is the Deputy offering 3 votes for that proposition?

3.3.3 Deputy M. Tadier:

A supplementary, Sir. It would be interesting to know whether or not the implementation of the recommendations are bound by collective responsibility. If it is such an important issue for the Chief Minister and we know that other votes are bound by collective responsibility, why is it that there are constantly carve-outs for one individual in this Council of Ministers who does not want to toe the ministerial party line, especially on such an important issue such as the recommendations of the Care Inquiry?

Senator I.J. Gorst:

There is always a temptation to make important issues about personalities. I said at the last States sitting I was not prepared to do that and I do not think it is right that this Assembly does that. I am quite clear and do not be in any doubt, any Member of this Assembly, that thinks anything other than this. I am clear. I am committed to delivering these recommendations. I was soft and gentle at the last States sitting about delivering those recommendations, about taking Members with us on a journey to their delivery, about working in a consensual way. But I would say to Members who are thinking of putting the proverbial spanner in the works when it comes to delivering those recommendations, think very carefully.

[10:15]

I am not stepping aside. I want to see those delivered. Members will have different views about different recommendations and how they should rightly be delivered. We can consider those, we can debate those but we must make decisions that will deliver the recommendations. Let us not make it about personalities, we will not take everyone with us. We will not take everyone with us but I think Members know the right thing to do.

3.3.4 Senator P.F.C. Ozouf:

Without wanting in any way to comment on the issue that Deputy Tadier raised concerning myself, that is not the reason why I am rising to speak; but to ask a question. Concerning the issue of collective responsibility, it is in the States of Jersey Law, as the Chief Minister knows and as we are currently seeing in the U.K. there is, effectively, collective responsibility in being somewhat perhaps influenced by warm Prosecco. But in here in Jersey, does he not agree that the shenanigans of the last few weeks do show that there is a need to revisit the issue of collective responsibility? Because it is in the law and Ministers are expected to resign if they do not abide by collective responsibility, does he not agree that he needs to be clearer with his Council of Ministers and hold them to account or make clear where he is saying it no longer applies?

Senator I.J. Gorst:

As difficult as it will be, I do agree with Senator Ozouf. I said 3 weeks ago now I did not want us to return to the behaviour of some Members in the run up to the vote of no confidence. I was very grateful for Members' confidence in me. I do not take that lightly. I am not prepared to return to a situation where personality is put above all else. It is a trite phrase and it is one that has been perhaps disvalued, I am not sure that is a word, "devalued", sorry, by our friends across the Atlantic. But for us every single time it should be Jersey first and this Inquiry report quite clearly lays out what we need to do to put Jersey and her most vulnerable citizens first and I am prepared to stand and do that. If that means people, ultimately, during the course of this journey need to consider their positions, then that is what they should do.

3.3.5 Deputy G.P. Southern:

While I would agree that seeking consensus is one way forward, in addition, does the Chief Minister not accept that we also need and he needs to show leadership on this issue? Lead the way, Chief Minister.

The Bailiff:

Do you need to show leadership, Chief Minister?

Senator I.J. Gorst:

That is exactly what I am doing; exactly what I am doing. But some Members want to go off, want to follow the methodologies of yesterday that did not work, rather than coming together and finding a proper work-through solution. Members cannot have it both ways, they cannot have it both ways because if they want to, if they try to, we will fail and that, for me, is not an option. Those Members who are doing that know what they are talking about.

3.3.6 Deputy S.Y. Mézec:

It is bizarre to hear the Chief Minister speaking about other Members as if they are somehow the enemies to seeing these recommendations implemented, when they are the ones who support it wholeheartedly. The recommendations of the Care Inquiry have created a political situation where, among people who usually hold very different political points of views, there is staunch agreement that these recommendations need to be implemented. The question is not about personalities, it is about what the clear path is to getting these recommendations implemented. What I want to know from the Chief Minister is, where is the red line that shows where somebody is being more obstructive than they are being constructive, and in the interests of having a united government which will see these recommendations implemented, what is that point at which the Chief Minister will say: "When it is impossible to find consensus the point of the greater good for the people of Jersey to get these recommendations implemented is more important than one individual's place in Government." I would like to ask him: where is that red line and will we see him put some pressure and show leadership on his Council of Ministers to say: "This is government policy, it must be implemented and if you do not agree with it, stop being obstructive."

Senator I.J. Gorst:

I have already started doing that. It is not made any easier - I have got to say - by people coming forward with ideas on the back of a proverbial envelope without working to build and to ensure that we have got the votes in order to deliver change. I do not want to be in that position. I think that together - and the questionnaire is quite right - in the irony that we face I think that together he with his fellow party members, together with me and other Back-Benchers, if we really work together ... I do not mind if it is in their name, if we really work together we can deliver that change. It is not productive for us to spend time arguing across the floor of this Assembly when we can be making

our case to the public, to Members of this Assembly, to deliver those changes. I say I am not going to be stopped - this Assembly of course can stop me any day they wish by voting me out of office - but short of that I am not going to stop in my commitment to deliver these changes.

3.4 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the sustainable targets for growth in inward migration and population that would allow the longer-term objectives of 'Future Jersey 2017-2037' to be achieved: [1(451)]

Talking of the failed policies of yesterday: will the Chief Minister state what he regards as a sustainable target for growth in net inward migration, and hence population, to enable the longer-term objectives outlined (and subject to consultation) in the document *Future Jersey 2017 -2037*, to be achieved?

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

Future Jersey proposes that net migration should be lower than it has been in recent years. This is what I expect our migration policy to say. We need to achieve this without undermining our economic performance or ability to pay for our ageing society and, therefore, this means productivity growth. We cannot set a precise target for net migration in isolation; we need to consider what level of migration Jersey needs and what level it can sustain and we need to let Future Jersey establish targets for indicators like productivity, greenspace, and housing supply.

3.4.1 Deputy G.P. Southern:

When the Minister says the level of migration seen in 2015 is unsustainable does he accept that if we continue growth at the current rate - which is 1,000 a year over the past decade - we are going to see a population of 130,000 on this Island by 2037? Does he accept that that 130,000 potential population is also unsustainable?

Senator I.J. Gorst:

I accept the figures that the independent Statistics Unit has produced and if that is what the Deputy is indicating they have produced then of course I accept it. But I stand by my comment that the growth that we have seen over the last 2 years in the medium term is not sustainable. I agree with him.

Deputy G.P. Southern:

The average growth over the decade, which was the question, 1,000 a year, is that unsustainable as well? Please answer.

Senator I.J. Gorst:

It would appear to be so but of course there are lots of details and lots of other policy areas that need to be considered. We have managed that level of growth over the past decade, from a housing perspective, from a preservation of greenspace perspective. Some areas where we have not managed that infrastructure implication quite so well - and I have to be careful here because I do not want to upset colleagues - is with regard to transport and ease of flow around the Island. But they are more difficult areas to manage. We have continued to have pressure on the health service which is why we are investing another £40 million over the period of the M.T.F.P. (Medium Term Financial Plan) and we have continued to need to invest in education, all of which we have set aside to invest in.

3.4.2 Deputy M. Tadier:

Does the Chief Minister really take the public for such fools when he yet again is having a consultation - and in this particular case we are talking about population policy - it was only in the

last term already where the Government brought forward an interim population policy, or a non-policy as many people know it, saying: "This is going to be a temporary thing." Yet again there has been no leadership, no policy coming forward on population from this Council of Ministers. They have exceeded their ceiling again by 3 or 4 times. When will the Minister be bringing forward a proper population policy and a way that effectively manages net inward migration?

Senator I.J. Gorst:

The Deputy knows the answer to his question before he made his rambling statement, and that is that it is being drawn up now and will be lodged by I think the end of July.

3.4.3 Senator S.C. Ferguson:

I take it there will be yet another non-population policy. However, a lot of the strategy in the population policy seems to be relying on the Future Jersey document, which is a lovely warm and fluffy wish list, but where is the fiscal dimension?

Senator I.J. Gorst:

The Senator knows it is not a lovely, warm wish list, it has got independently assessed facts and figures, it shows where we are today, it shows what the community thinks of where we are today, warts and all, and it will then lead to action plans to deliver changes in those really important areas for the community into the future. All of which policies will have to be delivered within a balanced budget approach. So the Senator knows that the area for dealing with the finances will be Treasury and Resources bringing forward an M.T.F.P. to deliver those action plans within budgets that this Assembly approves.

Senator S.C. Ferguson:

A supplementary, sir?

The Bailiff:

No, I am sorry. Senator Ozouf?

3.4.4 Senator P.F.C. Ozouf:

Understanding the sensitivity of which rising population has among members in our society, and the concern which is effectively immigration, does the Chief Minister not agree that it is important for him and his Communications Unit to describe and explain clearly to members of the Jersey public what the trade-offs and - as economists say - counterfactuals are? Does he agree that it is important to clearly explain what the consequences of not having a rising population would have been and would continue to be in the next few years, albeit that it has to be capped and needs to be the right form of immigration?

Senator I.J. Gorst:

The Senator is absolutely right. As much as the Assembly and some of the public feel uncomfortable with the levels of inward migration that we have had over the last number of years, I for one am pleased that I am not leading a Government of a community where population levels are falling, where investment in health and education and infrastructure is not affordable, and where one is on a downward spiral. There are counterfactual issues which need to be addressed, but already the issue that we see in Future Jersey; Members are yet again wanting to pick one element and not recognising their connection with all of the other elements about what makes Jersey special and the sort of community that we want into the future. We cannot fall into that trap because these are issues are related.

[10:30]

We know, do we not, from the work that the Minister for Social Security is doing around the Social Security Fund that we have not had to increase rates of social security because of the levels of inward migration. When I was Minister for Social Security ... Members are shaking their heads, it is absolutely true. When I was Minister for Social Security I expected and had planned for an increase in social security contributions by now were it not for the levels of inward migration that has meant that that has been deferred and has meant that the Minister has also got time to consider how she can appropriately do some of those changes into the future.

The Bailiff:

Chief Minister, you are breaking the 90 second rule. Final supplementary.

3.4.5 Deputy G.P. Southern:

Does the Minister, in addition to agreeing the figures produced by the Statistics Department, accept that one of the infrastructure demands, that of housing in 2037, would be that we would need the equivalent of 230 Le Marais to accommodate our population. Imagine 230 Le Marais high rise blocks in Grouville, in St. Clement, in St. John, in St. Ouen, scattered all over the Island. Is that realistically what he expects to see? What measures is he going to take specifically to control net inward migration below 1,000?

Senator I.J. Gorst:

The Deputy makes my case for me. We take one element and say: “We cannot possibly manage that element so we have got to make a policy decision based on one single statistical fact” rather than balancing all of the issues together and helping members of the public and Members of this Assembly understand, we might call it trade-offs in everyday language or the counterfactual for economists. It is that, that we need to do. So the Deputy I have got no reason to question, again the information provided by the independent Statistical Unit, but he knows too that is not just the simple statistic upon which we need to decide what sort of community we will want into the future, and part of that is the levels of migration. But equally as importantly it is the areas into which migrants come and contribute into our community, and that is a much more difficult and complex question.

The Bailiff:

We have taken some 50 minutes to get through 4 questions, there are 13 on the list. We are going to go rather faster. I am sorry to those Members who feel upset that they are not given the opportunity to get on with secondary or third questions but that is the way it is, and particularly with the Chief Minister who is up for questions without notice, those questions can be put later.

3.5 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding an update on the work of the Student Financing Sub-Committee: [1(445)]

Further to the publication of the terms of reference of the Student Financing Sub-Committee in which it was stated an update would be provided in July 2017, can the Chief Minister now share this with the Assembly and, if not, when it is intended to be provided?

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

Treasury is investigating options for student loans, they are also exploring alternative options including with education, expanding local courses and attending universities outside the U.K. We do need to ensure that access to higher education is determined by educational performance, not financial means, so more local students can access higher education.

3.5.1 Deputy L.M.C. Doublet:

How many meetings have been held with the Student Financing Sub-Committee since the last update the Chief Minister gave to the Assembly please?

Senator I.J. Gorst:

Not enough. I cannot recall exactly. It may have been one, it may not be. It should not be, and Members do like to ask me questions, it should not fall to me to do the work for other departments and other Ministers. I set up the sub-group, I have got to be honest with Members, I said I would be 3 weeks ago and I am going to be. I am disappointed that the work has not progressed faster than I asked for it to be progressed. There has been some good work with a local bank who have come forward with a model around what student loans could look like, but it has not been taken sufficiently seriously. I hope that Members will continue to question individual departments and Ministers to make sure that they do deliver in this particular regard. I know they are committed, I know they have been busy, but where we are today and where we find ourselves today, for my part, is not good enough. Those departments know that that is my sentiment and they have committed to working faster to deliver solutions.

3.5.2 Deputy J.M. Maçon of St. Saviour:

Given that is the case, why has the Chief Minister kept with those Ministers if they are not delivering? At the end of the day the buck stops with the Chief Minister and if he is not happy with the performance of Ministers why is he keeping them?

Senator I.J. Gorst:

If Members really want the buck to stop with me I look forward to the changes to the legislation being brought forward so that it does. Because be in no doubt, I will then deliver.

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

In order to assist families and students for planning, particularly for next year, does the Chief Minister believe it is realistic to expect a solution for them for next year or could we see this dragging on longer?

Senator I.J. Gorst:

Is the Deputy referring to this September?

The Deputy of St. John:

Next.

Senator I.J. Gorst:

Absolutely. I am still working... and I spoke with the Treasurer on Friday that solutions and changes need to be brought forward in Budget 2018, which is later this year.

3.5.4 Deputy M. Tadier:

Although the question asks about student loans, does the Chief Minister agree that we need to look at it holistically, and does he agree that more money needs to be put in the pot? He knows that obviously under a Reform Jersey Government £4.9 million would be reinvested to pay for all students' tuition fees, every student in the Island under a Reform Jersey Government would have their tuition fees paid. Does the Chief Minister and his band of merry Ministers have similar proposals to invest significantly in higher education?

Senator I.J. Gorst:

I thought their proposal might be following the way of the Corbyn proposal running up to an election: "We are going to pay everybody's tuition fees" and directly after the election: "It was not

a promise it was just an indication that we might like to in the future.” In answer to the Deputy’s actual question, is more money going to need to be invested, yes, it is. We do not yet know quite how much it is going to be but more money is going to need to be invested. Of course there is now this debate in the United Kingdom about what is going to happen to tuition fees and the question that some people are bringing forward is does there need to be a totally new approach, which is another reason why it is more difficult for departments to come forward with a solution. But we do need to come forward with a solution, working with banks if that is going to work. But I have no doubt ultimately when we come forward with that it will in due course evolve because the conversation in the U.K. is evolving.

3.5.5 Deputy S.Y. Mézec:

The Chief Minister should probably do a bit more reading on U.K. politics before making such embarrassingly inaccurate statements like the one he just did there. But my question is about the terms of reference for the Student Financing Sub-Committee which I have read they dedicate quite a substantial proportion of those terms of references to looking at the prospect of investigating having more bursary-type schemes and working with the private sector to help them deliver on those. Does the Chief Minister agree with me that while bursary solutions are helpful and better than nothing, for the vast majority of students they simply will not be an option and they will not provide the stability in finding that they need while going through university? Would he agree with me that the focus of this sub-committee should be looking at how we improve our grant system for tuition fees and how we improve our loan scheme for living costs, and that is the solution that is better for the majority of students, and less focus on the bursary systems?

Senator I.J. Gorst:

I would say that it is all 3. So, yes, how we can improve the grant system because there are some - even our lowest income families - who struggle with the current grant system even though it is supposed to absolutely completely cover them 100 per cent. Then we have got the loan system for families who are making decisions now not for their children to go to university because they really feel they cannot deal with the financial burden over time. Then a bursary scheme I think could sit alongside both of those 2 changes to encourage people perhaps into particular areas that we think there might be need for in the economy into the future. So I think all 3 could work and are rightly where focus is being given.

3.5.6 Deputy L.M.C. Doublet:

So as I understand it there will be a solution for the students that will be going to university next September. I am just wondering about those who will be getting exam results soon and may be offered a place which they might not be able to take up because of the funding. Is there any scope at all for a stop gap solution perhaps for one year to use some of our contingencies for students who otherwise would not be able to afford, just for this one year to plug that gap before the long term solution is forthcoming?

Senator I.J. Gorst:

I may look like I have got a wallet in my pocket but the gentleman with the wallet is sitting in front of me. It is a very good question. It is a very good question. It is not something that currently we have been looking at but I absolutely understand the difficulty that some are facing right now as they wait for their exam results wondering what those results will be, which is stressful enough in my experience, but also then wondering what their entire future might be if they make a decision to go to university or not, and some of that will be based around the financial means of their family. I recognise that difficulty. I know that the Minister for Treasury and Resources has heard the question as well and I am sure he will give it appropriate consideration.

3.6 The Connétable of St. Helier of the Minister for Home Affairs regarding the legislation and enforcement regime in place to tackle the dangers of mobile phone use while driving: [1(454)]

Is the Minister's assessment that the Island's legislation is sufficiently rigorous and the enforcement regimes significantly robust in tackling the dangers of mobile phone use while driving? If not, what steps will she take to improve them?

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

Article 50 of the Road Traffic Law makes it an offence for any person who is driving a vehicle on a road to hold a telephone in any way while the vehicle is in motion. That law falls under the remit of the Minister for Infrastructure and any legislative changes in this regard would, therefore, not be for the Minister for Home Affairs to bring forward. In terms of enforcement, for what I do have political responsibility, I am confident that our current regime is sufficiently robust. Police officers will pursue prosecutions against any individual caught holding a telephone while their vehicle is in motion. This is not a matter for which words of advice might routinely be given. The police ran a road safety campaign in March of this year which focused on mobile phone use and will run a similar campaign again later in the year. The latest figures show that 218 drivers have been prosecuted for this offence in the first 6 months of this year, which is on a par with the previous 3 years.

3.6.1 The Connétable of St. Helier:

Does the Minister think that this is enough? My question is whether the enforcement regime is sufficiently robust. She is quoted in the *J.E.P.* in March, along with the chief officer of the States of Jersey Police, in backing the introduction of U.K. style penalty points system which, I quote: "They say could help tackle the problem of drivers using their phones." The chief officer of the States of Jersey Police described the offence as his biggest frustration and should be considered as seriously as drink driving. Does the Minister still hold that view?

The Deputy of St. Peter:

I would agree with myself, yes. But that piece of work is a matter for the Minister for Infrastructure who is leading that piece of legislation and those changes. I support him in that work and I am happy to work with him to do so. I will not repeat the comments that the Constable has made about the dangers of driving while using a phone.

[10:45]

3.6.2 The Connétable of St. Helier:

Does the Minister support the work of the local charity Hands Off which was started I think 11 years ago which is calling for a change in the law in Jersey to make it illegal to use a phone even if a vehicle is at a standstill? Does she not agree with me that the situation at the moment is ... there is a lack of clarity because people appear to be able to use their phones while their vehicle is, for example, stationary at a traffic light but then as soon as they move off it becomes illegal. Is that not a confusing situation and would it not be better in the Minister's view to have a law which made it simply illegal to use the phone at all while driving and to put it in the glove box would be much more sensible.

The Deputy of St. Peter:

I think the law as it stands is clear because it is very clear whether a vehicle is in motion or not, and I think that the police feel that they are able to robustly enforce that law as it stands. The

introduction of mobile phones and the growth of mobile phones has been exponential over the past 20 years, and of course it is an area that continually needs addressing and looking at and maintaining a sense of modern standards. As has previously been stated, the use of mobile phones whilst driving is akin to drink driving because of the distraction that it causes, and I will continue to look at the issue alongside my good colleague, the Minister for Infrastructure.

3.7 Deputy M. Tadier of St. Brelade of the Minister for Housing regarding rules for let premises relating to children: [1(450)]

Further to the finding at paragraph 2.39 of the Independent Jersey Care Inquiry's report that restrictive practices by landlords appear to have been a factor in the lack of accommodation for families, where some landlords on the Island adopted a 'no kids' rule for let premises, is it the Minister's assessment that this is still a problem today and if so, what does she plan to do about it?

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

The Care Inquiry report makes important references to the impact of inadequate housing on families, including practices where some landlords adopted a 'no kids' rule. I am certain that this practice is still common today. The shortage and cost of housing have had and continue to have a marked impact on family life, so I am pleased to confirm to the Deputy that I will be reviewing restricted landlord practices, including the 'no kids' rule and also 'no income support payments' rule as part of our response to the Care Inquiry.

3.7.1 Deputy M. Tadier:

That is reassuring to know but does the Minister acknowledge that it was her Government, part of which she was, that introduced an age discrimination characteristic for the Discrimination Law and it specifically had a carve-out for premises, saying that it is okay to discriminate on age grounds including for children under the law and we will not make that part of our law. Does she now regret having supported that provision in the Age Discrimination Law?

The Deputy of Trinity:

No, because that was at the time and I think this Care Inquiry has raised those important issues, which I said I am very happy to and will continue to look at. But I understand that we cannot tell landlords who they should have as a tenant, but we can make sure that landlords who operate as a business are encouraged to accept tenants with children, and landlords should follow good practice. So that means taking up references, completing condition reports, *et cetera*, so that children are not so much as an issue when they rent out their property.

3.7.2 Deputy P.D. McLinton of St. Saviour:

Bearing in mind I believe that everything that we do should be viewed through the lens of the Care Inquiry report moving forward, and picking up from Deputy Tadier's points, does the Minister not agree that any landlord who stipulates no children is in fact discriminating against children and any discrimination is abhorrent. Therefore, perhaps working within the current Discrimination Law and amending it, will the Minister bring forward legislation to (a) make it illegal to stipulate no children when renting housing property, and (b) to bring forward a framework for the right of appeal against the above legislation so that the onus of proof that the property is unsuitable for habitation by children is on the lessor of the said property?

The Deputy of Trinity:

Yes, that is a very interesting way forward. As I said, we are actively reviewing those issues and it will come forward as part of the general Care Inquiry response, which the Chief Minister has given as the end of October.

3.7.3 Deputy S.Y. Mézec:

I am aware of one landlord who recently went to put one of his properties up for rent and approached a letting agent for help to do this, he had absolutely no problem with tenants who had children residing in this property but a week after approaching this letting agent he went on to the website to check what they had put up and found that the letting agent had unilaterally decided to put up 'no children' in their advertisement for this property. Does the Minister have any awareness of how widespread this practice may be where letting agents assume that their clients simply do not want children in their properties without asking them to find out if that is the case or not? Would she use this as a platform to discourage that practice and say that irrespective of what changes may be happening in the future with regards to how this is regulated, right now letting agents should not be presuming that and should be asking their clients before doing what is essentially restricting the market for people who have children?

The Deputy of Trinity:

I had not heard of that happening but I certainly will look into it. I know that I have done the review on letting agencies over the last 2, 3 months and a report will come out on the findings and the way forward within the next couple of weeks or so.

3.7.4 Deputy G.P. Southern:

Following on from previous questions, the question in my mind is when can we expect to see a response to the Care Inquiry on this particular aspect of housing, and indeed when can we see any proposals to amend potentially the Discrimination Law on grounds of age to make "no kids" a sign we do not see in the future?

The Deputy of Trinity:

As I said, the response will form part of the general response which the Chief Minister will be lodging towards the end of October, so the findings and the way forward will be set in that. Regarding the age discrimination bit, that sits under Social Security so that is something that we will be able to look into.

3.7.5 Deputy M. Tadier:

I was concerned by the initial response from the Minister when she said we cannot tell landlords who they have to take in their property but we can encourage them. In fact I would say, with respect, using the royal "you", is that you can tell landlords what to do because you are the Government and we make the legislation as an Assembly, as Deputy McLinton has suggested. So I am concerned that the Minister may have already inadvertently made her mind up on this, saying that she favours encouragement rather than legislation. Can she just put on record that she is open minded when it comes to this and she will do whatever is necessary to make sure that children and their families of course are not discriminated against in the very near future when it comes to finding housing which is already in short supply for those families in Jersey.

The Deputy of Trinity:

I am very pleased that the Deputy has just asked that question. Yes, I am very happy to put it on record, but as a Government we cannot tell a landlord which family they ought to take. But it is wrong; children should not be discriminated as income support applicants should not be discriminated. So that is what I will be focusing on and the review, as I said, will be in the general review that comes out at the end of October.

3.8 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the timescale for medical records of the deceased to be released to the next of kin: [1(448)]

Would the Minister advise whether medical records of the deceased are released to their next of kin within 40 days following a request, and if not what is the usual timescale?

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

When medical records of the deceased patient are to be released to the next of kin my department aims to do this as soon as possible and ideally within 40 days. The department usually meets this timescale but sometimes it takes longer to process the records and it can vary very much on the individual cases.

3.8.1 Deputy J.A. Hilton:

Can the Minister tell the Assembly whether there are any circumstances in which the department will not release medical records to next of kin?

Senator A.K.F. Green:

Even after death we have a duty of confidentiality to the patient and if it is known or believed that the patient would not have wanted their information shared we have a duty to protect that information. The department has no legal obligation to disclose the records of deceased people.

3.8.2 Deputy J.A. Hilton:

The Minister has just responded that if the department believes that the deceased would not want their records released to their next of kin then they would not do so. Can the Minister tell me who has the authority to adjudicate on a request and is there a right of an appeal?

Senator A.K.F. Green:

I am not sure that this is absolutely covered by the Data Protection Law because I have been advised that the Data Protection Law applies only to those patients that are still living. I think the best thing I can say to the Deputy, if she has a particular case in mind if she would like to come and discuss it with me I will look into the circumstances and try and help.

3.8.3 Deputy J.A. Hilton:

Obviously I do have a particular case in mind, and the Minister will be aware of that particular case and it has been extremely difficult for the next of kin to get the information that they require. So the question I would like to ask is: how can a next of kin hold accountable a government department whose actions it is believed to have contributed to a premature death when they refuse to release medical records. It is wrong, it is unacceptable and it is grossly unfair on the family members concerned. So how does an individual hold government departments accountable?

Senator A.K.F. Green:

As I said, it depends on the complexity of the case, it depends on the records and what is in there regarding sharing it after the person is deceased, and a whole host of different matters. It is not appropriate for me to try and second guess the case but my offer is there, if the Deputy would like to come and talk to the department we will see what we can do to help.

3.9 The Deputy of Grouville of the Minister for Economic Development, Tourism, Sport and Culture regarding the safety measures and licensing systems in place in respect of leisure boat and craft users in Jersey waters: [1(447)]

Will the Minister state what safety measures or licensing systems are in place in respect of leisure boat and craft users in Jersey waters?

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

Although Jersey's shipping legislation is quite extensive the key safety measures and registration systems that apply to leisure users are found in the inshore safety regulations. Regulation 3 provides for the setting of controls on sporting or recreational activities in territorial waters. These powers have been delegated to the Harbour Authority which has published a general direction. The general direction sets, among other things, a speed limit of 5 knots in any harbour or closer than 200 metres of the water's edge in any bay. Regulation 7 requires that all leisure craft over 3 metres in length or capable of a speed of more than 12 knots is to be registered with the Harbour Authority. Registered vessels are issued with a JY number which must be displayed in a conspicuous place on the vessel. If the leisure craft is sold the registration must be transferred within 28 days. Regulation 8 requires leisure craft to be insured to cover the death or injury of another person and/or damage to property of another person. The Harbour Authority advises that the registration scheme is working well and that the Authority can readily and quickly identify the owners of leisure boats. The Harbour Authority are already planning to undertake a review of its existing beach safety management plan later this year.

3.9.1 The Deputy of Grouville:

I heard the Minister cite various regulations on speed, registration of craft, insurance, but I did not hear anything about licensing of the operator of the crafts.

[11:00]

Could he confirm if the operator of the craft or seagoing vessel is required... and what form of safety certificates are required also?

Senator L.J. Farnham:

No, I avoided using the word "licence" because we do not have a licensing scheme. The law requires that owners of boats register their vessel and they must provide insurance. There is no requirement by law that the owner or operator of such a vessel needs to be qualified in any way, shape or form to drive one. Having said that, and having spoken in depth recently with the Harbourmaster, we do generally enjoy a very high standard of marine activity over here in local waters, notwithstanding we cannot apply that to everybody and there are some incidents where people do not act safely. But generally it is very good. Fortunately accidents are few and far between, notwithstanding a very serious accident that has happened in St. Brelade this week and I am sure the Assembly will join me in sending our sympathies and best wishes to those involved.

3.9.2 Deputy M. Tadier:

Would the Minister confirm whether it is lawful to be drunk in charge of a marine vessel?

Senator L.J. Farnham:

I would think not but I will double check just to be absolutely sure.

3.9.3 Deputy M. Tadier:

If he could. I do not recall anything being in the law saying that you cannot be drunk in charge of a boat, in fact it seems to be a prerequisite for some in Jersey to be inebriated while they are out and

before they come back into the Island. Obviously there is no threat of ... I will finish my question. Obviously there is no threat of one losing one's licence if one is because there is no legal basis, and secondly there is no licence. Does the Minister think, especially in the context that we have been talking about road safety today, that this is an appropriate and sustainable route forward?

Senator L.J. Farnham:

Firstly, I completely disagree with the first part of Deputy Tadier's statement. It is completely unfair to make that allegation. We do enjoy a high standard of marine activity and most operators and owners of boats are extremely sensible and responsible. I understand it is an offence to drive a boat dangerously or without due care and attention and there is a joint harbour and police investigation ongoing. Also there was a prosecution 18 months ago for such behaviour and there is another one in process at the moment.

3.9.4 Connétable J.E. Le Maistre of Grouville:

Can the Minister confirm whether or not companies who offer pleasure craft off the various bays are licenced in any way?

Senator L.J. Farnham:

There is a registration scheme and I am just referring to my notes, and there are various certificates of safety and training offered by the Harbours Department for such operators but I am quite happy to send through the technical detail on that to the Constable.

3.9.5 Deputy D. Johnson of St. Mary:

Very briefly, I apologise if I misheard but is there no reference to age in any of the regulations as to operator of a craft?

Senator L.J. Farnham:

Not that I am aware of, no. As I said, could I just add, there will be conditions in that relating to the insurance of a vessel and insurance is a requirement before registration of a vessel. So I think age may be controlled by that.

3.9.6 The Deputy of Grouville:

Does it not seem irresponsible, if not a little perverse, that we require our fishermen to undergo all kinds of licensing and qualifications and training to go out on the high seas, and yet somebody can go into a showroom, purchase a vessel, and take it out to sea. Will the Minister look into this with a certain degree of urgency?

Senator L.J. Farnham:

Of course there is a difference between the operation of pleasure and leisure craft and doing something for a livelihood and operating in far more hazardous conditions as our fishermen do. This is not a new issue, this is something that we share with the U.K., and parts of Europe have much more stringent conditions before you can operate a leisure vehicle. But we have decided in the past not to do that. I will undertake to put this on our agenda as a matter of urgency and we will discuss it with the relevant officers.

3.10 The Connétable of St. Helier of the Minister for Infrastructure regarding the prospect of further strategies being brought forward to encourage travel by bicycle or on foot, and to reduce road traffic: [1(455)]

When, if at all, does the Minister plan to bring forward further strategies to encourage more Islanders to choose to travel by bicycle or on foot, together with new targets for road traffic reduction?

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

We already have a States policy for sustainable transport. During my time as Minister, more has been done for walking, cycling and bus travel than ever before. Actions speak louder than words. We have delivered safe pathways to schools for St. Mary, St. Lawrence and Bel Royal. We have created pedestrian crossings at Chasse Brunet and St. Saviour and many other schemes. St. Peter's Valley path will be completed this year. Conway Street and Charing Cross have had meaningful pedestrian improvements and this summer a route from Le Hocq to Le Squez and further walking improvements around Bel Royal will be delivered. Additionally, we have introduced almost 550 e-bikes and seen record numbers of people taking our buses. What we need is action and delivery, not more strategies. I am focused on delivery of infrastructure rather than producing more paper documents to collect dust on shelves. The existing policy is not wrong, it was, however, frustrated from the start in terms of its potential meaningful impact. If Members now feel that they could support the original S.T.P. (Sustainable Transport Policy) proposals, and in that I mean the cost of using our cars to commute, we would significantly influence travel choices and support a greater move towards sustainable transport such as walking and cycling. However, any increase in, say, parking charges will have to be fair and apply to private spaces in town as well as public spaces. I do not know if the public and therefore Members are ready to accept such measures.

3.10.1 The Connétable of St. Helier:

While I welcome the improvements the Minister has highlighted around the Island, it seems to me a bleak statement from a Minister responsible for transport to say that he is abandoning strategies and he is just going to concentrate on actions. We all want to see those actions but without a strategy to encourage safe and responsible cycling, does the Minister not agree that it is very confusing for people at the moment who, for example, want to cycle across the Royal Square? They may be tourists. There is no signage, there is no strategy for cycling, for commuter cycling, there are no targets to meet. How does the Minister expect to show that his term of office will, as he says, be better than ever before?

Deputy E.J. Noel:

The good Constable must have missed my original sentence when I said that we already have a States Sustainable Transport Policy. As for cyclists riding across the Royal Square, I would expect cyclists to dismount and to traverse that area accordingly. They have got a high incidence of shared use, many pedestrians use that area and it should be treated with the respect that it governs.

3.10.2 Deputy M. Tadier:

Would the Minister join me in welcoming the recent Jersey in Transition *Cycling into St. Helier* report which I know he would have seen? Does he agree with the findings and recommendations, for example, which says that people who do not cycle often cite the fact that they do not want to cycle with heavy, motorised traffic, that they find heavy traffic intimidating? Does he agree with one of the recommendations that green lanes in the country which are not particularly well used by cars and motorised traffic should become true green lanes and be shut to traffic and promoted as cycle and pedestrian routes predominantly?

Deputy E.J. Noel:

I have seen the Jersey in Transition latest report. It is a follow-up from the report they did earlier this year and I am pleased that they are supportive of the approach of the work undertaken by my department. Jersey in Transition also welcome the initiatives that we are carrying out for

developing the western cycle route link and also the eastern cycle network. Jersey in Transition also support our harbour heads project for the English and French harbours. So, I welcome their report and I am pleased that they take the time to provide us with additional information for our department so we can take action and not just write strategies.

3.10.3 Deputy M. Tadier:

May I have a supplementary? Would the Minister also give consideration to which pavements may be able to be used as shared usage, especially when they are wide enough and they are not necessarily constantly used by pedestrians? Would this be a method which he would adopt, a method which is commonplace throughout Europe in many cities?

Deputy E.J. Noel:

The Deputy has asked previously in this Assembly about the link in Colomberie, whether or not it is suitable for allowing cyclists to cycle through it as opposed to dismount and traverse by foot, so I believe that this may be a continuation of that. We are working on a cycle strategy for St. Helier - in that I mean the town, not just the Parish - to be able to make it easier for people and safer for people to go about town and to encourage them out of their cars and on to 2 wheels which will help their health as well.

3.10.4 Deputy S.M. Wickenden:

Firstly, I would like to applaud the work that the Minister's department has done in the country Parishes with cycling; I think he has done a very good job. But when we are looking at the fact that one of our Strategic Plan aims is St. Helier, it does seem to have fallen down to the back of the queue. I also applaud the Minister for saying that there is some strategy coming but could he inform us when we are going to start seeing things due to his statement that says he expects people that come on to the Royal Square to dismount and walk across properly. But if there is no signage and you are a tourist, how would you know that that is what you are supposed to do?

Deputy E.J. Noel:

The Deputy has a point there but for every sign we put up we get as many people complaining that we should be taking them down. A recent report, a very glossy report, was produced by one of the lobbying groups. So, we are damned if we put up signs, we are damned if we take them down.

3.10.5 Deputy J.A. Martin:

Following on from St. Helier being the fourth priority in the Strategic Plan and the Minister is fed up with strategies. So where can I find the implementation plans, the budget, and what is going to happen under his department? Surely there must be a big budget sitting there because St. Helier is one of the priorities. Transport in St. Helier is one of the worst things that people living there have to deal with, so where can I find this to look at? Thank you.

Deputy E.J. Noel:

I am happy to publish the 9 cycling infrastructure projects that we have got on the go, I am happy to publish the 18 walking actions that we are planning. I am also happy to publish the 24 future works around the Island which include things like the western cycle route, Minden Place kerb realignment, Longueville Road improvements, St. Saviour's School action plan. I have a very, very long list of actions and I am happy to share that with Members.

3.10.6 Deputy J.A. Martin:

A supplementary? Does the Minister tell me this has a budget attached to it specifically for the fourth priority which is St. Helier?

Deputy E.J. Noel:

Yes, everything that I have mentioned there, everything on my list has a budget attached to it. We were very fortunate that the Minister for Treasury and Resources allowed us not to return quite so much money from the Car Park Trading Fund to the Treasury coffers and we are investing that money in better routes - in better walking routes, in better cycling routes - and improving the infrastructure of our Island.

3.10.7 The Connétable of St. Helier:

The Minister did not answer Deputy Wickenden's question which was: when will this cycling strategy be published? It is music to my ears because I remember sending to then Deputy Guy de Faye a cycling strategy, having despaired as a Parish of ever seeing one; that is a few years ago. I would like to know the date when the cycling strategy will be produced. I would also like to know when a walking strategy will be produced because this scatter-gun approach of doing bits all over the place really needs, as the Minister said himself, to be tied-up with routes. When are we going to be told what the major walking routes are into St. Helier for commuters and school children and visitors and how the Minister is going to make them more walkable and encourage people to leave their cars at home that are able to and therefore reduce the congestion which has a great toll for the whole economy and our health? Thank you.

Deputy E.J. Noel:

I am afraid the Constable must not have been present in mind when he was present in body with the Future St. Helier Group. A lot of this work has already been presented to the Future St. Helier Group which the Constable is part of the 3-man team, the Minister for Environment being the other politician involved. The detail of those works will be progressed and they will be produced prior to mark the end of my term of office.

3.11 Deputy G.P. Southern of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the measures in place, or under consideration, to halt the decline in productivity: [1(452)]

What measures, if any, does the Minister either have in place or under consideration to halt the decline in productivity, as defined by G.V.A. (Gross Value Added) per full-time employee, which he and his predecessors have witnessed over the past 2 decades?

The Bailiff:

Minister. Yes, you, Minister. **[Laughter]**

[11:15]

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

That would be me then. Senator Ferguson was keeping me occupied there for a second. **[Laughter]** The decline in productivity over this period has been the result of a fall in productivity in financial services. This is largely due to the low interest rate environment which has significantly reduced the profitability of the banking sector which has also been significantly restructured in recent years. Productivity in the non-finance sector has remained more stable over a longer term and in 2015, with 3 per cent higher than in 1998. Nonetheless, the Council of Ministers identified the need to raise our underlying productivity performance in the Strategic Plan for 2015 to 2018 which sets out policies which have identified as crucial to improving our productivity performance. This includes enhancing our financial services framework, an increased focus on high potential growth sectors and promoting higher productivity across all sectors of the economy, including the tourism strategy and the rural economy strategy. Both of those strategies are pointing

very firmly towards increased productivity. My department is also working with other areas of commerce, including the retail sector with that aim in mind.

3.11.1 Deputy G.P. Southern:

I was hoping that the Minister might mention what is otherwise known colloquially as the E.P.G.D.P. (Economic Productivity Growth Drawdown Provision) - what a wonderful acronym that is - which is designed to specifically improve productivity in particular sectors and has spent £3.4 million so far out of a total budget of around £20 million. Can he, from his experience of what those proposals were, tell us how increasing productivity (a) can be arranged, (b) can be supported and at what cost and (c) evaluated in terms of having some real end point? Can he perhaps examine his own department's use of this fund ...

The Bailiff:

There are too many questions coming, Deputy.

Deputy G.P. Southern:

... and say how it has succeeded?

Senator L.J. Farnham:

Funnily enough, the final sentence of my answer, which I thought I would save, said that in addition we have put in place the Economic Productivity Growth Drawdown Provision Fund. My department is in the process of applying to that now for some of the initiative that I mentioned earlier, including the Rural Initiative Scheme and top-up funding for the Tourism Development Fund. Just this morning my department announced the launch of probably the biggest ever event for Jersey happening at the end of September which will attract potentially thousands of visitors and sports fans to our shores and go out to a world-wide audience of over 400 million people. That will bring a significant boost to the visitor economy at a time when there is capacity in the sector at the end of September and that is what we are trying to do with our traditional industries. We are trying to create more business and make them more productive in the quieter times of year. The Deputy will know that G.V.A. is measured in a number of different ways but predominantly in income which is a sum of profits and earnings, and an output which is the difference between output and intermediate purchases or inputs as we like to refer to them. One of the problems we have got in productivity is we are being very successful in growing our economy and growing our G.V.A. but at the same time we are also increasing the number of jobs available which ...

The Bailiff:

Can you keep your replies crisp, please, Minister? You are breaching the ...

Senator L.J. Farnham:

Thank you, I was just following the example of the questioner. **[Members: Oh!]**

3.11.2 Senator S.C. Ferguson:

What steps does the Minister intend to take to reduce the imposition of red tape and regulation on businesses, measures which have made a significant contribution to the reduction in productivity? Every single additional compliance officer is a cost centre and reduces productivity. When will the department start cutting unnecessary regulation?

Senator L.J. Farnham:

I am not going to comment on the financial services sector because that does not fall under my remit. But let us turn to the traditional industries again where we are looking to reduce red tape; in fact, we are reducing red tape. The new rural economy strategy reduces red tape in certain areas

but encourages farmers to be more environmentally friendly with L.E.A.F. (Linking Environment and Farming) accreditation. We are currently re-writing the Tourism Law which is decades old and we are going to reduce that law and make it as easy as possible for the industry to follow, so we are making progress on those fronts. I do agree with the Senator, it is important that we reduce our red tape wherever possible and make it easier for businesses to provide jobs for Islanders.

Senator S.C. Ferguson:

Would the Minister care to ...

The Bailiff:

I am sorry, Senator, we are running up against a time problem. Senator Ozouf.

3.11.3 Senator P.F.C. Ozouf:

Would the Minister agree that one way of increasing productivity in the tourism sector would be to put in place arrangements for Airbnb-type letting arrangements for homes in Jersey and could he say that he will prioritise that? Because I know it has been discussed for more than 4 years and not in place yet.

Senator L.J. Farnham:

Yes, in actual fact that is going to play a key part in the revision of the Tourism Law and we are going to deal with it there. Yes, Airbnb, while it has been controversial in some countries, we see as being an opportunity to bring in a new category of visitor to the Island and we will be supporting it.

Senator P.F.C. Ozouf:

When is it going to happen?

Senator L.J. Farnham:

It is happening now and I would hope a new Tourism Law could be in place sometime in 2018.

3.11.4 Deputy G.P. Southern:

Will the Minister state who signs-off these grants to various departments and will he outline what measures are in place to test for evidence of success in these particular initiatives?

Senator L.J. Farnham:

I presume the Deputy is referring to the Economic Productivity Growth Drawdown Provision Fund. The process is the applications are produced and go to an officer group which then goes to the political oversight group. But ultimately the final sign-off is with the Minister for Treasury and Resources who will, I am sure, be pleased to answer a future question on the latter part of the question.

The Bailiff:

We come to question 12 which Deputy Martin ... sorry?

Deputy G.P. Southern:

The Minister failed to address the second part of the question which was how is success measured because that is essential, I think.

The Bailiff:

He did but time is marching.

3.12 Deputy J.A. Martin of St. Helier of the Minister for Social Security regarding the reimbursement by Andium Homes of rent subsidies provided from Income Support: [1(442)]

Will the Minister be requesting £5.7 million from Andium Homes, which was the company's operating surplus last year, to help repay rent subsidies provided to the company from Income Support and, if not, why not? Thank you.

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

The Minister for Treasury and Resources maintains the oversight of the financial relationship with Andium as the shareholder representative and the Minister for Housing has overall oversight of the strategic relationship with Andium. The Assistant Minister for Treasury and Resources has earlier today answered a similar oral question and explained the background to the operating service of Andium. The Social Security Department receives its funding for income support as part of the Medium Term Financial Plan. I can confirm that the department is fully funded to meet all income support costs, including accommodation costs. In 2016 over £70 million was provided in weekly income support payments. Of this, just over £30 million was used to support accommodation costs. Thank you.

3.12.1 Deputy J.A. Martin:

A supplementary? Of the £30 million, just over £15 million was the rent component from income support straight into Andium, so why is the Minister not concerned that they have now got a £5.7 million profit - surplus we will call it? Then it should be reinvested in rent rebates next year or it should go back to the Treasury, can the Minister not understand this? Surely, they are paying too much directly to Andium.

Deputy S.J. Pinel:

The latest figures of the rental return are £16,461,000; I am lucky to have those figures with me. The reason that there is an operating surplus, as the Assistant Minister for Treasury and Resources explained earlier, is that it was higher than predicted anyway and you cannot run an income support budget on an irregular possible surplus.

3.12.2 Deputy J.A. Martin:

I am really sorry, I just think the Minister does not understand the question. This is taxpayers' money going to Social Security, going to an arms-length company and they end up with a surplus of £5.7 million. I have spoken now to 2 Ministers today and I am the only one who seems bothered. So will the Minister look into this and see if she can reduce the cost of her rent rebates to Andium which I thought was £15 million and now I have found it is over £16 million? Thank you.

Deputy S.J. Pinel:

I think the Assistant Minister for Treasury and Resources and I do have a vague understanding of this and, as I have said before, that you cannot run an income support budget which is already fully funded as part of the Medium Term Financial Plan. Andium Homes have done vast improvements, as the Assistant Minister for Treasury and Resources said, to the current properties which has reduced the costs of the tenants, consequently reduced the expenditure of income support in some cases, and there is no way an irregular operating surplus can be used for anything other than what Andium are doing which is improving the properties and standards that they have with intentions of meeting decent home standards by 2020.

3.13 Deputy R. Labey of St. Helier of the Minister for Education regarding assurances that those staff members of Highlands College raising concerns about management practices would not face reprisals: [1(453)]

Will the Minister provide a categorical assurance that no reprisals or “witch hunts” will follow from staff members of Highlands College raising concerns about current management practices with their elected representatives; will he intervene personally, if necessary, to ensure that this does not happen and can he assure me that I can continue to raise the concerns of staff with him free of the fear of blame being attached?

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

The short answer to the Deputy will be: yes, yes and yes. A slightly longer answer is: I would like to assure all Members of the Assembly that the well-being of staff working in all our schools, and specifically Highlands College, is of prime concern for me and my team of officers at the Education Department. We take any concern which we are made aware of very seriously and I am pleased to say that the States of Jersey has robust policies and procedures in place for dealing with issues raised by staff and there is a central case management team to support this process. Equally, I spoke to the Deputy at the end of the last Assembly to assure him that I would intervene personally; I have already begun that process. I spoke, along with my chief officer, to the union representative who I mentioned last time, and all of that is being taken forward.

3.13.1 Deputy R. Labey:

I raised the question because at a meeting last week of middle and junior management, the finger of blame was being attributed for my questions to a recently-departed, long-serving member of staff. I have never met the woman or had any contact with her. Prior to that same meeting, staff were asked to look at a video produced by the global arm of the Church of Scientology which was a lesson in how to identify “destructive staff” for their expulsion which runs contrary to any proper management procedures. What on earth is the justification for sending them such a video?

Deputy R.G. Bryans:

I cannot speak for the individual concerned because, as the Deputy might know, Highlands College is now broken up. It broke up at the end of last week and I have not had a chance or an opportunity to speak to the particular individual the Deputy is talking about. He did send me the link last night and I had a look at it. In context, I think it is a very poorly, clumsy attempt at some sort of management training. I did not realise the link to Scientology. I think there is a reference to L. Ron Hubbard in there but I think it was sent to the staff prior to a meeting as a kind of a catalyst or provocation to engage in a bigger conversation.

3.13.2 Deputy G.P. Southern:

The essential issue here is where a complaint or grievance arises among Education staff or other staff, where is the independent adjudication that they can turn to to have their grievance explored and explained?

Deputy R.G. Bryans:

Every panel that is constructed, as I understand it, and this is with reference to our H.R. (Human Resources) Department, will always have an independent panel member. It is the same when I run the appeals for the schools and the admissions. We always have independent panel members on those panels.

3.13.3 Deputy G.P. Southern:

Does it have only independent members or is it a mixture of independent members and members of his staff?

Deputy R.G. Bryans:

The Deputy is quite correct, it has members of our senior management team. This has been the process for quite a long time now but, like I say, there is always an independent panel member within that appeal panel.

[11:30]

3.13.4 Deputy J. M. Maçon:

Does the Minister acknowledge that this seems to be symptomatic of what the Jersey Care Inquiry referred to about the cultural approach of when concerns are raised with how management deal with these things? So, is it not good enough just to say, while a witch hunt will not be held against these individuals, it is the other aspects of career progression, advancement, those types of things for those people who express concerns going forward and what protection can the Minister put in place for those individuals?

Deputy R.G. Bryans:

I am not quite sure what he is inferring but in terms of the procedures, if somebody were to raise a complaint relating to bullying or harassment or anything, that is not then logged as a black mark against them. I would not think it is part of our department nor the H.R. policy to do that. I think genuinely I believe that if people have concerns, they raise it, it is met with a panel and those concerns are dealt with; they are not placed in any different place.

3.13.5 The Deputy of St. John:

This is not the first case I have seen with regards to Education. Would the Minister agree that the practices that are in place are very bureaucratic and extremely long-winded in terms of dealing with the situations? If the Minister's and the department's primary concern is the well-being of their staff, will he look at how we can streamline this process and ensure these people feel like they are able to talk to the appropriate people in order to resolve the issues at hand?

Deputy R.G. Bryans:

Again, the short answer will be, yes. But to articulate it, I am not sure about the reference the Deputy refers to when she talks about bureaucracy. As far as I am concerned, if people raise complaints regarding bullying or harassment - and I hate both of those things in any form from any level of anything to do with Education - they will be looked at and considered. As far as I am aware, there is no bureaucracy in place. As soon as a complaint has been logged, it is then part of our process to make sure that a panel is contrived to address that problem.

3.13.6 The Deputy of St. John:

A supplementary? When I refer to bureaucracy, I refer specifically to the fact that the Minister has just stated that once a complaint is made it is logged, but there is a difference between what complaint is made and a formal complaint. Would he not agree with that and the fact that members of staff are not getting the appropriate training for bullying and harassment and grievance so that they feel fully supported in order to follow through the processes?

Deputy R.G. Bryans:

Yes, I think the Deputy is referring to the different levels of complaint. Genuinely, if a member of staff feels bullied or harassed, they can take it to any level they like. I provided to Deputy Labey the printouts you can receive that are available on the States website to follow that procedure

through. I think the training is in place. I am surprised that the Deputy feels that it is not but I will certainly look at that. Thank you.

3.13.7 Deputy R. Labey:

That printout of whistle-blowing procedure is irrelevant if members of staff instigating grievance procedures against senior management for bullying and harassment ultimately have their future decided by a panel upon which the Education Department's Director of Inclusion and Family is sitting. We are not talking about individual cases here. I have tried to get from the Minister for him to admit that that has been the policy. My understanding is that that policy has changed, is that correct? Because if that policy is continuing, it is simply unjust.

Deputy R.G. Bryans:

The Deputy is quite right, that was the policy. But again, I would reiterate, as I did to Deputy Southern, there is an independent panel member on that and there is a right of appeal but the policy, I believe, is changing. This is an H.R. policy; it is not directly related to ourselves as a department but I believe it is changing. I have been advised that that is under review.

The Bailiff:

That brings that part of question time to an end. We have in fact finished 6 minutes earlier than expected. So to Senator Ferguson, can I just say I am sorry I cut you off with the supplementary you wanted, but I did not realise that question 12 which followed would be dealt with in 2 minutes, so these things do happen.

Senator S.C. Ferguson:

Cut me off in my prime, Sir.

The Bailiff:

I know but it is like being cut off at the knees, I suppose, which we had from a former Deputy of St. John, but there you go.

4. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

We come now to Questions to Ministers without notice. The first question period is for the Minister for Home Affairs. Deputy Tadier.

4.1 Deputy M. Tadier:

The Minister will be aware from correspondence that I have sent her that there is an increasing prevalence of private companies' security services parking management putting signs up saying that if you park on this piece of land you are agreeing to terms and conditions and to pay a fixed parking charge of, in this case, £60. Can the Minister explain whether or not she thinks that this has any legal basis? I think that is the first question.

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

I think I explained in my answer to Deputy Tadier at the time that it was not my place to make such a decision, yet the department are working on expanding the law around parking on private land in line with the improvements that were made recently to the issue of parking on land that is owned by the Ports of Jersey and Andium Homes.

4.1.1 Deputy M. Tadier:

Surely the Minister can explain whether she thinks there is any legal basis for such signage, given the fact that she and her department is working on legislation to make provisions in law for it. It would seem to imply that such signage is not enforceable currently under the law, is that not the case?

The Deputy of St. Peter:

This is a very legal and technical point which I do not wish to be drawn on. It is something that I do not recall but I have, as I have said, expressed a view in correspondence with Deputy Tadier.

4.2 Deputy J.M. Maçon:

Could the Minister please update the Assembly on the progress of the same-sex marriage and open-air marriage legislation and when that is due to be lodged?

The Deputy of St. Peter:

It is my recollection the current time that it is scheduled for is January.

Senator P.F.C. Ozouf:

[Aside].

4.3 Deputy G.P. Southern:

As the Minister in charge, I believe, of the 1001 Days Initiative, what actions will the Minister take to improve the trend on breastfeeding on the Island which is fairly static at the moment, as contained in *Future Jersey 2017 to 2037*?

The Deputy of St. Peter:

I am grateful to the Deputy for his interest on this important topic because, as it was indicated yesterday in the launch of the nutrition strategy, breastfeeding is very important; it is particularly helpful in tackling obesity. That issue of increasing breastfeeding rates is highlighted in the *Future Jersey* document as an area where we need to turn the curve. I am happy to tell the Assembly that I have agreed to become the breastfeeding champion for the States of Jersey [**Approbation**] which - thank you - is a role that I am excited about undertaking and championing the turning of that curve because I think it is an important thing for the children of the future.

4.3.1 Deputy G.P. Southern:

As that breastfeeding champion, what will she take as a measure of success? Should she do what is asked of her to improve the trend on this particular issue?

The Deputy of St. Peter:

Well I think this is a really good example of why *Future Jersey* is an important and very valuable document for the States of Jersey and Islanders as a whole because it is very clear that there is a need to turn that curve. That is measured by the current numbers that we have of people who are breastfeeding for a specific amount of time and so, therefore, we will be able to see an increase. So the success will be in an increase in the number of people who are breastfeeding their children up to 6 months and beyond.

4.4 Deputy J.A. Hilton:

Has the Minister been made aware by the States of Jersey Police of a rumour circulating the Island currently of a possible landing of illegal immigrants on the north coast where an empty boat has been found?

The Deputy of St. Peter:

I am not exactly sure of the rumour that the Deputy is referring to, I am afraid.

4.4.1 Deputy J.A. Hilton:

Could the Minister go away and ask the States of Jersey Police that particular question and then come back and inform Members whether there is any truth that illegal immigrants have landed on the north coast sometime in the last few weeks? Thank you.

The Deputy of St. Peter:

Of course I will do that. This is a matter that has been of national importance and of particular importance in the Island for a number of months, if not the last 18 months, and we take it extremely seriously.

4.5 Senator S.C. Ferguson:

The Minister says that she will be taking up the position of championing breastfeeding. Given the ancillary problem of calcium being leached from mothers' teeth and given the cost of dental treatment as highlighted in the *J.E.P.* last week, will she also be taking up the championship of available and affordable dental treatment for breastfeeding mothers?

The Bailiff:

Well I am not sure it falls within your responsibility as the Minister for Home Affairs but perhaps you can answer that.

The Deputy of St. Peter:

No, I was going to say very much a similar comment, I am afraid.

The Bailiff:

So no is the answer, I think, Minister. Would you like a second question, Senator?

Senator S.C. Ferguson:

Will the Minister for Health and Social Services take note of my question, please? **[Laughter]**

The Bailiff:

Well I think that is also not for the Minister.

The Deputy of St. Peter:

I will ask the Minister for Health and Social Services to do so.

The Bailiff:

Are there any further questions or do Members wish to have more time with the Chief Minister?

4.6 Senator P.F.C. Ozouf:

In line with my question, unexpected, to the Chief Minister about Brexit, I wonder whether the Minister would update the Assembly as to any particular issues which are giving her concern in relation to the ongoing Brexit matters. Is she satisfied that she is getting the right support in order to deal with the immigration issues which will arise with Brexit? I am just giving her an opportunity to talk about Brexit.

The Deputy of St. Peter:

Brexit of course is a topic that will take up many of our thoughts and hours of contemplation in the coming months. Yesterday we had a Brexit meeting which was one of the continual agenda. I think it was absolutely the right thing that we allocated additional resource to deal with the challenging questions of Brexit. Particularly, I am grateful to the work within the C.C.A.

(Community and Constitutional Affairs) Department and particularly officers at Customs and Immigration who are working diligently on this topic and helping us to direct our thoughts so that we can take constructive action in the future.

4.7 Deputy G.P. Southern:

Is the Minister aware that the single-most important reason why people give up breastfeeding and return to work early is financial hardship? Will she be engaged in conversations with all the departments involved in order to create a system where such financial hardship is alleviated and therefore a significant improvement in breastfeeding rates may be achieved?

The Deputy of St. Peter:

It is a broad topic, really, is it not, and it is one where there is a need for change. I think the States of Jersey itself is an organisation where we can encourage change in relation to breastfeeding and helping our staff to take up breastfeeding by offering, if they do go back to work at a certain point after their delivery, then there is a place for them to undertake breastfeeding and there is an understanding from employers that it is an important thing for a mother to do.

4.8 Senator P.F.C. Ozouf:

In the absence of nobody else asking questions, I will rise to my feet because Ministers need to be asked questions in question time, I think. The Child Abuse Inquiry has resulted in a number of apparent additional people coming forward who were the subject of abuse in times past. Would the Minister take this opportunity of giving some confidence to any individuals that have been the subject of child abuse that all the resources and assistance will be made available by, while she does not have operational responsibility for the police, will be available in order to deal with any victims who have yet previously not come forward in relation to child abuse?

[11:45]

The Deputy of St. Peter:

It has been a good thing, I believe, that since the publication of the Care Inquiry's report a number of people have come forward to report their experiences of the past and the police are of course dealing with those in a sensitive way. I would really encourage anybody who has been a victim of abuse in the past to do that, to come forward. Our Public Protection Unit has recently received additional resource in order to cope with the capacity issues that it has and so is able to do so. As the Chief Minister himself said on the day of the publication, people will be listened to and action will be taken to investigate the circumstances.

4.9 Deputy L.M.C. Doublet:

I was listening in the coffee room but I did not catch the Minister's answer to Deputy Maçon's question on the marriage laws but I would like to specifically know about the open-air marriage legislation. I believe the hospitality sector would like to know when that law will be coming into place.

The Bailiff:

The Minister said it was coming forward in January but ...

The Deputy of St. Peter:

That is indeed what I said but it really is a matter for the Chief Minister.

4.10 The Deputy of St. John:

I would just like to ask the Minister about the ability and the resources available, whether it is through the police or other areas in Home Affairs, to support prevention and assistance with regards to mental health and crime?

The Deputy of St. Peter:

There is a lot of joined-up work going on at the moment within States departments in relation to the issue of mental health which I think is an excellent thing. I hope that particularly following the community model partnership workshop that was conducted a couple of weeks ago we will see yet more of that. A heartening point for me to share with the Deputy is some recent police figures that I have available here, that in fact in this period of the first 2 quarters of this year only 19 detentions have been made under the place of safety rules which is much lower than the previous years for the same period where 49 such detentions took place. So I think that is a really clear indication that there is change and that the police are working with Health and Social Services, to whom I am very grateful, in tackling such issues in a different way and in an appropriate way.

4.11 Deputy G.J. Truscott of St. Brelade:

There was a great deal of concern regarding the siting of the new police station on a very busy junction. I was just wondering, since it has opened, has there been any recorded moments where response vehicles have found it difficult in rush hour to respond to an emergency? Thank you.

The Deputy of St. Peter:

I am not aware of a single such case. I can assure the Deputy that generally police patrol vehicles are out on the streets when they respond to an emergency; they are not ejected from the bowels of the Police Headquarters at the moment of a call. So, we have not seen any such issues and I hope that there will not be any.

4.12 Senator S.C. Ferguson:

The Minister said that she had been at her Brexit meeting yesterday, would she like to enlighten us as to the major risk factors that her department considers must be dealt with during the Brexit negotiations? Where do they consider the biggest risks to Jersey come from?

The Deputy of St. Peter:

I think as the United Kingdom is at the beginning of its negotiations with Europe, the known risks remain to be seen because we will have to see how that process plays out. It is rather unclear at the moment but of course we will be working hard to ensure that our best interests are always kept at the forefront of people's minds and that we will be able to, particularly in relation to Immigration matters and the Customs Union, do our very best to maintain our position.

4.12.1 Senator S.C. Ferguson:

Would the Minister, for the purposes of people listening, just like to list the major risk factors that you have discussed at the Brexit meeting?

The Bailiff:

Minister, I know you would like to but the bell has now sounded; time is up.

5. Questions to Ministers without notice - The Chief Minister

The Bailiff:

We now come to the second question time which is the Chief Minister. Deputy Labey.

5.1 Deputy R. Labey:

In his reply to my written question, the Chief Minister says that the findings of the Committee of Inquiry are being carefully considered. I wonder if he could expand on that - that was the point of the question - and tell us who is doing that careful consideration. Is there an independent element to that? I think answers to that question have become more critical after what we have heard this morning, not just in relation to Graham Power, but in relation to the victims of WN7 or the victims of WN737 or countless other victims who have given evidence over the decades and again at the Inquiry. Because Senator Bailhache in the last debate might have been correct in saying - I am sure he was correct in saying - that the Committee of Inquiry is not the place to resolve factual disputes. But this morning the Chief Minister has said: "It is difficult to see how another review can get answers." So what is it for these people: case closed?

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

I am not sure whether the final question was a question the questioner wished to have answered but let me deal with his opening question which was, I think, how are we dealing with the recommendations. Yes, there is an individual now sitting in the Community and Constitutional Affairs Department who is going to be responsible for co-ordinating our response to the recommendations. They have started thinking about what actions are needed under each of those recommendations. Over summer they will have to look at the 8 main buckets of recommendations, together with the 600 recommendations that came from those who appeared before the Inquiry and bring those together and see where they fit within the 8 recommendations. There will be a document published, debated and hopefully agreed by this Assembly around the Children's Plan, putting those recommendations into context in November. I will be continuing, I hope, to make another announcement later this week about the role of the Care Commission in independent inspections and how that will work in short order before Christmas, so it is going to be ongoing. It is led, co-ordinated centrally, but it will be for each Minister to deliver the actions in their departments. That Children's Plan and the underlying actions will have to come from the Council of Ministers and has to be supported in this Assembly by the Council of Ministers, together with the Back Bench working group which will help think about what those action plans are under those recommendations.

5.2 Senator P.F.C. Ozouf:

While obviously ensuring that we preserve our autonomy in domestic affairs, during important ongoing Brexit discussions, does the Chief Minister acknowledge the importance of Ministers and others to ensure that we continue to reinforce the Island's position of and our desire to maintain a strong relationship to the United Kingdom Government? Would he agree that any suggestions that could allude to a misinterpretation by changing or loosening of our ties with the United Kingdom are indeed extremely unhelpful at this time?

Senator I.J. Gorst:

If we are to navigate this season well, and I believe we are, and I think Senator Ferguson when she was trying to speak to the Minister for Home Affairs, talking about risks as though we were surrounded by issues that we could not deal with... we are not. We can deal with them. But if we are to navigate well, and I believe we can, it is fundamentally important that we continue to maintain, build upon and enhance our relationship with the British Government. I am committed to doing so. Any suggestion that we would do anything other than that will be detrimental to our long-term interests throughout this negotiation and beyond. The Government policy is to build on our existing good relationship, to strengthen that relationship, and I know that I have got the support of the Assembly as we continue to do that.

5.3 Deputy A.D. Lewis:

Could the Chief Minister... the last time he spoke about this, he alluded in the Chamber that there was progress being made towards getting to 45 per cent of the median average earnings and that progress is speeded-up. In order to get there, of course, it would be helpful if more people adopted the voluntary living wage. Can the Chief Minister advise as to what advances he may have made and what discussions he has had with the Caritas Jersey Living Wage group about the States of Jersey adopting the living wage for all employees and suppliers?

Senator I.J. Gorst:

In my department they are preparing the proposition for this Assembly to approve to bring forward an increase to 45 per cent of mean between now and 2020. The Employment Forum is doing their work consulting, as they normally do, and they will make their recommendation to the Minister as they would normally do. The proposition will be lodged shortly but will not be interfering, and it is right it does not interfere with the work the Employment Forum is currently doing. Part of that proposition will be working with sectors that are going to need time and find it difficult even to deliver the increase in minimum wage over that shortened period. That work will be supported by the Minister for Economic Development, Tourism, Sport and Culture and the Minister for the Environment, because we need to work with agriculture and we need to work with the hospitality industry. Yesterday, I met with Caritas Jersey to look at their programme for people who sign-up to their Caritas living wage programme. We are going to take that away, we will need to think, as I said in a recent speech, about our suppliers and how we engage with them and the wages that they are paying but, equally, let us remember that as an employer there were previously only 2 people who fell on a salary below the Caritas minimum wage.

The Bailiff:

Ninety-second rule, Chief Minister.

Senator I.J. Gorst:

That is now being corrected and we will continue to work with Caritas on the broader issues.

5.4 Deputy L.M.C. Doublet:

The Care Inquiry report mentioned corporate parenting as well as the mandatory training after an election for new States Members. It also mentioned refresher training during a term of office. Can the Chief Minister, in the 90 seconds he has got, just refresh us on the key features of the corporate parenting responsibilities and state whether he in fact agrees that is the best system to protect children or if he thinks there is a better alternative?

Senator I.J. Gorst:

It is a very good question and it is something that we spent some time discussing yesterday at the Council of Ministers: what is the best system going forward? I cannot succinctly in 90 seconds tell the Deputy what corporate parent responsibility means for each Member and this is part of the problem. If we do not understand easily what our responsibility is, how can we ensure that we are fulfilling it? I think that many Members across the Assembly feel the same. So there has to be a responsibility of the Minister into whose care the children are placed but we also need to have a better understanding of what our responsibilities are. There has been training about safeguarding that the Safeguarding Board have provided to Members. Sadly, not all Members have been able to attend when they have been set up, so we need to do it in a much more co-ordinated way in future. These are some of the more technically-difficult questions that I want that Back Bench panel to help advise on, how they think it is going to be better to support Members' understanding of what the corporate parent and its responsibilities mean.

5.5 The Deputy of St. John:

Could the Chief Minister explain whether he has given any consideration to bringing into play a Public Interest Disclosure Act in Jersey and whether it will assist with regards to whistle-blowing within the States public sector employees?

Senator I.J. Gorst:

No, I have not. Interestingly, I may do, and I have listened very carefully to the questions addressed to the Minister for Education about concerns that members of staff have been raising at Highlands and how they have been dealt with and how some of our processes perhaps were appropriate for their time of development but in the modern, open and transparent environment that we are trying to create, we must ask ourselves whether those processes continue to be fit for purpose into the future. Deputy Southern asked a question about that about where there is an independent approach where members of staff from the department are adjudicating after you have had an independent inspector look at a case and how that works together. I am not sure that that continues to be fit for purpose and it might be that that Act would help us within those areas.

[12:00]

Because we all know, do we not, that it is really incumbent upon us in a close-knit environment where we know people sometimes socially, sometimes very well, to declare those interests and step back from some of those decision-making processes and we really must do that.

5.6 Deputy G.P. Southern:

Has the Chief Minister been made aware by his Minister for Treasury and Resources of the actions of the new owners of Jersey Gas to strip some £30 million out of the reserves in 2016? Has he further discussed with his Minister what this impact might have on the future of the company in long term as a gas supplier?

Senator I.J. Gorst:

The Minister for Treasury and Resources has not spoken to me about that issue but if what the Deputy is saying is the case, then I am all ears, as the saying goes.

5.7 Senator S.C. Ferguson:

The Chief Minister will no doubt remember receiving a copy of the King Sturge report in 2008 from Senator Terry Le Sueur. At that time, he and I were required to comply with confidentiality restrictions. Given that this is now nearly 10 years ago and this is applied to a situation where S.o.J.D.C. (States of Jersey Development Company) were in fact delegating the risk attached to the Esplanade project to Harcourt, is it not time that the Chief Minister agreed to release the report to States Members? Does he intend that it will remain confidential for ever, given that he believes in this modern, transparent society?

Senator I.J. Gorst:

The Senator informs me it is 10 years since I signed that non-disclosure agreement. She may not be surprised to hear that I have not reconsidered that non-disclosure agreement and I imagine that it continues to bind me. I am prepared to take appropriate legal advice if there is any other eventuality but what I would say is this - and she is a member of Corporate Services Scrutiny Panel and she knows this to be the case - that the work that that organisation did was upon a very different proposal to the one that is now being followed by States of Jersey Development Company. It is disingenuous ... I cannot use that word, can I?

The Bailiff:

No.

Deputy G.P. Southern:

Absolutely not.

Senator I.J. Gorst:

It is hardly appropriate for a Corporate Services Scrutiny Panel to try and suggest that a report based upon a different time, different facts, a different development proposal is relevant to the current one and yet that is exactly what they seem to have done.

5.7.1 Senator S.C. Ferguson:

A supplementary? This is not what I implied. I merely said that it is nearly 10 years since the report was written, it refers to a previous situation, does the Chief Minister intend that the report will remain confidential for ever?

Senator I.J. Gorst:

Treasury are informing me that there continues to be a legal process in place. I have not checked that but I can simply reiterate what I said in answer to her question initially, that I would need to take legal advice. I cannot imagine that I would be unbound from signing that N.D.A. (Non-Disclosure Agreement) but that is not for me to say. But the fact remains that was a report on a completely different development proposal where one single entity was going to build out the entire development and therefore the potential for difficulty, the potential for loss, Members would understand and the public would understand, was far greater than the approach that is currently being taken.

5.8 Deputy J.A. Hilton:

The Privileges and Procedures Committee released a press release yesterday informing Members that a panel was going to be set up to look into the findings of the Care Inquiry regarding the allegation that Deputy Andrew Lewis lied to the Assembly in the Inquiry. My question to the Chief Minister is that under Standing Orders a panel was set up and P.P.C. (Privileges and Procedures Committee) may appoint a panel of 3 persons to investigate the act and report upon it to the P.P.C. Other persons appointed may or may not be members of P.P.C. or of the States. Does the Chief Minister agree with me that in the circumstances it would be preferable to have members on that panel who are independent of the States of Jersey? Could the Chief Minister inform Members whether he has had any discussion with P.P.C. on this matter.

The Bailiff:

Well, it is not really a matter for the Chief Minister, it is a matter for P.P.C., but you can inform Members, Chief Minister, if you have any discussions.

Senator I.J. Gorst:

Thank you, and perhaps we can get into that habit of you answering my questions. I quite like that approach.

The Bailiff:

I have not answered it. I do not know whether you have or not.

Senator I.J. Gorst:

But I would simply agree with you; it is not a matter for me. It is a matter for P.P.C. and I have had no discussions post their discussions simply on the publication of the report. There were one or 2 issues, this being one of them, that I felt rightly fell into the remit of P.P.C. and that they should take forward with the other one being the oath of office.

The Bailiff:

Time is now up on Chief Minister's question time. There is nothing under J or K. We now come to L, items of public business.

PUBLIC BUSINESS

6. Draft States of Jersey Police Force (Amendment No. 2) Law 201- (P.30/2017)

The Bailiff:

The first proposition is the Draft States of Jersey Police Force (Amendment No. 2) Law - P.30 - lodged by the Minister for Home Affairs and I ask the Greffier to read the proposition.

The Greffier of the States:

The Draft States of Jersey Police Force (Amendment No. 2) 201-. A Law to amend further the States of Jersey Police Force Law 2012. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Bailiff:

Minister, do you propose the principles?

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

This proposed amendment to the States of Jersey Police Force Law of 2012 will provide for 2 main areas of change in addition to placing the Independent Custody Visitors Scheme on a statutory footing. If I may begin with the Independent Custody Visitors Scheme. The scheme has been functioning for a number of years having first been approved by this Assembly in 2009 and became operational in October 2010. In its initial years of operation, due to the absence of a police authority the scheme, was overseen by the Home Affairs Department. It was noted at the time that this was not, however, consistent with the approach in the United Kingdom where the scheme was overseen by police authorities which have now been replaced with the police and crime commissioners. Following the formal establishment of the Jersey Police Authority in January of 2014 the operation of this scheme was accordingly reconsidered and arrangements were made for the management and oversight of the scheme to transfer to the Authority. This transfer was confirmed in a report submitted by the Minister to the Assembly in August 2015. Members will be very much aware that it is the intention of this current government to ensure that all necessary legislative and administrative actions are taken to allow O.P.C.A.T. (Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment) the optional protocol to the U.N. (United Nations) Convention against torture to be extended by the U.K. Government to Jersey. While the arrangements for the operation, management and oversight of the I.C.V. (Independent Custody Visitor) scheme are now O.P.C.A.T. compliant the scheme has not yet been given a statutory basis. This amendment provides that legislative framework for the scheme and ensures another requirement of O.P.C.A.T. compliance is met. It is important to note that there will be no substantial changes to the scheme as a result of this particular amendment to the law. The Jersey Police Authority will retain responsibility for the scheme including appointments, arrangements for visits and reporting on the conditions of detention. The scheme would, however, be extended to cover those in lawful detention of the Customs and Immigration Service not just the police which ensure more complete coverage from an O.P.C.A.T. perspective. The authority would be required to report each year on the working of the scheme and this report would be presented by the Minister for Home Affairs to the Assembly. Importantly, the amendment includes a provision for the Jersey Police Authority to make arrangements to allow the relevant U.N. sub-committee to visit Jersey and monitor the conditions of detention once O.P.C.A.T. has been extended to the Island. The amendment would also allow the chief officer of

the States of Jersey Police to charge for police goods and services in accordance with guidelines issued by the Minister for Home Affairs. The Jersey guidelines would take into account those issued by the National Police Chiefs' Council which I will refer to in a few moments. Before I proceed further some Members may recall a report of the Education and Home Affairs Scrutiny Panel from March 2008 which assessed the rationale behind the proposition to introduce a user pays charge for the policing of commercial and profit-making events. I am certainly aware that my Assistant Minister recalls this report with unblemished clarity as she was the chair of the panel when the review was undertaken. The report made a number of findings and recommendations, including the evidence from other jurisdictions, suggested that a user pays charge for the policing of events would not be inappropriate. I wish to make it clear from the outset that this amendment, if adopted, would be only used as a means of cost recovery for the police on behalf of the wider public from private individuals and organisations and not to charge for their core services which are already funded through taxation. The N.P.C.C. (National Police Chiefs' Council) guidelines, which I referred to earlier, give advice on police cost recovery and have an underlying principle that a chargeable activity should support the core purpose of providing a police service. The guidelines also set a number of key principles, including the charging policy, should have regard to overall policing objectives. I expect that Members will have a particular interest in the likely approach that will be taken by the police for the charging of events. The guidelines make a distinction between commercial events, which are intended to generate private profit, non-commercial events, which include charity or community events, and statutory events which may include constitutional rights or processes. Accordingly, and in line with the guidelines, the police would not charge for events such as the Battle of Flowers, seaside festivals and food fairs, the Muratti or similar events. Liberation Day and other events that reflect our constitutional position would also be unaffected. It is only if the event were intended to generate private profit that the police would consider charging for their services in order to recover costs on behalf of the public. I should also mention that a full consultation will be given by the police as to how the guidelines might be adapted appropriately for Jersey. Furthermore, the guidelines would be adopted in phases, dealing first with straightforward goods and services and then those areas such as events which have a more wide-ranging interest from both government and the public. The final area of change, which would be brought about by this amendment, relates to the Chief of Police being enabled to designate to a States civilian employee the specific police functions of an investigating, detention or escort officer. The amendment also covers the powers and duties for each designated officer and how complaints against or misconduct by any such civilian employees, while they are carrying out these police officer functions, would be dealt with. Similarly the amendment would provide for the Chief Officer of Police to enter into agreements with the contractors of the performance of services, which are usually undertaken by police officers, notably detention or escort officer. Again, provisions regarding the powers and duties for contracted employees and arrangements concerning complaints are also set out. It should be noted that the Chief could only designate the employee of a contractor if they have entered into agreement with the contractor for the provision of police detention or escort services and following consultation with the Minister for Home Affairs and the Police Authority. Such provisions are available to police forces elsewhere in the British Isles although I have been informed that the States of Jersey Police do not currently have plans for the widespread introduction of such designated civilian or contract employees. The possibility is likely to be explored in future years in accordance with modern approaches to British policing. So I am grateful to Members for their time and I move the principles of the draft amendment.

The Bailiff:

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

6.1.1 The Deputy of St. John:

As a member of the Education and Home Affairs Scrutiny Panel we thank the Minister for providing us with a briefing on this particular piece of legislation. Of course, you will see that we issued comments as a panel and I think it is important to briefly just say that we recognise that the 2 areas that may be of most concern to Members, one being the charging for goods and services and allowing States employees and contractors to undertake police functions, were of particular concern to us and we raised questions with the relevant department and I believe you can see all the answers to those questions within the comments. We recognise, although this is an enabling law, it is very much a political decision as to whether Members wish to go ahead with allowing the police to charge for assistance in commercial provision of services. We had an extremely good question and answer session with staff from Home Affairs and we thank them for that particular briefing. Some of the concerns that were raised was, of course, the States of Jersey Police Association, only last week, raised an issue with us of which we have not had a particular answer to, is that with regards to civilianisation of the workforce and in terms of their ability to take industrial action whereas police officers are unable to.

[12:15]

Of course we raised concerns around ... obviously the most important area of the police force is the trust of the public in that police force and of course civilianisation of that police force, the checks and balances around that, to ensure that they are held at a similar level or equivalent level to that of the police. We recognise that this is putting greater autonomy into the senior management of the police force and also would like to emphasise best practice in human resource management for employees who do wish to undertake industrial action going forward. I know Members have, over the weekend, sent emails to our panel asking us about specific issues concerning the charging for police. I would refer them to the comments that our panel has provided to the States Assembly and I believe that many of the questions that we have raised here have been answered and what does raise concerns going forward is, of course, that this will be through a Ministerial Decision and any Minister in future that may be able to make cuts to services may potentially be able to increase charges for the police services. This was of particular concern to the panel and recognise that any Minister that comes forward and any Council of Ministers that comes forward, it could be anybody with a particular agenda in that particular area, but we would ask them to make complete consideration as to how far back Home Affairs have been cut over the years in terms of their budgets and their resources but we would also ask for the Jersey Police Authority to keep a very close eye on how those charges are applied and ensure that the funding is appropriate only for the level of the service that is provided and that it does not go above and beyond. So I would just like to thank the Home Affairs Department and thank particularly the members of the police force for their thorough and excellent assistance in answering our questions.

6.1.2 Senator S.C. Ferguson:

The law, that we have already passed, provides that charging for police at events should be effected by regulations which are debated in this Assembly. This particular proposition reduces this, as the Deputy of St. John says, to a Ministerial Decision with no recourse to this Assembly. Comparisons are being made with the U.K. police forces and the guidance issued by A.C.P.O., the Association of Chief Police Officers. It may have escaped the police force over here, and sadly I could find no mention of it in the Scrutiny Panel comments, that we have an organisation known as the Honorary Police. It may also have escaped the notice of the police and of the panel that policing of events is usually undertaken by a minimum of States police operatives and a great number of Honorary Policemen. For example, the Gig in the Park last week was policed by 6 police officers and 15 Honorary Police Officers. The Anglo-Irish Council meeting, which was held in Jersey some years ago, was policed by a combination of Honorary Police and States Police. The States Police were located around the main building of the R.J.A. and H.S. (Royal Jersey Agricultural and

Horticultural Society), near the coffee and the Honorary Police were located in the far reaches of the fields, well out of the way of the coffee. Similarly during the Haut de la Garenne investigation the boundaries were policed by States Police on double-time and by Honorary Police who were not paid. If the Minister for Home Affairs cares to investigate the number of hours put in by the Honorary Police I think she will find that their contribution to these particular events, these particular operations even, made a significant difference to the cost of the overall operation. Before such a change, as is proposed in this proposition, is brought into effect the Minister for Home Affairs should supply all the figures to the Scrutiny Panel to justify the change in financial terms. In fact if the police are going to be paid for their policing operations what proportion of the money, which they receive, will be given to the Honorary Police, particularly as they, most of the time - the Honorary Police this is - seem to be providing two-thirds of the manpower in these operations or is this just a subtle move in order to undermine the Honorary Police? It is a well-known fact that the power of charging remains with Centeniers and is a bone of contention between the Honoraries and the States Police. I do not need to remind Members that this power, plus the Parish Hall Inquiry, is of great benefit in the preservation of law and order in the Island and the Parish Hall Inquiry is considered to be particularly useful when dealing with juvenile offenders. It is often useful to go back to first principles. If Members consider the principles of law enforcement set out by Sir Robert Peel in 1829 I recommend it to Members. The basic mission is to prevent crime and disorder and Article 7 is very interesting. It states that the police are the public and the public are the police. So will the thoughts about bringing in civilian or civilianisation; will that undermine that trust? In order to maintain transparency charging should be referred to the States through regulations and not organised by Ministerial Decision. I would suggest that the Minister would be better to take this particular provision back to her department and provide better justification for the proposal and, I am sorry, the decision about imposition by Ministerial Decision should be reassessed.

The Bailiff:

Senator, would you just clarify one matter from your speech just a moment ago? You have suggested the Minister should take the whole proposition back because your speech was aimed at part 2, the charging for goods and services. The principle, this is perhaps a slightly unusual piece of legislation, in the sense that there are 4, maybe more than 4 parts, but there are 3 different sets of principles that are involved in this legislation and when I was listening to you it seemed to me that you might - if you wish to, it is a matter for you of course - consider how you would vote in relation to part 2 but that is not necessarily a reason for voting against the principles. Could you clarify what you mean?

Senator S.C. Ferguson:

I am sorry. Yes, I got carried away by the thought of it. Yes, it is against the principle of charging.

6.1.3 Deputy M.R. Higgins:

I would like the Minister to explain the idea of civilian investigating officers trained in the techniques of criminal prosecutions. Well, first of all, criminal prosecutions can only be brought by the Attorney General and why are we talking about civilian investigating officers? Is it a case that the States of Jersey Police do not have people with sufficient skills in carrying out criminal investigations? Secondly, I would like her to comment on the fact that it says on page 6 of the proposition: "While this opportunity has been taken to assign the law with similar provisions found elsewhere in the British Isles it is understood that the States of Jersey Police do not currently have active plans for the widespread introduction of such designated civilian or contract employees although this possibility is likely to be explored in the coming years in accordance with modern approaches to British policing." Why, if there is no need for it, are you bringing it at this point in

time? I am sure, if it came in, the police would think of lots of things they would like to do but if you cannot justify making these changes and you are just copying the U.K. what is the point? I think the Minister ... I agree with Senator Ferguson, these proposals need to be looked at again and should not be ... if it is not referred back it should be voted against.

6.1.4 Deputy M. Tadier:

I rise similarly, not because I disagree with all of what has been proposed but I think there is sufficient in there, in part 2, to do with the charging mechanisms, both the extension of charging and also the fact that it is being made by Ministerial Decision, to put some comments on record. That is to say that I am generally uncomfortable with that. I am uncomfortable with the increasing commercialisation of a central core function of what it is government provides and I think irrespective of where we sit on the political spectrum most people fall within a margin where they see - obviously, education, healthcare and the police and the protection of our borders, customs, *et cetera* - as the key core functions of any modern community. I am very concerned when we start giving more latitude for cost recovery from 2 points of view. The first is an ideological one. I think it is a very dangerous route to go down. It is a thin edge of a wedge. Let us give some examples. I mean of course the Minister will say events such as the Battle of Flowers will not be charged for. That is quite right. I do not think any of us would want that to be charged for but as soon as you start having to make qualitative and subjective decisions as a Minister, not even as an Assembly any more, about which events, for example, will not be charged, irrespective of the amount of police time and resources going into that event is the same as another event for which you would charge or it could be more. Let us look at the example of Jersey Live, I know that does not exist anymore, and people might think it is quite right that we recuperate some of that money from Jersey Live and the organisers because essentially they are doing it to make a profit and it is right that we capture some of that but who says that in the future something like Jersey Live would not be an institutional event in Jersey. Let us say 50 years down the road perhaps we will have our local jazz festival which will become so entrenched in our Island psyche that it would be seen as an anathema to charge for that and then we have got to make these judgment calls. So it is okay to charge one operation which charges for entry but not another and the Battle of Flowers of course is great. People pay now, I think, £22 if they want to get reasonable seating there and that obviously goes towards some of the cost of putting on the event of the great tradition in the Island but what if... I am also uncomfortable about the fact that business events might be forced to pay something which they have not really got a choice in but they might say: "Well, we do not want police at this event in that case. We think that we can secure private policing for this event at a much cheaper rate", because of course a private company, let us not mention any names, might pay the minimum wage. They might pay slightly above the minimum wage and therefore they do not have the same cost bases where of course we do not expect that from the police force and hopefully the police will always be paid commensurately with the effort and the training that they have. So what if I was the organiser or we were organising an event and say: "Well, we do not want the Jersey Police anymore, let us just get a private company in." I think that is another dangerous phenomenon that we might see happening. I do not know if anyone has been to the Canary Wharf area in London recently but I have been there a couple of times recently and you walk around and you think you see a policeman standing at the bottom of the escalator. You look a bit closer and you realise it is just a private security firm and in that part of London they seem to have outsourced the police function to a private firm although they are quite a good copycat, at least on the surface, but I suspect that the overall service that they provide is not comparable to what you would expect from the British police force. So that is my concern, I think, that I have got to put on record with that. It does not mean that I do not support the other good things that are being proposed in this proposition. I think that is sufficient, certainly at the stage of the in principle, to put those concerns on record.

6.1.5 Connétable C.H. Taylor of St. John:

There are 2 issues that concern me and the first comes back to user pays and I have spoken on this subject before in other spheres. We pay our taxes in order to have law and order and to maintain a good society. We are now being asked to agree to charging for certain events in order to have a police oversight for what we are paying our taxes for and so that is my first concern. My second concern is that one keeps referencing the Association of Chief Officers in the U.K. and comparing ourselves with the U.K. when in fact we are completely unique because we have the Honorary Police.

[12:30]

I stand with pride having given just over a quarter of a century service to the Honorary Police and hopefully can speak with a little bit of knowledge and I also speak with pride that in 1986 I was the one who started training for the Honorary Police. Prior to that St. Helier had training but the rest of the Island did not and I pay great respects to Sergeant Roly Jones who at the time assisted and carried out the training. The response then was, it is vital that the States Police assist and train Honorary officers because then we can have a much larger trained force and it is important that Honorary Police officers knew something about the modern way of policing and were trained. With the passage of time we are now charged as Parishes for this because this is part of the user pays part of the cost recovery, part of the all sorts of phrases that are invented basically to fill a gap in the budget. If it is important to train Honorary Police officers then why are we being charged? Certainly when it was started it was agreed that this would never be charged for. What we have is the thin edge of the wedge. Part 2, paragraph 24: "Charging for police goods and services. The Chief Officer may charge for the provision of police goods and services where such provision is reasonable incidental to normal police activity and the amount charged is in accordance with the guidelines issued by the Minister." In other words: "Can I have a blank cheque?" I am afraid that I am old enough to remember things of the past. In this Assembly when we introduced drunk in charge and breathalyser tests this Assembly was quite specific. We would allow, this Assembly would allow, the breathalyser to be used on the condition it was never ever used on spot checks and it should only be used once traffic had been stopped and on the suspicion of an individual having consumed alcohol. Within 7 days the States Police had a spot check at Queens Road saying: "The law that we passed in this Assembly did not say that." So what we have now is a very vague paragraph saying they may charge. They do not say how much and they do not say what for. The Minister very kindly said: "Oh, no, well we would not charge for the Battle of Flowers. We would not charge for Liberation Day." But it does not say that in this. I am sorry but it has to say that in this because while I trust the existing Minister we do not know who will be there in a year's time or in 5 years' time or in 9 years' time and before we know it these - Battles of Flowers, Liberation Day and all events - will be charged for. Look at the history; history repeats itself. So, I am very sorry, I will ask the Minister if she would take back the part 2, charging for goods and services, until it is more clearly listed what she is going to charge, how she is going to charge and what for otherwise I cannot support these propositions.

6.1.6 Deputy A.D. Lewis:

I would just like Members to maybe cast their minds back to sometime ago when I was involved in this area of policing. Jersey Live was at its peak and it was going very well and we had a real problem in staffing security for it. The Honorary Police were doing a great job assisting with it and still do today but there was a fundamental risk issue with the numbers of people going to the concert because it was so successful and policing of it. So what the force did at that time was they drafted in extra police from other police forces, which in the U.K. is common practice and relatively easy and a lot cheaper but in Jersey it is considerably expensive to do so. There was no mechanism at that time to charge policing in the way that we are talking about today and it has been

talked about being done ever since. What happened in that instance was that it became self-policing in a way in that eventually the organisers were persuaded that they should provide their own security, which is what they do today, and if it was still going on this year that is what would be happening. So, in other words, by saying that this is not acceptable when you are trying to make a commercial event and expect States of Jersey Police to fund all of that security, it is not acceptable for those that are not going to that event but the nearby residents and so on do expect an element of security for them which was provided in part by the Honorary Police and still is today. The police are still there at that event. If it was still going today they would be there as they were at the Gig in the Park event recently but not in the numbers that will be required to manage a large concert as was in the day of Jersey Live. So commercial organisations do accept across the country and in Jersey that certain things like this should be paid for by them and Jersey Live accepted that and did so. Before that happened the cost to Jersey Police to do that was exceptional and not budgeted for and it caused the Minister of the day and the department a great deal of concern. This fixes that problem ever happening again and there is a certain discretion from the Minister in order to implement that charge but the Constable of St. John is quite right in that it is a little vague in its wording about what can be charged and what and how much as well. So I would like, from the Minister, a little more detail about that but I would think that Members, including the Constable of St. John, should be reassured that he, as a very audible Member of this Assembly, if he thought that this was being abused at any time in the future, he and any other Member, of course, could bring back an amendment or proposition to the Assembly to put the right wrong if that is what was happening with that particular piece of legislation. That is within our gift as legislators. However, it does say at the end of the proposition, under financial and manpower implications, that there are none. I am not entirely sure that that is entirely correct because there may well be some implications in that there will be a reduction, possibly, in some of the constant police service in doing some of the things they do today so I would like some measurement from the Minister indicating what the savings may be by civilianisation of some of these posts and the savings that may be from major events in the future. There is no mention of that in the proposition. Indeed it says there are no manpower or financial implications. I am not sure that that is entirely correct. But the question that the Constable of St. John also raised about in the past the training of Honorary officers was done for free, and I am very aware of that. I have been on part of the course myself observing it. It was a very good course and I was of the opinion that it would be maintained free of charge for the Honorary Service. Perhaps if money is brought in from this process that that money is somewhat hypothecated so that you can continue to provide that free service to the Honorary Police so that you can then maximise the skills of the Honorary Service to provide some of these services that they already provide and many of them will say they enjoy being able to do so. But it is not right to put Honorary officers in the line of duty in very high risk situations; that is what the States Police are trained and paid to do. For Honorary members to be placed in the same type of risk level would not be right without adequate training and that high level of training that the States of Jersey Police have. So there is a role for the police service to play which is quite different to the Honorary Police but the Honorary Police should be equipped to handle certainly some of the level that they currently handle and I do not think they should be charged for that. Maybe this is that opportunity to put that situation that the Constable of St. John illustrated right through this process. I will leave it there. I am in favour of the proposal to charge for such events. I have said already there is an example of the past where it has become self-regulating as a result and the right thing happened in the end but there was no legislation in place to achieve it then. We now would have legislation to do it so in the future that situation would not occur.

6.1.7 Deputy S.Y. Mézec:

I can see we are 5 minutes away from lunch recess so I will not speak for too long. To echo what some other Members have said, on a point of principle I do not like the idea of user pays charges

for what I consider to be core public services. I think user pays is no substitute for good old-fashioned taxation, which I think on philosophical ground and pragmatic grounds is a much better way of funding these things. However, I did serve on the Scrutiny Panel which has looked at this and we did have a very helpful briefing as well as answers to questions in advance from the department which made this issue clearer for us and I think they pointed out essentially that what they are proposing is in line with what other forces across the U.K. do, is operate on the same guidelines so it is not anything unique or special in that sense. But at this meeting I did raise the concerns about protecting the rights of events that we have in Jersey that we know are important and special to the Island, like the Battle of Flowers and events like that, to make sure that they could not be brought into the scope of this and we were given assurances that that is taken care of and that is not something that is likely to happen under this law. But the other concern that I raised that I want to have heard in this Assembly as well, and I think it draws on from what Deputy Tadier said, is that just because something is a commercial venture does not mean that it is not important for the Island culturally and socially as well and while we might say that it is right if an event is being held in the Island that is making loads of money that they should then contribute into the pot. I do not think that is necessarily wrong and the example of Jersey Live has been used. You know if something like that is very profitable and doing well I do not think it is wrong to say that they should produce some contribution to the cost that otherwise would be borne purely by income tax payers. What worries me in future is that discretion might not be used for new up and coming commercial ventures, whether it is the potential folk festival that Deputy Tadier referenced or anything else that would have a good impact culturally for the Island and maybe something that in its early stages is not quite economically viable at that point and then to add extra charges to them would potentially have them struggle to get on their feet so that after a few years of operating they could stay part of our cultural and economic events that we have in the Island. So I just want to make that point clear, that I think using discretion not just on economic grounds but also on cultural and social ground for potential commercial ventures that can come up in future is incredibly important. I made that point to the Minister privately and I am sure she will have something to say on that in her closing remarks but I want to raise that in the Assembly as well that it is important that we do not have a slippery slope that sees potential great opportunities from the Island damaged because of user pays charges and I reiterate my basic point that I am uncomfortable with user pays charges because I think a tax model should be looked at ideally so that we have better funding streams in future.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The States now stand adjourned until 2.15 p.m. this afternoon.

Deputy R.G. Bryans:

If I could just remind Members that the Youth Service has a presentation down in the Members' room downstairs, sandwiches will be provided.

[12:43]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

The States now resume debate on P.30 and I call on Deputy Southern.

6.1.8 Deputy G.P. Southern:

I will only speak briefly. I was persuaded to press my button when I heard the absolutely ludicrous argument that we should support this proposition on the grounds that we can come back and amend it if it proves to be a failure, which came from my fellow Deputy of St. Helier, Deputy Lewis. I probably have heard more ridiculous arguments but I cannot remember them. In fact if somebody were there they may well have said: "You may have used some similar arguments" but I cannot remember then either. No, this is a half-baked proposition in which we may charge for police services which in principle I am against anyway. That is a taxation I am quite prepared to pay to protect the interests of whatever 2,000 people who go to a concert or a day out even if I do not go. That is the whole point of taxation that we form part of a community and in this particular basic we protect members of that community and so I am against that. To have this to say: "May charge but we will not charge this people or this group or maybe this group." Where do you draw the line there? No, I do not think this is a viable proposition. I could go to the extreme of saying that I would like some clarity added to it as to who will be charged rather than who may be charged and that it is a reference back, is it not? So they come back and provide us the information that we need in order that it is not partial and it is not: "We do not like that group so it we will not fund them, we will charge them and we do like this group so we will not charge them." It just does not make sense. I would argue for a reference back on the grounds that we are not provided with sufficient information to decide who will and who will not be charged and it seems to me to be random and that the Minister could make a much better fist of this if she came back with some specifics attached to it.

The Bailiff:

The further information, Deputy, you are asking for is information about who may be charged?

Deputy G.P. Southern:

The request is that we are clear that certain people will be charged and certain people will not if that is what the Minister really wants to bring or that all people will be charged or all people will not be charged. We cannot have something that says: "... and we will favour some people and not charge them." It is just completely open-ended.

The Bailiff:

The Standing Order says: "A Member of the States may propose without notice during the debate on a proposition that the proposition be referred back in order that any further information relating to the proposition can be provided to the States." The request that you have made, Deputy, is for information about who may be charged and who may not be charged but the terms of the Article are quite clear, it is a discretionary power conferred on the chief officer to charge for the provision of police goods and services in accordance with guidelines issued by the Minister and it seems to me that there is no further information that can be provided other than will appear in those guidelines. It seems to me that your answer is that you should vote against it if you feel you do not have enough information because the way in which the law is structured, the draft law is structured, is simply to give power to the Chief Officer to charge for goods and services in accordance with guidelines.

Deputy M. Tadier:

If I may ask? It seems to me that the Minister has indicated that she would not want the Battle of Flowers, for example, to be charged but there is nothing within the provisions which would safeguard that position were the Chief Officer to decide that he wants to charge, for example, for the Battle of Flowers. I think the information that we would want to see in a reference back was for that to be put in a schedule somewhere specifically saying that these events may not be charged for and then brought back to the Assembly so we can have that certainty before we proceed to vote on it.

The Bailiff:

The difficulty, Deputy, with that suggestion is that the way in which the law is drafted enables the Minister to issue guidelines from time to time. So even if there were guidelines produced by the Minister at this stage there is absolutely no guarantee that subsequent Ministers, or this Minister, might provide other guidelines at a later stage and so it is simply a matter for Members. That is the way in which the law is framed. You either like it or you do not. It is not a question of more information about it at this stage.

The Deputy of St. Peter:

If I may help Members. I believe in my speech I made it very clear that the costs and the charging aspect would follow N.P.C.C. guidelines, which is very specific and it is a publicly available document. This would also have a Jersey aspect, as you have mentioned, that the Minister would be able to give direction and it has been very clear throughout this and I think it is clear in the Scrutiny Panel's comments that community events would not be charged and it would simply be a cost recovery exercise for profit-making events.

The Bailiff:

That sounded like a second speech, Minister. So you get your chance at the end.

Senator I.J. Gorst:

Could I just add the other point which the Minister could have gone on to say? She is ...

The Bailiff:

Is this a speech, Chief Minister?

Senator I.J. Gorst:

No, it is clarifying the situation ...

The Bailiff:

Well, then I am not sure what you are speaking for.

Senator I.J. Gorst:

... of what we are asking for for a reference back.

The Bailiff:

No. I have already ruled against the reference back. You do not need to clarify anything, thank you.

6.1.9 Deputy S.M. Wickenden:

I speak as ... myself and Deputy Martin are both a member of the Jersey Police Authority and I just want to give Members assurances that we do look into all the things that the police do. We will certainly be looking at what happens in the way of charging, why it is being charged, who should not be charged and who should be charged. The Jersey Police Authority already, this term, has done great work with the police force to make sure when there were cuts to their budgets that we asked the questions like, not just why should you not get the cuts but show us why you are getting the money and they have done a full zero-based budgeting that is very impressive, if anyone wants to see it, to show. The concern I have is we do not charge for these events and they go on and on and there is more and more of them the money that we have got for community and other areas which are still very tight will then suddenly have to be stopped using in other areas for these such events. I do want to assure Members that as a member of the Jersey Police Authority, and speaking on behalf of the Jersey Police Authority, that we will be looking at all these. We will be making

sure that any events that get charged for in these ways is done appropriately and it is for the right reasons and that the events that go on are culture-based, like the Battle of Flowers or such things, we would be certainly making a good recommendation to the police that this should not be charged for.

6.1.10 Senator I.J. Gorst:

I will then make the point that I was going to make before your ruling and that is that, as the Minister has said, that the guidelines will take into account, be consistent with, those guidelines issued by the National Police Chiefs' Council. Those guidelines will, later this year, be consulted upon and therefore Members will then be able to give their opinion to the Minister, before she signs off those to be completed, and I have got no doubt that Scrutiny would wish to review those guidelines as well because it is following on from this piece of legislation. As Deputy Wickenden has just said, the Police Authority will be having a watching brief on those guidelines as well. Members seem to be confusing issues here by suggesting that this is something that should be or continue to be paid for by taxpayers. It is this utopia that Members will not vote for tax rising measures because they were not fair but will want to continue the continuation of tax-funded provision in our community. So for community events, like the Battle of Flowers ... someone even suggested that Liberation Day might be charged for. That is our national day. We would expect ... I think that those Members who are suggesting that we would not put it past them really ought to consider what they are suggesting in that regard. Of course that would not be charged for. I imagine it would be in breach of those guidelines. But is it right, is it right, that commercial ventures who make considerable amounts of money because that is why they run these events, more and more ... put greater and greater pressure ... yes, of course, on the Honorary Police system and I think every Member of this Assembly would congratulate the Honorary Police for the work that they undertake in regard to policing of events up and down and right across the Island week in, week out. But is it right that the budget of the Police Service is squeezed and squeezed to provide policing for private commercial money-making events? I do not believe it is. I do not believe it is and I think if appropriate charges are made that will, as Deputy Wickenden said, release other areas of money in the police's budget to carry out the very good work of community policing that the police force, in conjunction ... actually in partnership with the Honorary Police do day in and day out and that is the question that the Minister is asking the Assembly to consider. Is it right that private individuals make, in some cases, a good return at the increasing expense of taxpayers and use of police resource? If we return to Senator Ferguson's Peel's 8 principles, I think they were, I do not think we will find in any of those that we should provide greater and greater number of police on the beat to generate income at private events.

[14:30]

That is certainly not what the founding principles of the United Kingdom police force was all about. So I think it is important that Members understand the difference of the type of events that we are talking about and how the guidelines will be appropriately treated. It seems to me absolutely reasonable and right that the police should be able to charge for those types of events because they will be factored-in as a cost of organising the event. We do not say: "Oh well, it is a great event and it is in the public interests here, we will provide the catering. We will provide the marquees. We will provide for the cost of the accommodation for artists coming to play. We will not charge an entry fee." Of course we do not and any Member standing up and suggesting that would think that that was a ridiculous suggestion. Therefore, the Minister's proposal here, I think, is absolutely right and appropriate. It helps to ensure that the scarce recourse right across our organisation is used appropriately and appropriately safeguarded for policing services across our community. We even had one Member suggest that this was the thin end of the wedge to privatisation of the Police Service because he had happened to visit Canary Wharf and see private

security personnel. Of course, on private land which is what Canary Wharf is. On private land we would expect to see private security services. Nothing unreasonable, nothing inappropriate about that. Nothing to indicate that it was the thin end of the wedge to charge private events for policing; nothing at all. So it seems to me absolutely reasonable and appropriate to proceed in the manner that the Minister is suggesting and then if Members have concerns about those guidelines when they are at consultation the Minister will give consideration to those and make her decision in approving those guidelines in an appropriate manner. I have got no doubt about that whatsoever.

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

I am glad to have arrived just in time to follow the Chief Minister. I picked up a phrase that the Chief Minister just said, he said: "I imagine that that is not covered by the rules." I am afraid "imagine" does not cut it, to quote an expression. It either "is" covered by the rules and, therefore, such events would not be charged or they "are not" covered by the rules. In other words, such events would be charged. It is that lack of certainty ... that is exactly what the Chief Minister said. He said: "I imagine that would not be captured." "I imagine." We want certainty. **[Interruption]** I am listening to exactly what the Chief Minister said which is: "I imagine that." That is not a guarantee. Secondly, I read the rules while I was away and it makes a very distinct distinction between charitable events which earn much money and commercial events. Therefore, for the sake of argument one could see ... and the Chief Minister is obviously agreeing with me. It is not just about private individuals money grabbing and raising lots of profit for themselves. It can be anything the police deem reasonable to charge for. So, therefore, it could be charitable events. It could be the Air Display for example. Query, is the Air Display a community event? In my view it is. The police might decide otherwise. How much involvement locally of the community is there? Lots of people watch it. How many people take part in it? It depends how you define "community". I would hope it never goes anywhere near there but I certainly do not want to see that type of thing taking place. Equally there is the balance between, is the individual organisation that is going to be charged by this going to be required to have mandatory States levels, States Police levels, or do they have a choice and can they approach the relevant Connétables for a greater assistance from the Honorary if that is practical because is there basically a competition element which say the States Police have a monopoly on what can be charged. That is not clear but I think you can put all that aside. We have heard about consultation. How many times have we heard about consultation and certainly in my life in this Assembly and it may come up in a future debate. If one looks at the Scrutiny comments from their advisers on the waste management charge and the views that have been expressed by their advisers on the quality of the consultation by the Minister for Infrastructure consultation is not a panacea. Finally, and I think this is a second tranche to the argument, this is about changing; the fact that any charging would have to be approved by this Assembly when we can see what is being approved because it would have to be brought here by regulation and takes it down to, it is guidelines issued by the Minister. It is not even by order. This is a Ministerial Decision. So if Members are happy with that approach then fine but for me it is a major concern that something like this that could have... and I emphasise could, because people will all be very willing and meaning good things now, what happens in 7 years' time or in 10 years' time when none of us are potentially here? It is how that changes. It is how the attitude changes and it is about the pressures on the force at that point and this Assembly would be giving up its, at the moment, statutory ability to challenge what is brought in front of it because one is signing up to the guidelines issued by the Minister. I am sure this present Minister is very well meaning, very well understanding but it is never about the present Minister. It is the ability of any future Minister to easily change things. On that, hopefully it is clear I will not be supporting this service.

6.1.12 Deputy M.J. Norton:

The word “culture” and “cultural activities” has been mentioned 2 or 3 times so it would be remiss of me not to stand and speak up for those cultural output of the Island. I spent a great deal of my time encouraging people to provide cultural nourishment, if I may put it that way, activities, functions, events, and there is a great deal of work that goes on within the department to make sure that events happen and to support the events that happen. Of course Battle of Flowers is mentioned, Air Display is mentioned. You could mention Havre des Pas and their excellent seaside festival which is coming up, and always worth a mention, in a week or so’s time. You could mention other events such as seaside festivals, seafood festivals, other events that are in the planning. The Big Gig and much more. Some of those of course are down as part of our calendar. Battle of Flowers, for instance, is just one of those. I touched wood and not metal at that point. We do it for tourism. We do it for our cultural nourishment and we hope that we do not limit the options of those thinking of putting on a new event by putting another charge and another hurdle in front of them. I have concerns about that and I had concerns at the time, as the Minister knows, when we sat and had discussions about this some time ago. I would like to think that new events would be, if I may cut some slack on this, given at least some allowance to grow from their first start. There are new events that will come about and will not make any money for the first year, the second year or possibly even the third year; if they are lucky to make any at all, and while they might be termed as a commercial operation the chances are that most of them, sadly, will run at a loss and will have to get commercial sponsorship and underwrites. I would like to think, and I would like some comfort please from the Minister, that were these events to consider putting an event on which would be for our benefit and for the benefit of those that may come to our Island and to make this place a better place that they would be given at least 2 or 3 years, without any charges, in order that they can find their feet and in order that they can be in the position that they can pay their way down the line. That is the comfort I would need.

6.1.13 Connétable D.W. Mezbourian of St. Lawrence:

I know my Minister is going to address all the questions that have been raised during this debate which are centering round part 2, Article 2 on charges for police goods and services. Not many of us attended the presentation at lunchtime by the Youth Service. I think those of us who did make the effort all agreed that it was a very well presented résumé of everything that Youth Service does over here to provide for young people. But what struck me as being really interesting was when the Youth Officer said that the Bailiff’s Panel now insists that where public events are being held, where young people will congregate, that welfare provision should be available to them. So the Youth Service at the Gig in the Park over the past weekend provided a welfare provision for young people to go and attend and to do that they had to bring in sessional youth workers who are on zero-hours contracts and they had to find the money to cover those extra workers who came in to provide that welfare and they are charging Gig in the Park, which is a commercial event as far as I am aware - it may not be - but they are charging Gig in the Park £1,000 to cover those youth workers who came in to provide that welfare for young people. I do not see a great deal of difference between the Youth Service charging for services that they are providing additional to their usual provision for young people in youth projects and today the Minister for Home Affairs asking that the Chief Officer may charge for the provision of police goods and services when such provision is reasonably incidental to normal police activity. The amount charged is in accordance with guidelines issued by the Minister and, as the Minister has said, those guidelines will be based on the National Police Chiefs’ Council guidelines. I remember when the Minister and I discussed this with the States of Jersey Police. I cannot quote him exactly but basically the superintendent in charge of operational policing said to us: “If I need to bring in extra cops on overtime I should be able to. I want to be able to charge for the provision of those extra cops on duty because the overtime that I will be paying them has to be redirected from other areas within the policing services.” So we cannot have it both ways. We cannot have cops in on overtime managing

commercial ventures and having their payment being directed from other essential services that the States of Jersey Police provide. We know that all departments have lost money in the Medium Term Financial Plan. This is something that is based upon other jurisdictions. I remember in 2008 when we undertook the Scrutiny review we were quite uncomfortable at the thought of potentially charging for services but it is not charging for the daily policing services that are provided. It is charging for additional services that, as I say, divert resources away from other areas of policing. It is acceptable in other jurisdictions. It is managed in the U.K. and I do not see any reason why we should not be able to support this part of the law today, particularly bearing in mind what those of us who attended the presentation an hour ago heard, that the Youth Service are already doing it. So I ask Members to think carefully when they consider the law when the Minister has summed up.

The Bailiff:

Deputy Tadier, the Usher has handed me a document under the heading “Revised National Policing Guidelines on Charging for Police Services April 2015”. It says page 41 of N.P.C.C. charging guidelines and then there is some handwriting, I do not know if it is yours or maybe the Greffe’s, circulated by Deputy Tadier and there are a couple of figures ringed.

[14:45]

Of course, the difficulty about circulating that is that you have already spoken and it is a document which is capable of amounting to a second speech because it makes its point just by being a document that is circulated and unless you have anything to say to me I was not going to give leave for it to be circulated.

Deputy M. Tadier:

The reason is that we will presumably be debating the ... I think ... are we debating these Articles in the Second Reading?

The Bailiff:

Well, then certainly it can be circulated then if the principles are adopted.

Deputy M. Tadier:

Could I ask them to be circulated in advance so that Members can read it before we get to that Article? I can always email it.

The Bailiff:

That is a very good try. **[Interruption]** Yes, probably successful. Thank you. Yes, you may circulate it.

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

I think the Constable of St. Lawrence has started to ... well, she identified ... we have homed in, have we not, on the second part? The debate has concentrated really all the way down about charging the fee. I have got some concerns on part 3 as well, civilians taking on the role in police functions. I spoke on that issue I think 3 or 4 years ago when it was debated in this Assembly. We were speaking about specials in the civilian support officers. If I can return to the second part, and I can understand the concerns expressed and I am speaking as, if you like, the head of the Honorary Police in my Parish and I have got 11 colleagues behind me, around me. The Honorary Police play an important part in this. I think they do anyway. Many years ago the States Police did charge for services. I was a young policeman 40 years ago when we went to the horse races at Les Landes and the organisers of Les Landes horse race were charged a fee in which it was paid to the police and we used to go ... called a special duty and I do not know how they worked in those times but I had it as a young P.C. (police constable) with a mortgage; superb. I mean it was not only overtime it

was a greater rate. I can also remember a Rotaract, I was a member of Rotaract, Young Rotary, and we had a fete organised at FCJ and we wanted some policing up there and we had to pay the States Police force to have me there at that fete although I was member of that, I could give the money back; that is by the by. Motorcycle, I was a police motorcyclist and we used to escort the large vehicles around the Island and they were charged. People were sent an invoice and they paid, whether it was a school board going to La Moye Golf Club or it was a large lorry taking down the tankers to the harbour, the fuel farm. That seems to have disappeared. What has happened now at some of these events, there is a lot less policing. We know that. Anybody who has been to the Battle of Flowers ... when I was a policeman, I am sorry to refer back to it again, but there were dozens of States Police officers at Battle of Flowers. It is now down to a handful, a lot of volunteers and the Honorary Police again. What we do have now is the Bailiff's Panel and those Members that have been involved in organising events and I have because of Gorey Fete. In fact we know ... and the Bailiff's Panel are looking at public security and we are relying on the Bailiff's Panel, and they will tell us how many people. I am president of the Gorey Fete Committee so I speak in that role so I know how my chairman and the event organisers have to go to that panel and explain what they have to go through. Of course, it is then the Bailiff's Panel say that you will have so many policemen turn up. We will have 6 or 7 policemen assisting us, States policemen, assisting at Gorey Fete this year probably. I do not think it has been agreed yet but we will also have about 15 or 18 Honorary Policemen working on that day as well. What is missing, I think, on this, and it has been referred to today, is the detail and I know it is difficult to do it but I think that is what ... certainly is my concern and I think it is of some of those that have spoken today. The way I read it, the Minister can change, and the Ministers of the future can change, as they think fit, as and when they think fit and the States Police Chief can charge what he likes as and when he thinks fit as well. We are soon going to be discussing and debating in this Assembly the infrastructure charge, a subject to a future debate. That has got the figures set out. Those are clearly set out of what it is going to be. The exemptions are set out. Later today probably or tomorrow; later today I hope, the liquid waste charge. The figures are set out on that. The exemptions are set out as well. What we have not got with this is that being set out. All this does today, is Article 2 gets amended and it amends Article 24 of the States Police Force Law. If I was organising an event, anywhere on the Island, I would be writing to the Constable of the Parish or the Chef de Police of that Parish asking for Honorary policing at my event. As a Constable I am relying on the Bailiff's Panel to tell me I need so many States policemen because there will be none at all otherwise and the Honorary Policemen will be standing there working and, let us be honest, a lot of people will come forward and say their event is somewhere, and I think Deputy Le Fondré referred to it slightly. What is a charity event? Some will be totally charity event. All the profits will go ... Gorey Fete, all the profits after the expenses go to charities. Others, it will be a percentage. Nobody knows what that is going to be. I think we should ... you know, we have to think of those people who give of their time to join the Honorary Police Service. Their time is free. They are giving that free of charge. That is the Honorary Police. It is not honorary, free, to the Parishes because the Parishes have to pay a lot of money annually, and we all vary, our different Parishes, we have got different numbers of Honorary Policemen. We have to pay for insurance, their insurance, and that has been subject to continued debate over the last 2 or 3 years, increasing and increasing. We have to pay for all our equipment. We have to pay the States Police for their training and I know that was referred to a bit this morning. I think what is needed is clarity, a little bit of detail. I know it is very difficult for the Minister to give us that but the guidelines which we have not got. I wanted more information and Members must know there are more and more events being organised. There are events every weekend in our Parish. We are a small Parish. Every weekend at St. Catherine's Bay will have sailing or it will have a triathlon or a race or a cycle race and can we have policing to assist us? It really works into the third part of the proposition today and that is the final bit I wanted to talk about. I do not want to see this to be the start of the demise

of the Honorary Police but I can see it going that way. My colleagues might not agree with that, behind me or around me, but we are short of officers already and I know in ... I have worked on jobs, the States Police, where we have been on overtime working, standing with colleagues in the pouring rain, who are Honorary colleagues who are getting nothing at all. Now, I know now, as an Honorary Policeman, I do not think I would join the Honorary Police. I think I will join one of these civilian officers and do the same job, doing a policing role, I will not be a police officer but I will be ... I suppose it is a Community Support Officer which you see throughout the U.K. and this could be the start. This proposition is the start of a Community Support Officer, I think. That is the way I am reading it. So it is hard for me to argue on that point as reduced numbers because we cannot get enough Honorary Police officers already. We are already short. St. Martin are 4 short at the moment and other Parishes a lot more than that and I know St. Helier, they work hard to get more officers all the time. I will have difficulty in supporting part 2 but I hope that is a little bit of assistance to Members.

6.1.15 Deputy R. Labey:

What a pleasure to follow, as usual, the Constable of St. Martin and what a unique insight he gives this Assembly because both his illustrious career, as a States Police officer, and, of course, as a Constable. I had dialled up the National Policing Guidelines on charging for police services which is the document Members have just been circulated and I think for the record and for those listening or watching we should go through it because the guidelines are very clear and it is very simple as to the categories and what they are charged. Commercial categories are charged at 100 per cent of the policing cost; that is professional sporting events; music concerts; festivals; commercial bonfire; firework celebrations; car boot sales; motoring events; game shows; showground events, principally commercial in nature; tattoos; military events; animals shows; horse racing; events on private property. Non-commercial events; this is a category now which is charged anything between nought and 75 per cent of the police costs. The charitable events; non-commercial charitable events are things like charity road races, running and cycling events. Charity events like bonfires, charitable shows, wholly or substantially charitable in nature. There are community events like town centre events and markets. I look to the Constable of St. Helier but he is momentarily absent. Local authority events; carnivals; Battle of Flowers; community fairs; celebrations; religious parades are up for up to 75 per cent. Not-for-profit community events like amateur cycling races and amateur running races and then there are the statutory events. The Chief Minister mentioned Liberation Day. I do not think anyone was intending to suggest that that should be charged and that would fall into the statutory events here which have zero charge; ceremonial parades; Remembrance Day parades; jubilee events; constitutional events, so like Liberation Day, and *de minimis* events, which we all know what *de minimis* events are I am sure. So it seems to me that these **[Interruption]** ... and if we do not I am sure you will come to our assistance. I am sure that ... so these guideline which the Minister I think has said that we will be following are very simply specific and that is perhaps what Members are asking for. So that is handy on the one hand to have a U.K. template but it is also ... sometimes the Island slavishly follows the U.K. and there are, and I appreciate the Minister's difficulties here, because there are special local circumstances which should be taken into account. There is no premier league football ground in St. Ouen where the population has to suffer 30,000 aliens coming in every other week, *et cetera*. So it is horses for courses, no pun intended, and just slavishly following the U.K. is difficult although here it is very simply laid out and understandable. Things like the Battle of Flowers, of course, are culturally very important; not just because of the event on the day but because it is a way - I know it is a cliché but it is worth repeating - it brings communities together in a creative endeavour over the course of weeks and months. When I was growing up in Grouville it was a massive part of our social life and our Parish life was to be involved in the summer almost from January and there were events throughout the year to raise funds, *et cetera*, and then the hair-

styling, *et cetera* and then the last week but that is really important for our society bringing ... and the wonderful thing about it is it is all ages, the Battle of Flowers. I, for one, used to love, as a little kid, once school had broken up, going and helping with hairstailing and sitting next to ladies my grandmother's age or gentlemen and just chatting. It was a wonderful thing. So that is a special thing and the £22 entry fee to the Battle of Flowers, it is worth pointing out, it just covers the seat you are sitting on. Very little of that money, my understanding is, goes towards the cost of the event. It is towards the cost of that seating that you are sitting on and the rest is subsidised by the Economic Development grants, *et cetera*. I am just again worried ... it has to be said that the Scrutiny report does its best to lay out the categories as well in its report and I guess we should just be a little bit careful of who sets the cost and what if the police say, this is what it is going to cost us and there is a disagreement over that? Is there an appeal? What is the process for resolving that sort of appeal?

The Bailiff:

Does any other Member wish to speak? Well, you came on equally but I shall take Senator Routier as the senior.

Senator A.J.H. Maclean:

I defer to your seniority.

6.1.16 Senator P.F. Routier:

It is not just age, is it? I was really pleased to follow on from the previous speaker because he has gone through the revised National Policing Guidelines.

[15:00]

The point I was wanting to make about ... some Members seem to be tripping up on the facts about there being guidelines at all and the flexibility that there is which the Minister will have with regard to the guidelines. The Minister has said that it is the intention to follow the National Policing Guidelines, which is all well and good, but it is very common practice in much of our legislation that we have ... for instance, the income support legislation has guidelines; the Control of Housing and Work Law has guidelines. There is so much legislation we have within the way we work that they are important documents which the public can look at to see if they are being treated fairly and that is what it is there for. So the issue with regard to the non-commercial matters, which are listed in the National Policing Guidelines is very clear. It says: "From nought to 75 per cent." So I know people are saying: "Well, which is it?" but it will be for the Minister to be able to make that recommendation about how people will be treated on that basis and I am sure if there is a charitable organisation or a not-for-profit organisation that feels they are being treated unfairly I am sure they will let it be known and there will be a reaction which the Minister will have to take on board at the time. I think what is being proposed here with regard to using the national guidelines is an appropriate thing to do and the fear of having guidelines in the first place, I think, is misplaced because we have them all around the pieces of work that we do.

6.1.17 Senator A.J.H. Maclean:

Senator Routier has broadly covered the point I was going to make. I am disappointed that Deputy Labey is leaving the Assembly temporarily as I was just going to help him with his speech there because he did, indeed, quote from this document that we have had circulated relating to the N.P.C.C., that is the National Police Chiefs' Council guidelines. I think it is important just to remind Members that in the Minister's report it makes it clear that she and her department are going to use these guidelines and consult on them and the reason there is not more detail in here is because there is a consultation planned for 2017 and that they will be adapted appropriately for Jersey. So not following letter by letter, sum by sum, the amount suggested or the events that are

covered. The consultation process is absolutely correct and it is absolutely important that it follows and is adapted appropriately for Jersey and the types of events we have here. Of course, in Jersey we have a quite unique situation where the States Police often work together with the Honorary Police and one needs the other. The States Police very often need the support of the Honorary Police to be able to manage certain events. One that springs to mind is that which used to occur, very successfully in Trinity, Jersey Live, at several stages, because the event grew to such a stage and size the Honorary Police struggled to help to man it and I know that the event organisers had, at one point, to bring in private security. I think it is about getting a sensible balance in these matters. It is not, as I understand it, the intention of the Minister or the department to, in any way, prevent commercial functions being undertaken but to ensure quite rightly that the States Police, funded by taxpayers, have, where necessary, some of their costs recovered and I suspect that the Minister will be able to confirm that the intention ... because of course the guidelines will come from the Minister as to how any costs would be levied will be on a cost recovery basis and where appropriate. It does make it clear in the report that that is only where such activities by the States police are incidental to their normal undertakings. So, in other words, that they are doing something above and beyond what they would normally be asked to do. I am sure the Minister will cover these points. I would just urge Members to support this proposal, not to fear that it is going to have any impact on some of our very important events that we have here in the Island and indeed new events that are going to be starting, that are of a commercial nature, if they need support and if the business case is sufficient there are areas where they can seek support from the Minister for Economic Development, Tourism, Sport and Culture and others through a mechanism such as Tourism Development Fund perhaps. There is the other Economic Growth Fund which is available for applications for support in the early stage, set up of such events. Of course, it is the first year or 2 or 3 years where funding is required and where it is most difficult for these events to prove that they are going to be successful and that is where they need support and I think it is right that that mechanism is used to support them and we do not need to necessarily be concerned about the way in which the Minister for Home Affairs would deal with this particular matter. The consultation is key in adapting to Jersey.

6.1.18 The Connétable of St. Peter:

I was going to stand to ask if there was an Appointed Day Act in there because that would have given me a lot more comfort but I do not believe it is. I think it is going to come into force 7 days after it is registered. Therefore, any concerns that we may have would already have been past the opportunity. I am a little surprised that the Minister's team has not been to Comité des Connétables. I do not recall them coming to advise us of what they are proposing to do. While I really do want to support the Minister in bringing this forward, because I think the principle is right, I do echo many of the concerns that many people are talking about in the Chamber today. I worry about if they were going to be charging for some of the events which are going on how many of those events will not take place because the organisers cannot guarantee an income if it is weather related or alternatively how much is going to be pushed on to Honorary Police to do more because they cannot afford to get the States Police involved and putting more pressure on the Honorary Police as well. These are the areas which I would have liked to have had more opportunity to discuss in detail with the officers of Home Affairs before they brought this to this Chamber. That is why I was hoping to find an Appointed Day Act which would have given us time to have engaged more with them on how it may or may not affect the Honorary Police and the work we do in the Parishes as well. I am going to listen to the Minister summing up. I would really like to support her this afternoon in bringing this forward but I do remain very disturbed that it could well have impacts, unintended consequences, further down the line.

6.1.19 Connétable P.B. Le Sueur of Trinity:

I will not take up too much of the Assembly's time. Just to follow on from my good friend, the Constable of St. John, I take a different view on the cost of training for the Honorary Police. I find that my officers report that the level of training and the quality of training we get delivered by professional training people is absolutely excellent and is far better than the training I can remember I received in my early days in the Honorary Police. Bringing in external resources to help the States Police in my own experience did not work when it was brought in for Jersey Live, bringing in people who did not know where Rue de la Monnaie was from Rue de Chateau; it just did not work. There has been a shift to move more towards the provision of event security and I think that has to be the way forward. If organisers want to run their event they need to know that it will stand on its own 2 feet. People have talked this afternoon about Jersey Live and I am reliably informed that possibly the phoenix is rising there but I can say that I am pushing those organisers, if it does happen, that they must look to take on some of the more mundane duties that our Honorary Police have traditionally fulfilled. We must not be too precious about hanging on to some of these roles. I do not think it is fair for an Honorary Police officer to be out on duty for 18 hours to police a commercial event when a lot of the duties they are doing are just ferrying festival goers safely from the carpark to the event showground and back again. There are clearly tasks that the Honorary Police have to fulfil and we would not try and avoid those. I just listen to the debate today and think: "Do we really come to this Assembly to want to micromanage every single thing that goes on?" We have a Minister and we have a Chief Officer and if we cannot rely on them to deal with the detail then I think we are in a very sad situation. If we do not like something that is going on we come back to this Assembly and we say so. So I shall be supporting this proposition.

6.1.20 Deputy S.M. Brée:

I have listened with great interest to this debate going on and it seems to be that this Assembly is fairly well split. One thing I would like to remind Members, and I am sure I do not have to necessarily, is we are voting today on the wording of the amendment, not what is in the report. What is in the report is just meaningless. What we vote on is the wording of the legislation itself; are we happy with what it is intending to do and is it fit for purpose? I am surprised, I have to say, that some of the Council of Ministers do not seem to be able to gauge the mood of this Assembly at the moment which is, we need more information. We need it to be clearer. We need it to be presented. We need to know what we are being asked to vote for. We seem to be centred round part 2 of the amendment, which is charging for goods and services. It all boils down to, really, one line which is: "Guidelines issued by the Minister." Now, we have been told that: "Do not worry about that because it is not going to be out of line because we are going to follow the National Police Chiefs' Council of the United Kingdom's guidelines." Well, no, that is not what that Article says. If you read it very carefully it says: "The Minister must take into account", not follow, or adhere to but "must take into account". So we have already heard that for certain charitable events the guidelines themselves are so broad from zero to 75 per cent that "a" Minister could quite easily say: "Well, I am taking into account the guidelines but I am going to charge 75 per cent of the total cost." That is taking into account the guidelines. What this Assembly is asking for is very clear, very simple and very easy to provide, which is certainty. Certainty in the law that we protect certain cultural events in the law so that we, as the majority of the Assembly, are happy to then go: "We trust the rest to the Minister and the Chief of Police." What we do not want is vagueness, apparent huge room for manoeuvre and it being decided without bringing it back to this Assembly. The law that we are being asked to vote on does not say that those guidelines will be brought back to the Assembly for its approval. That Article does not include that clause and that is my concern that we, if we vote for this, are voting for what? We honestly are not sure what we are voting for other than the police will be allowed to charge for goods and services at basically the wish and whim of a Minister because that is the guidelines and those guidelines will not come back to us for approval. It might say in the report they do and one would hope they would but the law itself does

not stipulate that as a requirement and, therefore, I think we need to send a very strong message back to the Minister and back to the Council of Ministers: “Please do not bring forward legislation that does not provide this Assembly with certainty, does not provide this Assembly with the ability to know exactly what we are voting for. When you do that you are more likely to get our support. When you do not you are less likely to get our support.” Therefore, I would urge all Members vote against this because you are voting for certainty and the Minister, I hope, will come back with the guidelines embedded in the law so we know exactly what we are voting for.

6.1.21 Deputy J.A. Martin:

I will be brief. I would feel remiss if I did not stand up as the other member of the Jersey Police Authority and I just want to make a few comments firstly on the Independent Custody Visitors who have ... the Police Authority officer has worked long and hard to get this *in situ* and training and the new people that will be doing it and nothing against the old people but working with the Minister, the police force and everybody else, it will be much more what the former Deputy of St. Martin ... brought this law in and he would be very much happier with it today.

[15:15]

I have been listening to the States and I will talk about part 2 now. It has been going backwards and forwards, backwards and forwards. Again, I can only speak from my seat on the Jersey Police Authority and you would normally think I would stand up and probably agree with Deputy Brée and probably Deputy Labey. The most sensible speech I have heard all afternoon in here is the Constable of Trinity and I say this because we have heard “charge these people” and they will be out charged. Do you know what, our police force are so ... they do so many different jobs than the police in the U.K. These are extra things they do. They only need the Bailiff’s Panel or the police to turn around to say: “We cannot police these new things you want to put on.” They will never happen. So this is an enabling piece of legislation. I will listen to the Minister sum up. The third part, to me, is bringing people probably from the prison to the courts. Now nobody entrusts valuable police officers to do that anywhere in the mainland and they might travel 400, 500 miles. We are talking 5 miles. But this is not what they are saying. It is enabling. It has all been brought together and I have heard we need certainty. Well, I can bet your bottom dollar, if somebody brought a list today of what can be charged and what could not be charged I really do think it is ... you have really got to think what our police force do. They have gone through some massive, massive budgetary cuts. They have had to manage and this will enable them to charge some very, very good commercial events here that we put on. A lot of people make money and somebody has got to police it and the Honorary Police have got a very good part to play. I cannot quite understand the people saying: “Well, if the police can charge, the Honoraries should” because I have a problem because the Honoraries are in their own by the name. It is “honorary”. It is a service that the people give honorary to their Parishes which is very, very much appreciated. It is complemented by ... I say in a lot of these events it is the Honorary Police who lead and it is the States of Jersey Police who do the complement. They complement the Honoraries. As the Constable of Trinity says, local knowledge and everything else in the Parishes are far better. As I say, I do stand as the other member of the Police Authority. These things have been worked on. It is about where do you place your finite resources? The police will go there, but are you going to take them away? People who might have to bring in on overtime and then you cannot recharge that to the event. So this event or that event will never start, so it is very ... turn it on its head and think about what you could be stopping.

6.1.22 Deputy K.C. Lewis:

First of all I have to make a declaration that I run a charity event, the Jersey Film Festival and my wife is Chef de Police at St. Saviour. So I do need to make that declaration. It does worry me a

little bit, I thank Deputy Tadier for his listing that he circulated. It does not give total accuracy as it is all done on percentages but we do not know what the final cost will be to an event and there are some, shall we say, event site owners who are charging a fee now to put on events. So if we have the landowners charging a fee and the police charging a fee it could push some events over the top. I know money is available from Economic Development and the Tourism Development Fund but it does seem bizarre to take money out of one pocket and put it in another. I have to agree with the Constable of St. Martin and indeed Deputy Brée in their remarks. I will not go over them again. But people need certainty on exactly what everything is going to cost.

The Bailiff:

Does any other Member wish to speak? If not, I call on the Minister to reply.

6.1.23 The Deputy of St. Peter:

Thank you to all of those Members who have contributed to this afternoon and this morning's debates. I am very grateful for their thoughts and their interest. Firstly, I think one of the key points that seems to have upset some Members, and I think we need to tackle it head on really, is a certain reluctance and a dislike for the movement to a Ministerial Decision rather than regulations being set by the Assembly. I think I would just like to reiterate the very sensible words of the Constable of Trinity who reminded Members that this Assembly is not here to micromanage. This Assembly is here to debate and to set policy. I think that this is a very fine example of that need. It is perhaps a need to let go. I would encourage Members to have some faith in the system that we have set up and that we have a ministerial government system. It has been here in place since 2005 and it is constantly evolving and improving. It has done so most recently in this respect with the introduction of the Jersey Police Authority who are there to work in a tripartite with the Minister and with the Chief Officer of the States of Jersey Police and, as both members of the Police Authority have kindly spoken and contributed today, it does so effectively, and enhances the provision to the public because what we are here and talking about is ensuring that we can provide events and services to members of the public and ensure public safety at all times because that is at the forefront of our needs and aspirations. I would like to take up Deputy Brée on his points in asking for certainty and explaining that he does not want vagueness. But I did happen to recall a previous debate when we have sat here and the same Deputy has criticised that proposition - I do not recall exactly what it was - but I certainly remember the proposition being criticised for being too prescriptive. So the Deputy in that debate suggested that he wanted the Assembly to have the opportunity to shape the proposition that was before it. So I do have to ask the Deputy: "Which way is it?" What would he like? Or is he simply criticising for the sake of it. But I shall not go on. I would more importantly like to reassure Members that the intention of these amendments are not to undermine the good work of the Honorary Police. Absolutely quite the contrary. Part of the provisions and the high standards of public safety that we have is due to the involvement and the many hours of voluntary services that are offered to us by the Honorary Police, and I would like to pay tribute to them and to the Parishes for their involvement and maintaining that service. The Honorary Police will, as all Constables, be invited to consult upon the charging and the guidelines that will be drawn up later on in this year, as it has been outlined in the report. These guidelines will be based on the National Police Chiefs' Council guidelines. That is not a U.K. prescriptive measure. The States of Jersey Police are a member of the N.P.C.C. just like any other police force throughout the British Isles can be and each of them have an opportunity to shape as is necessary to that region and its integrity the guidelines that they wish to introduce in each specific region, and we will do that and we will be very grateful to members of the Honorary Police and to the Constables and whoever may wish to participate in that consultation. The other key point here that was for debate was the issue of user pays. I think this has been debated out today because we have heard many different arguments and at its core is the need to ensure that we ... that taxes fund the

safe delivery of police services and that taxes do pay for the core functions of that service. This is not about a profit-making exercise. This is about cost recovery when appropriate. We do not wish to prevent cultural events from happening and the police already do consult with a great many of the major events because it is important from a risk assessment perspective to ensure that those events are carried out in a safe way and so the police will continue to do that in conjunction with the people who are in charge of each specific event. I am sure that we will see an enhancement, I hope, of cultural events because of this relationship and this dialogue between the police and the event organisers. The guidelines will, I am sure, have some ability to offer assistance, if necessary, to those who are starting out and wishing to set up new events because we do realise the benefit of those events to the community. I, myself, was there at the Big Gig on Saturday night with my children and it was a fantastic event and I felt very grateful and very appreciative of the fact that we were able to enjoy such a fantastic high quality event here in Jersey in very fine surroundings. I was touching on the user pays aspect and there is of course also the question about savings, but of course the ability to recover costs we have touched on in the debate also helps us to minimise the impact on overtime and that is something that previous Ministers have been criticised for when overtime costs have risen within the police force. I hope that Members will see that this ability will enable officers to devote their time to the units to which they work so that we can further enhance and strengthen the work of the very important units such as the Public Protection Unit and the J.F.C.U. (Jersey Financial Crimes Unit). I also need to touch upon the point of civilianisation. Some asked why now. Well, we do have civilian officers of course already in the States of Jersey Police but one Member suggested the prison van drivers as a perfect example, and I was going to draw Members to that as well because it, in my mind, is not a good use of a warranted officer's time driving the prison van to and from the prison to take people to court and it is my hope that that will be able to be civilianised in the future so that warranted officers can spend time doing what it is that they are trained to do and that they should be doing on a daily basis. I will leave it there because of course we have the Articles to debate as well, and I sense that we may see some more debate on that, but I hope that Members will see that these principles are not half-baked. The plans are considered and necessary. There will be consultation to come in the year and I look forward to consulting with States Members and members of the public on those when the time comes. I believe that we will be stronger ... well, we are stronger because of the Honorary Police Force and the hours of service that they give to us. I hope that Members will support the principles and I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the principles of the Draft States of Jersey Police Force (Amendment No. 2) Law. I invite the Greffier to open the voting.

POUR: 33		CONTRE: 13		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Connétable of St. Mary		
Senator A.J.H. Maclean		Connétable of St. Ouen		
Senator I.J. Gorst		Connétable of St. Martin		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator P.M. Bailhache		Connétable of St. John		
Senator A.K.F. Green		Deputy G.P. Southern (H)		
Connétable of St. Helier		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Clement		Deputy K.C. Lewis (S)		
Connétable of St. Peter		Deputy M. Tadier (B)		
Connétable of St. Lawrence		Deputy M.R. Higgins (H)		
Connétable of Grouville		Deputy S.M. Bree (C)		

Connétable of Trinity		Deputy T.A. McDonald (S)		
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

6.2 The Deputy of St. Peter:

I am grateful to those who have supported the principles and I propose the Articles.

The Bailiff:

Are you going to take them separately? I was going to suggest that you take Article 1 and then part 2, and then part 3 and then part 4.

The Deputy of St. Peter:

I am happy to do so. I sense that Members may wish to do that also but I was hoping since they were so supportive of the principles I might continue *en bloc*.

The Bailiff:

I personally think that in the light of the debate we have just had it would be better to take part 2 separately. Are the Articles seconded? **[Seconded]** Taking part 1, Article 1, all those Members in favour of adopting Article 1? Does any Member wish to speak? I am so sorry. Deputy Higgins, do you wish to speak on Article 1?

Deputy M.R. Higgins:

Yes, Sir, I do, on Article 1.

The Bailiff:

On the interpretation? The principal law means the ...

Deputy M.R. Higgins:

My apologies.

The Bailiff:

All those in favour of adopting Article 1 kindly show. Those against? The Article is adopted. Minister, do you propose part 2?

[15:30]

6.3 The Deputy of St. Peter:

Yes, Sir.

The Bailiff:

Seconded? **[Seconded]** Deputy Higgins. We are now debating Article 2.

Deputy M.R. Higgins:

I must say I am somewhat concerned about part 2, especially “investigating officer” and the powers that the investigating officer has. We are talking about civilians working in the police force and having essentially ...

The Bailiff:

No, we are talking about charging. You would like to hold fire until we reach part 3.

Deputy M.R. Higgins:

I am very confused, I must say. **[Laughter]**

The Bailiff:

I know you will be with us shortly.

6.3.1 Deputy M. Tadier:

Part 2 and obviously the substituted Article 24. Just to put it in context, so we are talking about the Chief Officer of the States of Jersey Police being able to charge for the provision of service of goods. Then I will just refer to it, because I want to expand on the second part. “In preparing the guidelines the purpose for this Article is the Minister must take into account [not ‘can’ or ‘shall’ but ‘must’] the guidelines on charging for police services issued by the National Police Chiefs’ Council of the United Kingdom and any successor or body.” I think up until now I can understand that Members wanted to see the amendment generally get through because there is some good stuff in the amendment that needs to be and has gone through, and I think is generally supported. But I think it is important to know exactly what we are voting on in part 2 here, with the charges because it is not satisfactory to say: “We are just doing this on trust. We maybe trust the current Minister that we have and we generally think that we can go to her or whoever it might be in the future if we have got a particular issue.” But I do not think that is the case. If we go back to page 5 of the amendment, and look at what it says there at the bottom of page 5, the last paragraph. It says: “This amendment would enable the Chief Officer of the States of Jersey Police to charge for police goods and services in accordance with guidelines issued by the Minister.” So the point there, it is the Chief Officer who is going to be charging. It is not the Minister. The Minister will issue the guidelines and the guidelines will have to be in accordance with that. So this idea that we are going to come up with some Jersey version of that which is so far removed is complete fantasy. It is fanciful to suggest that. We are not going to have anything vastly different which says we can pick and choose. The reason I circulated that is because it says ... look at the different categories. Anything that is classed as commercial includes a sporting event. So that might, for example, be the Jersey Marathon perhaps. It depends whether or not that is classed as commercial. It could be that that is classed as a community or charitable event at which the police chief will be able to choose to charge at 75 per cent of the maximum rate of recovery. There is absolutely no qualification in that as to where those charges will be. It may be that we all think that: “Surely the Minister ... well, it is not down to the Minister. Surely the police chief is not going to start charging for the event in my Parish, the one that the community relies on.” I would say that is very much the risk that we are giving him, the authority, to be able to do that. Why would he not? If he is saying

perhaps in the future there has been another round of cuts, like we have had and will be debating user pays and cuts again, the Minister says: “Well, look, you asked ... you approved the Medium Term Financial Plan, you took away some of my budget and now of course I am going to be looking to recuperate those costs from user pays charges because that is what you have allowed me to do.” We have passed the user enabling legislation. When you go to the Minister, and this is the second part, just going on to the next page, when you go to the Minister and say: “Minister, I am not really happy about this, I thought that when we passed this you would not be charging for the likes of that particular motoring event that takes place in my constituency because they have been on the phone to me saying that they are going to have to put their fees up for it. They cannot get sponsorship this year. It is not going to be able to go ahead next year because the fees have gone up so much for them and it is on a knife edge. Of course they might try and go to the Minister for Economic Development and say: “Have you got any money in your pot to help promote this kind of event?” “Sorry, we do not do that anymore because we have been done in the past and we do not give any money anymore to support these kind of events. Go to Visit Jersey.” “Sorry, all the money has been allocated for that already.” So there is a real risk here that if we do not do things properly and why is it that time and time again we pass legislation in this Assembly which is not really fit for purpose on some kind of notion of trust? So on the next page, on page 6, it says: “The States of Jersey Police intend to conduct a full process of consultation during 2017 regarding how the N.P.C.C. guidelines might be adapted appropriately for Jersey.” We are already in July. This has been brought to the Assembly. Why do we never do things the right way round it seems in this Assembly? You consult first, then you find out what the schedule is, then the Minister circulates this and says: “This is what we will be applying in the Jersey context. Can I have your permission to agree to it?” “Yes, absolutely.” Then it gets passed, presumably with an overwhelming majority for that. But this is not what has happened. It has been tagged on to other amendments, many of which I have already said are very good and laudable, and this unfortunately is detracting from those other areas. So we have talked about households. I mean what is going to happen in the future? Are they going to say: “Well, now we are charging for commercial events I think we are going to start charging for businesses because businesses do not pay tax in Jersey. So when we have to attend business premises we are going to make sure that non-householders have to pay also 100 per cent recuperation.” So if you are called out to whatever kind of event that is the next step. This idea, of course, is if they can charge for it they will. It says there is 100 per cent category there for a reason and these costs will be recuperated. I would suggest that what we have got before us in part 2 in the amended Article 24 is not fit for purpose. I think we do ourselves a disservice when we pass this kind of flawed legislation and this flawed Article in the Assembly. We need to get the Minister to come back. Let the consultation happen first. It is the police who are doing the consultation incidentally. It is not the Minister. That is what it says in the report. She will, of course, tell us in the future whenever we go to her and say: “Can you sort this out?” “Sorry, I cannot do that, it is an operational matter.” So we have to make sure that we get it right now because it would be wrong for her or any future Minister for Home Affairs to interfere with what are essentially operational matters for the police. Let us have the detail, bring it back to the Assembly. We do not need to pass this Article but we can certainly pass the other good Articles that are before us today.

The Bailiff:

Does any other Member wish to speak? Deputy Higgins. Are you sure?

6.3.2 Deputy M.R. Higgins:

Yes, Sir, I am. I was looking at the wrong document, not the amendment but the actual document. What I want to ask is we are being told this is to help cover costs incurred by the police. Now I would like to know how much money the police have taken out of the Criminal Offences

Confiscation Fund this year because whenever the police are short of money they always seem to dip into that fund. It is almost like a slush fund. It can be used ... it is. It is a fund which they can use for various effects and they have never ... I do not think the police have ever kept within their budget.

The Bailiff:

Deputy, I am sure you do not mean to accuse the police or anybody of using the Confiscation Fund as a slush fund, which is a fund used for improper purposes.

Deputy M.R. Higgins:

Okay, maybe my term “slush fund” is not appropriate. But they can dip into this fund which can have millions of pounds in it, and if it is new equipment or anything else they can dip into that. We go through Medium Term Financial Plans and we put out what the Home Affairs Department is going to have and the police are going to receive and yet we may set the limits on what they can have but they have the ability, unlike many other departments, to go and dip into that fund because it is used certainly for the prevention and reduction of crime. If they want new cameras that they want to put on their uniforms so they are interviewing people, then they get it out of that fund. It saves them having to spend money from somewhere else. So I would like to know basically from the Minister, how much they have had this year - I would be most curious - and the year before, because again this is, as I see it, a moneymaking thing. They have decided that they want to try and claw back more money. I would echo the fact that ... yes, a declaration, I organise the Air Display, and we do have a situation where we do have some police presence because we have to, but at the same time it is the Honorary Police who do most of the work. Our event and Battle of Flowers and other events like that, do rely on the Honorary Police. I must say there has been a bit of friction in the past between the Honorary Police and the States Police. I can remember one Honorary Policeman complaining that he was there diverting the traffic on the outside of the arena that we had and there were 2 policemen sitting on the wall watching him do it. That sort of thing does get their goat and not surprisingly. So to find the States Police charging for these activities, and I agree with Deputy Tadier, the idea is 100 per cent or up to 75 per cent, I can bet they will go for the higher one. I do wonder whether it is absolutely necessary and I would like to know this figure of what they are dipping into this other fund for because we do not have a complete picture of what the police force funding is.

6.3.3 Deputy M.J. Norton:

Just reasserting that role within culture and within events, which is a role that sits sometimes with me and sometimes with the Minister for Economic Development, Tourism, Sport and Culture. I am concerned about events such as the Battle of Flowers. I have had a degree of comfort from the Minister already, that the Battle of Flowers is not one of those to be included. I would very much, and I am sure others within this Assembly, would have great comfort in hearing from the Minister that the Battle of Flowers will not ever, ever be touched for charging for policing. If that could be done I would be a lot more comforted, along with events like the Air Display, and when one looks at the success of our commercial rugby club one hopes that again they will not be in a financial difficulty where they will be between a rock and a hard place on charges. A new triathlon, motoring events, I see, would be charged. Again, these are all events that we do take for granted in our calendar that is part of our offering, not only locally but to our tourists. I would once again ask if the Minister could also give a little bit of comfort ... I believe when we first talked about it in the principles the Minister said something along the lines of: “I am sure we can work something out.” Or: “I am sure we can look favourably on those new events that are coming on.” I may disagree, if I may, with the Minister for Treasury and Resources in his previous speech where he said that of course: “If you do need any assistance you could go to the Tourism Development Fund.” I am

delighted to know that the Minister for Treasury and Resources wishes to put some money into the Tourism Development Fund. That is excellent, although I would be disappointed if that was being used just to go round in a circle as wooden dollars to pay for policing for events to go back into States coffers again. I am concerned for events. It is the job which I am given to do so I am sure the Minister will forgive me if I do rise again to say I am very concerned about the policing and the cost of policing to events that are the bread and butter of our calendar.

6.3.4 Deputy G.P. Southern:

Here we are seeing in plain view the problems with user pays charging. Earlier today we heard of a whizzo idea from the Minister for Economic Development, Tourism, Sport and Culture suggesting that we are going to have a professional sporting event, the triathlon, first of a series in Jersey, professional triathlon with all the star names here and that is going to bring in hundreds, thousands of visitors, spending their bit and boost the economy and productivity will go up. That is exactly the sort of events we should be promoting and this will be wonderful for the economy, and the police will be charging for attendance at that race, will they? Will that be £2,000? Will that be £10,000? Will that be a burden on the organiser, on that Minister, from this Minister? We are just shoving money around the board. That cannot be right. So the incidental consequence of deciding to go for user pays in this particular instance could be very damaging to all sorts of a wide range of events that we would want to see and want to promote on the Island and maybe some time in the future some of those will not be happening.

6.3.5 The Deputy of St. John:

I thought it was probably appropriate for me to speak on the charges side of things with regards to the Scrutiny Panel's comments. In recognising what Members have been saying I think this is an example of the huge distrust that is placed between the States Assembly and of a ministerial government. In particular, thrusting upon the Island of Jersey a guideline which is really just a replication of what they see in the U.K.

[15:45]

Many Members have stood up and referred to community events. In our comments, and I think it is page 5, we asked about consistency of charges. For example, if music concerts are being charged will the Battle of Flowers be charged? That was a specific question that the panel asked and our answer provided was that: "Both the N.P.C.C. and local guidelines rest on a number of key principles. Charging policies should have regard to overall policing objectives. Charging policies should reflect proper accountability. Private persons or bodies should not be able to profit at the expense of the police service. Charges should be based on a robust and sound costing methodology. The policy and all charging decision making should be clear and transparent to both providers and receivers of the service." Of course it then goes on to talk about: "The consistency of the application is central to the fairness and transparency of this cost recovery process." Then it refers to the matrix which I understand is that of which Deputy Tadier has shared with us. Of course it then states: "In this case a music event may be subject to a charge for policing services if it is a commercial venture but the Battle of Flowers 'in its current format' [so whatever that means] would not." So this goes back to that trust issue of the States Assembly and the way that ministerial government does or does not work. The panel specifically asked whether the States Assembly ... will the States be informed of the charges and we were advised: "Yes." But I am assuming that that was going to be after the event once the consultation had happened. It is starting to become a theme where we are doing things backwards in the States Assembly. We are going to see it coming up with the next proposition where ... I am not trying to be nasty towards the Council of Ministers or the specific Minister but I think this is an issue and hence the reason why the panel asked so many questions pertaining to this particular proposition because again it is a user pays

model. Again it was understanding exactly what it was that the police were already providing in terms of charges or not in charges. This was extremely concerning for those who either (a) have been warned off getting involved in police operational areas, and I think there is a huge role that the Jersey Police Authority could play here, but I do not feel that they have been forthcoming to the Scrutiny Panel in terms of what their role is with regards to this legislation. I think they could have played a bigger part in that. Just to come back to the panel to say: “We have been consulted along the line and we are satisfied” I think is inappropriate and I think there should have been much more activity from them to determine whether it should be them that is issuing the guidelines and not the Minister, so that it ensures that there is not the control from the Minister. But some Members I think it is quite clear that there is this distrust and that there is an unwillingness for that power of the Assembly to approve the regulations to be taken away and to allow it to be put into one person’s hands. I think there is a great deal of concern around that and that is what I am hearing so far. I just wanted to make Members aware of our comments with regard to the charges because it was a large amount of our questioning from the panel.

6.3.6 Connétable J. Gallichan of St. Mary:

In fact, the previous speaker has touched on, I think, some of the stuff I wanted to say but to me this seems a very simple thing. I have heard concerns raised ... different concerns from different areas of the Assembly today. It shows, I think, that user pays charges in themselves are a very emotive issue for us, especially set in the context of us having a static low tax rate which we seem to be now needing more and more to cover departmental budgetary needs through other charges. That is, for some of us, quite hard to see the impact on society as a whole because different elements in society are requiring different services. However, it seems quite simple. The issue to me is there is a provision now that if there is a case made for a user pays charge to be levied it can be done by this Assembly passing regulations. It is not a question of micromanagement. I heard that term used in the principles because the fundamental concept of user pays is a very big step for this Assembly to grapple with, not a micro step. To me this is simply taking it out of the hands of this Assembly, made up as we are of a great cross section of society, with experiences in policing, with experiences of Honorary service, whatever, and putting that in the hands of one person, the identity of whom will change regularly, shall we say. So that is a really big step for me to take it out of the control of this Assembly and why would we do that? Speed? Convenience? Probably cost of regulation but that, I think, has to be put in context. But you have to ... the Assembly has to acknowledge that once the change is made the variants of the charges, the variants of how they are applied, is a matter of moments. It does not get the robust consideration that it gets by this Assembly. Members need to think, when we are looking at user pay charges, exactly of the step that we are taking. I am sorry... I always say that I come to the Assembly willing to be persuaded by the argument but in this case if the Minister can ... she is not going to persuade me anyway, so if it helps to shorten her response do not bother referring to it, because I think this is fundamentally a bad thing that we are being asked to do.

6.3.7 Deputy J.A.N. Le Fondré:

I am very glad to follow the last speaker, I am also very glad for the schedule circulated by Deputy Tadier. For me it is a little bit about what is Jersey all about and part of it is about community and community events. Community events will be generally quasi-commercial. When I say that, they have to make ... they cannot make a loss. They break even or they have to make a profit. That may not be the agenda, it may not be significant but the point is for an event to keep going it has to be positive financially year on year. What I was curious about, looking at the schedule that Deputy Tadier circulated, and I am disappointed Deputy Hilton has just exited because I want to use an example that she and I attended. This word from the top “commercial professional sporting events”. Why would the Jersey Rugby Club, which has a paid professional team not be a

professional sporting event in the definition of the police? Broadly speaking. Okay, concerts and festivals, there may be differences there. I mean sometimes I do have the impression that ... particularly I tend to think youth are better served than a lot of us were younger but I can remember being younger and saying ... lots of people saying: "Nothing ever happened here." Nothing in terms of pop concerts and whatever it was, and there was the cost attached to it. I think compared to what we used to have it seems a lot better, I may be wrong. But I do not know what the marginal cost is on that. Is it enthusiasts that do it because they want to provide the service and they do not want to lose money? I suspect Jersey Live may be an alternative option. They may well have done very well out of that, I do not know. But others, I suspect, are on that margin. It is a guess. Working down ... car boot sales. Okay, fine. Probably cannot get excited about that. Motoring events. I always get my initials the wrong way round but the various events we have in Victoria Avenue, they are not money making ... driven as money-making things. They are done by enthusiasts who have a passion for the event. You can see potentially the requirement that might be needed there for States policing if they wanted to become a bit more hardnosed about it. Showground events: "Principally commercial in nature." What does that mean? I am going to combine that with animal shows, R.J.A and H.S.? Cattle shows? British Showjumping Association? West Show? All those type of things. Why not? Surely there is a traffic impact there. Horse racing. I do not have any connections with the race club but we used to ... as a family we used to have horsey connections and parts of my family do. I am hideously allergic to the things I hasten to add. But the point is that the Jersey Race Club, for example, again is a classic example of enthusiasts and, yes, there are wealthy individuals in there, but it is trying to make a thing work. If they start getting hit because they are deemed to be a commercial event with significant more costs that can have a risk. It is that balance. It can have a risk of events being lost. I know there was a classic ... the reason I refer to Deputy Hilton, she and I were invited to the ... I cannot remember which anniversary it was, I hasten to add. It was the St. Lawrence Horse Show which was, oddly enough, held in St. Brelade. But that is an animal ... it is either an animal show or it is a showground event, I would have thought. Potentially it is a sporting event. Interestingly enough I know one of the riding clubs has a requirement under health and safety things already because they have to have I think a St. John Ambulance attending with an ambulance. Whether it is St. John Ambulance or not I do not know, but health and safety require an ambulance be present and they use a private organisation. That is costing them an extra few hundred pounds a time. That is having an impact on how often and where they do it. So if one starts seeing those type of costs coming in from a policing side one can see to me a direct impact and that will start having a detriment. The one that struck me as well is showground events "principally commercial in nature". While the Battle of Flowers may not be affected what about the Battle of Flowers fair? Again, I know some people may regard it as a nuisance with all the noise but I know an awful lot of youngsters really love it. Some of the visitors really love it. Why is that not a commercial event? Why would that not be subject to full commercial charges? What are the consequences? So I think on that point, that is why I am very glad to follow the last speaker. It is pretty obvious, I hope, from my previous speech I was not going to support this Article but I just wanted to reinforce people really need to understand what is going to be deemed commercial and what we probably would not consider necessarily commercial because they are kind of ... they are part of the fabric of what we do over here that makes Jersey that little bit different because remember we are a population of about 105,000. Some of the events that come across would not ordinarily be commercially viable. They are on the margin. Some people do it for the pleasure of coming here. Some people do it because they like to come. If it becomes more hassle and more regulated, and all that type of thing, and the levels of standards have in certain instances rightly gone up, the more hassle it becomes, sometimes they just stop doing it. This is one of those instances.

6.3.8 Senator P.F.C. Ozouf:

I am quite struggling with some Members comments on this. It seems to me that the issue that is at hand is: is the policy that the Minister is going to undertake to issue guidance going to be sufficiently transparent in order to deal with the perfectly legitimate question that Members have about the different kind of events. For me, and I have dealt with this issue over a number of years in relation to Jersey Live, *et cetera*, and certainly I welcome the police approach to these current issues in relation to charging. They seem to be absolutely proportionate and proper in the way they have done things in recent years. It seems to me that if a profit-making enterprise and of course there are events which are absolutely profit, then it is right that obviously taxpayers do not ... if they are paying a high price for tickets, *et cetera*, they should reflect that in the cost of the additional risk associated. I do not think there are police officers required, if I may say, for the R.J.A. and H.S. pumpkin or their cow show. I do not know if there is a massive law and order issue in relation to those issues. What we are dealing with is that it is the issues to do with those that are particularly more risk associated, which have got public disorder issues or other issues. It seems to me that it is... football matches, football clubs in the U.K., they are profit-making, Jersey is no different. They pay for policing for their police matters and it seems to me that this is an entirely proper approach. But perhaps the Minister, and it does seem to me that the States is perhaps wanting to micromanage things in a way that is perhaps not appropriate, but perhaps the Minister could explain in her summing up how she envisaged the guidance would work because the guidance, if it is published, and Members may have or individuals affected by it could issue and undertake, for example, and an undertaking in this Assembly is an undertaking, to publish draft guidance for that to be then commented on to receive comments on that guidance and then those factors would be taken into account and then the guidance will be then issued to the police in accordance with the Article through the law. That seems to be an entirely proper way forward and we really do not need to be making a micromanagement issue. There is an issue of just proper common sense and if the Minister or her successors bind themselves on issuing draft guidance, getting consultation on it, preceding that, that seems to be an entirely proper way to deal with it. Nobody is surely arguing that profit-making enterprises should not be charging the costs associated with the policing requirements of those events.

6.3.9 Deputy L.M.C. Doublet:

Just briefly to thank my panel and specifically Deputy Vallois for scrutinising this. I did excuse myself from scrutinising this particular proposition and I wanted to just declare to the Assembly that my ... I do have a family member who is a police officer and a member of the Police Association who gave evidence to the panel.

[16:00]

So that is why I excused myself. I have been informed that it is still appropriate for me to vote and speak because it is not a financial interest, but just to declare that for complete transparency.

The Bailiff:

Does any other Member wish to speak? Then I call on the Minister to reply.

6.3.10 The Deputy of St. Peter:

I again thank those who have contributed. I do understand the concerns of Members but trust and confidence is a fundamental part of policing and I think trust and confidence is something that the States of Jersey Police in recent years has really gained in our community. That is a great display of the efforts that they have gone to, to interact with the community and to serve the community, as they do very well. It is therefore not in the interests of the States of Jersey Police to lose the trust and confidence of the public and I think that they would, if it was felt that they were acting unreasonably in the charging of events and other items that they would lose that trust and confidence. Therefore I hope it will reassure Members if I simply say that it will be in the interests

of the States of Jersey Police to follow these guidelines in a reasonable fashion in their interactions with all people. I say that this is not just about events. As has been revealed in the previous debate the States of Jersey Police do charge for some training and they do also charge for the completion of forms, for example, with insurance companies because those insurance companies use their services on a regular basis for the profit-making businesses. Deputy Tadier raised the point again about charges being used as a proxy for cuts. That then will be the job and the role of the Assembly. When they consider the Medium Term Financial Plan of the future it will be part of the debate and part of the consideration when it comes to the budget of the States of Jersey Police Force. That will be the opportunity for the Assembly to consider this matter and to relook at the issue of charging as it arises. I can remind Members now that in the last Medium Term Financial Plan due to the position of the States of Jersey Police and the need and the importance with which the Assistant Minister and I placed on the maintenance of public safety and security in the Island, the Assembly agreed to not impose a 22 per cent cut on their budget but only a 10 per cent cut. That is what we are here to do as an Assembly and so I hope that future Assemblies will also take a similar view. I can reassure Members that they will have that opportunity in the future because that is what we do. Deputy Higgins, on the subject of finances, asked about the C.O.C.F. (Criminal Offences Confiscation Fund). This is not just a “slush” fund as it was suggested. As you know, there is a proper process there where there is consultation with the Treasurer of the States and a process is followed. There have been no requests of the C.O.C.F. this year because the money has been prioritised for the prison and I hope that we will be getting good reports about the level of the C.O.C.F. shortly. But last year there was £119,000 granted from the C.O.C.F. to States of Jersey Police. I believe that was largely for body worn cameras, which is an essential part of maintaining security and the police enhancing the service that they provide to the community. The previous year there was a £15,000 fund and the year prior to that of course there was £15,288,011 taken from the C.O.C.F. to pay for the building of the Police Headquarters, which was worth every single penny, in my view. So I hope that answers Deputy Higgins’s question. Again, we have touched on the issue of micromanaging and I would just like to remind Members on that point, that these guidelines would be approved by the Minister but it would be subject to the views of the Jersey Police Authority. I just remind Members, as they know there are 2 States Members on the Jersey Police Authority and also several members of the public who give up their time voluntarily. I would suggest to Members that the J.P.A. (Jersey Police Association) is much better placed than the Assembly to consider these guidelines and to agree them because the J.P.A. have an ongoing understanding and knowledge of the day-to-day, month-to-month business of the police and their work because it is the J.P.A.’s role to ensure the effective and efficient running of the States of Jersey Police, so I hope that reassures Members and I hope that Members will support this Article.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on part 2, Article 2, of the States of Jersey Police Force (Amendment No. 2) Law. I ask the Greffier to open the voting.

POUR: 27		CONTRE: 18		ABSTAIN: 1
Senator P.F. Routier		Senator S.C. Ferguson		Connétable of St. Peter
Senator P.F.C. Ozouf		Connétable of St. Mary		
Senator A.J.H. Maclean		Connétable of St. Ouen		
Senator I.J. Gorst		Connétable of St. Martin		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator P.M. Bailhache		Connétable of St. John		
Senator A.K.F. Green		Deputy G.P. Southern (H)		
Connétable of St. Helier		Deputy of Grouville		
Connétable of St. Clement		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Lawrence		Deputy K.C. Lewis (S)		

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

The Bailiff:

We now come to part 3 and the schedule, Minister. That is Articles 3 to 7 and schedules 2 and 3.

6.4 The Deputy of St. Peter:

I will not run through the Articles and I hope that Members will take the remaining Articles *en bloc*.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak?

The Deputy of St Peter:

Could we take part 3 separately?

The Bailiff:

Article by Article? We are taking part 3 as a whole.

The Deputy of St Peter:

Sorry, Sir, I misunderstood.

The Bailiff:

Articles 3 to 7 and the schedules. Does any Member wish to speak?

6.4.1 Deputy M.R. Higgins:

Yes, the part that concerns me more than any is in part 3 we talk about investigating officers and the question I am asking is why are we employing civilians to carry out core police activities which happen to be the investigation of crime. I am concerned that civilians have been coming in and it could be the start of a wider process of having more and more civilians coming into the police force especially to lower cost, because many of the people that will be recruited as civilians will be ex-police officers who have retired at 55, have a good pension and probably will be recruited at a lower salary than an existing police officer who is doing the same test. So I am concerned about how many of these particular posts are going to be civilianised and I am also concerned about the progression and promotion prospects of ordinary policeman who are doing their job on the beat, learning their role, understanding what is going on and suddenly finding that many of the roles they

would like to progress into have been given to civilians or former police officers. I think there could well be a morale problem if that becomes the case. I would like the Minister, if she would, to explain why and to what extent there is going to be this civilianisation of investigations because it does give me great concern and I would like a full explanation please.

6.4.2 The Connétable of St. John:

This is a long overdue piece of legislation because it enables the police to diversify as it has been restricted in the past. The simple job of walking up and down the street and being a “bobby on the beat”, that has not changed but why somebody needs to have that type of training when they are looking at totally different types of cybercrime? What you are looking for is not a man on the beat but some form of computer geek who is completely different and it is high time that we opened the accessibility to policing to those people who can offer other areas of expertise, other than the traditional “bobby on the beat” and I welcome this part of the report.

The Bailiff:

Does any other Member wish to speak? If not, then I call on the Minister to reply.

6.4.3 The Deputy of St. Peter:

I thank the Constable of St. John for his support on this matter. I can explain to Deputy Higgins that there are good cases for the need of civilian officers, and we see that particularly in the Joint Financial Crime Unit where there are specific roles and functions that are needed there. Roles that need the skills of accountants and lawyers to investigate and support the work of the police force but they are not necessarily jobs for warranted police officers. So that is absolutely vital. But also there is a need to provide a balance and that will be the job of the Chief Officer of the police force in the future to ensure that there is a good balance of civilian and warranted police officers so that they can despatch their functions and duties in time of an emergency that would call upon a great deal of officers to be despatched at any one time. I hope that assists and I hope that I can ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on part 3 of the draft law and the schedules. I ask the Greffier to open the voting.

POUR: 38		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator A.J.H. Maclean		Deputy M. Tadier (B)		
Senator I.J. Gorst		Deputy M.R. Higgins (H)		
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. 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 J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Minister, do you propose Articles 9 and 10?

The Deputy of St. Peter:

Yes, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on Articles 9 and 10? All those in favour of adopting those Articles kindly show. Those against? The Articles are adopted. Minister, do you propose the Bill in Third Reading?

6.5 The Deputy of St. Peter:

In doing so I take an opportunity just to thank Members for their contributions and I would also like to thank the Scrutiny Panel for their intervention and the helpful comments that they provided, which I think showed Members the extent of the consultation that has been undergone internally to reach this point. I would like to also thank the law draftsmen for their time and effort in putting together this piece of legislation and also the officers of the Community and Constitutional Affairs Department for their unstinting hard work and support. These changes will ensure that our police force can continue to respond and keep pace with modern approaches to policing as displayed elsewhere in the British Isles. In placing the Independent Custody Visitors' Scheme on a statutory footing it also brings the Island a step closer to O.P.C.A.T. compliance, and I move the amendment in Third Reading.

The Bailiff:

So seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

6.5.1 Deputy M. Tadier:

I hope to speak shortly and appropriately in the Third Reading to raise 2 points. One is general for the Assembly and the other specific for the Minister. There was a comment made which has partly been addressed in the previous part which was to do with micromanagement and although we have

a Scrutiny function and some element of legislative scrutiny and policy scrutiny would have taken place in this case in that regard, we do not have a proper legislative scrutiny in this Assembly and it is important to remind ourselves that in most cases the legislative scrutiny, if it does happen at all, takes place in this Assembly when we are brought these pieces of legislation. So when we are accused, if you like, of micromanaging issues I do not think we should be apologetic for that in any means, especially when it is very significant legislation.

[16:15]

It talks about user pays charges, which as a principle does need thorough debate, and it is absolutely right. But also the detail also needs to be debated. It is not micromanaging to want to know what the consequences are of any legislation and any particular Articles that we are passing in this Assembly. It is good governance to be able to do that, to know what the proposed consequences are but also the unintended consequences. I would say to the Minister the fact that in the context of the way that this Assembly is divided up into its blocks it is significant even when legislation passes with 18 votes against from a broad cross-section of the Assembly, including interestingly split down the middle with the Constables' bench, shows that there are grave concerns about what has been put in front of us and it should be a signal to this Minister and other Ministers in future that you bring sloppy legislation to this Assembly at your peril and it is absolutely reasonable for Members to expect proper detail and consultation to be done in advance so we know what we are voting on. We as Members should not be made to feel that we are bad or being in any way not constructive when we flag issues up because this is very much our job and we do a disservice to the public if we do not do that, and it would be much more preferable if we were not put in this invidious position in the future, especially where there seems to be in some areas consensus on what is being proposed. Not necessarily in this case today with user pays because that is, in itself, a divisive issue, but in the future. I hope that is a salutary reminder to the ministerial benches.

The Bailiff:

Does any other Member wish to speak in Third Reading? I invite the Minister to reply.

6.5.2 The Deputy of St. Peter:

I thank the Deputy for his comments and I take on board what he says and I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Draft States of Jersey Police Force (Amendment No. 2) Law in Third Reading. I ask the Greffier to open the voting.

POUR: 33		CONTRE: 6		ABSTAIN: 1
Senator P.F. Routier		Connétable of St. John		Senator S.C. Ferguson
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator A.J.H. Maclean		Deputy J.A.N. Le Fondré (L)		
Senator I.J. Gorst		Deputy K.C. Lewis (S)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache		Deputy M.R. Higgins (H)		
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				

Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

7. Draft Drainage (Jersey) Law 2005 (Appointed Day) Act 201- (P.35/2017)

The Bailiff:

We now come to the Draft Drainage (Jersey) Law 2005 (Appointed Day) Act - P.38 - lodged by the Council of Ministers. I ask the Greffier to read the proposition.

The Deputy Greffier of the States.

Draft Drainage (Jersey) Law 2005 (Appointed Day) Act 201-. The States, in pursuance of Article 55(2) of the Drainage (Jersey) Law 2005, have made the following Act.

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

I will be asking Deputy Noel to act as rapporteur.

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

It has been a long day for Members and although this is an Appointed Day Act I am afraid it does need detailed debate. Members will recall that the States gave in principle approval to new user pays proposals for commercial liquid and solid waste as part of the M.T.F.P. last September. At that time we did not have much detail to share with Members. We knew how much the service provided for the commercial sector cost but not able to show how we would translate that into a user pays charge. We needed to find out more about the customer base. Providing us with an in principle approval gave us the go ahead to work on that detail. Members may also recall that the M.T.F.P. only called for the introduction of user pays charges for commercial entities. An amendment to the M.T.F.P. also specifically barred us from investigating anything to do with domestic charging other than where informed were working for non-household charges. Myself and my department have progressed on that basis. Members will have noticed that we are referring to our prospective customers as non-householders. We thought that this would make it clearer to those who would be charged; that being anyone who is not a householder rather than a commercial or domestic where the differences could be perceived as less distinct. Section 5 of the appendix to the report provides a clear briefing on our customer base. Members may have expected us to bring both liquid and solid waste to the Assembly together and indeed that was our initial plan but it became very clear to us that the mechanisms to enable the charges for liquid and solid waste were

very different. Liquid waste is very simple. The law is already in place and the Article just needs to be enacted, which we are proposing to do today. The income needed first comes from liquid waste. I remind Members that it was agreed in the M.T.F.P. that £3.85 million would be generated from user pays charges in 2018. But for solid waste it was more complex and it needed more time. It also made practical sense from our point of view, as a department, to split the workload. Although a lot of preparation has been going on in tandem if we get States approval today we will be able to focus on progressing the necessary procedures and resources required to implement the liquid waste charge. We will also be providing focused customer contact to help with queries, *et cetera*. In effect, we will be phasing the preparation for the implementation of non-household user pays charges. The first phase, liquid, and the second phase, subject to States approval in the autumn, being solid waste. Following on from the States initial in principle approval we have now asked the States to enable us to introduce non-household user pays liquid waste charges by agreeing our Appointed Day Act which will bring into force Article 4 of the Drainage Law (Jersey) 2005. I am advised that it was Deputy Maurice Dubras and Senator Ozouf who were the architects and the key figures during this detailed States debate on Article 4 of the Drainage Law back in 2004. They made it clear to the Assembly that the intention was to introduce general sewage charges. I am told that they also specifically referred to user pays principle. Moreover, they explained that during the debate on the 2005 law that the cost of maintaining the sewerage network and providing an upgrading and associated treatment works has become an ever increasing burden to the States. However, it was not considered appropriate at that time to seek to introduce such charges and hence the provision of the law that requires me to bring back to the Assembly today for an Appointed Day Act, which if approved bring in the effective Article 4. As the Assembly recognised in the M.T.F.P. debate last September, the time is now right for us to move away from general taxation and the current cross-subsidy from householders to businesses on the basis of the user pays principle for non-households. As Members will readily acknowledge we have not exactly sought to rush this. In fact, as an Assembly, we have been talking about it for some 12 years now. We explain in the report that this will mean, if approved today or most likely tomorrow, Article 4 will be brought into effect on 1st September 2017. That will permit the Minister for Infrastructure to prescribe by order fees and charges for the provision of sewerage services and allow 6 months' official time to prepare for the introduction of charges at the end of March 2018. I use the word "official", because we have already been very public about what we intend our charges to be, since earlier this year. In fact, we provided an accurate indication of rates even before that, over a year ago, in discussion with some stakeholders. So, what does the in principle agreement to non-householder user pays charges mean? In this instance, it means approval given to the concept that a non-householder user pays for their share of the liquid waste charges we provide them. We have had agreement of who pays. We have had agreement of the total amount they will have to pay, £3.85 million. Now, we need to approve of how the levy will be charged. Waste charges are the norm in Europe and in many other countries, so obviously we have researched how they levy the charges, to learn from what works elsewhere. We have followed their lead, and without reinventing the wheel, we have based our proposed charge on water usage, plus a small fixed standing charge. The logic behind using water usage is perhaps more obvious. The water we use mostly ends up down the drains in one form or another. We are basing our proposed charges on 95 per cent of the fresh water ending up as waste water. The proposed charge for this is some £2.27 per cubic metre. A cubic metre is a tonne of water or 1,000 litres. There will be exceptions. Of course, we have thought about this. For businesses where the water that is used does not end up down the drain or need treatment, such as a brewery or dairy farm, such businesses will be assessed on a fair amount and will get charged accordingly. The annual standing charge for the vast majority of customers will be only £25. For larger premises it will be £80.42. For a few specific users it will be £288.62 which is due to the nature of the business and the type of polluting liquid that they discharge into the drain. These standing charges cover the service and billing costs of

approximately £130,000 per annum. The costs are not related to the actual volume of water the business uses. Hence, the standing charge. Fairness: we want these user pays to be fair. There are several facets to this. Firstly, we want the charges to be fair in relation to households. As user pays non-households should be paying their share of the costs and services and not households paying a disproportionate amount, which is currently the case. Earlier today, I asked the Ushers to distribute this infographic to Members. It shows that householders are paying for their liquid waste through their taxes on their income. Hoteliers are also paying on their income, but this is just paying for their liquid waste at their home. They are paying nothing extra for the hotel liquid waste. I cannot see how that is fair to households. For the vast majority of customers the calculation will be simple. They can pretty much work it out by looking at their water bill. They take their water meter usage times it by 95 per cent and then times that by £2.27 and that will give them their liquid waste charge. However, there will be some non-standard customers and we need to make an individual assessment to ensure that we are able to charge them fairly. We do not expect this to be an onerous task. We have planned and resourced this into our programme. If a customer can demonstrate that they create less waste water than initially calculated, we will then reassess, and if appropriate, reduce their charge. As you would expect, there will be an appeals process put in place. This would start with a customer service team and can be escalated if necessary to the Minister, which is no different to any other utility, apart from the additional level that customers would have by being able to take it to a political level. Reasonableness: we have done a lot of work to ensure that these charges are reasonable. Care has been taken to ensure that the costs of service for non-households are properly calculated. In working out the cost of the service, we have had to look at the resources needed to operate waste charges. We have a clear plan of what is required and they are ready and waiting to go, starting with putting the billing process out to tender. We have also been making sure that we operate efficiently. We have been very mindful of not passing on inefficiencies in the cost of our charges. Members will know that my department is undertaking service reviews across the whole of the department to make us more efficient. In the M.T.F.P. the liquid waste section was tasked with making over £500,000 worth of savings. Some of these savings have already been delivered. Others are in the pipeline, excuse the pun. For example, the new combined heating and power unit at Bellozanne liquid waste plant is now saving us £800 per day in energy costs. We are not charging for inefficiencies. We have also compared our proposals with charges in other places. Considering our size and the fact that we do not benefit from economies of scale and that we are an island location we compare reasonably well. We are in the middle range of the charges. Of course, we cannot compare directly with our cousins in Guernsey as they provide minimal treatment to their liquid waste before they pump it out to sea. To be fair, their Chancre crabs are much bigger than ours. **[Laughter]** There are illustrated diagrams in the report, so Members can see the comparisons from how Jersey is proposing equates to charges elsewhere in the United Kingdom.

[16:30]

We have considered what kind of impact charges will have on businesses. This is a tricky one, because it is hard to generalise for a whole range of businesses. Based on the water charges for businesses, provided by Jersey Water data, payments are expected to range from a mere £50 per annum to £50,000 per annum, but the average will just be about £2,000 per annum. For a small businesses we are expecting it to range from £100 to £400 a year, of course, depending on the type of business and the type of usage. There are some sectors of industry that obviously use more water and create more waste than others. Members have seen a letter from the J.H.A. (Jersey Hospitality Association) and acknowledge their members of being big water users, again, some more than others. I also acknowledge the value of that sector to our economy in our Island and the provision of amenities that enrich all our lives. The J.H.A. say that they see this charge as affecting their business. Some have told us that they would like the sector exempt from the charge. Some

have said they need more time to work their rate cards, which are set a year in advance. Some have said they just do not want the charge at all. This charge has already been agreed in principle by this Assembly. Following that decision, I do not believe it was in my gift to arbitrarily agree exemptions for specific business sectors, especially as this would mean it would be unfair on other non-households, as their costs would have to go up to compensate for any sector that we exempted. It would also be unfair to the individual taxpayers, to middle-Jersey taxpayers. We have listened and with the Minister for Treasury and Resources' help, we have discounted the charge in 2018 by 50 per cent. This will allow all non-householders, not just the hospitality sector, more time to prepare for the full charge coming in in 2019. Unfortunately, as a consequence of that, it will also extend the subsidy from the general taxpayer by an equal amount. Two Distribution Impact Assessments have been done by the States' Economist. A summary of the 2016 one can be found on page 30 of the appendix and the segment has been separately lodged as addendum to this report. Within the report we have also provided some indication of figures based on water usages of an actual hotel and an actual restaurant. We have then worked out if the hotel and restaurant were to pass on the charges in full how much extra that would mean to their customers. For example, an extra 37 pence per room per night, has been based on a hotel charge of 63 per cent occupancy, open throughout the year. Those are figures that we were given by the Statistics Unit as being typical. For a restaurant it equates to a mere 8 pence per meal, based on 50 per cent covers, open 312 days a year with 2 sittings a day. Again, these are assumptions that we have been provided with. One can obviously play tunes on these assumptions, but we believe we have been reasonable in calculating to give examples of what the likely charges are to be incurred in likely sectors of our community. Hotels, in particular, their facilities can vary greatly. One large hotel has spent a significant amount of time with us and shared their commercially confidential information. That has helped us immensely in our calculations. I thank them publicly, although obviously I cannot name them. I know that they are extremely grateful for the discount rate that we are proposing in 2018, because they took the time to write back to us to thank us for doing it. There are certainly some hotels on the Island that have healthy trading profits. It is fair to say that hotels are campaigning to be exempt from these charges. Taxpayers are covering an unfair share of the costs of that service. Voting against this is voting against the individual tax payer, the middle-Jersey tax payer. What is in this for D.f.I. (Department for Infrastructure)? Nothing, is really the short financial answer. As Members will recall, the income from these charges does not provide my department with any extra budget. The £3.85 million of the cost of this service for non-households has already been taken away from my budget in 2018 and a further £7.5 million, to take it up to £11.53 million a year has been taken from 2019 and onwards. What is in it for Jersey? What merit do we find in this charge? We believe that user pays charges delivers responsibility. In this case, responsibility for waste generated and how we dispose of it. Of course, there are some people and businesses that are already responsible to a greater or lesser degree. However, our recycling rates certainly show that we are a long way from being exemplars of good behaviour. We can and should do more, both for liquid waste and hopefully in time for our solid waste streams. When we have been talking to visitors, several of them have said that they would prefer to see positive incentives influencing their behaviour rather than charges. I have to say that I find this a little frustrating. As there are currently no specific charges for liquid waste, other than the septic tank emptying, you could say that businesses using and getting waste disposal services are getting them for free. Therefore, any incentive will effectively involve paying them to adopt better behaviour, either through grants or the provision of additional services. I just do not see that there is any logic to this. Increasing the cost of our waste services when we are trying to find funds for our priority areas, such as health and education, is just not viable. However, user pays charges can act as an incentive. Members will know from their own experience that the more something costs the more carefully you think about the purchase. That said, we do recognise that non-household waste charges are something new for Jersey. We do intend to help non-householders do what they can to reduce the charge by reducing

their water consumption. Water is a valuable commodity and will continue to be so. We only have something like 120 days water capacity on the Island and with a growing population that is going to become scarcer. Consultation has come up throughout the last few weeks in this matter, in particular the Green Paper and White Paper consultation. Can I remind Members what D.f.I. was tasked to do by this Assembly? The parameters of what we could do were very clear. We could not go out and consult on the decision of whether or not to bring user pays charges in or not. That decision had already been made. We were tasked with developing a waste charge for non-householder user pays based on the cost of the service provided. The customer base, the overall income and the basis for charging were all decided upon last September. I refer Members to the 3 pages and showing them the timetable of stakeholder engagements that we have carried out since the publicity mentioned user pays charges that were included in the electronic pack sent to Members last week. Three full pages of engagements that we have carried out with stakeholders and with the public. What were the alternatives to this charge? Our priority areas of health and education needed extra money. It had to be found from somewhere. We could have put up taxes. We could have put up G.S.T. (Goods and Services Tax). We could have cut our cloth even tighter and made even more savings. My own department has already made some 23 per cent savings and we have shed over 20 per cent of our workforce. It does not make sense to carry out such savings in our growth areas of health and education. So, neither additional taxes nor additional savings would have been welcome, particularly by middle-Jersey, who would have been hit again by any tax increases. These user pays charges are the least worst option and a fairer option for middle-Jersey. We have put a lot of work into establishing the cost of the service and we have minimised this cost through our efficiency savings. We have also put a lot of work into establishing who our customers are. The charge has been established using this information and by comparing it with charges elsewhere we can see that our proposals are reasonable. We have been engaging prospective customers and the public. We have made plans for implementation. We are as ready as can be. We just need Members to vote in favour of enacting Article 4 of the Draft Drainage Law 2005 to enable by order to prescribe user pays fees and charges as proposed. To vote against what we are planning to do is, again, a situation where middle-Jersey will continue to suffer. We will continue to be subsidising business users, who are not necessarily paying their fair share of the costs. Indeed some will not be paying anything towards direct costs of their waste disposal. That is simply not fair. I encourage Members to support this. Thank you.

The Bailiff:

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

Deputy J.A.N. Le Fondré:

Sir, can I just declare I own a building which also has a restaurant café in the west of the Island, but there is no direct financial interest and obviously this is a wider interest anyway, so I will be speaking at some point probably and exercise my right to vote.

Senator L.J. Farnham:

I might just take the opportunity to declare a general interest as well, as a director of a hotel. Thank you.

Senator S.C. Ferguson:

I am a director of a hotel too, Sir.

The Deputy of Trinity:

I am a shareholder, Sir.

Deputy M. Tadier:

Sir, just a point of order, is being an owner of a hotel an interest, but shared by a wide variety? Or is it something that needs to be declared, but one does not need to excuse oneself?

The Bailiff:

Deputy, let me just review again the Standing Order. My immediate reaction is that the Standing Order is slightly uncomfortably drafted, but just as all Members probably have an interest in G.S.T. it does not prevent a vote. I rather think the same must apply here. Let me just look at the Standing Order. I do not regard management interest that has been declared by Members so far as being immediate or personal. It is not as being direct in the sense of immediate or personal to the person concerned in relation to this proposition. The proposition merely brings into force a power, which is conferred by Article 4 ... conferred by the Article now on the Minister to make orders. So from those 2 perspectives; one, it is of general application and therefore, to be likened to a G.S.T. or an income tax vote. But secondly, in any event, this particular Appointed Day Act does not bring any charges in at all.

The Connétable of Grouville:

Could I just point out that it affects all businesses, not just those in the hospitality industry and that would probably mean it will affect many people in here?

The Bailiff:

Thank you, Connétable. That is why I think it is to be treated in the same way as G.S.T. or income tax. Now, Deputy of St. Mary? Sorry, just one moment? Yes, it was seconded, thank you. Deputy of St. Mary?

The Deputy of St. Mary:

Does it mean that any business shareholder should declare an interest?

The Bailiff:

They should theoretically declare an interest.

The Deputy of St. Mary:

May I declare an interest as a shareholder in a business.

The Bailiff:

May I ask all Members who have an interest to let the Greffier have a note of it and it will be published by the Greffier, somehow or other, in ways that the Greffier manage these things. In the minutes, thank you.

Deputy M. Tadier:

Is it not important that it is registered for the public to know? I mean, there are people listening and watching possibly online and I think they need to know who has an interest in ...

The Bailiff:

Well, theoretically that is right, Deputy. I was looking to find a more convenient way forward but you are right; under Standing Orders so we will take it now one by one. All Members who have an interest to declare, please do so? Connétable Grouville, I see you are about to move?

The Connétable of Grouville:

Yes, Sir, I have a small business.

Deputy G.J. Truscott:

Likewise, Sir.

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

I have a farm and I have a Parish Hall.

The Bailiff:

So Connétable of Grouville, Deputy Truscott, Deputy Rondel, Connétable of St. Saviour, Senator Maclean, Senator Routier, Senator Farnham we have had. Senator Ferguson we have had. Deputy Andrew Lewis, Deputy of St. Martin, Deputy Le Fondré.

[16:45]

Deputy of Trinity we have had. It would be easier to ask who has not got an interest really.
[Laughter]

Deputy M. Tadier:

I do not think we do in the Reform Party.

Deputy E.J. Noel:

Neither does the Minister, Sir.

The Bailiff:

Very well, I think we have now dealt with that. Deputy of St. Mary, thank you?

7.1.1 The Deputy of St. Mary:

Members who have received a copy of the Environment, Housing and Infrastructure Scrutiny Panel's review as to liquid waste charges for non-households, will have noted that among its recommendations of those, that the introduction of proposed charges be delayed to enable an open consultation to take place, and until such time as the recommendations within the panel's report have been thoroughly considered and addressed. With a view to putting the report into some form of context, I refer to an article in last Friday's *J.E.P.*, where in response to a question as to whether this debate will be postponed, Deputy Noel is reported as saying: "We are considering it. I am looking at the report. I am going through it and we will issue a response." He then added, according to the *J.E.P.*, that he was particularly happy to see that all 4 panel members now appear to support the rationale for introducing the charge, despite having voted against it in principle decision during last year's debate on the M.T.F.P. My own position is that in relation to the proposed charges, I have always supported the polluter pays principle, which is mentioned in the panel's findings. It is a fundamental tenet that underpins environmental policy in many jurisdictions across the world. What I was not prepared to do at the time of the M.T.F.P. debate, was to vote in favour of a proposition, approving that principle, when there were insufficient details as to the actual implementation of such charge; a matter which the panel had raised at the time. Taking the in principle decision within the M.T.F.P. debate has had a major impact on the course of discussion relating to these charges. Had that in principle proposal been the subject of a stand alone proposition then it would have been viewed as having environmental considerations at its heart. As such, I consider it would have had raw support from the community as well as States Members. However, given the form it took, it has been viewed in some quarters as little more than an exercise to raise £3.85 million from non-householders with little thought to environmental impact and this in turn has led to a divergence of opinion as to the level of consultation required, and to which the Minister has just referred. For his part, the Minister is of the view that as a result of the M.T.F.P. debate, the States have already charged him with the responsibility for raising that sum of £3.85 million to meet the amount being taken from his budget and as such, no real consultation was required. Stakeholders, such as the Chamber of Commerce and the hospitality

sector, not surprisingly, took a different view, complaining that without full consultation, they were unable to properly prepare their costing structures, which they are required to do a year in advance. It is also to be noted here that the department's calculations as to the impact on hotels and other businesses is not universally accepted. In this respect, the panel's finding reflecting that of their expert adviser is that; and I quote from the adviser's own report: "Good practice in the U.K. and Ireland suggest that a formal document combining all of the principles is consulted upon and then adopted, before progressing to the design of a charge for the scheme." This has not occurred in Jersey. It is appreciated, as the Minister again has said, that following certain representations made by the hospitality sector the Minister has already agreed to defer implementation of the full charge for a year, charging only 50 per cent for the first year. But the panel maintains its recommendation that introduction of the charges is delayed to enable an open consultation to take place. This lack of consultation is but one of the panel's findings, but before I touch on this in any great detail, perhaps I could refer to the earlier debate we have just had. Comments were made as to uncertainty in the law, definitions within the report and the need for this to be a legislative assembly. They are very valid and I think they apply much more to this proposition than the one raised by the Home Affairs Minister. As to those recommendations, Members were relieved to know they do not intend to comment on them all individually. However, they do cover such areas as absence of definitions in the primary law. I refer particularly to the word "household" and "non-household", the distinction of which is not made in the present law. I am aware that many Members are concerned that as and when, or if and when, this proposition is approved, it will not be too long before a further proposition is lodged to charge such charges against households. It is therefore, imperative that this distinction is made at an early stage. I am aware that in this regard, the Minister has lodged another proposition; P.57 States approval for household liquid or solid waste charges prior to implementation, which would prevent any household charges to be made without full States blessing. However, that proposition is not due to be heard until September and while I am not suggesting that the Minister would do anything other than honour that, it does, I think, show an element of, not short-sightedness, but suck and see as we go along.

Deputy E.J. Noel:

A point of clarification if I may, if the speaker would give way?

The Deputy of St. Mary:

Yes, I give way, Sir.

Deputy E.J. Noel:

Does the Deputy concur that I did at the last States sitting attempt to bring forward that proposition so it could be debated today and so these 2 propositions could be taken together?

The Deputy of St. Mary:

I do accept the Minister's explanation, but again, it would have been helpful if it had been raised and dealt with at the same time as the original proposition had been lodged.

The Bailiff:

Minister, you will have a right of reply and then...

The Deputy of St. Mary:

As I say, the panel's report contains several other recommendations. I mentioned the definition in the primary law of "household", the current absence of an accurate database and the fact that our expert advisers here suggest that some recalculation of costs is necessary, which is as a point taken up by the stakeholders themselves. There is also the point about the lack of appeals procedure for those customers who are not subject to the standard charge. I understand, and the Minister has well

explained what the standard charge will amount to, but apart from those there are a number of businesses which will have to have a separate bespoke audit as to their liability. That stage has not yet been reached. They do not know what they are going to be charged and nor, unlike the Minister for Home Affairs' proposition, is there any appeals process or guidance notes contained in the law as to what that might be. That uncertainty, I suggest is not something which the Assembly should tolerate. The Minister has again submitted his own responses to our findings, which I thank him, its conclusions being that certain recommendations are unnecessary; I am sure he will go back to that later. However, I repeat, that as matters stand, there is a strong element of uncertainty in a number of areas and while it may be that steps are in train in certain instances, it will be helpful to all concerned if the proposition be deferred until all such matters have been resolved. I do emphasise that I am considering here, only a deferral and not abandonment of the proposition. It is perhaps also pertinent to say at this stage, that our liquid waste review is but part one of our work on this matter. The M.T.F.P. covered not only liquid waste, but the solid waste charges and we are committed to undertaking that and in fact have already taken certain action regarding that. Finally, it is perhaps ... well I have said, we are already on course to commence our Scrutiny exercise with the liquid waste and we will revert in due course. For the moment though, I may perhaps take the opportunity to thank the other members of my panel, our expert advisers and not least, our Scrutiny Officer for the work they have carried out in preparing this review and I commend it to the Assembly, and again repeat my request; urge that they do not approve it at this stage because there is much more work to be done. Thank you.

The Bailiff:

Deputy, I am not clear whether you are putting a formal proposition forward, and if so, exactly what sort of proposition it is. Are you proposing there should be a suspension of the debate for the purposes of further scrutiny? Or that there should be a suspension for some other purpose? I am simply not clear what you are proposing.

The Deputy of St. Mary:

I would prefer the Minister to have withdrawn the proposal at the moment. I do not think this is going to achieve anything. We have carried out our review.

The Bailiff:

I see; it is not a proposition, it is just an invitation to the Minister to withdraw it for the time being?

The Deputy of St. Mary:

Yes, Sir.

The Bailiff:

I see. Thank you. Does any other Member wish to speak?

Deputy M. Tadier:

I did have a point of order to raise just for my own clarity and it is to do with Standing Order 85, which talks about moving on to the next item. I am not proposing this incidentally, but it may be something that Members wish to consider during the course of the debate if they agree with the findings of our Scrutiny Panel that are, on the balance of probability, that it should be deferred. I am wondering whether that is an appropriate mechanism to use and what the test is in particular, for you, Sir, judging whether it is a right of ... an abuse of procedure and an infringement of the rights of the minority. Is there a minimum number of people that need to speak, for example?

The Bailiff:

The usual practice, Deputy, as I recall it, is the Standing Order is not one that has been invoked for some time. That is there should be at least 10 Members who speak before a vote is proposed. Deputy Le Fondré?

7.1.2 Deputy J.A.N. Le Fondré:

I was waiting, but I suppose I should go. Right, well I urge ... I really arise to simply endorse the comments of the Deputy of St. Mary in terms of asking Members to at present reject this proposition, and I would say, wholeheartedly. I probably will pick up from some comments from the Scrutiny report and I will probably be focusing on hospitality. But as the point has already been made, this affects obviously every business in the Island and what I will call traditionally strongly supported industries of agriculture and tourism but it is everybody. It can cover charities. As a starting point, I would like to speak in support of the tourism and hospitality industry and I urge the wholesale rejection of this new tax which is, in my view, both unloved and unwanted. I will work through, but it is clear from the comments that the Minister has made in the past that this is a tax and it is a general revenue raising measure. In fact, Scrutiny have suggested, and apologies for pauses here, but in 2.2 of their report, they said: "The argument for charging for liquid waste will ensure transparent and justifiable use of public resources" is weakened by the fact that the charges will be used primarily to fund growth in States expenditure. The Minister has made it very clear in his view it is a tax. Yet it is also a tax that, if one looks at the manpower implications, it is going to generate increased administration and manpower costs. So it is yet another attempt by the Council of Ministers to bring additional tax increases effectively under the radar, and I would argue inefficiently. I would also point out to Members that while this is about commercial or non-household charges or taxation, the Minister has made it very clear in the past that he thinks it should be applied to householders themselves, the domestic users, and despite the merits or not, I think of P.57, once this Appointed Day Act is approved, domestic charges will come. Then it comes down to, I start from a principle that as far as I am concerned as a taxpayer, taxes are for your services and there is nothing much more basic a service than the treatment of liquid waste. In mentioning that, I will also remind Members as it has already been alluded to that solid waste charges are also coming and I will talk about the impact to the hospitality as a whole shortly. But with the impact with the numbers we have in front of us at this stage, the ones produced by the Department for Infrastructure, are purely on liquid waste.

[17:00]

They do not take account of the future charges of solid waste and the combined impact as far as they are concerned on their businesses and on tourism. I am going to start with a quote from page 11 of the report on the proposition which states: "That as tourists, visitors and travellers have their waste disposed of through business, they too are being subsidised by Jersey taxpayers." It is interesting there is reference further on about centralised taxation. It is interesting that the Deputy as an accountant has identified income tax as the bit that he claims that the businesses will not be paying, although of course they are local businesses. They will be paying income tax themselves as the owners of that business and the only way they can get the money out to themselves will be receipt of the profits and they will be taxed on those profits. However, it does ignore a somewhat larger elephant in the room which I am disappointed that Deputy Noel, as former Assistant Minister for Treasury and Resources has forgotten, which is G.S.T. G.S.T., I believe, from the hospitality sector raises about £11 million a year, I understand. Therefore, I would submit that within that amount, and this was the whole point of bringing in a Goods and Services Tax, that people coming into the Island contributed to the services they were going to use. This then goes back to the point; they are already contributing. They are not being subsidised by the Jersey taxpayer because they are themselves paying local tax. Members may recall I did try and bring an amendment which would allow local businesses to have a credit for this charge and non-tax paying businesses here

would have been required to contribute. For me, that was a reasonable compromise but the Council of Ministers and this Minister did not want that. I am sorry, my notes are, having with Deputy Lewis returned on the plane today ... my speech is written in my handwriting which as people will know is sometimes difficult to follow. But what I would also state is that the lack of clarity around what is a small business to me is a bit of a concern. They are the bedrock of industry everywhere. Just for example, if one was to use a small business using the U.K. definition, that would probably apply to every business locally. So there is a lack of clarity in that kind of area. At an extreme end of the argument, and probably not valid but I will float it as a lack of clarity, we as States Members are defined as self-employed. If we are operating from our houses, would we be therefore classified as a business? Just to be clear before Deputy Noel leaps up on to his feet, I am sure that is not the intention but that is the type of anomaly we do not know. But I thought that would illustrate the potential pitfalls out there. I think it is probably a red herring but think about it. What is a non-household for these purposes? I would like to quote from the advisers on the Scrutiny report. I will just find the relevant page. Again, the point was made by Scrutiny that at the time ... in fact again the Minister referred to this in his speech, and basically he was trying to say this is a direction from the Assembly, that he has to charge this, his hands are tied. But, of course, we obviously obliged him to include it in the M.T.F.P. because it was not an amendment. But at the time of the M.T.F.P. addition: "The Minister for Infrastructure assured the panel that a full consultation will be undertaken on the details of the proposed changes once the interests in principle decision had been taken by the States." But to quote the advisers, and again these are the independent advisers that Scrutiny always uses: "It is our view that inadequate consultation has taken place." It makes some comments but then it carries on: "However, the end result is that the type and extent of the consultation is not consistent with normal practice. The spirit of the consultation code of practice appears to have been breached. The impact of these should not be understated. Without stakeholder support or acceptance of the charge there is a real danger that its effectiveness might be compromised." Just moving forward, one of the other advisers picks up: "It is possible that those in the sectors most affected by the liquid waste charge... and there might be some loss of employment as businesses try and cut other costs or perhaps cease to trade altogether. The hospitality industry have indicated that these are possibilities in their sector and the distribution analysis also suggests that the liquid waste charge as a percentage of G.V.A. and per employee in this sector is relatively high." That to me does not bode well for an industry that really we are starting to see - I think which is great news - some green shoots. Equally the panel and the Minister talked about an average. I think it is for hospitality, 37p per room per night. He has confirmed that is an average rate and as we all know, averages can disguise a whole multitude of sins. But certainly as far as both the Scrutiny advisers and the industry are concerned, there is a risk, and the quote from the Scrutiny report is that medium-sized hotels will have to charge substantially more than 37p per night. So the industry themselves are expressing great concerns that the calculations that have been done are not indicative of their own personal situations. I will give one example. The Minister may turn around and say it is wrong but this is an example that was put to me by a conversation last week, I think, which is essentially that this is meant to be about a waste charge - in other words what goes down the drain - and the analogy they are using is that obviously it is then 90 per cent of the water going in. But the query that has been raised is: is it borehole water or is it metered water? The indication from the hotelier that rang me up, or the member of the tourism industry rather, was that the calculation had only been done on metered and because in their particular circumstances they had significant borehole water coming in, which is still going down the plughole, that their charges would be significantly higher. Even if that is not the case now, why would it not be in the future because it is still going down and this is a waste charge. So again, it is suggesting, and that is a comment from both the Scrutiny report and anecdotally, and I will rely on the Scrutiny report because that is their opinion, that the analysis may well be flawed. This is a relatively minor comment but it was also: what is one trying to achieve? Because there are some

theories about waste charges. Then the Minister has brought in water conservation and one of his examples is about reducing landscape water use, about replanting, not watering or having green lawns and this type of stuff. But is not the point there that most people are already metered? Was it not the whole intention of metering to already address water-efficiency measures? This, as far as I am aware, has nothing to do with what we are debating here. We are dealing with a waste charge and the Minister wants us to reduce waste. I think what the Minister may also be finding from the audits, as I understand it, particularly in the hotels, many of them have already gone down to water saving measures. In other words, they do not consider that they have much scope to further reduce their water usage. They have already put on the right sort of taps. They have already done the various measures that you can do to reduce the water. They do not think there is much more scope to do so. As I said, I have referred to the issue that we may or may not have forgotten that solid waste charges will be coming through. Again, going back to the Scrutiny report, we have already talked about that this is primarily being used to fund States growth in expenditure. I am just flicking through. The economic impact, the conclusion from Scrutiny, is that the hospitality industry will be the sector impacted the most by the proposed liquid charges and that there is concern among those who operate within the hospitality and tourism sector that the new charges could hinder any further improvements in visitor numbers. Part of that is that they are not entirely convinced. They consider they already absorb some of the G.S.T. or a lot of the G.S.T. they already pay. Are they able to absorb these? To some of these, £1 a night on a room rate is a significant change. Depending on what we are talking about here, this is a 40 per cent increase on that, if not more, in other words, 37p on £1. The other issue I think I do point out further into the detail of the report is for a small number of trade effluent customers, there was a suggestion, it says: "The annual liquid waste bill for one customer could amount to approximately £200,000." So it is not all about a £50 standing charge. For some businesses this will be significant numbers. If one looks at the calculations, for example, I think they said, I cannot remember if it was a medium or a large hotel, it is £40,000 on D.f.I.'s own calculations. The industry thinks those calculations are too low. One other thing, and I do not know if you have seen the news article again today, but there is an inference in the report that yet again this is a charge that we are imposing on private sector that we are exempting ourselves from. If one looks on page 19 of the proposition, yes, it says that where there are direct analogies to the States provision in the private sector, those areas of the States will not be given additional budgets. That means where there is no direct comparison and there is a lack of clarity as to how that is prepared and there is provision in here that essentially from the money that is collected, the departments that are being charged will get a refund. Education, non-fee paying, is one of them. Does that extend, for example, using the article today, for example, of the private sector nursery education entities because if a nursery school, a States-owned nursery school - and Deputy Noel is nodding here - if they are going to get a refund and the private sector is not, so the Minister can answer that one. But there are some very serious issues about lack of comparability. But in any event, if a number of departments are being refunded, yet again they will not feel the impact of this at all whereas the private sector will have to find the money. The amount that I think was being talked about if I have understood the numbers correctly is around £600,000.

[17:15]

So to go back to tourism. At a time when tourism is just starting to show some green shoots, we have had the wonderful news from Senator Farnham about the sporting event that is going to take place in September of this year which is brilliant news for the Island. At a time when the new Visit Jersey started to gain traction, one or 2 days within the Minister for Economic Development's very welcome comments, is this really the right measure to be bringing in? This will impact on local businesses. It may cause some to shut down and in certain instances it is not just about the money; it is the message that we are sending out as to whether we support in this instance tourism. It could

equally apply to agriculture. What about the hassle factor? There are some businesses over here who are trying to keep it going because it is the family tradition but from a monetary point of view, they do better, for example in hospitality, by non-hospitality income which is a lot easier and it is off Island. It would be very easy for them to accept the offer from whichever developer it is just to take the money and turn another hotel or another restaurant or something into another set of apartments. Deputy Pinel may be delighted because ultimately that would sort out the housing problem, but from a tourism point of a view and the offer that this Island puts, that would not be a good message. So it is not just about how much one can squeeze them. Some of them think they have been squeezed too much already and from a hospitality point of view, what message do we send out in terms of support? That is bearing in mind it is on an Island that already has a high cost of doing business here anyway. So what is for me an unloved and unwanted measure may well prove to be the breaking point for some and I really think we should be demonstrating our support for the tourism industry and we should be rejecting this proposition. Thank you.

7.1.3 Deputy S.Y. Mézec:

I think it is quite helpful to be having this debate in the aftermath of the previous debate on the proposition from the Minister for Home Affairs because this is all about new charges. Charges which did not exist previously and which now will exist and this is something that we have seen lots of times throughout the course of this Assembly, whether it has been charging user pays for police services, whether it is now charging for places in nursery that we were not charging for previously, and the health charge which, of course, was rejected by this Assembly. This is, I think, symptomatic of a problem which I think things like this infographic we have been given helps admit to us which is that ultimately Jersey's current tax system is not doing what it is meant to do anymore. The fact is we are not raising the revenue that we want to have so that we can provide decent public services, not just to ordinary residents of the Island but to the businesses that benefit from having services here. We also I think now quite clearly feel that those who do contribute in tax are not contributing in the proportions that democratically we might think would be appropriate. This infographic helps show this to us because it has the employee's home, the hotelier's home, and shows 20 per cent income tax and they get household waste service as a result of that, and then next to it there is a hotel, a business, which has 0 per cent income tax yet it is producing significantly more waste which they will benefit from the service that the States provide there. I have sympathy with what the Minister is doing here because I think that on a point of principle it is right that businesses which are benefiting from public services should contribute in some form there. My problem here is that I do not think this proposal is the right way of doing it and I think the suggestion that has been made from the Scrutiny Panel to delay this, to give it some more thought, is an eminently sensible one. I think it is a real shame that the Minister has not volunteered to do that because I think you would be able then to proceed with more consensus and address some of the concerns which have been put to us by those who run the businesses that will be affected by this. I think there is some philosophical inconsistencies in what has been presented to us with this infographic because if you look on the employee's home, hotelier's home, if you go down it has only one picture of a toilet beneath each of them to show that they do not produce as much waste as a big hotel. It says above it: "20 per cent income tax." Of course, that is not true. The vast majority of households will not be paying 20 per cent income tax. They will be paying less than that. The proportion of tax that they pay has nothing to do with how much they benefit from public services. Sick people do not pay more tax because they benefit from the health service more than healthy people do. It does not work like that. The way people are charged tax is not based on how much they benefit from those services. They are charged tax on the basis of their ability to pay. Those with the broader shoulders carry more of the burden is the principle that we apply to our income tax structure because we, I hope, believe it is a moral way of asking people to contribute to public finances, to deliver public services, but also because it is practically a good system. It works

well because you can use things like allowances to provide help to people in different individual circumstances. What I dislike about user pays is that it does not work on those same philosophical principles and it is, in my view, regressive. So it says here the hotel will not pay income tax but, of course, the services that they provide to customers will have G.S.T. charged on it. So to say that there is no contribution coming out from them I do not think is right. It may well be the case that a particular business, hotel or restaurant is producing a large amount of liquid waste which they will be charged proportionally for on the basis of how much waste they produce. It will not necessarily be done along the lines of how profitable that business is and its ability to pay. I have a problem with that because I believe that businesses that are struggling, businesses that do not make much profit or perhaps are start-ups in their early stages of getting on their feet, I think a progressive model that taxes them on the basis of the proportion of profits they are making rather than their benefits to a particular service that is provided to them is a better way of supporting businesses and supporting economic growth as well as getting the income that the States needs to provide the services that those businesses and the wider public benefit from. Those points about businesses contributing is a point that every single business person that I have spoken to accepts. I have not met any business people who want a free ride. I have not met any that say: "No, we just do not want to contribute anything. We want all the benefit of the services that the States provide but we do not want to pay a penny in contribution." I have not met any business people that think that way and in the run-up to this debate I met with and spoke to members of the Jersey Hospitality Association who said very clearly: "We accept that businesses have a social responsibility to contribute into the pot that provides the services that they benefit from." I just realised that was a pun as well. I definitely did not intend that one. It might take a few seconds to get. But every business person I have spoken to accepts they have a social responsibility to contribute and are happy to talk about ways which they can do that. Several problems that have been outlined to me here, and the Minister may feel that some of these criticisms are unfair and he will have opportunity to explain why, but of those that I spoke to they felt like there were lots of businesses who could afford to pay more but who will not be asked to pay a larger amount compared to some businesses that will struggle a lot more with this charge than others would, who will not be given an allowance to help them get through it, and they felt like the communication to those businesses of how much they will be charged for this was not good. I attended the briefing at the Société, which I found very helpful, and they showed us a chart that gave examples of specific businesses. They obviously had their names removed, but specific businesses and next to it how much they would be charged. The people I spoke to did not think that had been communicated and many businesses were still in the dark over how much they would be paying. I think to delay this proposition on that grounds alone would be good because then it provides the Government with an opportunity to go out and speak to those businesses and say to them: "Okay, you were not quite sure about how much this was going to financially affect you before. Let us help you and tell you how much it will." Maybe you would have businesses change their mind at that point and say: "Well, that is not as much as we thought." Or maybe you would find businesses that would say: "No, this is too much. We will not be able to afford that. How about we propose this suggestion that would help us deal with it?" and it provides the Government with the opportunity to have that discussion. But the biggest worry that they explained to me is the slippery slope argument. It is that we are introducing a new charge on the basis of the rates that the Minister says he will initially pursue. But what is to stop them changing at some point in the future? We saw G.S.T. introduced at 3 per cent and it did not take very long for it for then to hit 5 per cent after that. We have seen good income forecasts recently which have affected the Government's plans on some of these issues in the short term. What happens when we have a bad year? What happens when we have a year where income forecasts are nowhere near as good as we would hope or need to be able to fund our services? What happens then? Does the Government then go to look at the charges they introduced and say: "We are going to increase them even further than we initially wanted to do." That is a serious worry for these

businesses. Some of them may well be able to afford this in the short term but in future years if it goes up, up and up, that will affect those business's viability and the more businesses we have struggling, not able to create the jobs, pay people properly, and contribute to economic growth, we all suffer as a result from that. So I want to echo what the Scrutiny Panel have said and ask the Minister to withdraw this proposition today, go back and consult with these people, find out what their concerns are, see what he can do to address those concerns. All of the ones that I have spoken to do not feel like this has happened appropriately up until this point and they do not believe that the alternatives have been examined properly. None of them have their heads buried in the sand on this. They all accept that there are difficult times ahead and that they want to play their part in being part of the solution not part of the problem to that. But the process that there has been so far has not I think recognised that fact, and I would like to add my voice to those asking the Minister to withdraw this, bring it back once it has been gone through, through a bit more and hopefully we will have a more constructive way forward as a result of that. In the absence of that decision, I therefore have to vote against it because I do not think this is the right way forward now. I do not like that I have to vote against it because I do like some of the underlying principles behind this, which is about saying to businesses that are not paying corporation tax right now that there be another method of them contributing. I support that principle but what I do not want to do is introduce a tax that has not been thought out very well. It is going to negatively affect those businesses which we will all suffer as a result from that, and I would prefer a much more sensible way forward that asks businesses to contribute proportionately compared to what they are capable of paying and not the arbitrary basis that the Minister has come up with. I think we can do much better than that. So I ask him to either withdraw it or I ask other Members to vote against it and force him to go back to the drawing board.

Senator P. F. Routier:

Can I propose the adjournment now?

The Bailiff:

Adjournment proposed. The States will now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:27]