

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 21st FEBRUARY 2012

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

[09:30]

QUESTIONS

1. Written Questions

1.1 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PROVISION OF PUBLIC TRANSPORT AND ‘HOPPA’-STYLE SERVICES FROM THE BELVEDERE 9 OLD JERSEY DAIRY) AND CHASSE BRUNET SITES:

Question

Would the Minister give details of the conditions, if any, agreed by the developer of the Belvedere (Old Jersey Dairy) and Chasse Brunet sites in respect of the provision of public transport and ‘Hoppa’-style services from the sites and state when the consultation as agreed in P.156/2011 (as amended) will be commencing?

Answer

The following conditions exist or are being progressed with the developer in relation to the following two planning applications:

Application RP/2010/1116

Jersey Milk Marketing Board and Field 530A, Princes Tower Road, St Saviour

Condition 2 of the issued permit states:

- The Developer is to design, seek planning approval, procure and install 2 bus shelters on La Grande Route de St Martin and Bagatelle Rd at bus stops to be agreed with Transport and Technical Services Highways (TTS). The bus shelters shall be provided prior to first occupancy of the development.
- The Developer is to design and build a road side footpath along the southern edge of Princes Tower Rd, between a point immediately to the north west of the Jersey Dairy site to a point immediately to the south east of the zebra crossing on Prince's Tower Rd near the Five Oaks Roundabout. (A distance of approximately 146m and an area of footpath of approximately 210m² including vehicle crossings). The design and construction is to be carried out to a standard and by a consultant and contractor approved by TTS. TTS will provide the required Ministerial Approval once a design has been provided to enable a recommendation to be made to the Minister for TTS to approve the construction of the afore mentioned road side footpath.
- The footpath shall be constructed in accordance with the approved details and transferred to the public prior to first occupation, with the developer bearing all costs associated. - The Planning Obligation Agreement shall contain a negotiated financial sum to a minimum of £185,000 to include the provision of a hoppa bus and service charges/maintenance provision for a total of 2 years. The agreed financial sum will be in the form of a bond/guarantee and provided prior to first occupation of the development.
- The Developer shall appoint a Travel Plan Co-Ordinator to carry out all the actions listed in the Peter Brett Associates (PBa) Travel Plan dated 16/03/2010. The Travel Plan Co-ordinator will advise TTS of the progress of the Travel Plans every 6 months for a period of 5 years

from the date of occupation of 50% of the dwellings on the Development. On completion of the site, or at 50% occupation, the roles and responsibilities of the Travel Plan Co-Ordinator will be transferred from the of the Management Company for the Development.

A draft Planning Obligation is currently under negotiation and is not publically registered.

Application P/2010/1901

Field 516, 517 & 518, La Rue de Patier, St Saviour

The issued permit states:

In addition, the representations raised to the scheme have been assessed. Consideration has been given to the character of the area and the potential harm to the amenities of the neighbouring residents and on balance these issues were found not to be unreasonable, and the Minister has by conditions imposed upon this permission and a 'Planning Obligation Agreement' sought to control and mitigate any potentially unreasonable impacts.

The Planning Obligation Agreement was registered in the Royal Court on 17 November 2011 and the following were agreed with the developer:

- Erection of 2 bus shelters along with all required infrastructure and ancillary works to be carried out by TTS Minister on St Saviours Hill - locations to be agreed by both Environment & TTS Minister. - these should be in place no later than the date which any dwelling is first occupied
- New Bus Shelter Land Infrastructure Works with a financial contribution towards bus shelter facilities- these should be in place no later than the date which any dwelling is first occupied
- Travel Plan - Appointment of a travel plan co-ordinator - prior to more than 50% of the dwelling units being occupied
- Community Transport Service (2 Minibuses plus a financial contribution of £11,000 to start up the Management company to benefit residents at this development and that of Belvedere Five Oaks (former JMMB site) - no later than the date upon which 72% of the Private cottages are first occupied

In relation to the last part of the question, Transport and Technical Services (TTS) have confirmed the following:

TTS has recently selected its preferred tenderer for the new bus contract to commence in Jan 2013. A hoppa service for the town and its environs in accordance with P156/2011 will be prioritised as part of the second and final stage of the tender process to be carried out this year, and the process to develop an appropriate hoppa service will include consultation with the community in the proposed catchment area.

1.2 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE OPERATION OF THE ENERGY FROM WASTE PLANT AND THE ACCEPTANCE OF GUERNSEY WASTE:

Question

1. With regard to the Energy from Waste Plant (EfW) at La Collette would the Minister advise -
 - (i) whether it is now operating satisfactorily and, if not, why not;
 - (ii) whether flue emissions are now entirely within forecasted safety limits;
 - (iii) whether any waste from Guernsey has yet been brought to Jersey;
 - (iv) why it is now being suggested spare capacity could accommodate Guernsey's waste when the argument all along for a plant of this size was that it was necessary to allow for maintenance and outages;
 - (v) whether his department have made it clear to the Guernsey authorities that Jersey has made no decision whether or not to accept their waste.
2. Has the Department considered the feasibility of importing Guernsey's waste and, if so, would the Minister advise where it is proposed to unload, by what means it would be transported to the EfW, what arrangements, if any, have been discussed regarding ash disposal and how any dust or smell from the exercise would be avoided?

Answer

1.
 - (i) As with any complex piece of machinery, there are a number of areas that need to be optimised. TTS and the contractor have been fine tuning the process over the last few months aiming to ensure that the plant uses chemicals efficiently, minimises site electrical consumption and maximises the export of electricity to the JEC. There are contractual performance guarantees which the contractor has to demonstrate the plant can meet, so this fine tuning process is working towards ensuring that these are met.
 - (ii) The flue gas cleaning system is efficiently cleaning the flue gas from the process. The daily emission averages are below and in most cases significantly below the daily emission standard required under the plant's operating licence. All the emissions data is reported to the regulator, as required under the operating licence.
 - (iii) No waste has been brought from Guernsey to Jersey.
 - (iv) The capacity for any Energy from Waste facility needs to be calculated based on the predicted waste arising over the life of the plant (25 years). This shows spare capacity over the first years of operation. In addition the Department has noted a drop in the waste aligned to the economic conditions within the Island which will provide more spare capacity. Our waste model includes down time relating to plant maintenance and outages.
 - (v) Any decision to accept waste from the other Channel Islands will be made by the States Assembly as agreed in P.17 / 2010.
2. TTS working in conjunction with Guernsey are looking at the feasibility of the importation of waste. The key elements of the feasibility works includes:

- Costs / Income
- Capacity
- Environmental Regulation (shipping)
- Environmental Regulation Jersey
- Logistics of importation of waste
- Environmental benefits
- Ash solutions

No firm decisions have been made and all options are currently under consideration. Logistics options include roll on roll off from the Elizabeth Terminal and lift on lift off from Victoria quay. Ash options for Jersey are currently under development and this work will assist in finding the most appropriate solution for Guernsey residual ash. Dust and smell will need to be avoided for the importation to be successful, once on the plant the current controls for dust and smell abatement will be utilised for the Guernsey waste.

1.3 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE ST. AUBIN TREATED SEWAGE OUTFALL:

Question

Would the Minister advise, with regard to the St Aubin treated sewage outfall, whether it complies with environmental requirements by not reaching to low water level and whether any action has been taken by his department since this issue was discussed by the Public Services Committee twelve years ago?

Answer

The position of the outfall in St Aubin's Bay does comply with environmental requirements. The discharging effluent is fully disinfected by means of Ultra Violet Treatment (UV) ensuring the receiving waters are safe for recreational water users. I am aware that prior to the first UV plant installation in 1992 there was discussions as to whether the outfall should be extended or should a form of disinfection be introduced. The Public Services Department at the time made the environmental decision of installing UV disinfection facilities prior to the final effluent's discharge through the outfall – the first of its type in the British Isles. Since then, the sewage treatment works has been upgraded over the years in an attempt to serve the increasing population and meet the additional effluent quality requirements being imposed.

The Transport and Technical Services Department in conjunction with the Environment Department is currently in the process of developing the Liquid Waste Strategy for sewage treatment works and sewerage network to serve the needs of the Island over a twenty-year period. It is anticipated that the level of sewage treatment and the length of outfall will be investigated with a view to arriving at an optimum solution. Due consideration will be given to anticipated legislation and best practice.

1.4 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE PLANNED CESSATION OF OPEN-AIR COMPOSTING:

Question

Would the Minister update members on the planned cessation of open-air composting and the move to in-vessel operation and give the latest time-scale?

Would the Minister further advise of the present throughput tonnage, whether the end-product is selling satisfactorily and the approximate operational profit?

Answer

The Transport and Technical Services Department's (TTS) current position is that the green waste composting operation will remain open-air. This decision was reached after a detailed technical review of current best practice for industrial composting operations, discussions with the relevant regulators and the implementation of process improvements to abate odour nuisance from the site.

History

A Statutory Abatement Notice was served on the Minister for Transport and Technical Services in November 2007 to abate nuisance arising from the emission of odour from the Green waste collection and composting sites at La Collette. This abatement notice was subsequently put into abeyance in February 2008, on the understanding that site improvements would be carried out to demonstrate that odour release from the site had been reduced to acceptable levels.

At this time the Department was investigating the options for an in-vessel composting system. Following extensive searches there were no enclosed composting facilities identified that only composted commercial and public green waste. All were dealing with a mixture of organic waste including food.

Off-island site visits were carried out during 2008/2009, to review various enclosed compost site solutions and to inform whether this approach would be suitable locally.

The outcome of this review was that even fully-enclosed facilities employing Best Available Technology and with good site management practices had noticeable on-site and occasional off-site odour complaints. These could partially be attributed to the types of waste composted, but reception areas, air fans and bio-filters still have the potential to emit smells.

A review of the cost of such facilities suggested that a fully enclosed system of the type that offered the most suitable solution for Jersey - an enclosed tunnel system - would cost in excess of £7 million. This was in excess of £3 million more than the allocated capital budget.

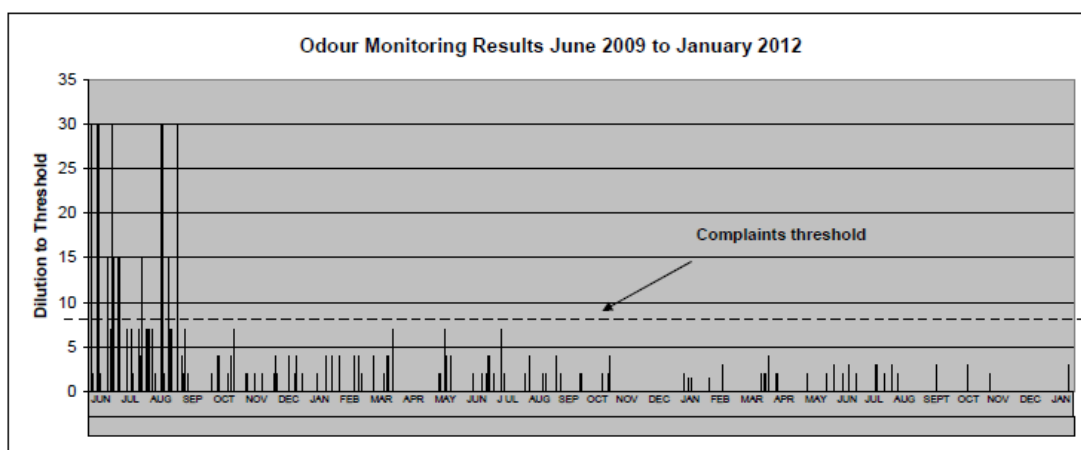
In parallel to this work the Department was implementing a comprehensive odour management programme on the existing site with notable success.

New measures included:

- closer monitoring of waste deliveries to identify and treat odorous loads
- closer concentration on blending loads during shredding to encourage a better carbon to nitrogen balance

- a change to ‘within 48 hours’ shredding of received green waste into windrows to prevent anaerobic conditions arising within the unshredded waste
- use of an excavator to turn the windrows enabling better mixing of material than can be achieved by a mechanical shovel
- a lowering of windrow height to a maximum of 2.5m and the reorientation of windrows from an east to west layout to a north to south layout, thus reducing the exposed surface area and odour potential
- better management of moisture addition to prevent pockets of anaerobic material from forming
- introduction of constant temperature monitoring using probes with three sensors to enable turning of the windrows at the optimal time i.e. when stabilisation of the compost has occurred.
- introduction of aeration of the leachate lagoon to prevent anaerobic activity
- clearance of accumulated materials in gullies and on aprons
- better management organisation of maintenance of key plant and recognition of the need for rapid repair maintenance regimes where standby equipment is unavailable

An odour monitoring regime was also set up to measure the success of the new controls. The data set (below) very clearly illustrates how the operation now runs within odour levels likely to cause public nuisance and as a result complaints have been reduced dramatically.



On the basis of this success a decision was taken to take further steps to upgrade the site infrastructure to follow leading practice in composting and odour management. These measures include:

- increased processing slab area to enable the shredding and screening to happen off the main composting slab. This will enable the maximum area for windrow turning to be available, preventing the risk of over height windrows which can be the cause of anaerobic odour generation.
- introduction of a straddle windrow turner. This will enable faster and more consistent turning of the composting material improving the efficiency and will also enable more consistent addition of moisture to the compost.
- Introduction of a covered screener or ‘star’ screen that will not issue as much odour during the screening process.

- Introduction of a 2.5 metre high perimeter bank around the site to minimise air flow off site.
- Introduction of a perimeter misting system and mobile misting units to reduce odour and bioaerosol emissions from site
- Improvements to the existing leachate lagoon to introduce multiple stages which will improve and make more efficient aeration and enable removal of potentially anaerobic silts.

This project is now all but complete with the new machinery due by the end of April and other features in the final commissioning stages.

TTS is of the view that with these robust measures in place, a well managed open-windrow composting operation is the best option going forward providing a cost effective solution for the type and quantity of organic material to be composted in the Island.

Compost Outputs

In 2011 the site received 12,776 tonnes of waste.

Due to the variability of moisture content in compost products the output is measured in litres. There are 3 key products leaving the site: 40mm ‘Agricompost’ which goes to agricultural land, 10mm ‘Soil Improver’ and ‘Landscape Mulch’ both sold in bags and loose.

Summary of compost outputs and sales 2011:

<i>Output</i>	<i>litres</i>	<i>Sales Income</i>
Agricompost	12,450,000	-
Soil Improver	4,677,000	£87,700
Soil Improver (small bags) ¹	40,760	£2,664.90
Landscape Mulch	100,000	£2,300
¹ only re-launched in September 2011		

Typical annual costs for the site are £700,000 so there is no operational profit. The site is run as a public waste management service and provides the benefits of recycling, on-island, approximately 12% of the total non-inert waste stream and returning valuable nutrients back to Jersey soils.

Compost sales is not the primary objective for the Department. The key is maintaining a viable outlet for the compost generated on the site which is primarily to agricultural land. Nonetheless with a limited marketing resource, significant sales of the popular Soil Improver are achieved each year.

1.5 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR HOME AFFAIRS REGARDING RECENT STATES OF JERSEY POLICE ACTIVITIES AT THE GERMAN CONSUL’S PROPERTY:

Question

Would the Minister inform members, with regard to recent States of Jersey Police activities at the German Consul's property, whether all aspects of the Vienna Convention on Consular Relations were adhered to?

Answer

It is not generally appropriate for me to comment in relation to an ongoing operational matter.

The Vienna Convention on Consular Relations is reflected in local legislation in the Privileges and Immunities (Diplomatic, Consular etc) (Jersey) Law 1998. The relevant section in relation to Honorary Consuls is Chapter III of the Vienna Convention, as set out in Schedule 2 of the Privileges and Immunities (Diplomatic, Consular etc) (Jersey) Law 1998. I am satisfied that the States of Jersey Police have acted in accordance with the relevant Schedule of the Law.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING COMPETITION IN THE POSTAL MARKET:

Question

In light of the view expressed by Jersey Competition Regulatory Authority in its latest review that competition in the postal market should be increased, "*we are firmly of the view that the liberalisation of the large letters segment of the bulk mail market should be allowed to proceed*" and its view that service levels from Jersey Post could be reduced "*JCRA is of the view that it would be open to Jersey Post to conclude that "reasonable access" to postal services could be provided to Jersey residents through a reduced number of post offices and post boxes.*"; will the Minister assure members that he will not permit significant reductions in the number of post offices and post boxes prior to full consultation with the public, businesses and the Connétables?

Answer

While it is a commercial matter for Jersey Post to consider what changes, if any, it would wish to make to its existing network, I am sure the Deputy's concerns about the need for appropriate consultation will be considered fully by Jersey Post's Board. Indeed, the recent changes announced by Jersey Post have come about as a result of an extensive island-wide survey, which they have announced will be repeated in December 2012.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE PRICE OF DOMESTIC HEATING OIL:

Question

What powers, if any, does the Minister have to act to bring down the price of domestic heating oil if the margin on Jersey prices continues to be inexplicable to the Jersey Competition Regulatory Authority following their proposed monitoring exercise and, if none, when will he consider what powers would be appropriate?

Answer

The JCRA report into the heating oil market is very welcome. The value of a report such as this is that it shines a light on this specific market, one in which a third of households in Jersey have a very direct interest.

The report notes that the price consumers pay in Jersey for heating oil is higher than appears to be justified by reference to the costs associated with providing the service. The JCRA has identified that the margin between UK and Jersey heating oil prices has increased over time and that this is a cause for concern. The JCRA has proposed that closer monitoring of Jersey heating oil prices, and the differential between UK and Jersey prices is the proportionate remedy at this time and that it intends to do so for the next year. I fully support this approach, and expect it will bring enough pressure to bear to ensure fair and competitive pricing by oil companies in the future.

However, as the JCRA also noted in its report, while direct regulation of the heating oil market is not an attractive option, (due to the complexities involved and the resources required), the alternative of allowing prices charged to Jersey consumers to increase without good reason is equally unattractive. Clearly, should the JCRA find from its on-going monitoring that the margins between UK and Jersey prices are not falling, then there will be a need to consider what further remedies may be necessary.

While currently there is no specific power available to me as Economic Development Minister to regulate heating oil prices, the JCRA may have certain powers available to it through its general enforcement of the Competition Law. However, whether such action is taken is an operational issue for the JCRA and it would be inappropriate for me to influence any steps it may wish to take. If the JCRA's monitoring identifies continuing concerns regarding the differential between UK and Jersey heating oil prices, then I would expect the JCRA to advise what steps it considers would need to be taken (including, possibly, more direct regulation) to address this.

1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REDUCTION IN THE NUMBER OF HOUSEHOLDS CLAIMING INCOME SUPPORT:

Question

Can the Minister explain the reasons for the reduction in the number of households claiming income support between 2008 and 2010 at a time of recession when the numbers who require assistance might be expected to be rising?

Is the reduction due to the impact of the removal of transition protection and, if so, will the Minister assure members that those households who have lost income support, or had their income support reduced, will not be suffering hardship and back this assurance with appropriate data?

Answer

The Departmental report and financial statements for 2010 identifies the number of Income Support beneficiaries as follows:

Date	Total Number of Income Support Claims, including protected payments
31 December 2008	8,362
31 December 2009	8,529

31 December 2010	7,617
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These totals relate to all types of Income Support claims including some individuals receiving assistance with residential care fees and households receiving protected payments with no underlying eligibility for Income Support.

The initial timetable for the withdrawal of protected payments would have created the first reduction in October 2008, with subsequent reductions each October thereafter. Following agreement with the Treasury and Resources Minister, it was decided to maintain protected payments at their initial level throughout the whole of 2008 and 2009. The first reduction was only made in October 2010.

As can be seen from the figures above there was an increase in the number of Income Support claimants during 2009 with a subsequent reduction in the total by the end of 2010. As the Deputy correctly suggests in his question, the reduction in the year-end figure for 2010 is principally driven by the reduction in protected payment levels from October 2010.

There has been growth in the underlying number of Income Support claims, and also growth in the level of support provided per household as a consequence of the poor economic climate and the contraction of employment opportunities.

Protected payments were provided at the start of Income Support to ensure that no household experienced a drop in benefit income as a consequence of the change in benefits. Protected payments were provided to households where the total benefit income received under the previous system exceeded the amount payable under the Income Support system. These households are in a better financial position than households who qualify for Income Support.

New claimants are only able to receive the Income Support rates.

Households receiving protected payments are being paid a higher level of benefit than those on Income Support. They have had the benefit of this higher rate of protected payments for an additional 24 months over and above the original timetable and there is no reason to suggest that these households are suffering financial hardship as a consequence of the phased removal of protected payments. However, that does not detract from the difficult situation that many local households face, at all income levels, as a consequence of the global downturn.

Many of these households are also now able to claim two new benefits introduced during this period.

As long as the household income is such that there is no Income Tax liability, they are now entitled to claim the Food Costs Bonus. The value of the Food Costs Bonus has risen substantially since its introduction in 2008 (at that time called the GST Bonus) as follows:

Year	GST Bonus	Replaced by Food Costs Bonus
2008	£ 50.00	
2009		£150.00

2010		£153.60
2011		£193.36

In addition from May this year pensioner households in this category will receive a Cold Weather Bonus, in respect of the temperatures experienced between January and April. In future, payments will be made twice a year in January and May. The value of the bonus depends on the temperature during the winter but the total payment is likely to be in the range £200 - £250 per annum, index linked to the fuel element of the Jersey Retail Price Index.

As I have already indicated, I will be publishing an Annual Report in respect of Income Support claims, in conjunction with the publication of the States Accounts later this year.

1.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE NUMBER OF PRESCRIPTIONS AND G.P. CONSULTATIONS:

Question

Further to the statistical information relating to the Health Insurance scheme set out in the Minister's Report & Financial Statements 2010 (R.122/2011) –

- i) will the Minister explain why there has been a 25% rise in the number of prescriptions issued over the period 2006 to 2010 given that there was only a 10% rise in the number of persons in the Health Insurance scheme during that same period;
- ii) was the 19% increase in the number of prescriptions between 2007 and 2008 due to the removal of prescription charges in 2008 and what has the cost of prescriptions been over the period 2008 -2010? Will the Minister now work with other Ministers to re-introduce a better focussed, means-tested, prescription scheme in the coming year?
- iii) does the Minister accept that the drop in the number of GP consultations from 393,000 to 344,000 from 2006 to 2010 reflects the fact that for many the cost of GP visits is now so high that many families are putting their health at risk by avoiding their doctor and, if not, how does he explain this trend and what measures does he plan to address the issue?

Answer

- (i) and (ii)

The general trend in modern prescribing practice shows a year on year increase in the number of items prescribed by General Practitioners .This trend is widespread and is not confined to Jersey. The table shows annual increases of 6%, 7% and 4% in the number of items prescribed during the years 2007, 2009 and 2010, compared to the previous year.

Year	2006	2007	2008	2009	2010
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Number of prescriptions	1,251,616	1,324,335	1,489,319	1,590,227	1,651,355
Increase compared to previous year		6%	12%	7%	4%

There are two changes specific to Jersey which led to an additional increase in the number of items prescribed during 2008.

Towards the end of 2007, a large number of items were added to the Health Insurance Fund list of approved items to allow access to more specialised medicines for patients who previously could only obtain their medication from the hospital. A course of treatment can now be initiated by a consultant and then continued by the patient's General Practitioner under a shared care agreement. This has led to an increase in the number of items prescribed and a transfer of cost from the Health and Social Services Department budget to the Health Insurance Fund.

In 2008, the prescription charge levied on patients was removed. In light of the trend mentioned above to prescribe an increasing number of items, a zero prescription charge ensures that those with chronic conditions are able to make full use of all appropriate medication. As has been experienced in other jurisdictions, the zero prescription charges have led to an overall increase in the number of prescription items.

The cost of pharmaceutical benefit is published each year within the Departmental Report and Accounts.

Year	Total cost of Pharmaceutical Benefit
2008	£15.379 M
2009	£16.485 M
2010	£16.703 M

The total cost is influenced by the number of items dispensed and the drug costs associated with those items. The high level of generic prescribing (i.e. prescribing without specifying a particular branded product) by General Practitioners in Jersey has helped to limit the inflation often associated with drug costs. As can be seen from this table, despite the increase in the number of items dispensed, the total cost has risen by less than 9% between 2008 and 2010.

My officers are already working with officers from the Health and Social Services Department on a project to draw up plans covering the way in which pharmacy services are provided in Jersey in the future and how they should be funded.

I am not prepared to consider reintroducing prescription charges without adequate protection for individuals with chronic health conditions.

(iii) The Deputy is right to draw attention to the anomalous General Practitioner visit figures reported on page 74 of the 2010 report and accounts. These are due to a transcription error in a final draft which led to some historic numbers being stated incorrectly in the published version.

I will circulate an addendum with the correct figures. I can reassure Members that the statistical information is provided as an appendix to the Report and Accounts and it does not form any part of the full audited Fund accounts, which are not affected.

The correct figures are as follows:

Year	Number of General Practitioner Visits
2006	346,465
2007	345,645
2008	346,782
2009	366,757
2010	344,054

They show small fluctuations from year to year with the highest value recorded in 2009 - almost definitely as a result of swine flu during that year. Visit numbers will always vary depending on a range of factors including the severity of the winter weather and the timing of outbreaks of common infections. Given these natural, seasonal variations, it is impossible to draw any firm conclusions from a difference of less than 1% between 2006 and 2010. In particular, there is no evidence to suggest that families are avoiding necessary visits to their General Practitioner.

1.10 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING ACTION TO PROMOTE THE RIGHT OF ISLANDERS TO WORK IN THE EUROPEAN UNION:

Question

Is the Chief Minister willing to re-open negotiations to promote the case of Islanders who have a stamp in their passport which denies them the automatic right to work in the European Union and, if not, why not?

Answer

Whilst sympathetic to the case of Islanders who are not entitled automatically to work in the European Union, seeking to re-open negotiations with the EU on the terms of our relationship is not

considered to be in the Island's best interests overall. It is worth remembering that the present position was an outcome of complex negotiations that were concluded in 1973 as part of the UK's accession to the European Economic Community. Any change in the present position would require a Treaty change and, even assuming that the EU would be prepared to consider a Treaty change which is most doubtful at this time, it is inevitable that this would lead to a call by the Member States for a general review of the existing relationship, which may not serve Jersey's best interests.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SUDDEN DEATH OF A FORMER PATIENT OF THE GENERAL HOSPITAL:

Question

Will the Minister inform members what resource implications, if any, have been raised following the sudden death of a patient who was discharged from hospital on a Sunday afternoon in August last year and whether any such implications have been fully discussed by the hospital management team and at ministerial level?

Will the Minister assure members that the decision to proceed with the CSR spending decision HSS-S5 on Pharmacy services in the Annual Business Plan 2011 played no part in this unfortunate incident and does she consider that the "*increased risk to the organisation*" highlighted in the risk analysis of this measure conducted by her department is a risk worth taking?

Answer

The CSR spending decision HSS-S5 was "Pharmacy skill mix review and re-profile out of hours service to reduce cost of service".

Members can be reassured that the decision to proceed with the CSR spending decision HS-S5 on pharmacy services played absolutely no part in the incident referred to in the question.

The skill mix review, which also took advantage of voluntary redundancy, enabled a wider review of pharmacy service provision which actually resulted in an increase in the level of pharmacy service out of hours with the pharmacy department being open to the hospital on Sunday mornings, in addition to Saturday mornings, from January 2011.

There was no reduction in the pharmacy on-call service as a consequence and it remains the fact that a pharmacist is available on-call at all times that the pharmacy department is closed.

The potential "*increased risk to the organisation*" may have arisen if it had been necessary to reduce the level of out of hours service in order to meet the CSR target saving but, in the event, this was not necessary and so there was no increase in risk.

As mentioned, there has, in fact, been an increase in pharmacy service provision at the weekends since January 2011 as a direct consequence of the service review resulting from the CSR decision. There has been no reduction in any of the services provided by the pharmacy department at other times.

The inquest verdict made no criticism of the pharmacy service and no resource implications have been raised

1.12 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING WARRANT CARDS:

Question

Will the Chairman say which of the current Connétables carry warrant cards and why?

Answer

In the last 3 years this matter has been the subject of three oral questions, three written questions and a statement.

Currently the Connétable of St Clement carries a warrant card for identification purposes.

1.13 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RECOMMENDATIONS OF THE REPORT BY THE HOWARD LEAGUE FOR PENAL REFORM:

Question

Will the Minister state which of the recommendations of the Howard League for Penal Reform Report have been implemented and which ones have not and where they have not, will he explain why?

Answer

The Howard League for Penal Reform requested a progress report from the former Chief Minister in December 2010 on the implementation of the recommendations contained in their report. A comprehensive reply was given and a copy is attached to the answer. More recently, the Children's Policy Group prepared an Improvement Plan in response to the Care Inspectorate's report entitled 'States of Jersey – Inspection of services for looked after children' published in January 2012. Their first recommendation was to identify, revisit and review all previous reports that are relevant to services for children. Section D, also attached, covers the recommendations outstanding from the Howard League Report.

If any further information is required, the response would also need to be co-ordinated through the Children's Policy Group as the subject matter is the responsibility of more than one Minister. However, a reasonable amount of time would be needed for the agencies concerned to provide a co-ordinated update.

The Howard League for Penal Reform Youth Justice Review recommendations and the response to them as at December 2010.

1. Jersey should immediately ratify the United Nations Convention on the Rights of the Child (UNCRC).

The States of Jersey have resolved to request the United Kingdom to extend their ratification of the United Nations Convention on the Rights of the Child (UNCRC) to Jersey and this commitment forms part of the Strategic Plan of the States of Jersey 2009 – 2014. (Priority 9)

The States of Jersey takes ratifying international conventions very seriously and wishes to ensure that its legislation is UNCRC compliant prior to becoming a “signatory”. The United Kingdom will only extend its ratification if it is satisfied that Jersey fulfils the relevant requirements.

This work is being led by the Director of International Relations. A number of legislative changes have been identified and work is progressing in a number of departments on resolving them. A recent review into Youth Justice (attached) led by the Chief Probation Officer has recommended that the States of Jersey pursues ratification of the Convention immediately as sufficient progress has been made to demonstrate a firm intention to become compliant, or alternatively for the States of Jersey to incorporate the Convention into domestic legislation. The Children’s Policy Group of Ministers is considering this recommendation and the other recommendations from the 2010 Youth Justice review at its meeting in January 2011.

Progress with regards to the other recommendations is as follows:

2. A lead minister for children’s services should be appointed.

Whilst the formal post of ‘Minister for Children’ has not been established, the responsibility for services for vulnerable children, young people and their families forms part of the portfolio carried by the Minister for Health and Social Services, who has formally delegated this function to an Assistant Minister for Health and Social Services. The Ministers for Home Affairs, Health and Social Services and Education Sport and Culture form the Children’s Policy Group chaired by the Minister for Health and Social Services to ensure that all matters concerning children are dealt with in a coordinated and timely fashion.

3. Jersey should develop a child-specific criminal justice policy and 4.

The ‘welfare principle’ should be enshrined in all law and policy that effects children and in particular criminal justice law

The Children’s Policy Group have incorporated the “Welfare Principle” into their statement of purpose.

The Children’s Policy Group commissioned a review of Youth Justice in March 2010, received the report in August 2010 and will be considering the recommendations following feedback from key stakeholders in January 2011. The Review recommends inserting provisions into the Criminal Justice (Young Offenders) (Jersey) Law 1994 which recognise that the welfare of the child should be a primary consideration when children come into conflict with the criminal law and that compulsory measures should only be used when voluntary means have failed and are unlikely to be successful in the present case.

4. Jersey should raise the age of criminal responsibility to 14

The age of criminal responsibility remains at 10 years as is the case in England and Wales. The Home Affairs Minister was not in favour of raising the age of Criminal responsibility as recommended in the Howard League Report.

The Youth Justice Review of this year recommends an increase to 12 years as is happening in Guernsey and Scotland. The review also recommends that pending a change in legislation that the Attorney General could issue a guideline which would result in the prosecution of children under the age of 12 in exceptional circumstances only. This appears to reflect current practice; records

show that in a 30 month period prior to the writing of the Review only 3 children under 12 years of age were prosecuted.

5. Jersey should raise the minimum age for a Youth Detention Order to 16 years

This recommendation was not accepted by the Minister for Home Affairs, although there is agreement that custody should be used as a last resort for children. The Minister does accept that children of school age should not normally be detained in the Young Offenders Institution. The Children's Policy Group are supportive of school age children normally serving custodial sentences at Greenfields Secure Unit. This is also the recommendation of the Youth Justice Review and the necessary arrangements are being progressed by a multi agency senior officer group.

The 2010 Youth Justice Review recommends amending the 1994 Young Offenders Law to strengthen the restrictions on imposing custodial sentences on children to comply with the requirements of the UNCRC.

7. Remand procedures should be clarified in law and in particular the presumption of bail should be established

It is agreed that there is no statute governing bail in Jersey. However it is not agreed that there is no presumption of bail. Jersey is a signatory to the European Convention of Human Rights and the principles which guide bail decisions are observed by the Court (Article 5 – Right to Liberty and Article 6 – Right to a fair trial), particularly the risk of re-offending and, in the case of young offenders, the need to consider best interest and the need for protection.

In the UK, the welfare principle applies to the remand decision, and the court 'shall in proper cases take steps for removing the youth from 'undesirable surroundings' (s.44 CYPA 1933).

There is an additional limb to the protection exception to bail in respect of children, which applies only to children:

'The defendant need not be granted bail if the court is satisfied that the defendant should be kept in custody for his own protection or if he is a child or young person, *for his own welfare*' (BA 1976 Schedule 1, Part 1, para 3 and Part 2, para 3).

The exception to bail refers to imprisonable and non-imprisonable offences. This makes it clear that it is welfare rather than the seriousness of the offence which may prompt the court to ensure a 'safe' bail status for the child.

The Youth Justice Review has recommended the introduction of a statutory right to bail and has also recommended some practice changes which should reduce the use of custodial remand, including the appointment of a specialist bail support worker.

8. The good prevention services that Jersey has established, should be sustained and strengthened, and in particular financing should be put on a firm and reliable footing

Jersey operates a mixed economy of preventive services. State, charitable and voluntary organisations co-exist to provide support to vulnerable children and their families.

The Bridge is a particular example of a successful partnership project. The state recognises its role in creating the circumstances necessary for these projects to flourish and is committed to effective partnership working.

9. Similarly the excellent youth service provision should be sustained and strengthened

The Youth Service is recognised as excellent in its field and the various projects and regular activities contribute to a safer society. There is much scope for the role of informal education to further contribute to the rehabilitation of children who offend. The Youth Service continues to develop initiatives targeted at children at risk of offending

10. The parish hall enquiry system should be sustained and strengthened.

The Miles and Raynor report in 2005 examined the Parish Hall Enquiry in considerable detail and noted its ability to provide a “local, timely, inclusive, sensitive, needs-based, independent forum to deal with a wide range of norm-violating behaviour and social disorder”. The Criminal Justice Policy published in 2007 further endorsed the role of the Parish Hall Enquiry System as a mechanism for dealing successfully and appropriately with a wide range of offending.

In particular attention should be paid to:

Putting in place measures to ensure that it is only bypassed for clearly defined reasons:

It was agreed by the Home Affairs Minister that the Parish Hall Enquiry was bypassed for reasons that were not always clearly defined. The Probation and After Care Service has been monitoring the situation and following discussions with the States of Jersey Police, Centeniers and the Youth Court Panel it is recommended in the 2010 Youth Justice Review that Centeniers should only be called in to Police Headquarters when the States of Jersey Police are intending to hold a child in custody prior to appearing in the youth Court and that in other cases, the child should be warned for a Parish Hall Enquiry.

Strengthening its access to and use of restorative justice processes:

The principles of restoration, rehabilitation and reparation are fundamental tenets of the parish hall enquiry and the honorary service upon which it depends. All youth offenders attending a parish hall enquiry are screened by the Restorative Justice Officer who offers reparative and restorative opportunities of victims and offenders. Local research shows very high levels of satisfaction with the process. There is already a blanket approach to restorative justice for children and young people appearing at Parish Hall Enquiry, receiving a community supervision order and those in custody. The restorative justice officer screens all cases where there is victim involvement and attends to talk to individual children and young people and their families / legal guardians about restorative opportunities.

Building in safeguards against inconsistent practice

Detailed research over a five year period by Miles and Raynor revealed very low levels of inconsistent practice. It is possible that this comment from the Howard League is anecdotal in nature. The Miles and Raynor research revealed very high levels of compliance with the guidelines and codes of practice prescribed by the Attorney General.

Building in safeguards to constrain the actions of Centeniers seems to have more to do with issues of accountability and managerial control than any public concern for consistency of practice. During the five year period of the Miles and Raynor research, very few complaints about the practice of Centeniers at Parish Hall Enquiry were noted by the Attorney General.

Attendees have the right to disagree and request hearing by a formal Court. Even after the Enquiry, decisions can be referred to the Attorney-General by the attendee. In practice, this seems to be a

rare occurrence. Decisions made by the Centenier (with the exception of laying a charge) are made on a consensual basis. In the United Kingdom, prosecutors are required to take into account 'any lines of defence'. Centeniers are not bound by this in their decision-making.

Importantly, attempts to achieve procedural uniformity and consistency run the risk of undermining the flexibility and responsiveness to the circumstances of the individual case which appear to be essential components in the system's current effectiveness.

Developing mandatory training for Centeniers

As volunteers, it is difficult to compel Centeniers to attend mandatory training. However, training is available and usually well attended. In 2001 a retired States' Police Inspector was appointed as Honorary Police Training Co-ordinator to deliver a minimum of twenty-six weeks training per annum to Honorary Officers. This post was funded by the Home Affairs Committee until the end of 2004 whereupon the cost reverted to the rate payers.

One of the benefits of the Parish Hall Enquiry is the flexible approach of the Centeniers. Whilst it is accepted that training is vital to avoid breaches of law and instil best practice, observational research suggests that over-formalisation of the informal process can result in less favourable outcomes.

11. An independent prosecution service should be established

Whilst all police officers in Jersey have powers of arrest, they do not have the power to charge a person with an offence. These powers are expressly reserved for the Connétable and the Centenier.

The Parish Hall Enquiry is not a judicial body. It is primarily a prosecution process and provides the mechanism by which Centeniers can decide whether the evidential and public interest tests have been satisfied such that a charge should be brought.

The principle of independence suggests that the reviewer of a case should be independent of the investigating officer. This operates well in Jersey where all cases are independently reviewed by the Centenier. It was recommended and implemented as a result of the first Clothier report that Centeniers should cease the practice of both conducting a Parish Hall Enquiry where they have previously investigated the incident. Observational evidence suggests that great strides are made to avoid a conflict of interest in this area. In extreme circumstances, a Centenier from a neighbouring parish may be asked to deal with a particular case in order to ensure impartiality. There are a number of mechanisms inherent in the system that affords an intrinsic level of accountability.

Much debate has taken place about the role of the Centenier as prosecutor. The Criminal Justice Policy makes the following Policy Statement in regard to the establishment of an independent prosecution service:

Having taken advice at an early stage in the policy setting process, the Home Affairs Minister will not pursue the Rutherford recommendations that a Public Prosecution Service be created. This could not be justified on cost grounds and would result in Centeniers losing their traditional role of presenting cases in the Magistrates Court (2007:73)

There are no further plans to either revisit the role of the Centenier or establish an independent service.

12. The Youth Court should be reformed to make it less formal and more relevant for children. The Jersey authorities should consider abolishing the Youth Court and replacing it with a system based on the Scottish Children's Hearings, for children up to the age of 16 or even 18 years, where addressing the needs not the deeds is the paramount concern.

This recommendation cannot be considered in isolation and relates to the enshrinement of the welfare principle and raising of the age of criminal responsibility.

The introduction of a similar style of Hearing in Jersey would risk placing a further layer of hybridisation into the system. There would be additional expense in the establishment of a professional, state funded institution.

Importantly, there is potential to undermine the Parish Hall Enquiry and the honorary system upon which it depends. It is important that attempts to modernise and formalise the system do not undermine the traditional arrangements which are already more effective and efficient than some formal processes.

The 2010 Youth Justice Review, notes that practice in the Youth Court has changed considerably in the last two years. For example the Panel members now sit on the same level as the children who have their parents or guardians alongside them. The Court has adopted a more problem solving approach and speaks directly with children rather than through their advocates, wherever possible and appropriate. The review commends this approach and recommends joint training for Jersey Youth Panel members with their Children Hearing Panel counterparts in Guernsey.

13. Preventive services offered by the YAT should be available to children assessed as at risk of crime, and other difficulties, as well as those who have started to offend. They should be offered from a non criminal justice organisational base.

The Youth Action Team (YAT) was established following the Bull report in 2002. The proposal was for a multi-disciplinary team to offer early intervention services to young people at risk of offending rather than working with children and young people already in the criminal justice system whose needs are best met by the specialist interventions of the Probation and After Care Service in both a statutory and voluntary capacity. It is accepted that YAT had moved into areas it was not best equipped to work within. YAT has now ceased direct Court and Parish Hall work, and further change is recommended in the 2010 Youth Justice Review, with the transfer of their bail support function to the Probation and After Care Service. YAT is being re organised as a support service for children at risk of crime and as a resource for other agencies to use as part of child care plans.

14. The Probation Service should, in partnership with Social Services, develop more intensive alternatives to custody, including intensive supervision and specialist fostering.

The Howard League did not review the work of the Probation Service in any detail. The work of the Service includes many of the positive features of intensive supervision orders without the associated negative features which can result in a greater use of custody. Fewer children are sentenced to custody in Jersey than in England and Wales; the high custody figure is a result of remand rather than sentencing practice. The 2010 Youth Justice review recommends more age appropriate supervision practice including the increased use of family problem solving which shows encouraging results particularly with younger children. A file reading exercise for the review found that those few children who gave the most cause for concern had problems which

were not likely to be resolved by the Criminal Justice System and the Review recommends the formation of a formal multi agency protocol to ensure that these children and their families receive the services they need without any additional labelling as offenders.

There has been considerable investment in fostering services in recent years and work continues on the development of specialist services capable of meeting the needs of young people in the criminal justice system.

The 2010 Youth Justice Review also recommends that Bail Support responsibilities be transferred to the probation service, as the existing service has been inconsistent and not met the requirements of the Court.

15. The use of restorative justice interventions should be broadened to include use in schools, and work with looked after children and children in custody.

In Jersey ‘restorative justice’ is by no means a new concept. Centeniers, through the Parish Hall Enquiry system have for centuries been demonstrating processes and practices that have more recently been defined as ‘restorative justice’ in modern societies.

A part-time restorative justice officer is funded by Home Affairs under the aegis of the Building a Safer Society Strategy. The post is managed by the Jersey Probation and After Care Service under the supervision of the Assistant Chief Probation Officer. There is already a blanket approach to restorative justice for children and young people appearing at Parish Hall Enquiry, receiving a community supervision order and those in custody. The restorative justice officer screens all cases where there is victim involvement and attends to talk to individual children and young people and their families /legal guardians about restorative opportunities.

The 2010 Youth Justice Review also recommends that training in restorative justice is extended to other agencies who could benefit from using it.

16. The use of custody for children should be eliminated or virtually eliminated in Jersey. This can be achieved by :

- a) Raising the age of criminal responsibility**
- b) Raising the age at which custody is available**
- c) Introducing a presumption of the right to bail**
- d) Strengthening the custody threshold in law to ensure that custody is only used as a genuine last resort**
- e) Senior politicians should lead public opinion in the argument against children’s custody**
- f) The development of effective alternatives to custody, in particular intensive supervision and specialist fostering**

The sub headings a,b,c and f are a repetition of previous recommendations which have been addressed elsewhere. With regard to d) and e) :

d) Strengthening the custody threshold to ensure that custody is only used as a genuine last resort

The Criminal Justice (Young Offenders) (Jersey) Law 1994 offers some safeguards. Article 4(2) states:

A court shall not pass a sentence of youth detention unless it considers that no other method of dealing with the person is appropriate because it appears to the court that –

- (a) the person has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them;
- (b) only a custodial sentence would be adequate to protect the public from serious harm from the person; or
- (c) the offence or the totality of the offending is so serious that a non custodial sentence cannot be justified,

There is no evidence in Jersey that children are being sentenced to custody for minor matters. The latest reconviction study by the Probation Service demonstrates that every sentence made to the Young Offenders Institution between July 2002 and December 2005 involved serious offences committed by young offenders who were assessed as being at high or very high, risk of reconviction. However, the 2010 Youth Justice Review recommends that Article 4(2) is strengthened in order to comply with International Conventions.

The law also requires the court to justify reasons for a custodial sentence:

The court shall state in open court its reasons for imposing a sentence of youth detention.

e) Senior politicians should lead public opinion in the argument against children’s custody

The Children’s Policy Group of Ministers have demonstrated their commitment to understanding and promoting the best interests of children who offend by commissioning the review into Youth Justice and incorporating it into the draft Children Framework a document for all the Island’s children which is currently out for consultation. Ministers have opposed the “naming and shaming” of children who offend, put forward by non ministerial members.

17. The holding of children at La Moye should cease

It is accepted by the Children’s Policy Group that the holding of nearly all school age children at the Young Offenders Institution should cease. Due to the small numbers of children held in custody and in secure accommodation in Jersey there are particular difficulties in ensuring appropriate placement. The Youth Justice Review makes a number of recommendations about this and it is envisaged that:

Greenfields Secure Unit be used for children of compulsory school age whether remanded or sentenced and that the regime at Greenfields should continue to be that of a Children’s home with security: in effect once at Greenfields a child would be treated as if they were subject to a Secure Accommodation Order for the length of their sentence. If a child is considered to be too disruptive or to pose a specific risk to another Greenfields resident they may serve their sentence at the YOI.

Those children above the age of compulsory education i.e. over 16 years in June, will normally serve their sentence in the YOI, however they may serve their sentence at Greenfields if they would be particularly vulnerable in the YOI and would not adversely affect the lives of other children at Greenfields.

A similar discretion should be exercised for those aged 18 – 21 who currently serve their sentences in the YOI, with the expectation being that a proportion of these will serve their sentences in the adult prison. This may or may not allow for the placing of 17 and 18 year old female offenders in the YOI rather than in the main prison.

18. Independent inspection arrangements should be introduced for Greenfields and other children's establishments

The Scottish Social Work Inspection Agency (SWIA) has been engaged by the Health and Social Services Department to inspect all aspects of Social Work commencing with services for looked after children in 2011.

In addition a new Panel of Visitors has been established The new Panel will provide oversight for all residential units.

All instances of physical restraint are recorded and referred to the Jersey Child Protection Committee.

19. These should be based on a rigorous standards framework, such as the English National Minimum Standards for Childrens Homes.

Our policies and procedures are drawn up in accordance with National Minimum Standards for Children's Homes. Every instance of physical restraint is recorded through the 'Datix' System and also reviewed by an independent who is trained to instructor level in Therapeutic Crisis intervention.

20. An independent children's advocacy system established to assist children in custody, (and indeed in other parts of the youth justice and care system) in raising concerns

See 18 above (any other measures?)

21. A 'whistle blowing' policy should be developed which has a strong independent element within it, and which enjoys the confidence of staff

The States of Jersey has reviewed its "serious concerns" policy and increased its independence by routing serious concerns directly through the Auditor and Controller General. (Policy attached)

22. A children's complaints procedure should be developed which has a strong independent element within it, and enjoys the confidence of children and young people.

Outside of the organisation, children and young people may raise concerns confidentially with a member of the Independent Panel of Visitors. They may also voice any concerns to their social worker or advocate.

23. Search procedures should be reviewed to reduce the use of strip searching to an absolute minimum

Strip searching is used only when necessary. However, it is better that a child is allowed temporary release from a secure unit and then searched on return rather than being denied temporary release. Search procedures have been designed to minimise embarrassment and to be as dignified as is consistent with effectiveness. A person subjected to such a search is never naked retaining either the upper or lower garments during the procedure. A dressing gown is provided which allows for under garments to be removed without undue exposure. The search is always performed with two staff of the same sex as the resident.

24. Children should be consulted about the way they are looked after in custody and care.

Children are involved in the selection of new staff members and consulted about their daily routine and care plan. Individual Care Plans are subject to constant review to respond to changing circumstances. The subjects of these plans provide a vital element in their formulation.

25. Recruitment of staff should be brought into line with the requirements of the Warner report.

Our recruitment policies conform to the Warner Report.

26. There should be closer involvement with, and oversight by, the Jersey Child Protection Committee in relation to safeguarding arrangements at Greenfields.

(See 18 above) The independent Chair of the JCPC attends meetings of the Children’s Policy Group to advise Ministers on Safeguarding matters.

27. The longstanding staff conflicts and difficulties at Greenfields, should be addressed through independent/mediation/conciliation/team building processes, and measures should be taken to ensure that management arrangements are in place that support staff and are trusted by them.

There is a harmonious and committed staff team at Greenfields who are dedicated to working together and most importantly for the best interests of the children they are responsible for.

EXTRACT FROM THE CARE INSPECTORATE’S REPORT:

**STATES OF JERSEY INSPECTION OF SERVICES FOR LOOKED AFTER CHILDREN,
PUBLISHED JANUARY 2012**

D. RECOMMENDATIONS OUTSTANDING FROM THE HOWARD LEAGUE REPORT (26-28):		
Recommendation	In Progress	Target Completion Date
26. (1) Jersey should immediately ratify the United Nations Convention on the Rights of the Child (UNCRC). <i>X Ref:</i>	YES	To Be Advised by Chief Minister’s Dep.

(SPR Rec. 2.28/3.19) (YJR Rec. 6.1)		
27. (3) Jersey should develop a child specific justice policy.	YES	Qtr 2 2011
28. (13) Preventive services offered by the Youth Action Team should be available to children assessed as at risk of crime, and other difficulties, as well as those who have started to offend. They should be offered from a non criminal justice organisational base <i>X Ref:</i> (SPR Rec. 2.31) (YJR Rec. 6.8.i)	YES	Qtr 2 2012

1.14 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE HEALTH, SOCIAL SECURITY AND HOUSING SCRUTINY PANEL REGARDING INCOME SUPPORT HOUSING REBATE:

Question

What plans, if any, does the panel have to hold a review into the approximately £7 million of taxpayers' money that is being given to private landlords every year through the payment of income support housing rebate?

Answer

Quarterly Public Hearings have been held with the Ministers of Health and Social Services, Social Security and Housing to discuss department priorities over the next 3 years. In particular, we have discussed with each Minister, the specific aims and objectives contained in their respective Departmental Business Plans for 2012. We have also requested work programmes from each department to assist us in the development of our 12 month review programme which in due course will be published on the Scrutiny website.

1.15 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE REDUCTION IN INCENTIVES TO ENCOURAGE LOW EMISSION VEHICLES:

Question

Would the Minister outline the various reasons underlying the original ministerial decision to introduce a car parking charge discount of 50% off parking scratch cards for hybrid vehicles which conform to

band A and band B CO² emissions and would the Minister explain what circumstances, if any, have changed to render those reasons no longer valid in view of the decision to abolish the discount for hybrid vehicles registered after 1st July 2012 which emit over 100 grams of CO² per kilometre?

If the original decision was founded upon sound environmental policy that conforms with principles laid out in the Island's Strategic Plan, would the Minister explain his reasons for curtailing this incentive to encourage low emission vehicles as outlined in the Road Traffic (Public Parking Places – Charges) (Amendment No. 3) (Jersey) Order 2012 made by the Minister on 20th January 2012?

Answer

The original scheme, introduced by Deputy De Faye as Minister for TTS in 2008, was consistent with the States commitment to reduce pollution. It provided an incentive for purchasers of new cars to opt for a vehicle with a low level of CO₂ emissions, by issuing an 'eco-friendly parking permit' providing half price parking to all vehicles with emissions up to 100gmCO₂/km and to hybrid vehicles (diesel or petrol engine vehicles which can also run on an electric engine) which had emissions up to 120gmsCO₂/km. The logic of applying a more generous level for hybrid vehicles was that as speeds are low in Jersey and pollution most significant in the town area, the use of hybrid vehicles, which would run on the electric engine at low speeds, could be expected to be particularly beneficial to Jersey's traffic pollution.

When the scheme was introduced it was recognised that it would require review, because of advancing technology. Inevitably the numbers of permits would go up as the percentage of qualifying vehicles increased and it would become necessary to either increase the cost for all other vehicles, or review the qualifying limit, as I am legally required to ensure that the Car Park trading fund does not fall into deficit.

I have now equalized the standard for hybrid vehicles so that, from July 2012, they will have to meet the same standard as other vehicles (up to 100gmsCO₂/km) to qualify for half price parking. The change is not retrospective, so a qualifying hybrid car bought before July 2012 will continue to qualify, even if sold on.

In 2008 only 13 "eco-friendly parking permits" were issued. This has now risen to 123 at the last count, a significant rise with the cost to the Car Park Trading Fund now being approximately £10,000 per annum.

The States Sustainable Transport Policy (STP) recommendation states:- "continue to provide discounted parking prices for low or zero emissions vehicles and increase cost of parking for other vehicles as the number of low emissions vehicles become significant". However an amendment to the STP instructs TTS not to increase the cost of parking disproportionately "until a viable method of transport is available to all". Improvements to the alternatives, particularly the bus service, are ongoing, but I believe that further work needs to be done before that requirement is satisfied.

There is also an issue of equity in increasing the cost of parking for all other vehicles, as someone who cannot afford to buy a new car will be penalised, at least until there is a plentiful supply of cheaper low emissions cars on the second hand market.

In the last 18 months the number of production cars falling within the under 100gmsCO₂/km category, has increased more than fourfold.

A further amendment to the STP requires TTS to encourage 'smaller' as well as low emissions vehicles. Non hybrid qualifying vehicles tend to be smaller than the hybrids as they need to take more account of weight and therefore size to have lower emissions.

Most hybrid cars do currently fall within the 100gmsCO₂/km level including some luxurious high performance models. A limited number fall within the range 101 to 120 and from July 2012 they will cease to qualify. So in the short term the change will have little or no effect, but inevitably more large luxurious vehicles will be produced with a hybrid version and the amendment I have approved will apply a more sensible limit to those eligible for the scheme.

The Jersey Motor Trades Federation was informed of the intention and raised no objections. By giving more than 6 months notice the change should not disadvantage any members of the public.

In conclusion, this is not an anti hybrid measure, it is a modification which continues to encourage the use of more environmental vehicles, including hybrids, but with a minor adjustment equalising the standard, respecting the amendments to the STP and bearing in mind the legal requirement I have to protect the car park trading fund income. The original concept was that the eco-permits should only be offered to those who are clearly making a lifestyle choice by acquiring a low emissions vehicle, and this is consistent with that principle. With rapidly advancing technology there is a risk that we will simply be favouring those who can afford to buy the latest and more expensive models and whilst not removing this risk, this amendment will reduce it.

1.16 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING FORMAL MEETINGS WITH THE FORMER CHIEF OFFICER OF POLICE:

Question

Further to the answer given by the then Chief Minister on 19th October 2010 (Hansard 2.2.1) in which he stated that he was happy to research the records given to Mr. Napier and to then give 'chapter and verse' to the Deputy of St. Mary in relation to the details of any formal meetings with the former Chief Officer of Police by the people involved in his suspension to talk to him about the concerns that had been raised and to elicit his response, would the Chief Minister now undertake to make this information available to all members?

Answer

I am not aware of any formal meetings that took place with the former Chief of Police to discuss these concerns.

1.17 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RETIREMENT DATE OF THE FORMER CHIEF OFFICER OF POLICE:

Question

Will the Minister provide for members a complete account in relation to the retirement date of the former Chief Officer of Police, setting out in particular –

- i) when he was first due to retire;

- ii) what extensions and reductions there were to this initial retirement date, and for each extension/reduction, the date of the request, details of who requested it and the grounds for the request;
- iii) what further retirement dates there were as a result of these extensions or reductions?

Answer

Mr Graham Power was appointed to the post of Chief Officer, States of Jersey Police on 1 November 2000 for a period of five years. His contract was due to terminate on 31 December 2005.

In March 2004, Mr Power wrote to the President of the Home Affairs Committee reminding her of the expiry date of his contract and suggesting that if the Committee was minded to address the issue of an extension of contract for a further two years, Mr Power was happy consider it. The Committee agreed to an extension for a further two years, which was supported by the Appointments Commission. Mr Power was formally advised of the extension on 1 June 2005 by the Chief Executive of the Human Resources Department.

As a result of general succession plan discussions in 2006, the Human Resources Department asked the States Employment Board to consider an extension to Mr Power's contract for a further three years, until December 2010, to enable the appointment of a new Deputy Chief Officer/Chief Officer Designate in mid-late 2008, so that the new incumbent could work alongside Mr Power, allowing the Force to have the necessary degree of continuity over the next few years. The request was made acknowledging the impending retirements of the Superintendent and Deputy Chief and the extremely vulnerable position this would leave the Force if all three Senior Officers were to leave at around the same time. The request was fully supported by the Home Affairs Minister, the Chief Executive of the States and the Chairman of the Jersey Appointments Commission. The States Employment Board agreed to the request in December 2006 and Mr Power was notified in January 2007. His contract was extended until 31 December 2010, subject to his being able to retire earlier upon giving six months' notice.

Mr Power formally retired from his post on 19 July 2010, having given six months' notice

1.18 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE PUBLICATION OF DOCUMENTS IN CONNEXION WITH THE HISTORIC ABUSE ENQUIRY:

Question

Will the Minister inform members whether he is planning to publish the following documents and, if so, provide members with the target date for publication in each case –

- i) the statement made to the Wiltshire Police by the former Chief Officer of Police in relation to the handling of the historic abuse enquiry (Operation Haven);
- ii) the report by Matt Tapp Associates;
- iii) the letter from the then Deputy Chief Officer of Police to the then Chief Executive in November 2008;

- iv) the “Interim Report” of the Metropolitan Police into the review of the historic abuse enquiry which arrived in Jersey on 10th November 2008?

Answer

- i) Yes, if possible within 3 months, but subject to substantial redaction in accordance with specialist advice on the law of libel as well as normal redaction practice.
- ii) No, the Chief Minister is dealing with this.
- iii) No.
- iv) No.

1.19 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE DEVELOPMENT OF A CASINO IN JERSEY:

Question

Following the decision to proceed with moves to bring in revenues from the online gambling market, will the Minister advise whether or not he and his Department are giving consideration to the possibility of a casino being developed in the island and will he further advise what research, if any, has been undertaken to date on the potential revenue that might be forthcoming in the event of a casino being allowed to operate in the Island; and where any official research/reports may be located by States members?

Answer

Although no recent research has been done, work undertaken in 2003/4 (referenced in P62/04) suggested that about £3 million per annum in gambling taxes could be generated through a casino, together with an additional investment in tourism enhancing amenities of some £30 million. The Committee’s officers of the day validated this data and four commercial operators expressed interest in the project and provided various projections of return. The proposition can be found on the States Assembly website; and the report it refers to on the reform of gambling law in Jersey is on the States of Jersey website (www.gov.je).

The States has looked at casino gambling many times, most recently in 2004 during the debate of P62/04 as referred to above. The then decision of the States was quite emphatically opposed to the licensing of a terrestrial casino. I have not in my time as Minister sought to change this decision.

However, Jersey is open for business. The States has made significant changes to the Island’s gambling laws since 2004, and as such, if operators approach Jersey, their applications should be appropriately considered. Reputational issues would have to be carefully assessed, but if a business case is put forward that provides job opportunities, significant tax generation and considerable secondary revenue streams that may benefit related industries on the Island, such a proposition would be carefully evaluated.

For the avoidance of doubt, at this time, no such application has been made.

1.20 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ‘INTERIM REPORT’ OF THE METROPOLITAN POLICE INTO THE HANDLING OF THE HISTORIC ABUSE ENQUIRY:

Question

In relation the “Interim report” of the Metropolitan Police into the handling of the historic abuse enquiry can the Minister inform members –

- i) who wrote the report, and where in the report is this stated?
- ii) did the report indicate its status and, if so, how did it do this, and what was its status?
- iii) was the report an official report of the Metropolitan Police?
- iv) how many pages of actual body text were in the Interim Report, excluding pages such as author, acknowledgements, title page, and cover?
- v) how many pages of actual body text were in the Final Report, excluding pages such as author, acknowledgements, title page, and cover?
- vi) who asked for the Interim Report, when was it requested and why?
- vii) is it usual practice for an interim report to be produced for an evaluation and appraisal report of this kind?

Answer

I previously answered most of these questions in a written answer number 5421 on 8 June 2010.

- i) The report was written by an officer of the Metropolitan Police Service Specialist Crime Review Group and that is stated on the front sheet of the document. The report was the work of five members of staff from the Specialist Crime Review Group.
- ii) The status of the report was Restricted – Crime and that was marked at the top and bottom of every page.
- iii) Yes. In addition to the detail in i) the report had the words, ‘Metropolitan Police’ together with the appropriate logo on the front page.
- iv) 17
- v) The full report consisted of 63 pages together with 11 appendices consisting of 96 additional pages and is dated 18 December 2008.
- vi) I repeat my answer dated 8 June 2010 to part f) of that question:

The ACPO Homicide Working Party recommended that a full review be conducted by an outside police force of the Historical Abuse Enquiry. Accordingly, on 6th August 2008, the now Acting Chief Officer of Police wrote to the Metropolitan Police Force requesting the

*production of such a report. Subsequently, detailed terms of reference were agreed for the production of the report and work commenced. The main purposes of the report were to advise on the management of the Historical Abuse Enquiry and to provide advice and guidance in relation to the conduct of individual investigations. It soon became apparent that serious issues were arising as to the previous management of the Historical Abuse Enquiry. Details of these concerns were passed on to the now Acting Chief Officer of Police who began to raise these with the Chief Officer of Police from September 2008 onwards. The now Acting Chief Officer of Police also began to share these concerns with other senior officials and with Deputy Andrew Lewis who became the Minister for Home Affairs. By early November 2008 the report was nearly completed. By that stage it had become apparent that some of the issues were so serious that they could prejudice the fair trial of certain individuals. The concern was that serious cases might be stopped by the Royal Court because of the previous actions of the former Deputy Chief Officer of Police. For that reason the now Acting Chief Officer of Police asked the Metropolitan Police Force to produce a report on what they had found up to that point so that a press conference could be held correcting issues relating to information which had previously been given to the press. The Metropolitan Police then produced the Interim Report which they sent on 10th November 2008, to the now Acting Chief Officer of Police as an attachment to an email. The concerns of the now Acting Chief Officer of Police were fully vindicated by the judgment of the Royal Court in the matter of *The Attorney General v. Aubin and others* [2009] J.R.C. 035A.*

- vii) It is not uncommon to receive some form of interim report / early findings in order that those findings could be considered and pursued as soon as possible. In this case an interim report was specifically requested.

1.21 DEPUTY S. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING WORK UNDERTAKEN BY MATT TAPP ASSOCIATES:

Question

Was the report received by the Chief Executive on 23rd November 2010 the only work done for the States of Jersey by Matt Tapp Associates?

Answer

As the Minister for Home Affairs explained in his answer to a question on this issue asked on 31st January 2012, Matt Tapp Associates were originally commissioned by the States of Jersey Police to advise on a review of communications relating to Operation Rectangle. This work was subsequently terminated following a meeting between the former Chief of Police and Matt Tapp Associates and was undertaken prior to the work by Matt Tapp Associates commissioned by the former Chief Executive.

1.22 DEPUTY S. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COMMISSIONING OF MATT TAPP ASSOCIATES WITHOUT A FORMAL CONTRACT:

Question

Following his answer to an oral question on 31st January 2012 in which he stated that there was no formal contract with Matt Tapp Associates for the work undertaken at the request of the Chief Executive, would the Chief Minister outline how this situation came about and inform members whether the Chief Executive had discretion to commission work with no contract and, if so, state whether this decision not to conform with standard procedures was discussed with anyone else and explain why this decision taken?

Answer

As the Minister for Home Affairs explained in an answer to an oral question asked on 31st January 2012 Matt Tapp Associates were originally commissioned by the States of Jersey Police to conduct a review of external communications relating to Operation Rectangle for which terms of reference were agreed.

Following a meeting with the former Chief of Police it appears that Mr Tapp was of the view that his position had become untenable and his contract had effectively been terminated.

Subsequently, as I explained in my answer to a similar question on this issue asked on 31st January 2012, the former Chief Executive commissioned Matt Tapp Associates to produce a report with the following terms of reference:

- To make an assessment of the external communications activity pertaining to the Haut de la Garenne investigation (February 2008 to October 2008).

This work was agreed by correspondence between the former Chief Executive and Matt Tapp Associates. The former Chief Executive, as Accounting Officer, had the authority to procure this work and there was no requirement for a formal written contract for this relatively low monetary value which was in accordance with Financial Direction 5.7 Purchasing of goods and services.

1.23 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE MILLENNIUM TOWN PARK:

Question

Would the Minister provide a detailed breakdown of how the available funds for the creation of the Millennium Town Park have been spent?

Answer

The Millennium Town Park project has a budget of £11,571,832.94 which is a combination of £10m that was voted by the States in 2010 and the remainder (£1,571,832.94) which was transferred from Property Holdings who previously held the planning vote for the project before it was transferred to Transport and Technical Services.

The new Millennium Town Park opened at the end of October 2011 with some small remaining items being completed by December 2011. Transport and Technical Services are currently working with the Park contractor to settle the final account for the project. It is not unusual for a complex account of this nature to take six months to finalise and as such, the figures listed below are the current best estimates which may alter when the final account is settled.

The total costs for the project will not exceed the available budget.

Millennium Town Park - Cost Breakdown Summary

Item	Cost (£)
1 Feasibility and investigation of below ground contamination from previous gas making activities	£1,197,321
2 Professional fees for remediation, planning, design and construction	£1,994,827
3 Contaminated land, remediation and engineering works	£2,374,777
4 Utility Building (includes public toilets, disabled toilets, first “Changing Places” facility on the Island, baby changing facilities, store room for the “Friends of the Park”, JEC substation, mechanical and electrical switch room, mess facilities and materials and equipment storage for the Park staff)	£640,329
5 Mechanical, electrical, water infrastructure	£773,616
6 Paving	£1,379,097
7 Planting	£857,237
8 Play area	£208,520

9	Practice court and petanque area	£115,967
10	Park furniture and pergolas	£259,805
11	Water curtain	£261,011
12	Water field	£287,230
13	Public art	£78,046
14	Railings, gates and plinths	£541,491
<p><u>Resurfacing of adjacent Parish roads – TTS agreed with POSH to undertake as much of this work as possible within funds remaining after main project was complete</u></p>		
15	Supply of granite for total of adjacent road improvements	£374,557
16	Lay only of part of adjacent road improvements (POSH to complete the remaining)	£228,002
Total Cost		£11,571,833

The original capital allocation for the Millennium Town Park included an additional £0.5M for a separate capital project which has now been returned to Treasury and is not included in the figures above.

1.24 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REDEVELOPMENT OF THE FORMER JERSEY COLLEGE FOR GIRLS SITE:

Question

Would the Minister provide a timeline showing the progress of the project to redevelop the former Jersey College for Girls site, from the relocation of the school to its new site at Mont Millais to the present day? Would he further indicate the costs of the project during the same period, including the maintenance of the existing structure, project work, fees etc?

Answer

A timeline of key events from the vacation of the former JCG premises in September 1999 to present day, together with the anticipated next steps, is set out in the table below:

Date	Event
September 1999	JCG vacate building
April 2001	Grands Vaux school commence usage whilst new school is being developed
July 2003	Grands Vaux school vacate building
August 2005	JEP advert requesting expressions of interest for development proposals
September 2005	Submission of development proposal
November 2005	Grange Developments appointed preferred developer supported by E&PS Committee.
April 2006	Planning application submitted.
May 2006	Public exhibition.
June 2006	Revised drawings submitted to Planning
October 2006	Planning permission granted
November 2006	Planning permit issued
February 2007	The T&R Minister approved in principle development proposals from Grange Developments Limited under Standing Order 168(3)
March 2007	States approved paragraph (a) of Deputy Duhamel's proposition P.30/2007 <i>'to request the Minister for Treasury and Resources to take no steps to conclude the sale of the former Jersey College for Girls, as reported to the States on 20 February 2007, until the documentation relied upon by the Minister to establish the value of the property (land and buildings) has been presented to the States Assembly.'</i>

May 2007	Report of Corporate Services Scrutiny Panel (SR10/2007) issued.
July 2007	Statement from T&R Minister that, following a meeting with the Corporate Services Scrutiny Sub-Panel, ' <i>Competitive tenders will be invited for the sale and development of the old Jersey College for Girls site</i> '.
August 2008	Agreement reached with previous preferred developer
2008 to 2009	Negotiations with Parish and Centre Point to relocate the latter releasing 1.6 acres for development
October 2009	Bid submitted for Fiscal Stimulus funding to bring the condition of the former La Pouquelaye School fit for use by the Centre Point Trust and the Parish of St Helier
February 2010	Project awarded 'Green Light' status by Fiscal Stimulus Steering Group.
February 2010	Tender process commenced for the appointment of advisors to assist in the disposal of site
March 2010	BNP Paribas Real Estate appointed as agents to advise on the disposal of the site
March 2010	Work commenced on former La Pouquelaye school to relocate Centre Point
July 2010	Delivery of initial Option Report by BNP Paribas Real Estate
September 2010	Centre Point relocated to former La Pouquelaye school
November 2010	Asseal Architects and BNP deliver detailed site appraisal report for consideration.
December 2010	Informal presentation to Planning Minister and Officers
April 2011 - June 2011	Tenders received for Architectural services to submit a new scheme for full planning consent. Jersey Property Holdings (JPH) completes business case for disposal of site. Not progressed pending formation of States of Jersey Development Company (SoJDC) as vehicle for delivery of non-operational building projects
June 2011	States agree formation of SoJDC (P73/2010)
July 2011	Regeneration Steering Group (RSG) first meeting

July 2011 to present	JPH and SoJDC progressing transfer of site. Planning developing brief for site in the context of the North of Town masterplan.
February 2012	Minister for the Environment to consider final draft of JCG development briefs for public consultation and will require the development to accord with Policy H1 of the Island Plan
March 2012	Public consultation 4 weeks
April 2012	Consultation comments considered and brief adopted by Environment Minister

The Connétable has asked for the costs of the project during the same period, including the maintenance of the existing structure, project work, fees etc cost information. As the timeline indicates, there have been a number of different uses for the JCG site with associated costs relating to them and to the general upkeep of the whole site.

The States financial systems were replaced 2002 and access to information before this date would require interrogation of the previous system, which is not practicable within the short timescale available. In total, the identified expenditure from 2002 to 2011 was £1.1m (including professional fees, maintenance and utilities).

1.25 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE SUSTAINABLE TRANSPORT POLICY:

Question

Would the Minister provide details of the progress made to date toward meeting each of the objectives agreed in the Sustainable Transport Policy (P.104/2010 as amended) including progress in fulfilling any commitments made at the time of the debate?

Answer

Members will recall that the Sustainable Transport Policy was approved, with amendments on 1st December 2010.

The vision of the policy is to provide travel choices for Jersey that reduce reliance on the private car, provide access for all and protect and improve our quality of life. A specific target is to reduce peak hour traffic by 15% by 2015.

TTS has been working on several initiatives towards achieving that target and delivering the vision.

Key to reducing reliance on the private car is a better bus service. We have introduced several improvements to the network, increasing peak hour capacity and providing better coverage to rural areas and on Sundays. We have installed several new bus shelters and we have worked with the current operator to introduce new improved vehicles, most notably the double decker buses on the

route 15 to the airport. Highly significant to the continued improvement to the bus services and delivery of the STP targets is the considerable work TTS has done and is continuing to do towards appointing an operator for the new contract which commences in January 2013. The implementation of the new contract is when we expect to see the step change in the bus service which will result in increased ridership.

A significant aspect of the STP is encouraging walking and cycling. The cycle route from the west has been extended along Commercial Buildings and work is ongoing to provide a continuous cycle route through to Havre des Pas. The first stage of the eastern cycle network has been completed between Gorey Pier and Lavender Villa and work is ongoing to develop its continuation. More cycle stands have been and will be installed. Several minor improvements to encourage walking have been completed including new crossing facilities and new sections of footpaths.

Encouraging people to make better travel choices is an important aspect of the policy and we are working with schools to develop travel plans and have organised two “green travel” awareness days to promote sustainable travel.

Proposals for changes to taxi regulation have been prepared and will be put out to industry and public consultation later this spring.

Proposals have been developed for a more flexible payment system than scratch cards for off street parking, which will be trialled in Sand Street car park this year.

A number of specific requirements were added by amendments to the STP and therefore not originally scoped in the Department’s workload. Progress is as follows: -

to bring forward within one year of the adoption of the Policy comprehensive strategies designed to facilitate and encourage walking and cycling;

The former TTS minister appointed a cycling strategy group which produced a first draft cycle strategy but its consideration was deferred in the lead up to the States elections. As two members of the group are no longer States members the group has had to be reconstituted and I have asked my assistant Minister Deputy Le Fondré to lead that group in finalising both the cycling and walking strategies this year.

to carry out a review of the transport requirements of the mobility-impaired or ‘disabled drivers’, including the administration and operation of the ‘Blue Badge scheme’, and to report back to the States with recommendations for any changes or improvements;

TTS intends to undertake this review towards the latter half of this year.

to implement a scheme to enhance pedestrian safety in Midvale Road by the end of 2012 subject to appropriate consultation;

A concept scheme was developed prior to the STP debate. TTS will refine and consult further on this scheme this year. Implementation will depend on availability of funding.

to research and develop proposals by the end of 2012 to enhance pedestrian levels of service at the following locations –

(i) the junction of Wellington Hill and the Ring Road;

(ii) the junction of Bath Street, Peter Street and Beresford Street;

(iii) the junction of Gloucester Street and the Parade;

(iv) the pedestrian exit across Little Green Street from the Green Street car park;

(v) the Queen's Road roundabout;

TTS will develop proposals this year.

to carry out a review of the proposal for increased shopper car parking at Snow Hill in conjunction with Jersey Property Holdings, subject to availability of funding for feasibility studies, and to bring recommendations to the States by the end of 2012.

TTS is currently assessing if funding is available.

to work with States Departments, especially the Harbours Department, to achieve the release of a proportion of the privately leased parking spaces in States' ownership for short-stay shopper parking, and to enable the provision of increased scooter or motorcycle parking;

TTS has been unable to resource this work to date.

to request the Minister of TTS to bring forward by July 2011 proposals to extend the opening hours of Liberation Station in conjunction with late bus services;

The opening hours were extended by half an hour this autumn. The new contract will stipulate that it must stay open until the last bus leaves.

to request the Minister, in conjunction with the Minister for Home Affairs and the Honorary Police with regard to enforcement, to apply appropriate measures as set out in the Policy to re-establish a reducing trend in road injury rates and to agree an eventual 'vision zero' target of no deaths or serious injuries on Jersey's roads, and to request the Minister to ask the task force to be set up by the Department for Transport and Technical Services to adopt formally within the first year a specific trend target for accident reduction by the end of the policy period, and to inform the States of this target and the rationale behind it;

The road safety strategy is under development. This involves a comprehensive study and resources were insufficient to enable the work to be completed in 2011.

to agree that the Minister applies appropriate measures as set out in the Policy to encourage the use of smaller low emission vehicles;

The half price parking scheme encourages the use of low emission vehicles which tend to be smaller. A small number of spaces for "mini" cars have been reserved and TTS will review its car parks to identify further areas.

to request the Minister to undertake appropriate monitoring of the impact and effectiveness of the Policy against the goals set out on page 8 of the policy and to publish the results at least annually.

Data is currently being collated and a report will be issued later this year.

In conclusion, much work is ongoing to deliver the Sustainable Transport Policy though some timescales have not been achievable given the Department's limited resources. The majority of the amendments above were proposed by the Connétable of St Helier, but he withdrew a proposal for additional funding of £500,000 per annum which would have enabled delivery of the objectives in a more timely fashion.

1.26 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ENGAGEMENT OF MATT TAPP ASSOCIATES:

Question

Further to the answer given on 31st January 2012 by the Minister for Home Affairs that the then Chief Executive "discovered that Mr. Tapp was very concerned in relation to the press aspects of the handling of the [historic abuse] case" and that he became aware that Mr. Tapp was available to do work for the Chief Executive as he had just been advised his services were not required by the Chief Officer of the States of Jersey Police, will the Chief Minister outline for Members exactly how this "discovery" by the Chief Executive took place?

Answer

I am not aware of how the former Chief Executive was advised of Mr Tapp's concerns regarding the external communications relating to Operation Rectangle prior to a meeting the Chief Executive held with Mr Tapp in the afternoon on 8th October 2008

2. Oral Questions

2.1 Deputy R.J. Rondel of St. Helier of the Minister for Treasury and Resources regarding the amount received by the Treasury from G.S.T. placed on food items for the years 2010 and 2011:

Would the Minister inform the Assembly of the amount received by the Treasury from G.S.T. (Goods and Services Tax) placed on food for the years 2010 and 2011? If he is unable to give a precise figure would he give Members an estimate of the amount received?

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

I am sure the Deputy will understand, as a retailer, that it is not possible to identify the exact amount received from G.S.T. placed on food as G.S.T. returns are received from businesses and include all their trading activities which, for many businesses, include the sale of food along with other non-food and other sales of goods and services. However, an estimate of the G.S.T. raised on the consumption of all food is made using the Household Spending Survey. For the 2010 estimate it was £4.5 million on food and non-alcoholic drink. For 2011 the Statistics Unit has not yet been able to produce a comparable figure but as a rough guide this is likely to be in the region of £6.4 million taking into account food inflation of 7 per cent for 2011. In a full year then the estimate for 2011 is likely to be in the region of £8 million.

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

I hope, Sir, you are feeling generous and it is not too wide of the mark. Could the Minister give any advice or encouragement on how things are progressing with this list of food to be exempted from G.S.T. which was promised?

[09:45]

Senator P.F.C. Ozouf:

I have to say I do not believe that that is within my bailiwick. It is within the Health Department in terms of healthy foods but what I would say is that I remain sceptical, following the similar investigation of the New Zealand select committee, as to whether or not we are going to be able to settle on a healthy list of foods and therefore find an easy solution to this vexed question of G.S.T. on food or not.

2.2 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the delay in making compensation payments to the victims of abuse at Haut de la Garenne:

Will the Chief Minister explain to the States the reasons for the delay in making compensation payments to the victims of abuse at Haut de la Garenne and advise whether any settlements will be subject to a requirement for claimants to keep the amount of the award private and confidential?

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

Inevitably it has taken time to finalise the mechanism for delivering financial compensation to the victims of historic abuse when in the full-time residential care of the States of Jersey. This has also required close consultation with claimants' legal advisers and guidance from the States of Jersey's legal advisers including specialist U.K. (United Kingdom) counsel. The only aspect of the scheme that may be subject to a private and confidential condition is the amount awarded for any individual claimant. We would not wish to divulge this information in order to respect the privacy of the claimant. However, we will publish the total amount awarded once all claims have been settled. At present no objections have been raised on behalf of claimants to that suggestion. There is no intention for any restriction to be placed in relation to the underlying facts of any case.

2.2.1 Deputy M.R. Higgins:

Supplementary. Will the Chief Minister... he did not say when he thinks this process may be resolved... because some of the victims of the abuse are in financial difficulties, like a lot of people in the Island, but some of them, particularly, are in financial difficulty. Will he consider interim payments to these people to help them through their time of need? So timing and also interim payments?

Senator I.J. Gorst:

The Deputy raises a very good point. I do hope that next month we will be able to be in a position... there are some small final decisions which the Council of Ministers will need to make but I do hope that next month, which is March, we will be able to come forward with a scheme and therefore in light of that I will not be considering interim payments at this time.

2.2.2 Deputy M. Tadier of St. Brelade:

Will the Chief Minister confirm whether any of the victims of abuse at the hands of the States of Jersey have been told that they have to choose, essentially, between whether they have compensation and whether they have an independent committee of inquiry and whether those 2 are, in fact, interlinked?

Senator I.J. Gorst:

There is no question of choice between the 2. There was, perhaps, a question of which should run first, should the compensation scheme be set up and operational and making payments prior to the approval of a committee of inquiry. It appears, now, likely that in actual fact a compensation

scheme will be up and running prior to the operation of the committee of inquiry but it is not a choice between the 2, both will be operational in due course.

2.2.3 Deputy M. Tadier:

Supplementary, if I may. Will there be practical complications if certain abuse survivors are compensated with, perhaps, confidentiality clauses and then an independent inquiry is held at which they may be compelled or wish to give evidence, if they are bound by confidentiality?

Senator I.J. Gorst:

As I said in my opening answer there is no intention for any restriction to be placed in relation to the underlying facts of any individual's case.

Deputy T.M. Pitman:

Probably on the same lines as Deputy Tadier but perhaps the Minister could just clarify, in terminology that I would certainly understand, can he confirm that there will be no gagging orders on any of the abused victims so they will be prevented from giving evidence to that committee of inquiry?

The Bailiff:

I think, Deputy, that is exactly the same question as Deputy Tadier has just asked. I think we will just have new questions. Very well, if there is no further questions ... Deputy Higgins, do you wish to ask a final supplementary?

2.3 Deputy S. Pitman of St. Helier of the Chief Minister regarding the establishment of a Committee of Inquiry into historical child abuse:

Following the States decision on 2nd March 2011 to request the Council of Ministers to bring forward a proposition asking the States to establish a committee of inquiry into historical child abuse would the Chief Minister explain why no draft terms of reference have yet been published? Would he state when the proposition will be lodged to enable the committee of inquiry to commence work if the proposition is adopted?

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

I gave an undertaking to the States on 6th December last year that I would be in a position to lodge draft terms of reference for a committee of inquiry into historical child abuse within the first quarter of 2012 and I still intend to do so.

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

I wonder if the Chief Minister could tell us whether he is having difficulties in formulating the terms of reference and if so in what areas have problems occurred?

Senator I.J. Gorst:

I am not sure that "difficulty" is the word to describe the process that I am going through. As the Member will know the previous Council of Ministers instructed an independent body to suggest terms of reference. They have been reviewed and considered and I need to be in a position that I can bring forward terms of reference based upon the decision of a previous Assembly which I hope will gain the support of this Assembly.

2.3.2 Deputy M. Tadier:

Can I ask the Chief Minister whether he has come under any pressure or whether he, himself, is minded to cut any of the terms of reference as agreed by the States?

Senator I.J. Gorst:

As I said, I hope to be in a position to bring forward terms of reference which are based upon those agreed by this Assembly.

2.3.3 Deputy M. Tadier:

I will have a supplementary. Of course we are getting into semantics here “based upon what the States agreed” does not necessarily mean what the States agreed, otherwise presumably there will be no hold up in bringing those forward. Can the Chief Minister confirm whether or not my amendment which was brought which discussed looking at whether prosecutions ... why prosecutions were or were not pursued and whether there was any political interference will be part of the terms of reference or has he come under pressure to cut that particular terms of reference?

Senator I.J. Gorst:

I have not come under pressure to cut, as the Deputy says, any particular terms of reference. I think it is probably appropriate that I bring forward my suggested terms of reference, that will be quite a fulsome report, and then Members will be able to decide whether they agree with those terms of reference based upon those agreed by this Assembly or whether they, in due course, wish to amend them again.

2.3.4 Deputy R.G. Le Hérisier:

In formulating the process, has the Chief Minister been able to reconcile the search for justice for the victims but also the need to ensure that it does not become an open-ended inquiry, rather like the Bloody Sunday Inquiry that was operated by the British Government. How does he intend to reconcile those 2 matters?

Senator I.J. Gorst:

The Deputy puts his finger on a very good point indeed. They are some of the issues which I am considering and trying to reconcile although I have got to inform this Assembly they are very difficult to reconcile.

2.4 Deputy R.G. Le Hérisier of the Connétable of St. Clement, rapporteur for the Comité des Connétables regarding the processing of applications for Sunday Trading licences:

Would the Chairman outline the steps taken by the Comité to ensure applications for Sunday Trading licences are subject to a minimum of bureaucracy and expense?

Connétable J.L.S. Gallichan of Trinity (Chairman of the Comité des Connétables):

The Connétable of St. Clement will act as rapporteur for this question.

Connétable L Norman of St. Clement - rapporteur:

It is difficult to conceive that applications for Sunday Trading permits could involve less bureaucracy and expense to comply with the law and regulations approved by the States last year. How it works is a business submits a formal application to the Constable, the form for which is supplied by the Parish Hall. The Constable then decides whether the application should be allowed and if so whether any conditions shall be applied to the permit such as number of deliveries and opening hours and so on. The permit is then issued. In the case of a general permit, which allows the business to open 52 Sundays a year plus Liberation Day, Good Friday and 26th December, a floor plan is required to be submitted with the first application to ensure that the premises are entitled to that type of permit. The fee for a permit is £50 which equates to 90 pence for each day which the general permit can apply during a year.

2.4.1 Deputy R.G. Le Hérissier:

Would the Connétable confirm whether or not the provision, for example, of the floor permit requires the employment of a surveyor in order to attest as to the size of the floor and, if so, why the word of the owner of the business cannot be taken at face value?

The Connétable of St. Clement:

The vast majority of businesses, when they take out a lease or purchase a business premises or extend the business premises, obviously have plans attached to the various consents and paperwork and those are perfectly acceptable to the Constable.

2.4.2 Deputy R.G. Le Hérissier:

Can we, therefore, gain comfort from the Connétable in that it is not necessary that there be submitted a form attested to by a surveyor as to the amount of floor space in a business, that is not necessary and the cost, therefore, need not be entered into?

The Connétable of St. Clement:

Provided that the business has a floor plan which has been prepared when the lease of the premises or the contract for sale of the premises or when the premises were extended or built is then shown to the Constable, which clearly would be done by a professional surveyor or architect, that is perfectly acceptable to the Constable.

2.4.3 Deputy S. Power of St. Brelade:

Can I ask the Constable a supplementary question on this? In a business where a forecourt, for instance, trades on a Sunday and has a trading licence for a Sunday, but whose workshop is closed on a Sunday, that business has to submit an application for and on behalf of the whole gross area even though 75 per cent or 80 per cent of the business is closed on a Sunday. Would he agree that this is an anomaly and needs to be looked at?

The Connétable of St. Clement:

Well, I am not sure if it is an anomaly. It is part of the law and regulations which were approved by the States last year for business premises which apply for a Sunday Trading permit. The premises are as is normally operated during the week so it is a perfectly clear part of the regulation. The whole of the premises is the one which a permit would be applied for.

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

Could the Constable confirm that, indeed, all commercial businesses are charged rates on the square footage of the premises?

The Bailiff:

What has rates got to do with Sunday Trading?

The Deputy of St. Ouen:

It is the second part of the question that is perhaps more relevant because if businesses are required to pay rates on the square footage of their business then it makes sense if the business ensures that the square footage is properly identified so that they pay appropriate rates.

The Connétable of St. Clement:

Clearly the business premises and, indeed, normal householders, have to submit their rates form, their rate returns, which indicate the square footage of the property. Unfortunately, the Deputy may remember that when we brought the regulations last year it was discovered that at least 2 business

premises had underestimated on their rates return the amount of square footage of their properties so the rates returns cannot be relied on for the purposes of the Sunday Trading Law.

2.4.5 Deputy M. Tadier:

Will the rapporteur say whether there are currently any legal challenges from disgruntled applicants on human rights grounds because the Constables are both those who administer the Sunday Trading Law and the ones who, in the States, have participated in voting for the Sunday Trading Law?

The Connétable of St. Clement:

No.

2.4.6 Deputy M. Tadier:

Does the Chairman anticipate that they are likely after this Assembly... that there will be in future challenges from members of the public on human rights grounds because Constables are the ones who both administer the Sunday Trading Law and have been involved in making that Sunday Trading Law in our government?

The Connétable of St. Clement:

I have absolutely no idea. That is pure speculation.

[10:00]

Deputy T.A. Vallois of St. Saviour:

I was going to ask a question with regards to appeal mechanisms and I am sure that would fall under the last question so I will not bother asking.

The Bailiff:

Do you wish a final question then, Deputy Le Hérissier?

2.4.7 Deputy R.G. Le Hérissier:

Apropos what Deputy Power said, could the Connétable confirm, therefore, that the application for a Sunday licence applies to the gross square footage not to the active business area that will be used on the Sunday?

The Connétable of St. Clement:

It applies to the area to which the general public normally have access during the week.

2.5 Deputy T.M. Pitman of the Minister for Home Affairs regarding the rights of the public to be informed by the police if their neighbours keep weapons in their homes:

As it might help the Minister's answer could I just say, given the abuse that I have got after the badly edited *Channel Television* interview, this is not about requesting an additional register for responsible gun owners. Could the Minister tell us, would he advise us what rights, if any, members of the public have to be informed by the police that their neighbours have a large arsenal of weapons in their homes?

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

This question has caused unnecessary upset at the local gun, sporting and collecting communities. I, therefore, want to affirm my confidence in the many responsible gun owners, in the Connétables who issue gun licences, and in the whole local system for the control of guns which maintains high standards of safety, balanced with a proper provision for legitimate collectors and gun users. But

for the addendum from the Deputy I would then have gone on to indicate that I did not think it was a good idea for information about where guns were kept to be made known to neighbours, but I understand that is not what the question is about.

2.5.1 Deputy T.M. Pitman:

Supplementary, mainstream media are great, are they not? As the Minister said this question is about protecting the safety because there are innocent people who have been attacked in their own home from people who possibly need psychiatric help and are violent. Could the Minister tell us, therefore, whether an individual who has attacked someone's house, completely unprovoked, yet has had a charge of having a sword, throwing knives and even quite sophisticated petrol bombs found at his home dismissed has then been returned home to live next door to an innocent person? Do those individuals now living in fear have any right to know the risks that they are facing?

Senator B.I. Le Marquand:

The Deputy is exaggerating, as is his wont, in relation to the extent of the issues here. I do not know of any massive sword. The individual in question, in fact, went to Police Headquarters after the original incident and surrendered 3 items voluntarily themselves. The position in relation to safety of individuals and information the police may have is a matter for discretion on the part of the police to determine issues where they would need to balance, on the one hand, safety issues and on the other hand the privacy issues. That is quite a subtle and difficult test which I have every confidence that the senior officers who would make such decisions would make correctly.

2.5.2 Deputy T.M. Pitman:

Supplementary because I am sorry the Minister is ... I do resent that comment about exaggerating. Sophisticated petrol bombs with batteries attached... perhaps he should listen to the transcripts. Is the Minister aware that the individual in question also turned up at his previous employment armed with a machete? Is that an exaggeration? Will he take his job seriously and tell us what will he do to protect people because the police have admitted they have messed this operation up spectacularly?

Senator B.I. Le Marquand:

I resent it being suggested I am not doing my job properly. The Deputy continues to exaggerate. On the last occasion he asked a question in which he said I should either apologise or resign. He then did not indicate to me, and still has not indicated, what that was about. He is prone to exaggeration.

The Bailiff:

Can you talk to the question, please?

Senator B.I. Le Marquand:

Yes, very well. I have detailed information, I anticipated what this was about not because the question tells me but because of watching exchanges of emails. I have information as to what was surrendered and there was not ... I do not have information about a machete; I have information about a katana knife, whatever that may be.

Deputy T.M. Pitman:

Different cases.

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

I do not think this is wide of the mark given the Minister for Home Affairs' first answer that it is the Constables who issue gun licences. As the Minister for Home Affairs, does he not agree that it

is about time we bring this under one authority and not 13? I am very sorry, it is like the Constables hanging on to Sunday Trading which I will just about admit they can possibly regulate; but gun licences, no way.

Senator B.I. Le Marquand:

No, I do not agree with that. I have every confidence, as I have said, in the Connétables, they have the local knowledge, [**Approbation**] they are most conscientious, they involve their honorary police to inspect premises as to suitability and so on and they make their decisions most seriously and if I might say, professionally.

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

If I can force my way through all this resentment. Could I ask whether the Minister is saying there is no right to know in answer to the question?

Senator B.I. Le Marquand:

That is what I am saying. Matters of provision of information would be discretionary in the police who have to balance competing issues. There are human rights issues in relation to rights of privacy and so on which counterbalance issues of safety. It is a matter for decision in any individual case.

2.5.5 Deputy G.P. Southern:

Supplementary, if I may? Does the Minister consider that it might be a good idea and will he investigate the possibility of giving such a right to neighbours of such people?

Senator B.I. Le Marquand:

In my view that would be clearly contrary to human rights principles for the reasons I have already said. It is a matter of balancing differing issues. There are issues here of what we are talking about, in terms of size. Every household has got knives which potentially are extremely dangerous. Are we going to have a situation where the police have to inform a neighbour that because their neighbour may be unwell or psychiatrically ill, as was the case in this case, that they have kitchen knives which are dangerous? That really does not make sense.

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

Does the Minister have any empirical evidence that centralising the function of firearms for licensing would be in any way more efficient or provide a better security for the public?

Senator B.I. Le Marquand:

No, I do not. I also have full confidence in the ability of the Connétables to balance the risks... the issues which are involved because inevitably in relation to gun licences there will also be, then, a balancing of different types of issues. I have great confidence in their ability to do that sort of exercise sensibly. The alternative, frankly, would be to centralise the control in the States of Jersey Police Force and there is no doubt that the States of Jersey Police would give the overriding concern in relation to public safety. I personally have my doubts as to whether they can provide the same independent degree of balance as is provided excellently by the Connétables.

2.5.7 Deputy S. Pitman:

Could the Minister tell Members under the Human Rights Law what protection does the victim neighbours have against such criminals?

Senator B.I. Le Marquand:

Well they have the normal protection of the criminal law.

2.5.8 Deputy M. Tadier:

While I do not have any particularly strong views on this, would the Minister not agree that he has given a spurious answer to Deputy Southern when he compares kitchen knives being a general threat and guns because surely he realises that one does not need a licence issued from a Connétable or anyone else in order to own a kitchen knife? Would he clarify that statement or accept that it is a spurious argument?

Senator B.I. Le Marquand:

This is exactly the problem that arises when a Member asks a question that looks as if it is about guns and then says it is not about guns. I am trying to answer the question in the context of what Deputy Trevor Pitman says it is about, which was not about guns.

2.5.9 Deputy T.M. Pitman:

Absolutely. If I have got a reputation for exaggerating the Minister has got a reputation of incompetence and it is well merited. This is not about the Constables or criticism of the Constables, my question is petrol bombs with batteries, quite sophisticatedly made up; the constituents have been living in fear for 14 months; the case was dismissed. They have been attacked in their own home, 8 ball bearings shot through their windows, been told by the police to live with their curtains closed and their doors locked. Does the Minister take that seriously? I am not exaggerating.

Senator B.I. Le Marquand:

Of course I take that seriously but now the Deputy is going into the area of the prosecution which is not a matter for the police at all. The police produce a report: they did so professionally. They dealt with this matter professionally. They then passed that on to prosecutors. Prosecutors then decide which cases are charged and the matter then comes to court and judges then decide what happens. Now, it so happened in this particular case that some charges were withdrawn by the prosecution. I have no idea why that is but that is nothing whatsoever to do with the police.

2.5.10 Deputy T.M. Pitman:

Could the Minister just answer the question because could he tell us, and my constituent who is listening, why that elderly couple could not be told that their next door neighbour had petrol bombs?

Senator B.I. Le Marquand:

I do not know the answer to that. I do not know in fact whether they were told or were not told in relation to that. If the Deputy would care to write to me in the normal way - email would do fine – to ask me specific questions, I will take those up, as I normally do, with the police and find out specific answers.

2.5.11 Connétable P.J. Rondel of St. John:

Before you move on could I just say that Deputy Pitman mentioned that gun owners were criminals. There is no such thing as a criminal getting ...

Deputy T.M. Pitman:

I did not say that all.

The Connétable of St. John:

No, your good Deputy Shona Pitman said gun owners were ... if you would want to listen to Hansard, I am sure that is what she said, and therefore can I assure the House, as a Connétable, and we have been discussing guns recently at various meetings, no criminals are issued gun licences.

Statistics will show that, in fact, the number is less than 5 per cent of any crimes are committed by non licensed holders of weapons.

Deputy S. Pitman:

Can I just clarify that I did not say that everyone who has guns are criminals; I meant those who have committed offences.

2.6 Deputy M. Tadier of the Minister for Economic Development regarding the staff at Indigo Lighthouse:

Will the Minister advise how many of the 222 staff at Indigo Lighthouse are locally qualified and how many will be eligible to claim income support if they are made redundant?

Senator A.J.H. Maclean (The Minister for Economic Development):

All staff currently employed by Indigo Lighthouse, including the 222 to which the Deputy refers, are locally qualified. Therefore, all staff would pass the residency test for income support. However, as income support is a means tested benefit the number eligible will be dependent on individual's household circumstances.

Deputy M. Tadier:

I am pleased to get a categorical answer from the Minister because I had asked in the past about how many staff were employed at other companies which were unqualified and I was told that there were 22 per cent across the whole employment sector which were non-qualified. So, presumably, there must be higher amounts in other companies. I thank the Minister for that answer and I will keep on pushing to find out some more specific information.

The Bailiff:

That does not sound like a question, Deputy.

Deputy M. Tadier:

I am just thanking the Minister for his helpfulness. It is rare so make the most of it.

2.6.1 Deputy G.P. Southern:

In conversation with the Minister for Social Security, has the Minister derived any estimate for the total cost of these 220 workers should they all be made redundant?

Senator A.J.H. Maclean:

Not at this stage for the reasons that I stated. Each individual circumstance is different. We do not know at this stage. The Social Security Department will be working closely with the H.R. (Human Resources) Department at Indigo Lighthouse but I should stress to Members that none of the staff have been made redundant at this stage; they have simply been put on notice. The company is acting responsibly and indeed protecting its position should the legal challenge that is currently underway fail.

2.7 The Connétable of St. John of the Minister for Transport and Technical Services regarding the warranty for the works undertaken on the Airport road:

What warranty, if any, is in place to remedy any of the problems with the surface asphalt and joints on the Airport Road and is the warranty for labour only or labour and materials, and if the latter, was this the basis on which all companies tendering, quoted, and if not why not?

Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):

It is the contractor's responsibility to rectify any defects that do not meet Transport and Technical Services' highway specification. If defects are found then the contractor has 2 weeks to remedy these defects unless traffic management constraints require a longer period.

[10:15]

Once the overall project has been completed the contractor is responsible for correcting any defects for a further 52 weeks. The contract between Transport and Technical Services and the contractor is for the whole of the works, i.e. labour, plant and materials. The tender provided to all of the companies tendering for these works was for labour and materials.

2.7.1 The Connétable of St. John:

Given the problems we had on Victoria Avenue with a number of footpaths having to be relaid some months after the work had been completed, while the contractors are onsite do staff from T.T.S. (Transport and Technical Services) monitor the work and pick up any faults earlier so that then this work can be rectified while the work is ongoing and not have to return to site at a later time?

Deputy K.C. Lewis:

Yes, it was the early intervention from T.T.S. officers that spotted the defects and led to the early remediation. The vast majority of the work of the resurfacing contractor to carry out for T.T.S. is carried out to a very high standard and in accordance with our highway specification. These defects are small in number and are corrected at no cost to T.T.S. T.T.S. and our contractors work hard to limit or eliminate these defects but where this is not successful the contractor corrects these defects at his own cost.

2.7.2 Deputy T.A. Vallois:

Could the Minister explain what T.T.S.'s specification is for the Airport Road and what the long term benefits of the specification are, whether it is a 20-year or a 40-year maintenance of the road?

Deputy K.C. Lewis:

I believe it is 25 years.

The Bailiff:

A final question, Connétable?

The Connétable of St. John:

No, I can deal with that later, thank you.

2.8 Deputy J.A. Hilton of St. Helier of the Chief Minister regarding the residency requirements for the recruitment of an Economist in the public sector:

Will the Chief Minister explain why an advertisement has been placed in the U.K. publication *Public Servant* dated February 2012 for the position of Economist, States of Jersey, which informs potential applications that 5 years' residency is not required?

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

The position advertised is a (j) category post and therefore does not require applicants to have a 5 year residency requirement. It has, however, been advertised locally only on a number of times since July 2011.

2.8.1 Deputy J.A. Hilton:

Thank you for that. When I saw the original advertisement I was shocked to see a position of this standing which, I think, must be Civil Service Grade 11, being advertised in the U.K. publication. I was just shocked because of the sheer number of unemployed we have in this Island that the States of Jersey see fit to advertise this position. I find it really, really difficult to understand that there is not somebody among the 1,500 we currently have unemployed who would not fit the bill for this position. If there is not what are we doing about succession planning? Maybe the Chief Minister could give me some idea what we are doing in that regard.

Senator I.J. Gorst:

Yes, I share, to some extent, the concern that the Deputy raises certainly with regard to succession planning. This is a ... the Economics Unit, historically, has used external economic advice. The creation of the extra post a number of years ago meant that we could reduce costs, so it costs us less to have a full-time... what are in effect 3 full-time posts, than it does to use external U.K. economic advice so there is a cost saving there. But the greater issue to my mind is how are we ensuring that in future, and in due course, we are training graduates to be able to step into these positions so that we can ensure that local people are able to take up these posts? I have spoken, yesterday, to the Chief Economic Adviser and he is quite willing to undertake to, as well as this post, take on a graduate in due course, should one be found, and I am hopeful that, perhaps, we will be able to find one, so that we do not need to go outside of the Island in future.

2.8.2 The Deputy of St. Ouen:

Just following on from the answer that the Chief Minister gave, what attempts have been made to seek out graduates that could take this particular vacancy at present? Could he also answer the question as to whether or not this particular post has been advertised widely on-Island because our information is that it has not?

Senator I.J. Gorst:

I will take the last point first. As far as I am aware it has been advertised widely. If the Deputy has evidence to the contrary then I would be delighted to be apprised of that and I will go back to the department but I have been assured that, in fact, it has been advertised widely. This particular position is not one which a graduate could fill. When I talk about a graduate position I am talking about planning for the future so that that graduate can be trained to be able to take over these posts in due course and that is exactly what we should be doing. In my opinion we have not been doing that.

2.9 Deputy G.P. Southern of the Minister for Social Security regarding the reduction of G.P. consultation rates:

What steps, if any, does the Minister have under consideration to reduce the cost of G.P. (General Practitioner) consultations to the public?

Senator F. du H. Le Gresley (The Minister for Social Security):

Deputy Southern has submitted a written question and lodged a proposition on this subject in addition to this oral question. Members may not yet have had the opportunity to look through the written answer in detail and so I will set out some of the information again. A transcription error relating to historic data in an appendix to the 2010 departmental accounts gave a misleading impression that the number of G.P. visits in the Island had fallen by nearly 50,000 visits between 2006 and 2010, a drop of 12 per cent. I can categorically state that this is not the case. The number of visits in 2006, 2007, 2008 and 2010 varied by no more than 1 per cent from year to year. The

year 2009 was an exception with approximately 20,000 extra visits recorded probably due to the concerns raised by the prospect of a swine flu pandemic. As Members will be aware the Health and Social Services Department is currently undertaking a major review of health services including the ways in which primary care is delivered in the community. These will involve the provision of services by G.P.s, pharmacists and other healthcare professionals. I will be working very closely with the Minister for Health and Social Services on this project and as plans are developed and funding is identified proposals will be brought to the House for approval.

2.9.1 Deputy G.P. Southern:

Notwithstanding the answer I would have expected a more numerate response from the Minister given that the number of members who are insured in the Health Insurance Fund has gone up by 10 per cent over this 5-year gap and as he correctly says, the number of G.P. consultations has not which, in itself, suggest that people are putting off going to the doctors because the numbers stay steady while the number insured - the number available to go to the doctor - has gone up 10 per cent. Does he accept that people are putting off going to the G.P. because of the cost?

Senator F. du H. Le Gresley:

No, I do not accept that.

2.9.2 Deputy G.P. Southern:

If I may. Despite the numbers, does the Minister accept the findings of 2 previous investigations by scrutiny into the method by which primary health care is funded in the income support system that those people on income support are putting off going to the doctor, at a cost to their health?

Senator F. du H. Le Gresley:

Since I have been appointed Minister for Social Security I have been concerned about the way that the Household Medical Account is operating which I think is a concern of the Deputy as well. We are carrying out a review of the Household Medical Account, looking to improve what is in place at the moment. What I would say is that the existing income support provision provides good cover for those with chronic conditions and those with urgent short term needs.

2.9.3 Deputy G.P. Southern:

Finally, can the Minister justify that last statement? Certainly I accept that it does provide sufficient cover for those with chronic or progressive illness, it does not, however, provide a good cover for those who fall seriously ill in an acute way.

Senator F. du H. Le Gresley:

Once again I do not agree with the Deputy. We have a system of special payments as he is well aware and many people who incur a number of bills in a short period of time are able to have that money reimbursed through special payments.

2.9.4 Senator A. Breckon:

I wonder if we could ask the Minister if he recognises the information contained in the Jersey Annual Social Survey that says people are concerned about medical and dental costs?

Senator F. du H. Le Gresley:

Yes, I am pleased to respond to the Senator on that point because the Annual Social Survey to which he is referring makes it quite clear that people are more concerned about dental costs than they are about going to the doctor.

2.9.5 Deputy T.A. Vallois:

In terms of the children of both working parents having to take their children to G.P.s and trying to find other ways of helping their child while ill to avoid the cost of G.P.s, does the Minister not acknowledge the fact that in one practice a doctor is charging £32 to £38 for a child to be seen and in another practice it is charged at £10. The parents are finding it extremely difficult, especially at this time, to help their children and they will do everything they can to do so but does he not see this as wrong and that there should be at least some fair mechanism for children to be able to access G.P.s at a lower cost?

Senator F. du H. Le Gresley:

The Deputy makes a very good point but of course the Social Security Department and the Minister do not interfere with private businesses - which G.P. practices are - and how they control the cost of G.P. consultations, but I accept the point the Deputy makes.

2.9.6 Deputy S. Pitman:

The Minister mentioned that under the H.M.A. (Household Medical Account), people on income support who have chronic conditions receive help. Now it has been said new applicants do not receive that. Could you tell us, new applicants who have chronic conditions, will they receive a special payment for their medical bills and, if so, are they made aware of this when they apply for their income support?

Senator F. du H. Le Gresley:

While the provision of Household Medical Accounts is not universal to income support recipients, there are still situations where we will offer a Household Medical Account if it is specifically requested by an income support household, particularly where there is evidence of a chronic condition of one of the members of that household. So, in answer to the Deputy, a Household Medical Account is available in certain situations and, as I said earlier in response to another question, we are reviewing the position of Household Medical Accounts and I hope to come back with proposals which will improve the whole process.

2.9.7 Deputy S. Pitman:

Could the Minister tell us when he is expecting this review to be completed?

Senator F. du H. Le Gresley:

I could not give a firm date. It is an ongoing review as part of the review of income support this year.

2.9.8 Deputy T.A. Vallois:

How could the Minister advise that we do not get involved in private businesses such as G.P.s when we provide them £19 per visit to the doctors?

Senator F. du H. Le Gresley:

My point was that each G.P. practice can charge what it likes. We only provide a subsidy. We do not have any control and in fact the J.C.R.A. (Jersey Competition Regulatory Authority) are quite clear on that; government cannot have control on what individual practices charge.

[10:30]

2.9.9 Deputy G.P. Southern:

Is the Minister aware that when recipients of income support can have large medical bills from their G.P. visits, the department is routinely allocating somebody from other components to their H.M.A. in order to pay off what they see as a debt and is not routinely recommending that people ask for a special payment?

Senator F. du H. Le Gresley:

If the Deputy has evidence of that in particular cases, he should bring it to my attention.

Deputy G.P. Southern:

The Minister will enjoy reading the report attached to my proposition.

The Bailiff:

Very well, we will come now to the next question which Deputy Hilton will ask of the Minister for Health and Social Services.

2.10 Deputy J.A. Hilton of the Assistant Minister for Health and Social Services regarding compulsory drug testing for parents with drug addiction:

Can the Minister inform Members whether compulsory drug testing forms part of the decision-making process by her department when deciding whether drug addicts are fit and proper parents to retain the care of their children, and if not, why not?

The Bailiff:

I understand the Assistant Minister is to answer this question.

Deputy J.A. Martin (Assistant Minister for Health and Social Services - rapporteur):

Neither the Minister nor our officers have the power to demand compulsory drug testing. Where concerns do exist we can ask parents to commit to voluntary testing. Where children and young people are subject to legal orders and ongoing care proceedings, only the court can order compulsory testing. This may be requested by the Children's Services or the child's guardian but again the compulsory testing can only come from the courts.

2.10.1 Deputy J.A. Hilton:

In a recent Ofsted report in the U.K. they have highlighted reoccurring patterns of agencies carrying out pre-birth risk assessment placing too much focus on the mother's needs at the expense of the baby and under-estimating the vulnerability of young infants. The regulator also warned that staff were under-estimating the risks resulting from the needs of parents with problems ranging from drug addiction to histories of abuse. The Assistant Minister in her response to me said that currently the Children's Service have no power to impose compulsory testing and that only the courts are able to do that. I would ask whether she would consider that maybe the law should be changed to enable compulsory drug testing to be allowed to take place where childcare proceedings are taking place.

Deputy J.A. Martin:

Myself, the Minister, Law Officers, the Director of Social Services with the Deputy have spent time trying to go through this case concerning the protection of children, and if only it was black and white. All cases of drug, alcohol, taking children away from parents and everything like that; even at this meeting we could not find what part of the law would have to be changed because every case is treated on its merits or non-merits. Every child is treated differently from the child before and it does not really matter what I personally think, we, like many others (I think the Minister for Home Affairs described it well earlier) have to present the case to the Law Officers. The Law Officers have to go to the court and if we cannot persuade the court under the Children's Act that this is the best thing for the child, this order will not be forthcoming.

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

Can the Assistant Minister advise, when such applications are made, the timeline it takes for such applications to be processed through the court and how often are they approved or rejected?

Deputy J.A. Martin:

We have had occasion to say that sometimes the court proceedings do take too long. As I say, the officers work very closely with the parents who have drug problems to have voluntary testing which is the best outcome. That also shows that the parents (or it could be one of the parents, not both) are absolutely committed because they are doing it on a voluntary basis, that they want to work with the service, they want to work with the social worker and they want to kick the habit.

2.10.3 Deputy J.A. Hilton:

Is the Assistant Minister satisfied that there are resources available to those involved in care proceedings to address and reduce their dependency, whether it is on alcohol or drugs, in a controlled manner? Does she not agree that a child is a gift and not a right and that at all times we must put the rights of the child before that of the rights of the parent?

Deputy J.A. Martin:

I think I definitely agree with Deputy Hilton; the rights and protection of the children are utmost in my mind, the social worker's mind, the officer's mind and the Minister's mind. Sorry, I have forgotten the first part of the question.

Deputy J.A. Hilton:

I asked the Assistant Minister whether she was satisfied that the resources are available within the Drug and Alcohol Service to those involved in care proceedings to address and reduce their dependency on either drugs or alcohol in a controlled manner?

Deputy J.A. Martin:

I think there are the mechanisms there, there are the resources; however, how do you force someone - and everyone will know you can only help a drug addict or an alcoholic when they admit that they have the problem. Then the resources can kick-in. Obviously, I think on anything we could always do with more and we should be doing it early; we should be getting in there early and I totally agree, like Deputy Hilton, the child for me will always come first. It is not a blanket, we must say that whatever we do for the child we are improving their environment. So that is where all these grey areas come in and I wish that it was black and white but every case is grey and different.

The Bailiff:

Very well, question 11 I understand has been withdrawn, Deputy, is that correct? So we come to question 12 which Deputy Southern will ask of the Minister for Health and Social Services.

2.11 Deputy G.P. Southern of the Minister for Health and Social Services regarding the 'increased risk to the organisation' caused by pharmacy services cuts:

Will the Minister inform Members what the increased risk to the organisation highlighted by her department concerning the C.S.R. (Comprehensive Spending Review) spending decision, HSS-S5, on pharmacy services was?

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

Health and Social Services Department undertakes a risk assessment for all C.S.R. proposals. The assessment relating to this particular one - review of the pharmacy services - did find that a potential risk increase to the organisation may have arisen had it been necessary to reduce the level

of out of hours service. In the event we increased pharmacy service provision. No reduction was made so that there was no increase in risk.

2.11.1 Deputy G.P. Southern:

I thank the Minister for her answer and for her extensive answer to a similar written question. Could the Minister assure Members that the changes that were made have not produced a reduction in senior pharmacy cover in the hospital?

The Deputy of Trinity:

Yes, the actual review was to review all skills and that has been done. Regarding cover in hospital, as I said it has been increased. There was not a pharmacy open on Sunday mornings; there is one now. There has been investment into the pharmacy itself with a robotic arm to help and it continues. There is a pharmacist on call 24/7 365 days a year.

2.11.2 Deputy G.P. Southern:

Is that pharmacist on call a senior pharmacist?

The Deputy of Trinity:

I do not know whether it is the senior pharmacist but there is a pharmacist on call.

2.11.3 Deputy G.P. Southern:

Another point made at a recent inquest was into the absence or presence of funding for electronic prescribing which would help assist doctors in the hospital in their prescribing habits. Is funding likely to be brought forward for the advent of electronic prescribing?

The Deputy of Trinity:

As you know, there are quite a lot of pressures within Health and Social Services at present and we have just done the I.C.R. (Integrated Care Record) project within the hospital and that was £12 million. This is not a cheap bit of kit; it is on the list but I cannot give you a time when it will be coming in.

2.11.4 The Deputy of St. Ouen:

I would just like to ask the Minister whether she could confirm that the cover is the same over the weekend as it is during the week?

The Deputy of Trinity:

As I have said, the cover at weekends is that before the pharmacy was only open on Saturday mornings, other than a pharmacist being on call. Since the review and being able to do the skill mixer, we opened the pharmacy on Sunday mornings as well. As I have said, there is always a pharmacist on call.

2.11.5 Deputy G.P. Southern:

Would the Minister return to me a response to define the level of senior cover that now exists compared to what used to exist?

The Deputy of Trinity:

I ask just for confirmation of just exactly what he is asking me to do.

Deputy G.P. Southern:

To confirm that the levels of senior pharmacy cover have been maintained since this change.

The Deputy of Trinity:

Yes, I can look into that and come back.

The Bailiff:

Very well. We will come next to question 13, which Deputy Higgins will ask of the Minister for Economic Development.

2.12 Deputy M.R. Higgins of the Minister for Economic Development regarding the costs of court action relating to the abolition of low value consignment relief:

Will the Minister advise whether the figures of potential costs for taking the U.K. Government to court over its decision to abolish low-value consignment relief differ between Guernsey and Jersey when both Islands are contesting the same point, and whether an offer by a specialist costs lawyer to determine the costs of this action more accurately at no cost to the States was rejected, and if so, why?

Senator A.J.H. Maclean (The Minister for Economic Development):

Jersey and Guernsey have arrived at different estimates for the legal costs of taking the U.K. Government to court over L.V.C.R. (Low-Value Consignment Relief). It is not appropriate for me to comment on Guernsey's estimated case costs especially as the case is still live, however, I can say that the quality of expertise we have engaged and the significant and thorough work undertaken in a short period of time has, in my view, been fundamental to securing a court hearing date far earlier than is normal procedure. This has been critical to allowing businesses that are considering relocation to remain in Jersey until the outcome of the court case is known. As Minister I take legal advice from the Law Officers Department rather than those who work in the private sector and this case was no exception. I did, however, refer the costs specialist to the Law Officers Department but I do not believe they chose to use his services.

2.12.1 Deputy M.R. Higgins:

For the benefit of Members and the public, the costs estimated by Jersey are £360,000 and the costs for Guernsey £60,000, so you can take from it that maybe our lawyers are 6 times more expensive than those in Guernsey. However, the point is that any legal action is an expensive undertaking and we should, in my view, get the best possible advice. The Minister has mentioned that Jim Diamond's - who is a costs lawyer - letters were forwarded on to the Law Officers but he did not even respond. Is that not correct? Have you not even responded to letters from this individual who offered his services for free to the Island to make sure that we were getting best value from the legal profession? Would the Minister not agree that he should have responded to the person and should still pursue trying to get proper costs advice?

Senator A.J.H. Maclean:

I do find this line of questioning quite frustrating. The gentleman that the Deputy is referring to used to work for the Law Officers Department before he was replaced by a permanent employee. On the subject of answering emails, the Deputy has previously raised questions about legal fees in the Island. I took those questions seriously and referred it to the Law Society. The Law Society has approached Mr. Diamond and failed on 7 occasions to get a response as to the methodology he used in his survey on legal charges. I would also say, which is equally frustrating, that Deputy Higgins himself raised questions about legal charges.

[10:45]

I raised that point to the Law Society and I am afraid the Law Society had a similar problem with Deputy Higgins who failed to reply. I have a letter here from the President of the Law Society that says that on 3 occasions there was no reply.

The Bailiff:

The question is whether you had replied to the individual in this case. [Laughter]

Senator A.J.H. Maclean:

I was trying to build a picture but it is a question of kettle, pot and black in some respects. I passed the details to the Law Officers Department which is the appropriate thing to do and left the matter with them to make a decision on. I believe they did not use the individual; I am not sure of what communication directly or otherwise they had with him.

2.12.2 Deputy J.H. Young of St. Brelade:

I would like to ask the Minister to clarify a point that his answer raises; as the Minister responsible for this particular piece of States litigation, could he advise the Assembly whether he sought advice and whether it was possible to agree a cap or negotiated maximum fee in order to limit the extent of costs running and financial risks in the litigation?

Senator A.J.H. Maclean:

I am satisfied that the Law Officers Department negotiated hard and got an acceptable deal as far as costs are concerned. I am not aware in relation to a cap. With litigation, as you would know, it is very difficult to put a cap. I think if we are going to take the difficult decision that we have to take legal action, particularly in this particular case, we would not wish to hamstring that case in any way in advance of starting proceedings. Consequently I am satisfied with the estimate given although clearly these matters can change through litigation; as the case progresses the figures can alter.

Deputy J.H. Young:

Sorry to come back but I would like the Minister to clarify whether on this particular piece of legislation the decision on the spending is within his Ministerial responsibilities or whether that is a responsibility of the Law Officers to agree within their budget.

Senator A.J.H. Maclean:

It would be a matter for the Law Officers. It is certainly not funded from my department directly.

2.12.3 Deputy R.G. Le Hérissier:

Could the Minister inform the House, given the emphasis he placed upon the obtaining of an early date, when will the Guernsey case be heard?

Senator A.J.H. Maclean:

H.M.R.C. (Her Majesty's Revenue and Customs) has asked for the 2 cases to be joined together. They started as 2 separate cases; they have been asked to be joined together and so they will be heard at the same time.

2.12.4 Deputy M. Tadier:

Will the private companies in Jersey which stand to benefit if the legal challenges are successful be contributing to the costs of legal action?

Senator A.J.H. Maclean:

We have asked companies to contribute towards the legal costs and there have been already some undertakings that some contributions will be made?

2.12.5 Deputy M. Tadier:

Does the Minister have any idea about what proportion that might be and will it be dependent on whether the cases are successful or not?

Senator A.J.H. Maclean:

Not dependent on the cases' success and I cannot give an indication at this stage of what any contributions may be.

2.12.6 Deputy T.M. Pitman:

I am sorry if I missed this but could the Minister confirm those figures given by Deputy Higgins, because I think there is £300,000 different and were those quotes received on the same day?

Senator A.J.H. Maclean:

I think I made it clear that the case is still live and I was not going to go into details between the different estimates. The word I have used is "estimate". Guernsey has received an estimate and we have received an estimate. I am satisfied certainly with our estimate, Guernsey's is a matter for them to consider.

2.12.7 Deputy J.A. Martin:

I would like to prefix my question with saying good luck to whoever is representing us in the English courts against the English Government and I do hope we win, I really do. My question on that is, does it not follow that if we do win (as I hope we do) that we would get our costs back?

Senator A.J.H. Maclean:

Yes, the indication is that we would get certainly a proportion of costs back, which would significantly mitigate what our costs would be. I think the question from the Deputy is, in many respects, what would winning look like? People have asked me that question; you can win and still lose, if Members can follow; but in fact in this particular case we are looking for a level playing field and if we received a level playing field with Europe then that would allow us to maintain businesses in the Island and importantly jobs. This is about protecting local jobs.

2.12.8 Deputy M.R. Higgins:

Just a piece of information for the Deputy and for the Minister as well; I have not responded to the Law Society because I am bringing 2 propositions to the States in a short while to do with the legal profession, to do with charging and I am going to consult for 3 months on it, and they will have their opportunity to speak then. Going back to the idea of the costs; is the fact that we seem to have been quoted estimates much higher than Guernsey an indication that legal charges are too high in this Island?

Senator A.J.H. Maclean:

Absolutely not; it has got nothing to do with it at all. The costs are about taking this particular case through the High Court in the U.K. It has got nothing to do with costs locally.

The Bailiff:

Very well, we will come next to a question which Deputy Trevor Pitman will ask of the Chief Minister.

2.13 Deputy T.M. Pitman of the Chief Minister regarding the raid on the German Consul's home last year:

Will the Chief Minister advise the Assembly as to whether the former Assistant Minister for External Relations was informed about the raid on the German Consul's home last year and if not, why not?

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

This question relates to an ongoing operational matter and therefore it would be inappropriate for me to comment at this stage.

2.13.1 Deputy T.M. Pitman:

I am speechless. If the Minister is going to stonewall I do not know what I can say really but what I would like to ask the Minister is if it was a diplomatic incident - which surely it would be in my understanding - would the Assistant Minister for External Relations not have to be informed as that is part of his role? Could the Minister at least inform us of that?

Senator I.J. Gorst:

I do not wish to talk about a particular case as I have said and therefore I shall endeavour not to do so. As the Deputy probably knows, the law governing issues with relation to Honorary Consuls is the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998 and that outlines how these issues must be dealt with.

2.13.2 Deputy M.R. Higgins:

Could I ask the Chief Minister whether representatives from the German Government came to the Island on this issue and were concerned about the raid and the taking of computers that involved matters relating to the German state?

Senator I.J. Gorst:

That obviously is part of the operational matter which I do not propose to answer at this point because it is ongoing.

2.13.3 Deputy T.M. Pitman:

I rise with trepidation. Could the Chief Minister perhaps indicate when he thinks he may be able to make some comment, especially as a number of States Members have been contacted about threats being made that this matter should be dropped or certain people will suffer with their reputations being smeared, because I think that is very serious?

Senator I.J. Gorst:

Obviously it is a police matter and then for the Prosecution Service as such to decide what the outcome will be. If the Deputy is receiving such threats, I suggest that the appropriate thing for him or other Members to do is to talk to the police.

Deputy T.M. Pitman:

I just clarify that I am not receiving threats but there is material being sent to a number of Members indicating that people involved in this case are being threatened to keep quiet.

Senator I.J. Gorst:

I do not think that I can add to the answer that I gave some moments ago with regard to if people feel that they are being threatened in this matter to refer it to the police.

Deputy T.M. Pitman:

I thank the Chief Minister for that.

2.14 Deputy M. Tadier of The Minister for Home Affairs regarding the reasons for the suspension of the former Chief Officer of Police:

Will the Minister advise the Assembly whether he kept the former Chief of Police suspended on the strength of the letter from the Deputy Chief Officer who became Acting Chief Officer alone?

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

I will give a brief answer initially. In relation to the preliminary question I will advise the Assembly. In relation to the substantive question the answer is no.

2.14.1 Deputy M. Tadier:

Did the Minister say no?

Senator B.I. Le Marquand:

In relation to the substantive question I said no, yes.

Deputy M. Tadier:

That is to say he did not keep the former Chief of Police suspended on what was known as the “Warcup letter” alone? Is that correct?

Senator B.I. Le Marquand:

That is correct, yes. It is fairly well known; there were transcripts of the full hearings that I conducted. If Deputy Tadier wishes to check what I am saying he merely has to look at those transcripts. There also, of course, is a Royal Court case on judicial review where the Royal Court upheld my decision. He can also look and see what that says about it.

2.14.2 Deputy M. Tadier:

Thank you for that response. It is my understanding that in March 2009, when the suspension reviews were going on, that the Minister did say that he kept the Chief of Police suspended on what is known as the “Warcup letter” so if the Minister is saying that is not the case, would he say on what other evidence or legal advice he kept the Chief Officer suspended, initially that is.

Senator B.I. Le Marquand:

Yes, I will do that. This will take a bit longer than my initial answer. I reconsidered the suspension of the former Chief Officer I think (for the avoidance of doubt we are talking about Mr. Power) in February and March 2009 and decided to maintain the suspension. I considered 2 documents; firstly the letter of Mr. Warcup which, as Members know, I deleted some parts from because there were references in it to the interim report of the Metropolitan Police. Secondly, I considered the text of the press release for the press conference conducted jointly by Mr. Warcup and a senior investigating officer, a Superintendent Gradwell, which had taken place on the day before the original suspension. I also considered issues such as the loss of public confidence in the Police Chief. Mr. Power brought an application for judicial review to the Royal Court and in August 2009 that application was dismissed. But by May 2009 I was aware of the existence of Operation Blast which was secret, unauthorised files kept by the police on every States Member including a criminal record check on every States Member. In July 2009 I held a separate suspension hearing for Mr. Power and decided to suspend him upon that basis alone as a separate suspension to the original suspension. In October 2009 of course I received the interim report of the Wiltshire Police in relation to the Haut De La Garenne non-finance matters. I reviewed the suspension monthly and notified Mr. Power monthly of the reviews which I had conducted.

Deputy M.R. Higgins:

I would just like a clarification from something the Minister has just said. The Minister mentioned that he had studied 2 documents; one was the letter from David Warcup and the other was the transcript for the press conference? The Minister said, I believe, that it took place on the 11th. The press conference took place on the 12th, at the same time almost, or within hours of the Police Chief being suspended. Can the Minister please confirm is that transcript available?

Senator B.I. Le Marquand:

I am sorry if I have made a mistake on the date but I was under the impression that the suspension hearing took place on the next day. If I am wrong on that I apologise.

2.14.3 The Connétable of St. John:

The Minister mentioned Operation Blast; could the Minister confirm that the records of Operation Blast have been destroyed and, if not, what has happened to those files?

Senator B.I. Le Marquand:

I have asked questions on this of the police in the past. I am trying to remember what the answer to that was. They were held for a period obviously in relation to disciplinary matters. There was also advice at one stage that they should be held for further reasons but I am afraid I have lost the details on that. They are certainly not going to be used in any way and I will make further inquiries to see whether they have now been destroyed but there were reasons not to destroy them for quite substantial periods. I will check on the current status.

2.14.4 The Connétable of St. John:

Will the Minister revert back to the House once he has found out the information?

[11:00]

Senator B.I. Le Marquand:

I do not think it warrants my making a statement but I will happily put out information to Members as to what had happened and if there is still an outstanding reason why they should be kept, as to why that is so.

2.14.5 Deputy T.M. Pitman:

Could the Minister clarify; he said one of the reasons for keeping the Chief of Police suspended was a lack of public confidence. Now that seems a very subjective matter and, to be fair, if there was any lack of confidence in the Chief of Police it was largely created by the Minister for Home Affairs and a couple of Senators who are no longer with us who spent more time undermining the child abuse investigation than they did doing political work.

Senator B.I. Le Marquand:

The test which I applied in relation to the suspension was very a complicated one. I cannot remember the precise details of it but one of the issues that arose in which I considered was an issue of public confidence; I had to formulate a view in relation to that. I would accept that of necessity that would be subjective but I did so formulate a view.

2.14.6 Deputy M. Tadier:

It seems that the Minister is giving a lot of supplementary reasons afterwards why he found good reason to keep the Chief of Police suspended but does the Minister first of all acknowledge that he initially suspended him on the Warcup letter alone?

Senator B.I. Le Marquand:

No. I have made it clear that I also considered I think it was copies of the slides which I had in relation to the press release. I considered that important because it meant that I had a second senior police officer, namely the senior investigating officer, corroborating what was being said by Mr. Warcup.

2.14.7 Deputy M. Tadier:

Can I ask for the date of that, simply for the record? Did those slides come into the Minister's hands before the suspension date?

Senator B.I. Le Marquand:

It was those which related to the press conference which I thought took place on the day before the initial suspension by the former Minister, Deputy Lewis, although I may be incorrect on that but it was that press conference.

2.15 Deputy S. Pitman of the Minister for Education, Sport and Culture regarding the cost of damages caused by vandals at Springfield Stadium:

Further to my written question of 31st January 2012 to the Minister for Home Affairs outlining the number of incidents of vandalism at Springfield Stadium, will the Minister now advise the Assembly the total financial cost to the States of repairing this damage?

Deputy P.J.D.Ryan of St. John (The Minister for Education, Sport and Culture):

In his answer on 31st January 2012, the Minister for Home Affairs informed the House that there were 26 reported incidents to the States of Jersey relating to both anti-social behaviour and, in some small number of cases, vandalism. Indeed 6 of those incidents were recorded as causing damage and 2 of those were to vehicles. One of these incidents was well-published when, in April 2011, approximately 50 seats in the grandstand were vandalised. The cost of repair on this occasion was about £1,000. It is estimated that the cost of repair for the remaining incidents amounts to about £200 for materials and about £500 for internal maintenance labour. This included breakage of chairs on 2 occasions and removal of graffiti on one other occasion. It is estimated that the total cost of repairing damage caused by these reported incidents in 2010 and 2011 was therefore £1,700.

2.15.1 Deputy S. Pitman:

Do the figures that the Minister has quoted include contracted labour costs?

The Deputy of St. John:

My understanding is that they do, yes.

2.15.2 The Connétable of St. Helier:

While I am sure the Minister would join me in deploring the anti-social behaviour and particularly the vandalism that has occurred at Springfield, would he not agree with me that the failure of the States to maintain the asset and particularly the railings around Springfield park amounts to an extremely expensive and deplorable situation. Will he give assurances that those railings will be treated and dealt with and will he further undertake to replace the benches which have mysteriously vanished from the walk through Springfield and which make it difficult for people to stop and enjoy the park which is after all what it is and could he give me that undertaking that those benches will be replaced and the railings made good.

The Deputy of St. John:

First of all, I would share the Constable's concerns and feelings regarding the Springfield Stadium and I would also like to thank Deputy Shona Pitman for bringing these matters to my attention at a

meeting that I attended with her and the Springfield residents yesterday evening. Most of these problems were unknown to me in the past and what I have undertaken to do, and perhaps the Constable would also be interested in this, is to meet again with the residents in one month's time, when I will have had the opportunity to discuss the whole matter with my officers and to take note of what resources or whatever might be required to try to help the residents of the Springfield area to improve their quality of life. I feel that I would certainly feel the same way as they do were I to be living in that area.

2.15.3 Deputy S. Pitman:

Does the Minister agree that this reducing the vandalism and anti-social behaviour at the Stadium will involve him and his department working with different agencies? Can he confirm that he will be doing that?

The Deputy of St. John:

As I have said to the Deputy and she does know, I cannot confirm or deny anything at the moment but I do intend to report back to her and also the residents of the Springfield Stadium area in one month's time when I will be able to give more definitive answers. But I have to note that there may be resource implications and we all know that resource implications are difficult at this time. I would also like to say that nevertheless I will be committed to try to reduce vandalism and anti-social behaviour in the Springfield area, as indeed the States as a whole should be committed to doing, not only in the Springfield area but in many other areas in St. Helier as well.

The Bailiff:

Very well. That brings all questions on notice to a close so we move now to questions without notice. The first period is to the Minister for Housing.

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

3.1 Deputy T.M. Pitman:

I am particularly keen, because the Minister is doing a good job. It has got to be wrong. I suppose the Minister is very upset to see the T.V. (television) report on the conditions at Le Squez, the appalling conditions that some people were living in. Would he agree with me that the real reason for this appalling state is 30 or 40 years of not being maintained, because the 6 houses that were sold on Le Squez, built at the same time, were in perfect condition where these people are living in absolutely shocking conditions. Would he agree with that? I know he is moving towards hopefully overcoming the problem.

Deputy A.K.F. Green of St. Helier (The Minister for Housing):

I would agree with the Deputy that the problems we are experiencing with some of our property is distinctly down to lack of investment and that is something I am working very hard to address. But while I am on my feet I would like to (and I am sure the Deputy would join me) disassociate myself from some of the comments that have been made following the media article where it saddens me that a few people have on-line criticised people who are in our housing situation. The majority of our customers are very good people; they work hard, they raise families, they pay taxes and they pay their rent and it saddens me; the Jersey I know is a Jersey where the better-off support the less-well-off and the quicker we get back to that the better. But I do agree with the Deputy; it is lack of investment.

3.2 Deputy S. Power:

I pose this question in the context of the Minister's involvement on the Migration Advisory Group. In the light of the recent census figures of the 98,000 population, does the Minister feel that control of population and migration should be strategic and should rest with a Minister or a Ministerial department that is not in any way involved in driving... or involved in economic growth?

Deputy A.K.F. Green:

The quick answer to that is yes, the Deputy knows full well that I felt that the Minister for Housing should be responsible for population control and growth. The Assembly felt otherwise and that is why when the new law comes in it will be in the Chief Minister's Office.

3.2.1 Deputy S. Power:

This is a supplementary question on the last part of the Minister's response and I am very grateful to him for his reply. Does he feel that therefore it should rest with the Chief Minister as the Chief Minister cannot be involved in economic development?

Deputy A.K.F. Green:

Yes, I am confident with this Chief Minister particularly that it sits comfortably in his department. Do bear in mind that the Chief Minister will be creating a much more robust social policy unit which will have oversight of all the different things, including employment, migration, population, and, if I have my way, with housing transformation programmes and will be directing the strategic housing unit as well.

3.3 Deputy M. Tadier:

Is the Minister comfortable that taxpayer's money is used to pay private landlords in the form of income support rent components without any requirement of those landlords to provide that their properties meet basic standards?

Deputy A.K.F. Green:

This is something that I am not comfortable with to be perfectly honest, that we do not have measurable standards for all types of tenancy and it is work that I am undertaking. We will have of course the residential tenancy law and the deposit protection coming in. What concerns me more, and it is something that does not directly come under my department at the moment, is the unqualified accommodation and the lack of standards there and it is something that I do intend to work on with my good colleague the Minister for Health. At the moment I am concentrating on the Housing Transformation Programme so that we can invest properly and substantially in social housing throughout Jersey and also have a Strategic Plan for housing across all tenures going forward 30 years.

3.3.1 Deputy M. Tadier:

I am glad to hear that that is something which the Minister is not comfortable with and wants to change but I would respectfully say that it is completely within his remit and it is within his power to put in place changes. So will the Minister be bringing forward proposals in the very near future to resolve problems of a lack of standard in the unqualified sector but in all sectors of housing in our Island because it is something which could quite simply and quickly be done by him?

Deputy A.K.F. Green:

It is not quite simply or quickly done by me. The unqualified sector, for example, comes under Health at the present time. I am going to work and am working very hard to improve the opportunity for housing right through the Island, whether that be subsidised social housing, whether that be affordable houses in terms of houses that people can rent, whether that be States loans changed into a States deposit scheme. We need - and this is what Jersey has lacked recently - a

complete plan for the next 30 years to house our community. That is why the Council of Ministers accepted housing our community as one of the major parts of the Strategic Plan that we are going to do now. I could say to the Deputy: "I am going to concentrate on the standards in the private sector" but there is so much work that needs to be done that I am going to initially concentrate on the overall Strategic Plan and then social housing as part of that. Then there will be other work that will fall out of that because I will be working on all these different things, but we are in danger of trying to do everything and achieving nothing if we are not careful.

3.4 The Deputy of St. Ouen:

Will the Minister advise the Assembly whether a new social housing policy is being developed by his department, and if this is the case when does the Minister plan to bring this policy to the States prior to its implementation?

Deputy A.K.F. Green:

The Assembly would be aware that I am working on the Housing Transformation Programme which I would imagine fits into the area that the Deputy is asking me about. Some of that work will be coming forward shortly. One item particularly has already been implemented and I will just talk about that quickly. That is the gateway that we now have where all social housing providers other than the Parish are on one waiting list. So, for the first time, we have one waiting list for the Island and we have basically 6 categories of people within that; one being those of utmost urgency, category 6 being those who are urgent but supported by different agencies for whatever reason, and then other people that may be in sound accommodation but overcrowded because of larger families or whatever. So the affordable gateway is working very well. It started in January.

[11:15]

For the first time we have got a handle on those who meet our criteria - and I have to stress that - that are on the waiting list. We now know that because it is all in one place and it is working well. We have made about 80 allocations through the gateway since January including housing trusts. Of course the gateway criteria does not entirely satisfy me (for example, we do not help anybody under 25) but there is no point in changing the gateway until we can increase the supply of homes; you just increase the waiting list and do not solve the problem. That is something that I will be reviewing later on. So the gateway is part of what we have been working on and from that also is the formation of a strategic housing unit. We have got to have someone who will champion the supply of homes right across the Island in all tenures, whether that be Homebuy or some sort of shared equity, whether that be social rented, whatever it might be; someone needs to be championing that supply. We have got to get away from turning the tap on to full blast and then turning it off and taking years to turn it back on. We need a proper Strategic Plan for housing in Jersey. Then, beyond that, I would like to have a much more flexible and agile organisation delivering social housing and that will be the Housing Association which will replace ... it is quite a complicated story.

3.4.1 The Deputy of St. Ouen:

The Minister speaks about someone should champion the supply of homes to meet the needs of our local community and he speaks about this brave new world where we are going to have this strategic unit set up. Surely the Minister must realise he is responsible, he is accountable to the States and to the public for the delivery of housing on the Island and promotion of the needs of our individuals. Is he going to be our champion?

Deputy A.K.F. Green:

No, because I want to take the politics out of housing and ensure that it continues, whoever is in charge of it politically. So I will be the champion that ensures there is a champion, if that answers

the Deputy's question. I want a proper strategic housing unit that looks at everything. At the moment, for example, States loans (and we only gave one States loan last year because, I would suggest, of the low amount) comes under population not under housing, and so we need to have that in one place. But I will be ensuring when I leave this office that Jersey has a much more robust housing system that meets the needs of all Islanders and also, to be honest, I want to support those that need support, I want to invest in independence rather than dependence and to do that we need to be much more strategic, we need to be much more open-minded and we need to be much more pro-active.

3.5 Deputy J.A. Hilton:

Six months ago 6 local families had their dream of home ownership dashed by a last-minute decision of the Minister for Planning and Environment who re-categorised the homes available under the Homebuy scheme at Le Clos Vaze, the more expensive first-time buyer scheme. Can he tell Members what progress has been made in producing an affordable home scheme which satisfies the legal requirements?

Deputy A.K.F. Green:

I am afraid that at the moment - and maybe this is something that will change when we have the strategic housing unit - that is entirely a matter for the Minister for Planning and Environment.

3.6 Deputy K.L. Moore of St. Peter:

Earlier the Minister described the new priority scheme for people who will be assessed as they enter the gateway to housing. When we met about 10 days ago there were 82 names on the Band 1 priority for those who were most in need; could the Minister tell the House when he anticipates that those 82 people or families will be housed?

Deputy A.K.F. Green:

Not in its entirety but I do have some good news inasmuch as we have 60 units coming on line at Le Squez fairly soon so that will considerably help more than 60 families, because very often there is a domino effect as Members would appreciate inasmuch as if you can move somebody - who wishes to move I hasten to add - to release a 3-bedroom house by putting them in a new one-bedroom home then that obviously has the effect of helping people on the other list. So there is good news on the horizon. There are sites coming online; 60 fairly soon. We have just taken possession of Lesquende land and we have planning permission for that. We have yet to get the by-laws sorted out but once that is done I would envisage in another 18 months there will be another 70 units there. So we are working very hard but at least 60 families will be rehoused in March.

3.6.1 The Deputy of St. Peter:

Would the Minister explain why he continues to allow his department to sell off housing stock when there are so many people in need of housing?

Deputy A.K.F. Green:

Yes, and this is simply one of finance although we must get it into context. We are talking about a handful of homes on an annual basis. If you looked at it from an uninformed situation you might say: "Well, why would you sell a home and then find yourself one down when you have got 80 people on the list?" I signed a Ministerial Decision recently selling a home at Grasset Park to a family that are already in social housing - I am trying to be vague so that I do not identify the people. They are in a housing trust property so they are in a position where they are able to buy. They bought the house that we have sold, that money then goes in to allow for the much-needed refurbishment because that is one of the ways that I fund it but more importantly that vacated unit has gone to somebody on the Category 1 waiting list. So it is not as simple as just selling homes.

What we do need to do though, as an organisation, is admit that some of the homes are not homes that we want for various reasons and we need to realign our stock from time to time as well.

3.7 Deputy M.R. Higgins:

It is a question regarding housing trusts. Obviously many States Members have had complaints about housing trusts and their activities. Can the Minister tell me what proposals he has got to bring them under much tighter control and stop some of the abuses that some of the housing trusts are causing to their clients?

Deputy A.K.F. Green:

That was my next thing when you suggested that my answer was too long last time. I will be proposing the introduction of new legislation which will provide appropriate regulation that will give this House and the Islanders confidence. The statute will apply to the existing housing department and its new form as a housing association and to all those housing trusts who receive or have received public support in any way by way of land or capital allocations or interest rate subsidies, so I will be regulating the whole of the social housing providers whether they be housing trusts or part of the new housing association.

The Bailiff:

I am afraid that brings questions to the Minister for Housing to an end so we move on to questions to the Minister for Planning and Environment.

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

4.1 Deputy S. Power:

I ask this question of the Minister for Planning and Environment. Does the Minister feel that control of population and migration should be strategic and should rest with a Minister or Ministerial department that is not in any way involved in driving or involved in economic development and I ask this Minister this question specifically because of the shortage of affordable housing and social housing.

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

In a word, yes, I do.

4.2 Deputy J.A. Hilton:

Six months ago 6 local families had their dream of home ownership dashed by a last minute decision of the Minister for Planning and Environment, who re-categorised the homes available under the Homebuy scheme to the more expensive first-home buyers at Le Clos Vaze. Can he tell Members what progress has been made in producing an affordable homes policy which satisfies the legal requirements which I believe he considered to be a bit of a problem beforehand?

Deputy R.C. Duhamel:

First and foremost, let me put the Deputy correct. The hopes of the 6 families were not dashed by a decision taken by the Minister for Planning and Environment. Those 6 families were offered similar conditions to which would have existed had we had the defunct Homebuy scheme. I am pleased to report to the House that 4 of those families have purchased their homes under those conditions, 2 dropped out and those homes went back on to the first-time buyer market. The House will receive through the Treasury a contribution to funds on the first re-sale of those properties, some £500,000. I think it is a success story and certainly does not accord with the comments from the Deputy. In the second part of her question; what is happening on the affordable homes front,

she is well aware that there is a working party of a whole number of States Members seeking to address the redefinition of affordable homes to come forward with a replacement scheme for the Homebuy scheme and that work is well underway and due to be finished off in the very near future.

4.2.1 Deputy J.A. Hilton:

According to a report in the *Jersey Evening Post* who leaked an email in which the developer's lawyer confirmed that the 6 homes were to be sold at first-time buyer value of £425,000 and not the agreed price of £275,000, is the Minister for Planning categorically stating that those 6 families who were originally chosen, picked out of a hat to have homes at £275,000, only pay £275,000 for those homes?

Deputy R.C. Duhamel:

I must reiterate, the Deputy did not hear me. I said 4 of those persons were offered the terms that were equivalent to the Homebuy Scheme. They did not pay the full price; they paid a reduced price and sums of monies will be coming back to the Treasury. However, 2 of those families, having been offered the opportunity to purchase, found reasons not to go through with the purchase and those 2 extra units were therefore put back on to the market at the open value price.

4.2.2 Deputy J.A. Hilton:

Can I just have confirmation that the Minister for Planning and Environment is agreeing that those homes were sold at £275,000?

Deputy R.C. Duhamel:

That is my information.

Deputy J.A. Hilton:

Thank you.

4.3 Deputy M. Tadier:

My question relates to architects' plans which I understand cannot currently be produced without prior permission of the architect. Will the Minister state whether that is the case and what that means for the media outlets who want to act in the public interest to inform residents of controversial developments that may be coming up in their area?

Deputy R.C. Duhamel:

At the moment, plans are normally copyrighted and deposited with the department as part of an application process. Members of the public, including members of the press, are entitled to inspect those copies at the Planning Department but they are not entitled to take a photocopy or some other electronic means of copying the material without the prior permission of the architect. There are plans afoot by the department to open up the planning process by the introduction of an electronic system which will enable members of the public and the press to view those details on line. Discussions will need to be had as to whether or not, in doing that, there will be a facility to print out those documents on your home printer machine or some other printing machine and whether or not, in doing so, you would be violating the copyright rules.

4.3.1 Deputy M. Tadier:

I thank the Minister for that response. Does the Minister agree that irrespective of whether or not in future plans are put on line, the issue nonetheless remains with the copyright and will the Minister be bringing forward changes to allow the media, whether they be bloggers or the press, to reproduce architects' plans so that members of the public can view them and so that the public interest outweighs any copyrights that the architects may already have?

Deputy R.C. Duhamel:

I agree with the Deputy. There is an argument for seeking to allow that to happen and I will take that into consideration when we review the system.

4.4 Deputy R.G. Le Hérissier:

The Minister was reported in the press as saying that the replacement of the sewerage facilities would cost £250 million, which has spread alarm and despondency among the general population, and I will be asking the Minister for Transport and Technical Services a similar question. Would he acknowledge that this figure was correct and will he be prepared to provide written confirmation of how he reached this conclusion?

Deputy R.C. Duhamel:

I would and indeed will do so.

4.5 The Connétable of St. Helier:

I would like to refer to 2 amendments to the Island Plan that was debated last year. Could I first of all ask the Minister to pass on my congratulations to his officers for implementing one of the amendments which relates to the costs of planning fees in relation to minor works done to listed buildings which has now taken force in law from January and hats off to the department. Could I secondly ask the Minister to advise me what progress his department has made with the amendment that was approved to investigate the feasibility of a St. Helier country park?

Deputy R.C. Duhamel:

I thank the Constable for his comments. Work is being undertaken in a general context to see to what extent the provision of a country park could take place on the outskirts of St. Helier.

[11:30]

I must inform the House that although it was a proposition from the Constable as part of the Island Plan, countryside parks that are appended to urban areas are not the exclusive area of St. Helier and there might be alternative possibilities or other possibilities for doing similar things next door to the other urban areas, notably in St. Clement and notably at Le Quennevais.

The Connétable of St. Helier:

Could I thank Minister for his answers and ask him to involve me, if possible, in his departmental work. I agree that country parks could indeed border all of the urban parishes but I would like to remind him that the States approved my amendment in the Island Plan.

Deputy R.C. Duhamel:

Yes, when the time comes for the Constable to be involved, he will certainly be involved.

4.6 Deputy J.H. Young:

Will the Minister advise the Assembly whether he has yet been able to meet with the Jersey Architecture Commission - the membership of which he appoints - and discuss with them, or will he discuss with them, how the Island might better achieve community involvement in the development of designs of significant developments which affect the community in line with the ideas of the U.K. Localism Act which comes into force in April which requires developers to work in collaboration with the community when they produce major designs?

Deputy R.C. Duhamel:

I have not yet taken the opportunity to meet with all of the members since being appointed to office although I had met with a number of them previously. A new appointment has just been made to

the Architects Association to bring the numbers up to the full complement. In setting out an Architecture Commission as one of the advisory groups to advise the Minister, that is exactly what they do. It is just one of many outside bodies that the Minister has the opportunity to draw upon in terms of their experience. In that context, I think that there is a very real separation between the professional capacity of those persons sitting on the Architecture Commission and, indeed, lay persons' opinions in dealing with community issues in line with the U.K. Localism Bill. To that extent, in seeking to bring forward to this House and to the local community opportunities for more people to be involved in how their individual areas will be developed, there must, in my view, be an alternative organisation, if you like - or body - to lock into those members of the public whose viewpoints must be consulted upon.

4.7 Deputy R.J. Rondel:

This is really a supplementary to Deputy Hilton's earlier question regarding the 6 homes at Clos Vaze. I do understand the Minister's answer that of the 6 homes, 4 were taken up and 2, for whatever reason, were not. My question is why then were the remaining 2 not offered to the people on the waiting list that desperately required affordable housing?

Deputy R.C. Duhamel:

The reason that the list was not extended to any other persons was that the gateway that was being run at the time was being operated indirectly by the Parish of St. Helier without permission to do so and we got ourselves into a political turmoil in that offers to enter into a purchasing agreement by certain parties were made by the Parish without having any ownership of the property which they could offer. That was part and parcel of the difficulties. In achieving an agreement with the developer, it was agreed that in order to be fair to the 6 who had been the ones drawn out of the hat, that they would be the ones who would be brokered with and that is what we did.

4.8 Senator P.F. Routier:

When the Minister was proposing the members of the Planning Applications Panel, he gave an undertaking that the members would sign up to a code of conduct and he also agreed that he would publish that so that the public were aware how members were expected to operate. Can he indicate when that will be published?

Deputy R.C. Duhamel:

I believe it is on the website but if Members would like their own personal copy, I will send that out later today.

4.9 Deputy S. Power:

The Minister may or may not be aware that in some sectors of the unqualified housing market, there are poor standards of accommodation and some residential buildings have not been upgraded for 30 or 40 years. Does the Minister feel in his role as Minister for Planning and Environment that there is a strategic responsibility to work with the Minister for Housing and with the Population Office inspections to deal with this problem as some of this accommodation may very well be close to being unfit for purpose?

Deputy R.C. Duhamel:

Any Island community, and in particular the governing bodies that govern it, must deal with the best use of its assets as possible. In that respect, if there are areas outside of the government control which impact on the use of buildings within the States sector and they are not sufficient for purpose, then it is only right that in bringing forward housing policies and planning policies that best use or improvements are sought to bring about best use. So I do agree with the Deputy.

4.10 Deputy J.H. Young:

Will the Minister confirm his support for the Island Plan policy of making available in the urban areas of the Island allotments for those that wish to have them? Is he able to provide any advice to the group currently working in the Island to assist them to identify suitable sites and not waste their resources on sites which prove to be unsuitable?

Deputy R.C. Duhamel:

I honestly support the policies that my department has set and which have been ratified in this House but do have some provisos. The provision of garden allotments makes most sense when those garden areas are very close to areas that have been built-up in. If indeed requests come forward by the residents of those urban areas for garden allotments that are in the deep countryside, as far as it exists in Jersey, then that brings with it planning problems in respect of further requirements for garden sheds, for parking and all the other paraphernalia that is normally associated with this allotment-style gardening. In that respect, if indeed fields are going to be used in the deep countryside for gardening purposes for the general public, then I would personally favour a move towards community farming whereby individuals have a share, if you like, in the running of a particular farm and share not only in the workload but in the profits that are generated. I think that perhaps would provide a better model. But for areas that are close to the built-up area, yes, garden allotments are something that the department and the Minister do support.

The Bailiff:

Very well. That brings questions to the Minister to an end. Before we move on, I can inform Members that Deputy Young has lodged a second amendment to the Electoral Commission: Composition and Terms of Reference - P.5/2012 - and that will be with Members.

5. Urgent Oral Questions

The Bailiff:

Now, I have given leave for Deputy Southern to ask an urgent question of the Minister for Social Security and so I invite him to ask it now.

5.1 Deputy G.P. Southern of the Minister for Social Security regarding a survey into the possible introduction of a 'youth rate' set below the minimum wage in Jersey commissioned by the Employment Forum:

I just seek your guidance on the formats. I have got 3 starting points there. At what stage should I be asking any supplementaries? I suspect some will come after the second.

The Bailiff:

I think you should ask your question and we will get the response and then see how you go.

Deputy G.P. Southern:

Is the Minister aware that the Employment Forum has commissioned the company Island Analysis to conduct a survey currently underway into the possible introduction of a 'youth rate' set below the minimum wage in Jersey? Does the Minister accept that in any survey of opinion, questions must be thoroughly vetted to ensure balance if the survey is to be valid? If so, is he satisfied that all questions on the employee survey and, in particular, questions 9, 10 and 12, are fair and balanced and not leading or misleading? Will the Minister agree to request the forum to suspend this survey activity until the questions have been checked by the Statistics Unit for balance?

Senator F. du H. Le Gresley (The Minister for Social Security):

Before I respond to the Deputy, I would like to clarify whether this question complies with Standing Orders. Under Urgent Oral Questions 15(3) it says: “The Bailiff should approve the question if he or she is of opinion that it does not contravene Standing Orders.” The question is 117 words and I believe it contravenes Standing Order 13(2).

The Bailiff:

Well, whether it does or not, can you answer it please, Minister? **[Laughter]**

Senator F. du H. Le Gresley:

I was proposing to answer the first 70 words and leave the rest if that was alright. I am aware that Island Analysis has been commissioned to undertake some research on behalf of the Employment Forum. In December last year, I met the forum to explain that the Back-to-Work Ministerial Taskforce had agreed that the matter of a youth minimum wage rate be urgently reconsidered as part of our wider strategy focusing on unemployment. We would be failing in our duty if we did not consider all options available to us. I directed the forum to review the potential impact of a youth rate and I set a tight time scale for that work. Island Analysis is a specialist research company with experience of undertaking research on behalf of other organisations locally. As well as the written questionnaires, representative samples of individuals and organisations will be surveyed using different methodologies including face to face meetings with employers and focus groups with young people. I am satisfied that the research provides a fair and balanced approach to explore perspectives of youth employment and pay. The Statistics Unit has indicated that it will require 4 weeks to provide a meaningful review of this survey. A 4-week delay in the contracted timetable is not manageable and would require the search to be terminated and restarted at a later date with obvious cost implications. Island Analysis has provided the forum with a cost-effective approach that is achievable in the tight timescale available. The survey is already underway. Island Analysis has allocated staff to the project to ensure that our deadlines are met. Stakeholders have been invited to participate on given dates and a full timetable of work is planned during the next 6 weeks. While the Deputy is, of course, entitled to his views on the wording of some of the questions, I believe the questions to be both fair and balanced and can see no good justification for suspending the survey.

5.1.1 Deputy G.P. Southern:

That is very clear. If I may just follow up. I already have a response from the Statistics Department. I have got 7 comments on one of the particular surveys. In particular, on question 7 of the young people’s survey it says: “There are multiple concepts here.” Now, if the Minister knows anything about devising questions, you do not ask questions that involve 2 concepts at the same time. That just gives you wrong answers. The main issue here is more perhaps how likely you would be to accept a job which paid (a) the minimum wage £6.32 an hour or (b) the new minimum wage e.g., £5.32 an hour. The question is badly phrased, misleading. It starts off: “If it meant that you were more likely to get a job, would you take a job below the minimum wage?” That is obviously leading. Does the Minister not consider that that question in particular is misleading because the Statistics Unit say that it has multiple concepts and is wrongly phrased?

Senator F. du H. Le Gresley:

I have received the same comments that the Deputy refers to from the Statistics Unit. I am fully aware of what he is talking about. I can only leave it to the Members to make a decision on this to ask whether, in their opinion, this question is misleading and I am going to read it out because I think the Deputy is really being very particular on this.

[11:45]

“If it means that you were more likely to get a job if you are/were under 19, would you be willing to work for a youth rate which may be lower than the current minimum wage which is applicable to all adults?” I find that is a very straightforward question and I have no difficulty with it.

5.1.2 Deputy M. Tadier:

I think that grammatically it should be “if it meant” rather than “if it means” because it is conditional so I think that is already one mistake there for a start. The question I have is quite simply can we be circulated a copy of these questions so that we can all make our own minds up as to whether they are leading at all? I think it would be helpful perhaps if the Minister has a steer from more than one States Member on that.

Senator F. du H. Le Gresley:

All the questionnaires are available on a website which I can circulate the details of the website to Members. There are 5 questionnaires. There is one for employees, which is the one that Deputy Southern is referring to; one for an employer, which is accessible by a password that employers who presently take part in consultation with the forum use. There is one for young persons. There is one for Advance to Work and Advance Plus participants and there is one for general organisations. I have to stress that these questionnaires are the product of work done by the forum. They are not work done by the Social Security Department.

5.1.3 Deputy G.P. Southern:

Does the Minister consider that the questions are fair and balanced and will lead to an outcome which can be trusted because that is the key question. In particular in the light ... and I will make one more comment from the Statistics Unit, question 8 on this particular survey says: “Do you think that a youth rate should be introduced as an option to Jersey?” Could stop there. That is a perfectly clear question. “As currently utilised in the U.K., Guernsey and the Isle of Man.” Leading. It is totally acceptable. The comment from the Statistics Unit is: “Seems unnecessary to quote U.K., Guernsey and the Isle of Man” except to indicate that it is an acceptable thing and therefore leading. Can the Minister be sure that when he returns to this House with a proposition to say youth rate or no youth rate that he will be basing his statements on material that can be trusted and not material that is open to question as being leading?

Senator F. du H. Le Gresley:

I think it is a matter of fact, and I am sure the Deputy will agree with me, that there is a youth rate in the U.K., Guernsey and the Isle of Man. I am sure he will not dispute that as a matter of fact. Therefore the fact that that has been put in a question, I do not really see that that is an issue and I really find it hard to understand why the Deputy is challenging that particular question. I can only suggest that some of the Deputy’s concerns stem from his known adverse beliefs about a youth minimum wage which is ...

Deputy G.P. Southern:

Sir, that is a slur on my integrity. That is absolutely ...

The Bailiff:

Deputy, one moment.

5.1.4 Deputy S. Pitman:

Could the Minister inform Members has he consulted the Statistics Unit on the questions and, if not, will he do that subsequent to Deputy Southern’s concerns?

Senator F. du H. Le Gresley:

I have already explained that the survey is underway and I have no intention of withdrawing the survey.

5.1.5 Deputy G.P. Southern:

Just to repeat, my interest in this issue is to get a straightforward and reliable answer out of this survey. I fear that the Minister will be coming back to us in some months' time with something that is totally shoddy, leading and inaccurate and I do not want that to happen. Will the Minister reconsider his position on this issue so that he comes back to the House with something that he can put his hand on his heart and say: "I trust this survey and the evidence is that we can or cannot go ahead with the youth rate." Will he do that?

Senator F. du H. Le Gresley:

I would never come to this House with a proposition that is shoddy, misleading or inaccurate. The forum makes recommendations only to the Minister. The Minister has to take into account many other factors and this survey is only a very small part of any information that I would take into consideration before bringing a proposition to this House.

The Bailiff:

Very well. Just before we leave this, the Minister at the beginning raised the question of whether the question complied with Standing Orders. I directed him to answer it because Ministers must answer questions whether they think they comply with Standing Orders or not, the Chair having ruled. But just to give him comfort, I can perhaps explain that the limit on 70 words only applies to Oral Questions on Notice during the 2-hour period. It does not apply to urgent questions. Very well. There are no matters under J or K so we come then to Public Business.

PUBLIC BUSINESS

6. Draft States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations (P.196/2011)

The Bailiff:

We come to the Draft States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations - Projet 196/2011 - lodged by the Chief Minister and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations. The States, in pursuance of Articles 29 and 50 of the States of Jersey Law 2005, have made the following Regulations.

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

Could I ask my Assistant Minister to act as rapporteur for this item of business and the next as well please?

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

There are 2 related propositions before Members today which together will create an independent regulator for aviation security. This first proposition establishes the independence of the regulator by transferring responsibility for aviation security from the Minister for Economic Development to the Chief Minister. The next proposition, which is P.197, provides the mechanism through which the Chief Minister can carry out those responsibilities. So taking this first proposition, the transfer of functions from Economic Development to the Chief Minister, the issue is that civil aviation

security has become increasingly under the international spotlight following the crash of Pan Am Flight 103 at Lockerbie and the tragic events in the U.S.A. (United States of America) on 11th September 2001. In the last 10 years, further attempts have been made by terrorists, some successful, to breach the security of air passengers and goods carried by air. Members may have seen only last week in the U.S.A. a terrorist convicted of attempting to blow up a plane. These events have led to the need for more stringent security standards and more effective ways of ensuring those standards are being met. Aviation security measures are put in place by the aviation industry, that is airports, airlines, cargo carriers and other regulated entities such as in-flight catering suppliers. These operators are required to have a security management system, a framework through which an operator plans and delivers its security processes. To ensure the necessary security standards and processes are implemented effectively, an independent regulator is required. The regulator specifies detailed requirements and then verifies adherence with these requirements. In Jersey at present, there is no independent regulator to verify that aviation security standards are being met. The airport itself sets its own standards in line with the U.K., European and international best practice. While I have absolutely no reason to believe that the highest security standards are not being achieved, it is an important principle that we ensure that there cannot be any inherent conflict of interest for the airport acting as both operator and a self-regulator of aviation security. The International Civil Aviation Organisation gives a high priority to the objective of a quality control programme and requires the establishment of independent regulatory oversight. In addition, because all airlines operating from Jersey travel to Europe, it is necessary for Jersey to meet European Union aviation security standards in order to ensure unhindered travel for passengers and carriage of goods. These E.U. (European Union) standards also require the establishment of independent quality assurance and oversight of aviation security. For these reasons, the Council of Ministers has supported the appointment - in partnership, I have to say, with the States of Guernsey - of an independent aviation security regulator within the office of the Channel Islands Director of Civil Aviation. With regard to Jersey's current position, Ministerial responsibility for aviation security presently rests with the Minister for Economic Development who is also politically responsible for Jersey Airport. To ensure truly independent regulation separately from the Minister, who has responsibility for the airport, it is proposed to transfer the responsibility to the Chief Minister. The Aviation Security Regulator would then report to the Chief Minister through the Director of Civil Aviation. The rationale for assigning this function to the Chief Minister is that he also has responsibility for external relations, including international conventions relating to civil aviation security. So in conclusion, the proposed transfer of political responsibility for aviation security from the Minister for Economic Development to the Chief Minister will ensure Jersey meets the international standard for independent regulation of civil aviation security as well as compatibility with E.U. regulations and U.K. detailed directions on aviation security. It will also separate the roles of the airport operator and the security regulator through reporting lines through different Ministers. It will establish clearer lines of governmental accountability for aviation security and in collaboration with Guernsey, ensure consistent and effective regulation of aviation security standards for airports, airlines and other operators across the Channel Islands. I make the proposition.

The Bailiff:

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

6.1.1 The Deputy of St. Ouen:

Just a relatively quick question but it is around manpower and resources. We are told that the Channel Islands Director of Civil Aviation has been appointed and yet under manpower and resources, it speaks of no direct manpower resource implications arising from the adoption of these

draft regulations. Perhaps the Assistant Minister could inform us of what the indirect manpower and resources implications might be surrounding this particular type of regulation?

The Bailiff:

Does any other Member wish to speak on the principles? Very well, I invite the Assistant Minister to reply.

Senator P.F. Routier:

This particular proposition transferring the functions from the Economic Development Department to the Chief Minister does not have any manpower resources. It is the next proposition which we come to which has the manpower resources so we will discuss that in the next proposition.

The Deputy of St. Ouen:

Please just one last question on that.

The Bailiff:

I am sorry, he has replied to your question. This is a debate.

The Deputy of St. Ouen:

As a point of information, Sir, the Assistant Minister has just said this is a transfer of functions. Normally when it comes to a transfer of functions and responsibility, resources are associated and linked to it. The Assistant Minister seems to suggest that there is no link to resources required to deliver this piece of regulation.

Senator P.F. Routier:

I am happy to clarify that. The Director of Civil Aviation already sits with the Chief Minister's Department as it already exists so there is no responsibility for that. It may ease up some time within the Economic Development Department possibly within their own services but as far as transferring any resources, there is no effect at all. I maintain the proposition.

The Bailiff:

Very well. All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Now, this matter falls within the remit of the Corporate Services Scrutiny Panel and the Chairman, Senator Ferguson, is unfortunately ill and ... you are the Vice-Chairman, thank you.

The Deputy of St. Ouen:

We will be not looking at this please, Sir.

The Bailiff:

Thank you, Deputy. Very well. Do you wish then to propose the regulations *en bloc*?

Senator P.F. Routier:

Yes, I am happy to answer any questions if anybody has any.

The Bailiff:

Very well. Are Regulations 1 to 6 seconded? **[Seconded]** Does any Member wish to speak on any of the individual regulations?

[12:00]

Very well. All those in favour of adopting Regulations 1 to 6, kindly show? Those against? They are adopted. Do you propose the Regulations in Third Reading, Assistant Minister?

Senator P.F. Routier:

Yes.

The Bailiff:

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

7. Draft Civil Aviation (Amendment of Law) (Jersey) Regulations (P.197/2011)

The Bailiff:

Then we come to the associated matter which the Assistant Minister has spoken of, the Draft Civil Aviation (Amendment of Law) (Jersey) Regulations - P.197/2011 - lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Civil Aviation (Amendment of Law) (Jersey) Regulations. The States, in pursuance of Article 10 of the Civil Aviation (Jersey) Law 2008, have made the following Regulations.

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

As I previously stated, this proposition will provide the mechanism by which the Chief Minister can through the Director of Civil Aviation carry out his responsibilities for aviation security regulation. Aviation safety is currently regulated for the Channel Islands by the Director of Civil Aviation. There is a close alignment between the issues of aviation safety and security to the extent that both involve different aspects of air transport and Jersey's commitment to implement the requirements of the International Civil Aviation Organisation Convention. Since political responsibility for the regulation of aviation safety has previously been assigned to the Chief Minister under the Civil Aviation (Jersey) Law 2008, this is also the most rational location for the regulation of aviation security. The purpose of the proposition is therefore to amend the statutory duties of the Director of Civil Aviation so that these also include matters relating to aviation security. In practice, the D.C.A. (Director of Civil Aviation) would then delegate the specialist duties to an officer within the directorate known as the Aviation Security Regulator. I should mention that while these duties are assigned by law in Jersey under the Civil Aviation (Jersey) Law 2008, the Aviation Security Regulator will also act in a shared post with regard to Guernsey so the duties of the Director of Civil Aviation will be extended in Guernsey under the equivalent Guernsey legislation to the same areas of aviation security as in the Jersey law. I would like to express my thanks to members of the Guernsey States and their officers for yet again finding and agreeing another very practical way of providing a solution to a common issue. I propose the proposition.

The Bailiff:

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

7.1.1 The Deputy of St. Ouen:

Perhaps the Assistant Minister would confirm whether or not the £39,000 identified under manpower and resources heading within P.197 is, in fact, an indirect cost related to the previous transfer of functions that was just debated?

7.1.2 Deputy M.R. Higgins:

Could the Assistant Minister advise us whether they have already identified a person for this post and if they have, what qualifications they do have to undertake it?

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

In similar vein to the Deputy of St. Ouen, I am not entirely happy with the extra cost of £39,000 in view of the fact the Assistant Minister previously told us that the safety issue was perfectly satisfactory so it seems to me we are replacing a perfectly satisfactory situation with another perfectly satisfactory situation with an extra cost of £39,000.

The Bailiff:

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

7.1.4 Senator P.F. Routier:

The Deputy of St. Ouen is quite right. There is an additional cost to providing this service which is something we cannot avoid because we do have to have this independent person in place. I should try and clarify the point with regard to the cost which is in the report. The 13 pence per person is for the whole of the security arrangements which has been increased by the airport in recent times. The actual cost for this post is 2.7 pence so that is the cost of that. I will take Deputy Baudains' question about the value of this really. We have to have a separated-out independent regulator. We unfortunately cannot avoid it. If we were able to have just rolled it into the same post, we would have done so but we have to have an independent person doing this and that is what this is creating. With regard to the identification Deputy Higgins raised, the identification of an individual, I believe that there is somebody in Guernsey who has been identified as a possibility for taking on this post.

Deputy M.R. Higgins:

No, I am just trying to encourage you to tell us about his qualifications, please.

Senator P.F. Routier:

I am unaware about the qualifications for this post but certainly I have no doubt the Director of Civil Aviation will ensure that the person who is recruited to the post will have the appropriate qualifications. I maintain the proposition.

The Connétable of St. John:

Before we adopt it, the Minister said there was an extra 2.7 pence. Is that over and above the 13 pence or is it within the 13 pence because the Chief Minister is nodding his head at one and the Assistant Minister's is shaking.

Senator P.F. Routier:

It is included within the 13 pence.

The Bailiff:

All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Deputy of St. Ouen, do you wish this matter referred to your scrutiny panel? Very well. Then do you wish propose the regulations *en bloc*, Assistant Minister?

Senator P.F. Routier:

Yes, Sir, and I am happy to answer any questions.

The Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 or 2? The appel is called for then in relation to the adoption of Regulations 1 and 2. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator P.F.C. Ozouf				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

The Bailiff:

Then do you propose the Regulations in Third Reading, Assistant Minister?

Senator P.F. Routier:

Yes, Sir.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading, kindly show? Those against? They are adopted in Third Reading.

8. Draft Social Security (Amendment of Law No. 2) (Jersey) Regulations (P.1/2012)**The Bailiff:**

We come next to the Draft Social Security (Amendment of Law No. 2) (Jersey) Regulations - Projet 1/2012 - lodged by the Minister for Social Security and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Social Security (Amendment of Law No. 2) (Jersey) Regulations. The States, in pursuance of Articles 50 and 51 of the Social Security (Jersey) Law 1974, have made the following Regulations.

8.1 Senator F. du H. Le Gresley (The Minister for Social Security):

In 2010, the Fiscal Strategy Review carried out by the Treasury and Resources Department identified the extension of social security contributions above the earnings ceiling as one of the essential components of an overall plan to sustain government finances. A new rate of 2 per cent is now payable on earnings above the standard earnings limit of £45,336 and up to the new upper earnings limit of £150,000. This rate is only paid by employers and Class 2 contributors. During 2011, the Social Security Department worked very hard to design and implement the necessary changes. Regulations were brought to the States by my predecessor for approval. Ministerial Orders were signed and operational systems were adjusted. The deadline of 1 January 2012 was met. The legislation to collect the new contributions has been established. Employers have adjusted their payroll systems and Class 2 contributors are currently receiving their 2012 assessments based on the new rules. However, even with the best-laid plans, there can be an occasional oversight. In this case, the definition of a specific phrase "standard contribution" was adjusted in one area of the law but this was not extended to all types of contributors in a separate area of the law. Standard contribution for a Class 1 insured person is the aggregate of the contributions payable into the Social Security Fund in respect of an individual's earnings equal to the standard monthly earnings limit. For 2012, this will be 10.5 per cent of £3,778 per month which is £396.69. Standard contributions are used for 2 separate purposes. Firstly, they are used to calculate the amount of supplementation provided to an individual who earns below the standard earnings ceiling. Secondly, they are also used to calculate how much value to assign to an individual's record when a monthly payment is received which is less than the full liability of that individual for the month. The current gap in the definition of standard contribution makes no difference at all to the liability of the individual which is clearly set out in the schedules to the law. The rules for supplementation are also fully covered. The area that does require further definition relates to the way in which an individual's record is recorded by the department for benefit purposes in the future. For Class 2 contributors with earnings above the standard earnings limit, there is currently no definition. This amendment sets out definitions of standard contribution for both Class 1 and Class 2 contributors as part of the new schedules and these definitions apply throughout the law. I am grateful to the Law Draftsman for assisting my officers in identifying this minor problem and providing this necessary amendment to address this specific issue. We have also taken the opportunity of making 2 further changes to improve the structure and clarity of the law. The contribution record of an individual depends on the value of contributions made each month. If an individual earns more than the lower earnings limit of £796 a month and contributions

are received on those earnings, then the individual has a full contributory record for that month. This is known as a monthly contribution factor of 1. Months are grouped into quarters. For each quarter, the monthly contribution factors are averaged to give a single quarterly contribution factor. If contributions have been received for all 3 months, the individual will have a quarterly contribution factor of 1 plus 1 plus 1 divided by 3 which equals 1. I am pleased to say that that calculation is quite easy to understand compared to Cold Weather Payment calculations [Laughter] which did cause me some concern in the last sitting. If an individual does not work for one month during the quarter, the quarterly contribution factor will be calculated as 1 plus 0 plus 1 divided by 3 which equals 0.67. The contribution factor for a complete calendar year is known as the annual contribution factor and is calculated by averaging the 4 quarterly contribution factors. Finally, annual contribution factors are averaged over a fixed period of 45 years to determine the percentage value of the individual's old age pension. This is known as the life average contribution factor. The changes to the law set out in these Regulations 2, 3 and 4 creates a single Article, Article 8A in which all these definitions are provided together. There has been no change in the way in which the factors I have just described are defined or calculated. The final amendment is to add some wording to Article 30 to explain the way in which incomplete contributions are allocated to the Social Security Fund and the Health Insurance Fund. I should point out that in my report, I refer to Article 3. This is a typing error and it should say "Article 30". I propose the principle of the Regulations.

[12:15]

The Bailiff:

Is the principle seconded? [Seconded] Does any Member wish to speak on the principle?

8.1.1 Deputy G.C.L. Baudains:

Just a couple of queries relating to the report. In the timetable, it says existing Regulations and Orders will come fully into effect on 1st January. Surely that should read "have already" because this was lodged on 4th January which makes me wonder if we were to reject this today whether that would annul this. Secondly, under financial and manpower implications, I notice the figure of £6 million. Perhaps the Minister could clarify this for me because it does give me the impression that, in fact, we have a convoluted process here in that what will happen is that contributions are being raised to offset the money given to Health and Social Services.

8.1.2 Senator A. Breckon:

I have a number of questions arising from the content of P.1/2012. It says that the new contribution rate of 2 per cent is payable by employers and then in the financial and manpower implications on page 5, it says there are no additional financial or manpower implications for the States. I would have thought if the employer has to pay 2 per cent, that applies to the States so there are financial implications to the States. I wonder if the Minister could clarify whether there are or whether there are not and if there are, how much it will be because the States is an employer and we have seen by other earnings levels produced that there will be people earning above that level. Therefore contributions will, in fact, be paid by the States. The other thing I understand, and people older than me may remember this, that it was based on the Beveridge Principles which was a third, a third, a third - a third from the employee, a third from the employer and a third from the government - and the question I would ask the Minister is are we moving away from that to provide some cash or a reduction in Treasury in the amount paid in supplementation and therefore is this another form of taxation on whoever, whether it is employers or employees, at a level and will this trend continue if we are going down this particular road? I say that because the £6 million is there which says it is a reduction in the amount of supplementation but it comes from somewhere and it comes from employers. The States, I would say, is one of those. The other thing that is in there...

and I was with Senator Routier, and also Senator Gorst would have a knowledge of this. I worked on Social Security for a while and I seem to remember that we spent a terrific amount of money on a computer system called NESSIE. It was in excess of £10 million. My reason for saying that is it said there will be a need for increased staffing of up to 5 full-time equivalents and that is temporary. My question to the Minister is what will 5 full-time equivalents be doing if we have got this excellent computer system and I understood that what we needed to do was change the numbers and press the button and off it went. So although it does not say how many staff will be required following that and if it is a changing contribution, maybe I am just a bit thick, but I cannot see why you would need to employ more staff if you are going to put a price up. It does not work anywhere else so I do not know why we should be doing that here. So I am not entirely comfortable, as Members may have gathered, with this because I see what we have here is we are opening the door for a cash cow for the Treasury to use another method of raising money from people in middle Jersey who are already under some pressure. So I have some discomfort with that but I am sure the Minister has got some excellent answers that may allay my fears.

8.1.3 Deputy G.P. Southern:

I am just looking at the Strategic Plan Resources Statement circulated by the Minister for Treasury and Resources today and in it he says referring to this particular matter: "In addition, employers are now required to pay an additional 2 per cent on employees' earnings between the standard earnings limit of £35,000 and the upper earnings limit of £150,000. This change also affects Class 2 contributions paid by the self-employed [I understand that bit] and the non-employed." Could the Minister explain how this impacts on the non-employed because I am not sure how that is working?

8.1.4 Senator P.F.C. Ozouf:

I am grateful to the Minister for Social Security for being the Deputy Minister for Treasury and Resources today because effectively he is and this Assembly will understand he is doing effectively the job of completing what was an important component of the Fiscal Strategy Review. I am grateful to him and his department and his predecessor to have put in place this mechanism to raise this amount of money which is going to reduce the supplementation bill and is an important component of the Fiscal Strategy Review. I do not think that Social Security should be scolded in any way for the resources that they have asked for and are putting in place to do this. They have an excellent computer system but it was a computer system that did not allow them to gather information on earnings above the £44,000 so there is a huge amount of work by a very small team in the ongoing work to collect this. I was a little surprised with Senator Breckon's remarks because, of course, we have had the debate on the Fiscal Strategy Review. We had that in large measure in the budget last year and the year before when we debated exactly what the total contribution of dealing with the deficit that was going to occur in Jersey of £100 million, of how we were going to tackle that in the tax raising measures. Originally we were going to raise G.S.T. to 5 per cent and we were going to put forward a proposal for 2 per cent above the cap up to a cap of £150,000 on employers and employees, something that many Members have called for for many years, the unfairness of the fact that people above £44,000 did not make any contribution, either the employer or the employee, in terms of their incomes. That was seen as an unfairness in the system. The proposal was made to maintain the 2 per cent for employers as the public financial position improved somewhat last year but in the anticipation of the new residential care scheme which will, of course, be levied on employees up to the same cap in the region of 1.5 per cent. So we have had the debate on this issue. We have had the policy debate about this important measure and the Minister is bringing forward final arrangements and clarifications in order to make that happen. There is a clear issue that Senator Breckon raised about the Beveridge Principles. We had that debate. We believe that in the sorting out in the normalisation and the balancing of Jersey's books, it was appropriate to raise revenue on incomes above the cap. That was the debate we had and we

have had the in principle decision to do this. This is effectively the legislation to do that and it remains an important part of the overall package that meant that we can now stand in this Assembly to say that this year we have balanced our books and we have dealt with the deficit. This was an important co-tax raising measure alongside the issues of G.S.T. effectively to make Jersey's tax system proportional and to deal with some of the regressive elements of it and it is a tax, as Senator Breckon has said. So I hope those remarks are helpful to Members in assisting the Minister in what effectively is an important component of the Fiscal Strategy Review.

8.1.5 Deputy M. Tadier:

The first point is just a technical point. It is to do with the financial and manpower implications I do not think at this point have been raised, although similar issues have. We are told on page 5 that there will be a need for an increased staffing of up to 5 full-time employees in the short term but we are not given any financial costings for that so the first question is how much will it be? Will it be 5 fulltime employees or just up to 5 and what does the short term mean? What will it cost us because that has not been included in the financial and manpower implications which, as I think Senator Breckon said, seems to contradict what the first line of that paragraph says, that there are no additional financial or manpower implications and then we are told that there are additional financial and manpower implications so I do not know how those 2 are able to be juxtaposed and both of them be correct. One of them is not correct. Just to speak more generally on the principle, although I am not going to labour the point here about this being a tax of a contribution, it is interesting that we have heard Senator Ozouf call this a tax because, of course, that depends on how you look at it. It is essentially a contribution and we have been told in the past that it is not a tax and that is why it is not okay to lift the cap completely. So my point is, while I am quite supportive of this decision that has been made, is that it does not go far enough. If we are to say that it is a tax, we cannot be saying that it is progressive because the more you earn, the less you pay in social security contributions on a percentage basis. That is to say that somebody who earns above £44,000 is paying less in terms of percentage than somebody under £44,000 roughly so we need to get our heads round this. If we are saying this is a tax, then the question is why are people not paying the full whack of 6 or 7 per cent over and above without any ceiling with that money which could be used for essential social security but also for healthcare, for going to the doctor, for going to the dentist and for providing a top class medical service and unemployment benefits *et cetera* which we do not even have in Jersey and which are going to become more and more pressing as unemployment unfortunately becomes more of an issue in the Island. So I would say that this should be considered as the first step but it is not the final step along the road.

The Bailiff:

Does any other Member wish to speak on the principle? Very well, I call upon the Minister to reply.

8.1.6 Senator F. du H. Le Gresley:

I will deal with a number of questions if I may which have been raised by Members. Deputy Baudains asked whether, in fact, this debate or this proposition is too late. Well, it is not too late because we do not start to take money from people until the end of the first quarter which would end obviously at the end of March so we are well within time to bring this particular change to the Regulations. A lot of questions have been asked about the financial and manpower implications and by Senator Breckon and Deputy Tadier as well. The simple answer to this is unfortunately I have the previous amendment, Amendment No. 1, and I can perhaps read from that which will perhaps be better than me making it up as I go along: "The estimated increased yield from contributions arising from these proposals amounts of £7 million in 2012 although the changes will cost the States as employer up to £700,000 resulting in a net reduction in States expenditure of

£6 million.” So the States as employer is estimated to cost £700,000. Hence, we arrive at a net figure of £6 million. There have been a number of people also querying the need for increased staffing, up to 5 full-time executives. I am pleased to inform the Members that the department works extremely efficiently, contrary to some Members’ opinion, and we have been able to deliver the new system and the new increase in this contribution with the same number of staff apart from some short-term contractual work to deliver this programme. So I hope Members will join with me in congratulating the staff on achieving that without increased staff numbers. **[Approbation]** Senator Breckon asked a question about Beveridge. I am not as learned as my colleague about Beveridge but I should say that he is absolutely right and I think the Minister for Treasury and Resources confirmed this, that this is a way of reducing the supplementation required for people who are contributing to the Social Security Fund and it is a form of taxation and we were quite made aware of that during the Business Plan debate which introduced this extra 2 per cent. I think we all went into it with our eyes open and I do not think there is any hidden agenda here. We knew what it all meant at the time. Deputy Southern refers to a document that has only been circulated today. I am not sure it is relevant to this debate but he did ask what is a non-employed. There is a leaflet which I could direct the Deputy to which is headed “self-employed and non-employed” so it is one of those. Basically it is somebody who is of working age who, for whatever reason, chooses not to work because they have private income but is willing to pay their normal contributions. The new scheme or the current scheme and the changes means that all income will be assessed for the purposes of calculating somebody’s social security contributions.

[12:30]

Job seekers of course who are genuine job seekers would in some cases have their contributions credited while they are actively seeking work so they would not be classed as non-employed from that point of view. I think I have done my best to answer the Members’ questions and I maintain the Regulations.

The Bailiff:

All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. This is a matter which falls within the remit of the Health, Social Security and Housing scrutiny panel. Deputy of St. Peter, do you wish it to be referred to your panel? Very well. Then we come to the individual Regulations. Minister, do you wish to propose Regulations 1 to 8 *en bloc*?

Senator F. du H. Le Gresley:

I am in the hands of the Members. I am happy to go through each Regulation or take them *en bloc* if people would wish me to. *En bloc*, Sir? Thank you.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on the individual Regulations? Very well, all those in favour of adopting Regulations 1 to 8, kindly show? Those against? They are adopted. Do you propose the Regulations in Third Reading, Minister?

Senator F. du H. Le Gresley:

Yes, Sir. Could I ask for the appel?

The Bailiff:

Yes. Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Very well, the appel is called for then so I invite Members to return to their seats on Third Reading and the Greffier will open the voting.

POUR: 45

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator I.J. Gorst
 Senator L.J. Farnham
 Senator P.M. Bailhache
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)
 Deputy G.C.L. Baudains (C)
 Deputy of St. John
 Deputy J.H. Young (B)
 Deputy S.J. Pinel (C)
 Deputy of St. Mary
 Deputy of St. Martin
 Deputy of St. Peter
 Deputy R.J. Rondel (H)

CONTRE: 1

Senator A. Breckon

ABSTAIN: 0**9. Manual Workers' Joint Council: Employers' Side Membership (P.3/2012)****The Bailiff:**

Very well then we come next to Manual Workers' Joint Council: Employers' Side Membership - Projet 3/2012 - lodged by the States Employment Board. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with their Act dated 9th November 1961 as amended concerning the membership of the Manual Workers' Joint Council to approve the nomination of 5 of the 6 representatives of the States to serve as members of the Employers' Side of the Council for 2012 as follows: Senator P.F. Routier, M.B.E.; Deputy J.A. Martin of St. Helier; Mr. J. Rogers, Chief Executive Officer Transport and Technical Services; Mrs. J. Garbutt, Chief Executive Officer, Health and Social Services; Mr. M. Lundy, Director, Education, Sport and Culture.

9.1 Senator I.J. Gorst (Chairman, States Employment Board):

Yes, it gives me pleasure to propose this membership. Perhaps I could just thank the previous occupiers of this committee, Deputy Green and Senator Routier. Thank you for all the hard work that they have put in and I maintain the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well, all those in favour of adopting the proposition, kindly show? Those against? The proposition is adopted.

10. Law Revision Board: Appointment of Member (P.7/2012)

The Bailiff:

We come next to the Law Revision Board: Appointment of Member - Projet 7/2012 - lodged by the Minister for Treasury and Resources and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 2(1)(a) of the Law Revision (Jersey) Law 2003 to appoint Deputy G.C.L. Baudains of St. Clement as a member of the Law Revision Board.

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

I believe that there are many things that this Assembly should be justifiably proud of. One of these is the website operated by the Jersey Legal Information Board of which you, Sir, are the President. It not only contains lots of information about Jersey law which is freely available to the public but is has uniquely revised editions of laws published showing all of the consolidated amendments in one document of laws that this Assembly amends. A board oversees this consolidated version. The board consists of the Attorney General, the Greffier, the Law Draftsman and 2 States Members. A vacancy has arisen and I am grateful following the departure from this Assembly of the Deputy of St. Martin who served on the board. Deputy Tadier is the other member of the board. I am grateful to all those Members who put their names forward to carry out this role. It requires an eye for detail. Deputy Baudains had previously served on the board and he put his name forward and he has been selected. I am grateful for all the members of the board and Deputy Tadier for their work and for Deputy Baudains for putting his name forward and I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well. All those in favour of adopting the proposition, kindly show? Those against? The proposition is adopted.

11. Draft Fire and Rescue Service (Jersey) Law 2011 (Appointed Day) Act 201- (P.9/2012)

The Bailiff:

We come then to the Draft Fire and Rescue Service (Jersey) Law 2011 Appointed Day Act 201-, Projet 9, lodged by the Minister for Home Affairs. I will ask the Greffier to read the Act.

The Deputy Greffier of the States:

Draft Fire and Rescue Service (Jersey) Law 2011 Appointed Day Act 201-. The States, in pursuance of Article 35(2) of the Fire and Rescue Service (Jersey) Law 2011, have made the following Act.

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

The States passed this Law on 19th July 2011. It subsequently received Privy Council approval on 16th November 2011 which was very quick. The purpose of the Appointed Day Act is simply to bring the Law into force with effect from 1st March. There has been a slight delay in us doing that because there are associated Orders which had to be prepared and are now in the final draft. The purpose of the Law was really to update the provision under the 1959 Law. It only dealt with a Fire Service and, of course, what the Fire and Rescue Service now do is much wider than that. So without wishing to go into great detail on the law itself, which I think is unnecessary, I move the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well, all those in favour of adopting the Act, kindly show? Those against? The Act is adopted.

The Bailiff:

So that then brings us to the Strategic Plan but, Chief Minister, would you prefer to commence this after the adjournment or do you want to ...

Senator I.J. Gorst:

Yes, when I look at the amount that I have got to say, perhaps it is preferable if I do not start now but we start directly after lunch.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Do Members agree with that? Very well, the Assembly adjourns to reconvene at 2.15 p.m.

[12:37]

LUNCHEON ADJOURNMENT

[14:26]

12. Strategic Plan 2012 – Green Paper: in Committee debate (R.5/2012)

The Bailiff:

Very well, the next matter on the Order Paper is the Strategic Plan 2012 Green Paper report 5 and this is going to be an in committee debate. As Members will be aware, this means that the general rules by and large apply but that Members can speak more than once. Of course there is no proposition for Members. There is nothing to approve or disprove: this is for the Chief Minister to

hear Members' comments. Clearly Members can speak again. I shall, I think, where possible, try to give preference to those who have not spoken otherwise they may feel aggrieved but where it is convenient for Members to speak a second time, or perhaps particularly when the Chief Minister wishes to intervene to clarify some things for a second time that may be helpful. So we will see how it goes but I invite the Chief Minister to introduce the debate.

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

Perhaps I could start by thanking you, Sir, for agreeing to chair this in committee debate for me. The system of independent politics that we enjoy in Jersey has much to recommend it. Each Member fights an election upon their own personal manifesto, however, that means we are elected with 51 slightly different divisions and desires. It has been said that if you put 2 lawyers in a room you would get 3 opinions.

The Bailiff:

I cannot believe that. [Laughter]

Senator I.J. Gorst:

Our task in due course will be to perform the reverse, to take 51 manifestos and create a single vision, the States Strategic Plan. The States of Jersey Law requires every new Council of Ministers to produce its strategic policy within just 4 months of taking office so that it can be debated and approved by this Assembly. The new Assembly has before it an exciting opportunity in this new Strategic Plan to shape the direction that our Island will take over the next few years. The process of developing this plan began in November. To date that process has included workshops with Members and public consultation on the Green Paper which was published in January. It is my intention that this Strategic Plan will form the basis for developing a partnership between government and the people of Jersey so that we all work together for the benefit of our Island. The Green Paper sets out the vision and priorities. It also includes an analysis of the key strategic issues facing the Island in the short, medium and long-term. I do not therefore propose to speak about the priorities in great detail. The purpose of the Strategic Plan is to set high level direction and identify the priorities that need to be addressed during the lifetime of this government. Action plans will set out how they are addressed and resourced and can then be developed after informed consideration and debate. Members will be aware that the Minister for Treasury and Resources has also circulated a resources statement. With that in mind I am asking Members today to discuss the following points. I ask them whether there are other higher priorities than those that we have set out in this Green Paper, whether there are other key issues that have not been considered and what Members would like to see achieved over the next 3 years. Previous Strategic Plans have been long and detailed with too many priorities or in some cases no real priorities at all. Ministers want this Strategic Plan to be short and focused by setting out the long-term vision together with a small number of priorities that we must address over the next 3 years. Keeping it short will allow us to focus on the things that are most important and give us a better chance of delivering success. Our strategic vision inspiring confidence in Jersey's future is important. Not everyone feels the same sense of pride and confidence in their future that we do. We must recognise that but also recognise that we have a strong starting base, we have unique attributes and we have a niche in the world. Jersey has a bright and strong future and we believe that that can be realised through the following core vision. Firstly, through our safe and caring community. This for me is what makes Jersey truly special. Previous plans have majored on the economy and why we do not underestimate the importance of a strong economy we also want a better balance of economic, social and community issues. We do want a strong and sustainable economy. We need to have a thriving economy to provide prosperity and worthwhile employment for all our people. Jobs that not only support our families and give us purpose but also provide the taxes that fund our public services. Thirdly, we

need to be preparing for the future. We need to look forward, not only 3 years but also longer term than that - 5, 10 and 20 years - so that we put in place the building blocks for the next generation. This will be our legacy. We must also protect our environment. Jersey is a beautiful place. We need to keep it that way. Urban regeneration will be important in protecting our countryside and coast but more important improving the lives of those who live in urban areas. We want also a highly motivated workforce. Our people are our future. A well-educated, well-trained, motivated workforce not only drives our personal and community prosperity, it also makes Jersey a good place to do business and attracts inward investment while of course reducing our reliance upon imported labour and the pressures which a rising population brings. So the Council of Ministers has set out 6 priorities which we believe are the key issues facing our community over the next 3 years and I will briefly touch upon those priorities. Firstly, getting people into work. Jersey is not immune from the global economic difficulties. We are better placed than most but we nevertheless have higher than acceptable levels of unemployment, especially among our young people. This is a tragedy for individuals and for families causing them hardship and stress. It needs to be tackled. We need to create jobs, preferably high value jobs, by attracting inward investment and we need to make sure that local people have the education skills and training to do these jobs. As I have just said, Jersey needs to be an attractive place to do business. There is already a task force in place to help alleviate the immediate unemployment problem and the Advance to Work and Advance to Work Plus schemes are helping out of work Islanders find suitable work. More is needed and will be provided, all of which will require courageous decision making. Secondly, managing population growth and immigration. The recent census shows a higher than predicted population, we need to review the current policy. I realise that this is an important issue for Islanders and for Members. The vast majority of comments received from the public consultation so far relate to migration. But any meaningful debate needs to be properly informed by accurate information so that we can properly assess the impact of the conflicting demands and make proper choices. The population model needs to be updated in light of the census results and this will not be available until later in the year so unfortunately we must all exercise patience and not charge headlong into making decisions before we understand the implications. We will have a full debate on population levels and migration as soon as that information is available. The Council of Ministers will make a statement regarding an interim policy before the Strategic Plan debate proper in May. Thirdly, reform of our Health and Social Services. This has been included as a priority in its own right because of the enormity of the issues that need to be addressed: the shape of the service, sustainable funding for the service, infrastructure and buildings. Important decisions will need to be taken over the next 3 years on the future of our health service. The *Health Roadmap* has already been out for consultation and the next step will be to bring forward the options for future service provision. Fourthly, housing our community. Our increased population and the changing demographics, people needing social housing and families wanting to own their own homes, the impact that these issues will have on the environment, our natural resources and the urban areas of the Island all need to be assessed and properly and appropriately planned for. This priority will include looking at affordability for those wanting to buy their own homes, providing enough social housing for those who cannot and the quality of housing and living conditions for the least well off in our community. Work has already started on putting the Housing Department on a more independent footing so that more social housing can be provided but these wider issues will also need to be considered. Fifthly, reforming government and the public service. The public made it clear at the last election that they are not happy with government. Members have also stated that they are not happy with the way that the States has been working. We need to consider changes that are needed and changes that will reconnect us with the public. Once the membership issues have been resolved the Electoral Commission must be allowed to do its work.

[14:30]

The Council of Ministers intends to work with Privileges and Procedures and scrutiny on the internal issues that have caused Members dissatisfaction in the past. We also intend to continue the transformation of the public sector, not only to deliver the savings we require to balance the books but to improve the efficiency and effectiveness of our services. We have excellent public services but there is always room to improve and to consider doing things differently. I particularly want to see much better co-ordination of our social policies. The social policy framework was approved in 2007 and seems to have been largely forgotten. Its principles of really intervention and prevention being better than cure need to be embodied in all of our policies. Sixthly, sustainable long-term planning. What do we mean by sustainability? In the Jersey *Into the Millennium* document it states it like this: "Sustainability involves development that delivers a balance of basic environmental, social and economic services to all the residents of the community without threatening the viability of the natural belt and social systems upon which the delivery of those services depend. I endorse that sentiment. Put another way, sustainability requires that the needs of the future, social, economic and environmental, are not sacrificed to the demands of the present. We need to set the foundations for the future. Long-term planning affects all of our services as a matter of course and a number of recent consultation papers will contribute to long-term planning issues, for example the future of Education, Health, Energy policy and long-term case to mention but a few. Much is already being done to put our finances on a sound footing through medium and long-term tax policy, revenue and capital planning. The first medium term financial plan will be presented in July. This will set out the financial envelope for the next 3 years and allocate funding in line with this new Strategic Plan. Allied to that, plans for maintaining and improving our key infrastructure need to be in place so that we can properly prioritise funding. We must, of course, as well, ensure that the funding of our States pension is on a secure long-term footing. This applies also to our public sector workers' pension scheme. Finally, while the focus will be on the priorities, our core services and administration will continue to be delivered and improved. Some may need to be refocused in the light of the Strategic Plan's priority. As I said earlier, the Minister for Treasury and Resources has already circulated a resources statement, which reminds Members of the financial position and also sets out the resource principles that will underpin the mid-term financial plan together with the resources available for the next 3 years. We will still need to live within our means and continue with the measures that are already in place so that we stay on track to return to balanced budgets by 2013. This will mean prioritising the resources we have. As I also said, once we have agreed this Strategic Plan, its direction and its priorities, we will then develop more in-depth delivery plans, which will ensure that their priorities identified are brought into reality. I think I have probably spoken quite enough. The purpose of this debate is so that I and fellow Ministers can hear the views of Members. Therefore, perhaps I could invite Members to give their views on the Green Paper, Ministers will attempt to answer specific questions which may arise as we go along but I really do hope that it will be a debate where Members feel able to give their views. In light of that, the first question I would like to ask for Members to consider it this: do they believe there are other higher priorities than those that we have set out in the Green Paper that Members think should be included. Thank you.

The Bailiff:

Thank you, Chief Minister, can I just clarify then because you have spoken so far just about your priorities and I think you are asking Members at this stage to focus on that first question you have asked, so you will speak later on the key issues when you get into more detail, will you?

Senator I.J. Gorst:

Sir, I am not intending to speak in any more detail on the key issues but I think it would be useful if we could consider first the priorities and then move on to the key issues that Members will have

read in the key issues document. However, inevitably with these debates, we will move between the 2 because the key issues fall underneath the priority.

The Bailiff:

Very well. So I think then if Members could, so far as possible at this stage, concentrate on the question of priorities and then we can move on at a later stage to discuss the question of key issues which is somewhat more detailed. As the Chief Minister says, one accepts there is a certain amount of overlap but if we could focus mainly on the priorities for the moment. The Connétable of St. Helier.

12.1.1 The Connétable of St. Helier:

I do not propose to echo and repeat what the Chief Minister has said in terms of his social priorities, getting people back to work, the sustainable economy and so on because these matters are well explained in the Green Paper and, as he has invited us to I want to try and highlight a number of things which I think have not been given sufficient attention so far. I did mention at one of our meetings earlier on where I pointed out that the word “education” did not appear in the list of priorities. I agree it is important to get people into work and jobs and skills are important but the word “education” of course embraces so much more than getting a job. Of course there are not many people who can afford to have an education without worrying about getting into a job that is perhaps the preserve of a few who end up in universities... on the subject of which, I think in general I would like to see the Strategic Plan be a little bit stronger on the other aspects of education. We know, for example, that all of our primary school children are exposed to Jèrriais but there is not much reference to Jèrriais at the moment in the document. Is that because it is not a priority, is that because it is not important. It is not that long ago that we adopted a cultural strategy as an Island and I think some of that work perhaps could do with being reflected in the Strategic Plan. After all, when I joined the States I remember noting with some envy groups of Connétables in corridors having discussions that were completely closed to me because they were speaking in Jèrriais. I do not know how many of the Connétables are left who can speak the language but I suspect that there are not many conversations that go on these days in Jèrriais. I think it is important because I gather from those who teach it that there is a concern about whether the funding for Jèrriais is going to be continuing, whether there is succession planning in terms of people of who teach it and, of course, incomprehensibly I do not know how it happened - I must accept at least a 50th or so of responsibility - we did not even ask the question in the census about whether people speak Jèrriais, a question we asked last time we had a census. I think that is one focus that is important. You only have to go to the Isle of Man to see another Crown Dependency which places a great deal of importance on its linguistic heritage and where they are really pushing the boat out to develop the speaking of Manx and access to culture in Manx. In general too I think there is perhaps not enough in the plan at the moment about culture, culture is given a one-liner I think under the education responsibilities but it is so important, it is increasingly important, we know that tourists make up ... the reason people go on holiday now is around 80 per cent heritage tourism. That is why people go to places because there is a heritage that they are interested in finding out about. I would like to see, both in terms of our own education as Jersey people but also in terms of what we offer the tourist, a greater focus on Jersey’s rich heritage and how the Strategic Plan is going to continue to invest in our heritage. We did a great job on Mont Orgeuil, it is time we did a great job on Elizabeth Castle. There is lots of that area that can be opened out. I am conscious I am getting a bit detailed so I am going to try and get back to the strategy. It is hard not to look across the water sometimes at our sister island and be a little bit envious. I suppose if we had had someone who had written a great war novel that they might be filming one here. But I have noticed Guernsey has an international arts festival; it is now going, I think, into its second year. Again, I am a bit envious. I know we have Branchage, we have a tremendous Battle of

Flowers and so but I do think in terms of the arts that they need to have a bigger place in the Strategic Plan. They do not get much of a mention here. We have an exciting liberation music festival now, I think moving into its third year. Let us give more specific support in our strategy to the arts in our Island because they are important to Islanders and they do not want to see them suffer. That is all I think I am going to say about culture and heritage, other than urging the Council of Ministers to do a bit more work on it before they bring forward the Strategic Plan for debate because otherwise I will bring amendments to it. I would much rather they do it because I have learnt through bitter experience that amendments brought by Back-Benchers to the Strategic Plans, even if they get in, do not always happen. So I would much rather that the Council of Ministers finds champions within the Council that will really stand up for culture and heritage, and indeed for tourism because I know that most Members have been to a presentation by the Jersey Hospitality Association. I know that because so few came to our St. Helier's Deputy meeting, so I suppose that is where they were. Again, tourism is important. I think currently it is the fourth bullet point under economic development. It might be hard to raise its priority because the other 3 are all really important as well but I think Members may agree with me that tourism has sometimes seem a bit like a poor relation in the Economic Development Department. The other area I want to pick up on is to do with the environment because clearly it is very important and I am grateful to the Chief Minister for acknowledging that urban regeneration is as important for the rest of the Island and its preservation, as it is for the urban areas. The Strategic Plan also recognises the unique historic environment that we have in St. Helier, and not just in St. Helier I should say in the urban areas, which I think is very important as well. But I would like to see in the Strategic Plan a greater recognition of the importance of open space. I know I went on about it during the Island Plan and brought a number of amendments to it including the proposal to investigate a St. Helier country park to which I referred in questions this morning. I was a little concerned to hear that not only is the working group planning to proceed without me, I think it would be worth involving the proposer of the amendment at some stage, but also that they are looking at other parts of the Island in which to create the St. Helier Country Park. Again, I have no problem with that but it is clearly the place where most people work and where a third of the population lives. So why not start with the agreed objective. But also we want to see from our Planning Department masterplans which mean something. We spent a long time in this Assembly debating the North of Town Masterplan. Does the Strategic Plan plan tell us what that is going to deliver? Is that ongoing work and are we going to hear more about the North of Town Masterplan? The Esplanade Masterplan in terms of the Waterfront and the new financial district, again that needs to be brought back to the States very soon, partly to keep people like me quiet, who keep talking about other things they would like to do with the land. But also because I think the population of Jersey want to know what the Island Plan is to do with the Waterfront; in particular, the Esplanade Square. We have recently agreed an East of Albert Masterplan. That is to do with La Folie and the Harbours. Further to the east - La Collette - we never debated a mineral strategy for La Collette but we do need, I think, to take a holistic view of the reclaimed land down at La Collette.

[14:45]

Again the Island Plan dealt with this but we need these things to come back to us. The only other thing I notice in passing on the energy section, and it is on page 29, a classic mistake is made here where it says Jersey has the highest car ownership in Europe. It is always nice for me to point this out but car ownership is not the same thing as car use and there really is nothing wrong with car ownership and I think we should be quite glad that in Jersey we have a thriving community who collect - and I have to be careful how I say this - old bangers and indeed we have a developing interest in motor sport as an Island, which of course itself has a great heritage in Jersey. I want to see that continue and grow. So I hope the slight anti-car thrust in the strategy at the moment will be corrected by an admission that you can be green as well as a collector of old vehicles and

motorbikes. I have focused on a couple of issues here to do with the environment and to do with culture and I hope I will not be criticised for not dealing with the harder subjects, if you like, to do with housing and the economy, but these seem to me to be covered well in the document which is why I have chosen to focus on culture and the environment.

12.1.2 Deputy S. Power:

I would like to confine myself, at this stage of this in committee debate, on population, migration and effective controls. It seems to me that there is one statement that leaps off the page, on page 6 of the document (and the Chief Minister has referred to this in his opening remarks) and that is: "Ministers will be reviewing the current policy once a new population model has been developed, expected later in 2012." When the Chief Minister is next on his feet I would like him to clarify as to the timing difference between our debating the Strategic Plan and the availability of information such as the interim report and the connection between the interim report and the actual final population model that is to be developed later in 2012. It seems to me that time and time again in this Chamber, in my short period of time in this Chamber, we seem sometimes to be debating things, whether it is a business plan or a budget, and we always seem to be waiting for that extra piece of information. Last year we debated a number of issues and we were waiting and waiting and waiting for the results of the census. Then we get the results of the census and, surprise, surprise, the population is 10,000 higher than we ever thought it was going to be. On that note, I hope that Members and the Chief Minister will be aware that not only is the census figure of 98,000 relevant but the spike in the birth rate at the moment is also extremely relevant. That has got to be taken into account because, whereas 2 years ago this Assembly was listening to possible suggestions of a primary school closing on the Island, that is now not the case. These are issues that have got to be dealt with and I would like some clarification from the team of Ministers or the Chief Minister himself as to what exactly this Assembly is likely to be presented with in this interim report on population. I am going to go back to another hobbyhorse of mine, which on page 11 of *Strategic Issues - Analysis by Department*, which is from the Chief Minister's Department, and that is: "Oversight of the Population Office [surprise, surprise, Chief Minister] and Migration Strategy, in Partnership with the Housing and Economic Development Department." At the bottom of that second-last bullet point it talks about the responsibilities of the Chief Minister also including the Economic Growth Strategy for Jersey and that is producing the information for the Economic Growth Strategy. I would like the Chief Minister, when he is on his feet again - and I apologise for repeating myself - to indicate to the Assembly how he feels that the Chief Minister is not conflicted in dealing with population growth and migration policy when his role is involved overall in economic development.

Senator I.J. Gorst:

I am not sure if the Deputy would like to give way and I could perhaps address that.

Deputy S. Power:

I am happy to give way.

12.1.3 Senator I.J. Gorst:

That bullet point to which the Deputy refers is in regard to the Independent Statistics Unit which my department has oversight of. So it is not to do with the Economic Growth Strategy and its development. It is simply providing economic advice and statistics to the Economic Development Department who bring forward the Economic Growth Strategy. I see no conflict whatsoever.

Deputy S. Power:

I would have to agree to disagree with the Chief Minister because I read the second-last bullet point on page 11: "The provision of accurate and timely economic and statistical advice on major issues

[that is accurate and timely economic as well as statistical advice on major issues] which has ensured that the States is assisted to meet its economic objectives,” and these include economic growth. I have nothing but respect for the present incumbent’s abilities and integrity. I am talking here about the role of the Chief Minister’s Department. So I will have to agree to disagree with that.

Senator I.J. Gorst:

Perhaps I could put his mind at rest because I did say the Statistics Unit. I meant to say the Statistics Unit and the Economics Unit as well, which provide economic advice right across the States.

Deputy S. Power:

I will have to agree to disagree with the Chief Minister. I am not being stubborn but I just feel that this is open to interpretation and I will let colleagues decide that. My interest at this stage is how we get an interim model on population and how we deal with the projected statistics as to where we are with regard to population projections at the moment which are not to exceed 100,000. If we are at 98,000-plus and we factor-in the birth rate, we are probably at 100,000-plus at the moment. Also we are still holding on to projections for a net 150 increase of households per annum. So this is something that is of extreme relevance to States Members and it is something that I am very concerned about. Members will probably be saying: “Well, why is he talking about population and migration when he had a direct say in it 2 years ago and 3 years ago?” The answer I did express, in a series of meetings with M.A.G. (Migration Advisory Group) and in email correspondence to those on M.A.G., my concerns at the time about the population and migration figures. I also expressed concerns about the Control of Housing and Work (Jersey) Law, which at that time was called the Migration (Jersey) Law but that has since been changed. I do want to speak about social housing and I do want to speak about affordable housing but, as I have a chance to speak again, I will do that later on if I get the opportunity.

12.1.4 Deputy R.C. Duhamel:

I was hoping to fly a few kites this afternoon but there is not much wind, so I do not think I will go there. [Aside] Plenty of hot air, though, yes. One of the things that pleased me in a way, which came out of the mouth of the Constable of St. Helier, was that if you analysed, as far as is possible, his contribution so far, he was really, in essence, referring to things that give this Island community and this government an identity. That was my interpretation anyway. Talking about when we should all have the ability to speak Jèrriais or whatever or the other things he was referring to, about how places in the countryside can be owned by people who are living in urban districts. All of these things, in essence, are expressions of a desire on all of our behalf to be part of the local government and the Strategic Plan. Previous Strategic Plans have started from the point where they have been Ministerial ‘messages’ that we are wanting to move towards a greater social inclusion of other Back-Bench Members or indeed all Members of the House and all members of the public, as far as is possible, in the absence of political parties to achieve this. One of the things that is crossing my mind as an omission from this presentation today on the deliberations of the Council of Ministers as they stand at the moment for the Strategic Plan is exactly that. We have 51 individual States Members who were all brought to this House on a hotchpotch of different manifestos and promises to the public. That indeed is why we are here. How we actually bring those particular expressions of duty, if you like, as part of our remit as a Member in the States is something that really is missing. As I mentioned earlier, we did have suggestions from a previous Council of Ministers that perhaps one way to bring about a greater social inclusion would have been to have done the simple thing and ask everybody to put their political manifesto on to the table and to have a scrutiny body, perhaps, to go over those things and see to what extent we have picked up on all of

the things that we want to achieve in our 3 years, or longer terms, as Members of this government. In my mind we are all Members and, unless we can find some real way of coming through to deliver the things that we have told everybody we are going to deliver, then we are going to end up with a bit of an empty taste in our mouth and indeed a number of us will move out of the States as dissatisfied ex-States Members, which I feel is wrong. Now, part and parcel of this job - and I do not think Members particularly need to be reminded but I am going to try anyway - is to remind ourselves that we are all here to do our best for the Island and Islanders, but how we do that is the tricky part. I think I would like to make a suggestion to the Council of Ministers and the Chief Minister at the moment to go back on those helpful words of past Council of Ministers Members and see whether we could take a leaf out of what was suggested in those books, to put all of our manifestos on the table - for those of us who have been more than 3 years, perhaps even the older manifestos - and see to what extent the strategic aims that have been reflected or come up with by the Council of Ministers at the moment meet the aims of individual Members. I think there might well be a few glaring surprises. That is something that could easily be done. I do not think it should necessarily be done by the Council of Ministers working as a group. It is perhaps a job function specifically for P.P.C. (Privileges and Procedures Committee) or indeed all the scrutiny panels working together. The other thing that crosses my mind at the start of this debate is, in a similar fashion, to try and get to grips (and I do not think I am going to be able to do it but I would like to be able to do it) as to the style of government that our 51 Members ascribe to. As I say, in the absence of political parties it is very difficult to know what flavour of political policies we are going to be endorsing. We do not know whether or not we are left or right or somewhere in the middle or on one side of the middle or on the other side except when we are coming to debate individual topics. I think that, in some instances, works but, in a lot of instances it does not work. So I would like to see, again, some method, and maybe it will fall out of the analysis of the individual manifestos, the general desire on behalf of all Members as to what type of government we want to be. Again, I think that might highlight a few glaring omissions in terms of what we think that we should be doing collectively, what we are going to be asking Members to support collectively and, if it does not deliver the things, as I mentioned earlier, that we all want to deliver over our next 3 years then I am not sure you are going to get the 100 per cent buy-in that will make this term of government successful. One last point, we heard it mentioned that the Constable of St. Helier was not particularly keen as to the amount of environment issues that have been placed within the 6 headings. Having represented the environmental issues at the Council of Ministers, I would tend to agree with him but ask him to consider this. One of the fundamental things about the environment and long-term planning is that it is long-term and, in some instances, there are certain things that we start now and carry over more than one elected States body.

[15:00]

I should remind Members, on page 28 of the document in front of us, that the major policies agreed within the last 5 years by Environment that are still current and so will continue to be worked upon are: the Island Plan, which is a 10-year plan not a 3-year plan, so that is pretty long-term; the Rural Economy Strategy that was signed-off in January 2011; the Coastal Zone Management Strategy, how to deal with our coastline and the areas of seabed and marine environment that are off-coast; and the North of Town Masterplan that the Constable suggested nothing was happening on. It is the reverse of that. Many of these things have been agreed by this House or the previous House and they are long-term planning documents that have got quite a lot to deliver and certainly will not deliver everything in the next year or 2 years or 3 years. They are 10-year documents in the main and perhaps, in some instances, even longer. With that in mind, I was quite happy, as a Member of the Council of Ministers discussions, that I at least did manage to tip the balance, I think, in getting a heading to be headed up *Sustainable Long-Term Planning*. In my mind, although a lot of people would say that I am too much interested in the environment, long-term planning is something that

really should be built into all of the different departments, not just environment. I am pleased to see that we are now moving, with Treasury and the Minister for Treasury and Resources, towards medium and long-term capital planning for infrastructure planning, looking at hospital renewals and all the rest of it, and a whole host of other things which, as I said earlier, cannot be delivered in any one year or perhaps in any 3-year term of office but, in essence, have to be done over a longer period of time. I have taken heart and, although at the more detailed level I am probably not as happy as perhaps I should be that some of the individual nitty-gritty bits about long-term planning at the lower detail level have not been discussed as yet, I think this strategic debate should be centring on the big issues. The big issue is that for a long time in politics, I think, we have not looked at long-term planning in any shape or form or, if we have done, we have done it in a hugely half-hearted fashion and this one heading out of the 6, if it does nothing else, will set the scene for a more successful kind of long-term planning of all the other areas that, of necessity, require that to be the way to deliver these things. I have probably said enough. I will stand up again when I see fit.

12.1.5 Deputy M. Tadier:

There are 3 main issues I want to talk about initially. The first one is economic growth. The second one is the individuals in our society whom we all represent and to focus on living a socially-productive life, not simply one that is about economic productivity. The third one is the link between housing and population. I think Deputy Duhamel already intimated in his speech just a moment ago that we have a very strange and topsy-turvy way of doing things in Jersey. Normally, what would happen in any other democracy or jurisdiction is that the Strategic Plan would have already been presented to the public before an election and that would be called a manifesto. So the public would know exactly what they are getting before they elect a government and before they choose the individuals. Now, that does not mean that everything that would be in that manifesto or Strategic Plan would happen because we know that there are other problems in reality in politics, but this is the situation we find ourselves in. In Jersey we have a Council of Ministers, for better or for worse, but one which the public does not have any ideological say over how that is composed and that extends to the rest of us in the States. Many of us, now or in the past, might have said: "Well, we are where we are," and I think it is this kind of thinking - I must admit, it is a particular aphorism that I do not particularly like - that is probably responsible for many of the problems that we still face today. I would much prefer us to use the expression: "We are not where we would like to be, but how do we get to that position where we would like to be?" I think, to paraphrase Einstein, probably very crudely, we will not get different results if we carry on using the same old methodologies and the same old tired thinking that we have used in the past. The first challenge to us, I think, as States Members is how we simply emancipate ourselves from the same old excuse of saying: "Well, this is the way things are done. This is far too much of a difficult issue to resolve." We seem to like to put things off. We seem to like to come up with 5, 10-year plans, which is quite valid, but sometimes the easy solutions simply do require brave decisions to be taken, but brave decisions which are completely separate from ideological doctrines can be put to a better use. I must admit, I am not concerned about whether you find a left-wing solution or a right-wing solution so long as the outcome is one which is benefiting to the people of the Island, I can live with that. I do have a problem and I think that this is something that the former Deputy of St. Mary would have picked up on. I think he is a bit of a loss in the sense that we could have done with somebody of his direction, if you like, in the States today (that is not to discredit the current Deputy of St. Mary who is obviously a different person) but I will try to take up that role somewhat more briefly but also probably less capably. When we talk on page 5 of sustainable economic growth there are an increasing amount of economists out there today who say that phrase in itself is completely tautological. It is a nonsense. There are many people nowadays who question the fact that you can have economic growth in the same sentence as the word "sustainable" because we do not

necessarily understand what economic growth entails. It actually means boom and bust and, even if it were possible to have a system of economic growth as long as it was moderate, which many moderate economists also believe today, the fundamental problem there is how we deal with the negative effects of economic growth. How do we deal with inflation and R.P.I. (Retail Price Index) when economic growth triggers things like inflation? We have a 5 per cent cost-of-living R.P.I. increase this year. That means that rentiers can put up their prices in houses by 5 per cent but when it comes to asking for a 5 per cent increase in our basic wages we are told, both in the private sector and in the public sector, we cannot have a 5 per cent increase because that would be inflationary. So there is something that does not add up there. The other fundamental problem is that the wealth is not shared. If we are having economic growth and it is simply being directed into one side of society who are benefiting more than others then that obviously causes other problems. We have to be very careful when we are talking about economic growth and certainly more careful when we are talking about sustainable economic growth because we could be starting off from a point which is completely flawed in the first place. I do agree with the comments of the Constable of St. Helier, although I think they were perhaps too specific when we drilled-down to the detail of whether or not to have Jèrriais in schools. Just as an interesting aside, we have come back from a tourism meeting. Very valid questions are coming up about whether we should be employing locals in tourism. Of course we should, but there is another problem when we look at the fact that we do not even teach German in our schools anymore and fewer students are taking up French because it is not seen as a viable language. How on earth do you employ locals in an industry when we are trying to attract French, Germans, *et cetera*, over to the Island when we are saying to our students: “We will not teach you how to speak these very basic important European languages”? That is just an aside. Things are obviously more complex when it comes to tourism and when it comes to local employment. I think it is good to have a mix but, of course, we need to look at that very carefully. The point about people being culturally productive is an interesting one because I think there is a risk, certainly as dispassionate and sometimes cool-minded politicians, we can just think of people in terms of their economic productivity. I know, of course, we do not do that individually. We do not do that with our own constituents. This is quite a radical idea and I am not expecting it to be taken up now, but if we change the way we look at society and, rather than having a scenario where we have some people on income support because they are at the bottom of the pile and we realise that we must look after them and you have other people in the middle who just miss out on income support and they feel as if they are working very hard and being penalised by various taxes, G.S.T. and, if they qualify, for income tax, *et cetera*, if we said that we start from a system, because we are a wealthy Island, where everybody in society gets paid a basic stipend. So it does not matter who you are or what you do in life, you get a minimum amount to survive and that provides you with an incentive to work. That is not a left-wing argument; that can be seen as a right-wing argument because if you want to get out there and better yourself in society you have to work for it. We have a perverse scenario at the moment to do with income support where people are saying: “These people are on benefits. They are benefit cheats because they go out and work.” They are trying to better themselves and surely, if they are working while they are on benefits they are better off for themselves and they can be economically more productive when they are doing work. Of course it is more complicated than that because in the current system we do not want to be giving money to people unless they absolutely need it, but there is a perverse incentive in income support and in the way we deal with people in that respect. So people who want to better themselves are told: “No, you cannot go out and work. You have to either be on income support or you go out and work.” I know that is something that is being dealt with but it is not being dealt with perhaps enough and we need to look at more flexibility. If we are, on the one hand, possibly going to be giving employers financial incentives to employ people we also have to give unemployed people incentives to work without necessarily losing their benefits or certainly without losing them initially. That follows on to the fact that if somebody is sitting at home composing music, if somebody is going out busking

on the streets, that is not necessarily immediately economically beneficial to the individual. It does have a benefit to society in terms of culture and in terms of the quality of life that they are looking at. So we also need to look at the distribution of labour not simply the redistribution of wealth, because the 2 are interlinked. I personally would like, if it was productive, to have shorter working weeks; more people doing less hours of work and more people having more leisure time where they could spend time and money doing other things apart from work, but labour being shared and wealth being shared in that sense as well. I move on to the last point at the moment which is to do with the link between population and housing. Like my colleague Deputy Power, I will reserve my position on housing. I think there is lots that needs to be said on that issue and I am sure we will come back round to it, but I think that that we are in an unfortunate position because everyone holds their hands up and says: "Oh, I never knew that the population was going to be that big." We did because we have had various figures coming out over the last 5 years that show that the population growth rate has been increasing more than it should have been and, of course, when we got the population results out - surprise, surprise - we have more people in the Island than we thought we had. This is a basic problem because this has not happened by chance. It is deliberate. In the last Strategic Plan we decided to increase the population to increase economic growth and to do this over a period of 30 or 40 years to deal with the ageing population at the same time. Again, this is a complete nonsense. It is not sustainable. We are putting more and more pressure on our infrastructure, which cannot cope with it anyway. So my challenge is both to the Council of Ministers and to the Minister for Housing is we need to sort out the housing problems we have now. We cannot adequately house the population as it stands. That is both in the social housing sector where we have long waiting lists which are growing all the time and in the private sector we are seeing rents which are going up. Incidentally, today's headline in the *J.E.P.*, the answer is not to increase social renting prices; it is to try and find a way to drive down rental prices in the private sector. We should not be increasing our prices to a market that we do not have any control over, but that is perhaps an argument for another day. We have to try and find a way to get our house in order before we look to increase the population and I believe the majority of people, the vast majority that I have spoken to on the issue, while they agree that we do, of course, need some immigrant labour in Jersey, the key problem is keeping the population and keeping the Island in such a way that it protects our geographical resources and our cultural heritage.

12.1.6 The Deputy of St. Ouen:

I think the first question that we have got to ask ourselves is: what is a Strategic Plan? If we refer to the Strategic Plan of 2009 to 2014, which is the current Strategic Plan that I certainly supported, it says that it sets out the overall direction for the Island, focusing on long-term policy, aims and priorities, and setting them within the constraints that exist now and in the future. But we have this new Council of Ministers - which, I hasten to add, although it is called "new", the majority of Ministers in the Council of Ministers are the same as those that supported this plan 3 years ago - who are promoting a Strategic Plan that now is for the period 2013 to 2015, but we have a plan with a set of priorities here that takes us through to 2014.

[15:15]

I suppose the question that I need to ask the Council of Ministers and the Chief Minister - and I do not disagree with the key priorities that they have identified - where do all the rest of the priorities fit in within the Strategic Plan? Is this thrown in the bin? Are all the priorities and the aspirations ignored and we start again with a fresh piece of paper or is there some linkage? I do not criticise the Council of Ministers for wanting to focus on what they believe is achievable in the next 3 years but I do not believe a 3-year plan is a Strategic Plan. I think it is a 3-year medium-term plan, a normal business plan that you would set out your store with aims to deliver all of the objectives within that period, and this is where it starts to get confusing, because we have got matters that are

highlighted in the key priorities that are absolutely essential, must do, and in fact should have been done. Getting people into work: why are we still struggling with making sure that our local people can access local jobs? Why are we seeing population increases in the States approved population targets which seem to be ignored? We talk about the reform of the Health and Social Services. Is this new? No. It has certainly been an issue since I have been here, just over 9 years; yet to be tackled. Promises, talk of action, talk of objectives, nothing happens, and this is part of the problem of this Assembly and our government is we do not finish what we start. We do not put the action behind the words, and I suppose the challenge that I am setting for this Council of Ministers, this Assembly, is let us see the action, let us see measurable attempts made to deal with these matters. Again, reform of government and public services, how long do we have to talk about it before we see it happen? We have a C.S.R. process that is already over, what is it, 15 months into the 3-year period. We were told and agreed as an Assembly that we require to see the restructuring of our Civil Service. In fact, we were told that before we adopted Ministerial government - that was part of *Clothier* - yet nothing happens. When do we hold Ministers to account? When do we say to the Minister: "Why are not you delivering this? Where is the timescale? Give us the reasons"? But no, we just think: "Oh, well, if we pretend, it will go away or we will reinvent it 3 years later." Housing our community, it is a must-do. We know why we cannot house our community, because we do not allocate sufficient funds to the Housing Department. We have known that for some time. We have tried to get around it and we are still to get around it today, proposing all sorts of different ways of setting-off or hiving-off our social housing into some sort of trust, so that what, they can access money, because that is the only way they seem to be able to do it? Is that really sensible? Let us get to deal with the basics. Then I suppose that comes to it, although the new Council of Ministers, have attempted to highlight matters that need to be addressed, they miss several. Also, I am thankful that we have a resources statement at last, but what the problem is that I have with it is that currently, reading the resources statement and reading the Strategic Plan, it seems to me that we will need to raise additional funds to provide and deal with the matters as highlighted, whether it is a £300 million hospital or something less, whether it is a £150 million or £200 million sewage system or less. These matters need to be addressed. We have known that these have had to have been addressed, but we have chosen, for whatever reason, to dumb it down, to avoid dealing with the big issues. Now I suppose the chickens have come home to roost. We are going to have to deal with it. We are going to have to make those difficult - and I mean difficult - decisions. You only need to look at this resources statement to understand that even in 3 years, we are talking of significant increases of revenue expenditure, without dealing with the capital programme. In here, it is suggesting that we can manage with £21 million a year to maintain all of our public buildings and replace our property; £21 million. I can tell you for nothing, 6 years ago when I used to sit in on the Fundamental Spending Review process, it was £55 million. Why do you think it came down to £21 million? Because we did not want to deal with it, because taxes would have to rise, income would have to be generated. Well, we now have to face some difficult decisions. The Chief Minister is right when he has consistently said, since being elected, we have to deal with it. There is no easy answer. We cannot avoid the problems. So I suppose the question that I ask the Chief Minister is to confirm that we are going to have to be open and honest, we will aim - or he will aim - to complete and deliver on the actions necessary to deal with these problems, and let us be open and honest with the public about what those consequences are. Thank you.

12.1.7 Deputy J.H. Young:

I am pleased to be able to follow the previous speaker, because I want to pick up on his theme of achieving the priorities, which is the sub-heading in the document we have got. As a new Member, I certainly have no problem at all in endorsing the priorities of jobs, housing, health and managing the population. All those things are issues which are absolutely essential to the Jersey public. I

want to focus on the part of the document which deals with reform of government/public sector and long-term planning, because I think these 2 are linked, and I think unless we see in the next 3 years greater emphasis and focus on this part of the plan, I believe there is a substantial risk that none of the other actions on the other main priorities will be achieved. Now, I do not think it is fair to point fingers at Ministers. I have not been in the House long enough to do that, but certainly as a new States Member, I have been asking myself: "How does one achieve objectives in such a system?" and frankly, I think there is such a degree of dysfunctionality in it - and that is something that we all share - unless we tackle the dysfunctionality, in 3 years' time the same sort of speeches may be made to a new House. Now, I think the sections that we have got on those need more emphasis. That is the polite word; in plain language, they are weak. These underpin all the others. It is not enough to say for the Council of Ministers: "We will work with the P.P.C. and the Election Commission to let them sort out this structure of government." I think it needs much more positive work than that. It is not a passive thing. Talk about modernising the public sector, but some may know that in a previous life, I spent 25 years working for the States in a number of departments, Health and Treasury and Environment, and 7 years since then in the private sector. Of course, what I see straight away, a real difference between the way those business organisations run. Now, I agree with the Chief Minister, we have got excellent public services in Jersey, no question. We are so fortunate as a community of our size to be able to have those very, very, very high standards, but my worry is that in recent years we have seen a mushrooming of complex processes and I question whether or not these processes add value to our achieving the objectives that we have here. I think when I came to Jersey in 1979 - and Jersey has given me everything I have, I love Jersey and I will see my days out here, hopefully - one of the things that impressed me when I came to work for Jersey in 1979 was how flexible and responsive government could be. It could immediately react to circumstances, it could do things for itself, it was self-empowered, it could really move fast compared with the U.K., and I think that was such a good thing, that you had a close system of Members responding to the electorate and able to translate aspirations into action. But what now I see is that our public sector has become highly vertically organised. Even our budgets are vertical. I agree with the Deputy of St. Ouen, when I looked at the resource statement, I thought: "Well, how does this match the Strategic Plan?" What it says is: "Here is a set of constraints. This is what will rule us." How does this match? Well, I think what that requires is alternative type of budgeting. We need almost programme budgeting, cross-cutting budgeting, the sort of techniques that are used in other places like the National Health Service, where they focus on achieving a priority such as a particular health intervention and they allocate funds for it. All of our departments are highly vertical. I was trying to think: "Well, where does our government come together and focus as a whole?" I can only think of 2 places: in this Assembly and at the Council of Ministers; maybe there are others. I thought: "Well, this is just not really good enough. The rest of government functions completely in vertical boxes." Now, that may be unfair, because I know individuals strive to try to make the system work, so this is not an attack on individuals. They are well-committed, focused individuals, we are lucky to have that very high quality of public service, but I really think we have got to have more focus on trying to make our organisation become one organisation, just like happens in private sector, and we want to become outcome-focused. Everything should be focused on what we achieve, what resources we put in, what is achieved, and I think this is the area where I want to see in force, the public sector reform. It is long term. I can see an argument that says: "We cannot do this in 3 years. We will just have to put it off." I think we should at least make a start, we should at least set a plan. It is an organisational development task. It is a very, very substantial task, things like sub-committees, working groups, cross-committee working groups - all those sort of things - project budgets. There is a whole list of things where I would very much like to see the Council of Ministers take the lead with the Chief Executive and the Chief Officer team to try and speed-up this process, because if we do not, I think we are going to be inhibited in achieving this plan. Now, a few particulars I want to highlight

there: greater integration between our financial management and our economic management. Again I have attended presentations on finance and we get lovely reports and superb figures, and then I am puzzled, where is the economic evaluation of our policies? Are we right? On our tax policies, for example, are they going to help us generate more jobs and more business activity? I do not know, and I suppose what the equivalent I was asking for is the question: "Have we got the sort of arrangements with the U.K. between George Osborne and Vince Cable? Have we got a linking-together in our arrangements for Jersey or are we working separately?" So I think the fear is that unless we do that we could become excessively risk averse, and I think at the end of the day, the rule of 'low risk, low gain' applies, the risk of drifting into complete risk-averseness, where we do not intend to look at enterprise, we do not look at wealth achievement, which is basically what this Island was built on. Now, a few issues here on long-term planning. I think I will get them while I am on my feet. Long-term issues on land use: airport business park, La Collette, urban regeneration, Waterfront. We must have work done on those in the next 3 years. They are the long term, they are going to pay the dividends beyond the 3 years, and unless we start to lay the foundations of those, the next Assembly will be having the same discussion.

[15:30]

But please, I do not want to see the Island spoiled for economic gain. Jersey is a wonderful, beautiful Island and it did not get that way by accident. It is kept that way because politicians, since the Second World War, have worked really hard to keep it that way, Members of this Assembly, and I think that we want to make sure that it is conserved for our long-term future. So with those few points, I hope very much we can see some development of those last 2 sections of the report.

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

Could I thank the Chief Minister for his address this afternoon on the Strategic Plan? For me, I do not find that when it comes to the big issues that he leaves many stones unturned, and I would like to thank him for his commitment to working together, because I feel that the new House that we have is very much committed to working together for the better of everybody who lives in Jersey. Can I thank him for his plan for the future, because it is a plan for the future, and I would like to think it is a plan for more than just the next 3 years, it is a plan that we can readopt in 3 years' time and readopt again in 6 years' time, because it is planning for the future that gives people confidence in the future, and confidence in the future makes us all feel better. If there was one word in the Strategic Plan which I would urge the Chief Minister and the Council of Ministers to concentrate on, it would be jobs. I think that, as I am sure we all know, jobs are important for communities to work, they are really important for communities to function. Yes, we work with Social Security, we work with local business, we work with inward investment, but we need to work together to provide jobs for people who are living and working in our Island economy. The Constable of St. Helier, who is not here at the moment, mentions education, and we can educate our children to the *n*th degree, but if there is not a good job for them to go into when they come out of education in Jersey, they will leave the Island, to our detriment. The Constable also mentions culture, heritage and environment, but our ability to deliver on all those subjects, it is the right type of jobs that allows us to do that. Government income allows us to spend money on culture, on heritage and on the environment, and people with jobs in our society allows them to spend money on culture, our heritage and our environment. It is a 2-way street. Economic growth is desperately important for the Island and continued economic growth as well. It is going to allow the government to invest in our new hospital, to look at ways of spending more money on social housing, on creating better education, on looking after our ageing population and their health in the years going forward and going to allow us to invest in the infrastructure, some major expenses on infrastructure that we know are coming. But before people jump up and say: "Economic growth equates to big profits for

individuals and corporate structures” I would just end by saying 2 words: social enterprise. I was so delighted to see that at the moment, the favoured person or company to take over our bus contract is a company from the U.K. which is a social enterprise, and for those of you do not understand or do not know about social enterprises, those are the ones that do not take the profits out, they reinvest their profits in the business and they reinvest their profits in the community that they work in. So I would urge the Chief Minister to keep concentrating on jobs, and if he can find a way of including more social enterprise in the Strategic Plan, I would be delighted.

12.1.9 Deputy T.A. Vallois:

Many Members that have worked with me over the last 3 years, know my views on the current Strategic Plan which sits in place; I did not support it, I thought it was fluffy, I thought it was a waste of time, purely because it was not SMART; there was no Specific, Measurable, Achievable, Realistic, Targeted aims in it, because we all knew a large amount of that document were things that we were already doing and we need to keep doing, and what we should be providing for the public. Vision in terms of for Jersey - which is stated on page 3 by the Council of Ministers of this Green Paper for the Strategic Plan - absolutely I could not agree more with what is stated, but I think there is something in particular that is missed out of all this, and that is giving people, any person, any human being in the Island the opportunity, and the vision for me would be to see that everybody has the opportunity to do whatever it is they wish to do in terms of being able to get a job, being able to skill up, be able to do a job that they want to do, not be pushed down an academic route and thinking that the only way enabling them to be able to get a job in Jersey is by going to university or having to take numerous amounts of exams *et cetera* in order to do a job which they think they are capable of. Do not get me wrong, there are requirements and examinations, *et cetera*, but I think we miss the point of opportunity, and I bring this up because of conversations I have had with particular constituents last evening on opportunities and the barriers that they have met because of our services that we provide. We are very good at putting in a service that we think helps Islanders, but we go from one extreme to another and we always miss the grey areas. We always think: “Right, that will do. We will keep it there. There is no problem with it.” Just push it aside and think it is going to carry on and everything will be rosy in the end, but what we have to realise, that if our vision is going to work, we need to keep these things under review. We need to continue listening to the public, we need to continue listening to each other, and this comes back to the very apt point that the Council of Ministers have made in this document, is about working together and not just States Members, but the community, the Island as one. In terms of a safe and caring community for our vision, I think it is fair to say with the amount of people that volunteer in our Island for the amount of community projects that go on, our fundraising, *et cetera* is second to none; it is amazing. I do have to congratulate the Council of Ministers and particularly the Chief Minister for bringing this forward, because it does say to me that there has been listening with this document, there has been acknowledgement of issues, and they are recognising it, and that they want to tackle it. My concern is in the delivery, and the reason why I say that is because, as many other Members have already mentioned, it is the government and the way that we function as a government. There are particular issues, and there is one issue that comes up time and time again is this accountability and the ‘corporation sole’ of each Minister. Everyone has acknowledged it, everyone knows the issues with it, but nobody deals with the actual problem. We need to realise that taking responsibility is an absolute issue that we need to address, making sure that when things do go wrong, yes, we address it, we acknowledge it, we take responsibility for it but we find a solution and we move forward with it. I would like to say I voted for our current Chief Minister in the States because my view was the last 6 years of the States Assemblies were not focused enough on social policy. The Chief Minister that we currently have in place, after having conversations with him, I knew that he wanted to bring social policy into more of a focus and hence the reason why my vote went towards him, because I felt that his views were very similar to mine in that

respect. A very good document that came out in 2008, *Keeping Jersey Special*, and I have referred to it consistently over the last 3 years, it talked about the 3-legged stool and how we have to have a balance of economic, social and environmental, and in my view, we have only kept one leg of that 3-legged stool. We have been so focused on the economy that the other 2 legs have got shorter and shorter and the stool has pretty much toppled over. I am glad that finally we have an endorsement of the statement for sustainability. We now know that we need to have a balance and we need to recognise that in everything that we do. Whatever we bring forward, we need to realise the implications, not just on the economy, on the environment and on the social issues as well. So in my view, the priorities that we set out for the Strategic Plan are the things that are placed here, and as the Council of Ministers said, they are priorities. It does not mean other things have been forgotten, but these are real key issues that we need to follow through with, but like I say, the devil is in the detail. It is the delivery that I am going to keep my eye on if this is what is produced in the final paper.

12.1.10 The Deputy of St. Peter:

I would just like to applaud the key objectives of inspiring confidence and creating jobs. I also support the Constable of St. Helier in his views that the arts are neglected in this plan, because I think they are. I would also like some extra emphasis played on the role of children and supporting them, whether that may be with a Minister for Children or perhaps an independent commissioner. I would just like to raise also one simple question, and that is: is it really necessary to balance our budget by next year? I am not advocating that we spend, spend, spend, but I would just like to say that now more than ever we see the drivers of our economy suffering, and is it perhaps the time to invest in Islanders so that we can make some progress? We have a very positive situation in that we have cash resources behind us. We are quite rare on the global financial scale that we see at the moment, and so perhaps it is time just to take that in stock. I am not saying this should be a long-term situation, but perhaps if we invest correctly in our Island economy, then by say 2015, we could sail back into the black.

12.1.11 Deputy J.M. Le Bailly of St. Mary:

I would like to make comment on the first-time buyers' homes, something that is important with the Strategic Plan and vital for people to achieve their expectations in life. As the new boy from St. Mary, perhaps I should warn you that I do not intend to ellipse my predecessor's oral ability for marathon speeches. **[Approbation]** I am here because my parishioners expect change. I shall do my best to achieve that. I would also like to include the people Island-wide, if possible. Having spent my working life in the building industry, I have seen many changes, the most drastic being the inflated prices of the end product. It should be everyone's right, especially the lower-paid workers, to own their own home. This is not possible today due to over-priced housing. Basically, property developers' profits have made owning homes for the lower-paid and for the elderly wishing to downsize impossible. The construction industry is perceived to be one body. It is not. We have builders who quote for work, and so are therefore competitive and receive a modest profit. People who have learnt a trade and are proud of it. Then we have property developers. Their only objective is profit - gross profit - some would even suggest greed. Very little local labour is involved. Bigger profits are achieved by employing non-local labour for a specific contract, thereby evading the responsibility and the commitment that long-term employment requires. They can afford to sit on properties and sites, because it is better than money in the bank. The result is the artificially inflated property market that we have today, a market in which the average working couple can no longer afford to get a modest home. We must change that and we can change that. There is a lot of talk about affordable homes. What is affordable? £450,000 for a couple buying first time is a joke. It should be. We need to build homes at half that cost, and yes, it can be done, £225,000. How? Namely prefabrication. I have spoken with the Minister for Housing, who

welcomes this idea, and I know that the Minister for Planning and Environment is thinking positively about importing fabricated housing. They will need our support.

[15:45]

There will be many regulation changes required to make this idea achievable and to retain these homes in the first-time market indefinitely. The States will also need to provide the sites and infrastructure for this to work. Prefabrication is not rocket science. I would like to take the concept further. We could easily utilise our unemployed into this project and with minimal training, produce all aspects of this work in a factory assembly line process owned by the States. Assembly onsite could be undertaken by local contractors, Jersey builders who employ local labour, thereby eliminating the need to import people who are a drain on our infrastructure and the social benefit system. I anticipate making proposals to implement this very shortly. People have a right to own their own home. It is their dream. We have to make that dream possible. We have to do this together. If we do not there will be a social housing explosion which we cannot afford. That is it. I hope that dispels the rumour that I may be a Trappist monk. **[Approbation]**

12.1.12 Deputy R.C. Duhamel:

What worries me, after several other speeches, is that perhaps the key strategies, 1 and 2, get people into work and manage population growth and migration, perhaps have not been drawn widely enough; they really tacitly support growth in the system and the profit motive and the work ethic. We heard from Deputy Tadier that we have not paid very much attention to 'quality of life' issues. We heard from other Members, Deputy Vallois, that there is nothing within the strategic aims to ensure, as far as possible, that this government, and us working together, can achieve individual Islander's potentials to live fulfilled and happy lives. There is nothing there at all unless you read very, very closely between the lines. There are other ways of dealing with economies and indeed perhaps the turmoil in the wider world financial system is perhaps pointing to the day in the not too distant future when some of these newfangled ways of dealing with things will have to be seriously considered, or we will be forced to change our systems because the rest of the world will have gone in that direction and we will have to follow suit. The Deputy of St. Peter suggested that perhaps investment of our rainy-day money was perhaps the only way forward but I put it to Members that perhaps an alternative might be to more deeply consider changes to our basic system, rather than just spending monies that we have saved up for a rainy day to promote a system that perhaps has got a limited future. Deputy Power referred to the elephant in the room, which is migration, and the population. Indeed, if this House is going to stick to this record of intent and to try to stick to a population of 100,000 persons or thereabouts then that, in itself, would indicate that perhaps a continuation of this go for growth at any cost and inevitable drawing-in of extra persons, which would enable us to exceed the 100,000 population in the not too distant future, might well be the wrong way forward. If indeed we are going to be seeking to try and establish a limited population of 100,000 then I would have thought that steady-state economics might well be the better way forward or indeed the only way forward in order to meet demand with supply. For me it is not just getting people into work; there is a qualitative side to all of these issues and I think, for me, I would like the Council of Ministers to perhaps take into account, not just my comments but other comments of other Members before me, to see if we could get a rewording of those first 2 major headings in order to make them more applicable to the needs and the wants and the desires of the majority of Islanders rather than the minority.

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

Just a few comments at this stage really, to agree certainly with the Chief Minister's remarks about having a focused Strategic Plan; it is and I should like to welcome the fact that we have got the opportunity to have an in committee debate. This is the first time we have had this position in the

third Strategic Plan I think I have been through and I think it is quite useful. We will see whether it works or not but at least I think it is a welcome change in style which, hopefully, we are all recognising. Broadly speaking I am happy with the priorities I think overall; it has been described sometimes as motherhood and apple pie. I think given the fact that where we are and the likely 3 years we are facing they are the logical things that we need to be focusing on. Particularly, in my view, to slightly endorse, to a limited extent, what the Minister for Planning and Environment said about long-term planning and sustainability and that type of stuff; long-term planning I am always tempted to look for the financial aspects, I have to say. Later on I want to just touch briefly on keeping again the emphasis on things like business transformation and the reform of the public sector, which is, again, under the priorities. What I would just like to say, and I apologise for the sound of my voice but I am losing it slowly which will be of great relief to Members, I slightly disagree with the Deputy of St. Peter, only marginally, because I do not necessarily fully agree that we will be having a balanced budget by next year and I am going to explain why. Because I fully accept that the comments that we received earlier today, which says our 3-year plan to deliver a balanced budget by 2013 is working, that is basically on the basis of the way Treasury has in the past for many years presented the figures and that is essentially a cash basis. The problem I have - and in fact if Members look on page 7 of what I have got, this is document that came through - is I think we are in the third year now of producing G.A.A.P. (Generally Accepted Accounting Principles) accounts, which is basically how businesses generally put their figures together. The reason we will not be getting to a balanced budget is that we are essentially ignoring depreciation. I am not casting aspersions in any shape or form as that is the way it has always been done but what I am trying to say is do not fall under the illusion that just because on a cash basis we may be fine next year, that we have to take the pressure off controlling expenditure. The point is that most businesses ... you can ignore depreciation for a couple of years or a certain number of years but at some point it comes back and bites you. Most normal businesses ... and I accept the States is not a business but it is the way that figures are presented; if you take the likes of Tesco, for the sake of argument, when you go and buy your can of beans somewhere in there there might a penny included in the price for the wearing-down and the maintenance of its assets and they reflect that and that is in their income. What we are doing, from these figures that are presented here, that usage, that wearing-down over time of our assets, our buildings, our infrastructure, we are taking it out. By taking it out we get to a balanced figure on a cash basis, spreading it over a 20 to a 30-year period we are not in a balanced budget position. It is not a criticism; as I was just saying we have changed systems and the way the Council will present it they will show depreciation and they will probably show us in deficit unless we have had greater income tax coming in all those other compensating areas. But the way the figures are still presented to us, in terms of the Strategic Plan for long-term decision making and that type of thing, in my view I am very happy to see it on a cash basis but I would quite like to see it being presented on, effectively, a G.A.A.P. basis as well in a simple way to show yes, we are making progress. There have been achievements made and achievement savings and things like that. It is not as far as, in my view, we need to go, whether it is unsafe but, in other words, progress has been made, we have still got further to go and that is why, in my view ... just to give an idea, by the way, on my very rough and ready calculations, I think our deficits for the next 3 years are going to be between £20 million and £40 million; that is on the basis of the depreciation figure being included. From that perspective that is what I am saying, we need to keep the emphasis going on looking at where we can save money and looking at how we provide our services and the most efficient way of doing that. We heard from the presentation today from Tourism and they say they have pared it down; they have gone down as far as they can. I think there is still a growing expectation out there that although we have made progress we need to be carrying on that process within the States and that is what is labelled under the business transformation side. I made the comment about possibly how we present information in the Strategic Plan; the other one is purely a procedural thing. Sometimes with the Strategic Plan,

you wonder how it governs business at an operational level within the departments. In other words, these are the priorities that this Assembly is setting for the next 3 years and notionally if there is something that a department is doing that is not covered by one of those priorities they should not be doing it. That is a fairly bleak way of looking at it but you should think about it. I suppose what I would quite like to see is to know that the Corporate Management Board are regularly meeting; I am not talking about once a year, I am talking monthly and say: "Right, these are the objectives that were set by the Strategic Plan, that is being translated down to the various levels. Are we achieving it?" and no doubt the progress report going up to the Council of Ministers afterwards; not just on a 6-monthly basis but to know that it is proactively being delivered and being monitored. It is not just a document that is gathering dust, having been approved; if you look at a year and a half now, a year ago or something along those lines and is essentially business as usual is carried on. I will sit now, thank you.

12.1.14 Senator P.F.C. Ozouf:

I have circulated to Members a Draft Resources Plan which is designed to assist Members, I hope, with some financial information and, if I may be honest to the Deputy of St. Ouen, to see off the expected question that he has had at Corporate Services that the Strategic Plan does, of course, need to translate into realistic financial plans. I hope that the statement does give some indication that we are making sure that the Strategic Plan is being translated into implementable and affordable plans and I am going to just address a couple of those issues. In terms of the document that I have sent around it does set out some of the choices that are going to need to be made later in the year, in the second part almost of our strategic planning decision making when we get to the medium-term financial plan. This year, for the first time, we will be setting 3-year cash limits for the whole of the duration of this Assembly, which is much more strategic and much more longer term in its thinking. I did say, when I stood again for Minister for Treasury and Resources, that I would be communicating with Members more. I am trying to do that and I hope Members see that and they do appreciate that. Certainly this resource plan and what I have to say today is part of a regular updating of Members, perhaps in a way that we have not done before, about the state of public finances and where we think we are heading in terms of income and expenditure. I last updated the Assembly on public finances in the budget last year. I was able to say that we are in a, relatively speaking, strong position compared to our near neighbours and, indeed, the rest of the world; because of the prudence, because of the difficult decisions that the last Assembly made we are in that strong position. What I can say today is that the plan that we set out is working and it is working even better than I dared hope, even a few months ago. Our public finances are continuing to improve and improve strongly, both in terms of underspends and in terms of income. While the audit for 2011 is not complete I can say that tax receipts on the closure of the accounts do appear to be more buoyant than was anticipated and that is despite the very difficult economic situation. There are a number of reasons for that; there is not one single reason but there are a number of reasons and I will be explaining that, of course, in the weeks ahead when the States accounts are published in May. A number of Members have rightly spoken about the important link of the Strategic Plan and the C.S.R. Despite the fact that we are in a stronger position I do not want there to be any sense that there is a lack of necessity to deliver the £65 million worth of savings over the course of the next 3 years.

[16:00]

I am pleased with the progress of the C.S.R.; departments are on track to deliver the majority of their efficiency savings. There are, however, challenges; the Education decision on schools does mean that there is a question mark over Education's contribution to the C.S.R. and we certainly are working extremely hard on delivering the targets for procurement and the wage bill of the States. We have to deliver £40 million worth of savings on the total £65 million worth of C.S.R. savings

from terms and conditions. Pay restraint, not only in the public sector but across the Island over the next couple of years, is going to be a really important feature of our economic recovery. I have written to the utilities reminding them about the importance of pay restraint. We do not want to see a domestic inflation spiral, which effectively means that the whole Island is having to run faster to stand still and pay restraint, while it is difficult, is an important component of that and States pay restraint is an important part because we are the largest employer in the Island. Procurement is changing, the whole States is changing and this is positive. Members have called also ... Deputy Young asked whether or not George Osborne and Vince Cable were talking. I am happy to be characterised as George Osborne but I am not sure that my colleague, the Minister for Economic Development, wants to be called Vince Cable but we are talking and we are talking very strongly. The unified approach on economic growth between both the Chief Minister and the Minister for Economic Development and Treasury is extremely strong. If I may compliment the Minister for Economic Development on an excellent set of remarks that he made this morning at the Lloyds TSB breakfast where he set out some of his plans for economic growth. Within this Strategic Plan investment in economic growth and a continued determination on diversification is the key to our economic ability to fund our strategic priorities. It is, of course, also the backdrop which allows people to reach their potential to build self-fulfilling lives, both from a social point of view, as Deputy Tadier raised, but also from a financial point of view. I have mentioned the fact that the last Assembly made difficult decisions and I regret again the fact that difficult decisions have been necessary, both in terms of spending, in terms of driving efficiency, and tax. But I believe that history will record the fact that those difficult decisions does mean that we are in a much stronger position for what is clearly going to be a much more difficult economic situation in the next 2 to 5 years but there are things that Jersey - that we - in this Strategic Plan, can uniquely do to benefit Jersey. In terms of our public finances I said in the budget last year that we would probably have £10 million more in the Stabilisation Fund than we thought earlier on in the course of last year. I would politely say to the Deputy of St. Peter that we are investing already; over the last 24 months we have taken from our cash resources and we are investing in the economy. This year we will also have to, I think, look again at fiscal stimulus; it is something that we are looking at. We are looking at different ways of bringing forward capital projects like the police station but there are other housing projects to deal with this issue; one of our strategic priorities, getting people better housed. I believe that this Assembly will be the period of time over which we will be able to make very substantial investments in terms of housing and improving housing; that is keeping people in work but also providing better housing and I am working very closely with the Minister for Housing on this issue. I do think that this Assembly will have and does have, and I can say that we do have, financial flexibility to make the decisions to meet our strategic priorities in a way that other places have not. We can invest; we have got room to grow, providing new areas of public expenditure in the areas that the plan foresees, particularly in terms of health. I am going to make a comment about borrowing later but borrowing is not ruled out, in terms of borrowing for investment and certainly a comment earlier was made about housing and the fact that we had not made sufficient provision for housing investment. I am not against at all investing and borrowing for housing developments, for a revenue stream that is going to provide housing and a rent return over a period of years. I believe that the Jersey Homes Trust has been an excellent model, which has been borrowing to build social housing and their loans are being repaid. I do not see any difficulty at all with the Housing Department having the same model for borrowing as the Jersey Homes Trust and borrowing is not a bad thing for investment for an asset that provides a return. My problem has always been I have been against borrowing for, effectively, assets that do not provide a return. Investment in infrastructure that provides a return is a case for borrowing and that is either internal borrowing or external borrowing. I think that we can provide some new rules to guide our decision making, for example, the liquid waste system; I do not share the views of the editorial of the *J.E.P.* a week or so ago that our infrastructure is crumbling, that there is a massive

problem in terms of infrastructure. Our infrastructure is in a fantastic position compared to most other places. Yes, there is more to be done but we can afford to do that and we can plan to afford to do that and certainly I will be working with the Minister for Transport and Technical Services to find solutions for investment in the liquid waste system, to do away with the unfairness of people that are on the public sewer that pay nothing compared to those that pay very hefty charges, in some cases, for their private sewer tankers, *et cetera*. I am happy to give way to the Deputy.

Deputy M. Tadier:

No, sorry, Sir; I was trying to catch your attention but it is purely to ask for some information, Sir. We were told earlier from the Senator himself about capital expenditure and I think it was partly addressed in Deputy Le Fondré's comments. I think most Members do not have any capital expenditure figures which would be useful, so that we could put the Strategic Plan into its financial context. Is there a document that is, perhaps, slightly longer than this one which does have those figures that could be circulated to all Members?

Senator P.F.C. Ozouf:

Absolutely and the Deputy raises an important point and I was going to come to Deputy Le Fondré's also very apposite points about capital spending. I do not believe that the States in the past has made a proper plan for capital spending in the longer term. The former Deputy of St. John - now Constable of St. John - has rightly criticised the issue of repairs and maintenance. We have done a lot of catch-up in terms of repairs and maintenance over the last few years. We have invested from the Fiscal Stimulus Fund quite significantly in terms of T.T.S. projects. T.T.S. themselves have had money; I know that it is controversial but we have paid in cash for a new incinerator with no borrowing on it whatsoever; that is unbelievable. We have invested very substantially but we need to do more. Deputy Le Fondré is quite right when he says that we should be not just focusing simply on balancing our cash budgets but we should be balancing our G.A.A.P. accounting compliance. I have set out in the document a number of new criteria, which I think are almost new fiscal rules which we should adhere to and one of them is this rule that we should be balancing our budgets. I would go further than that, and grateful for the comment of Deputy Le Fondré, because I think that we should be trying to balance our proper financial statements. We should be making proper provision and we need to make proper provision for capital spending. The Treasury has done an analysis with all departments of their requirements for capital across the whole States for 25 years. We now have that data; whether it is Deputy Le Fondré, Assistant Minister, for his T.T.S. car parks, whether it is the hospital, whether it is T.T.S. in all of its areas, housing, we now know everything, we think, about the requirements of capital spending for the next 25 years. The big problem that we have not found a funding solution for yet is going to be the hospital. It is very clear that either a rebuild or a new-build on a new site is going to be required, as far as meeting the strategic priority of the health reform is necessary; £200 million to £300 million is what is going to be necessary. But is there a sense of crisis in the Treasury that we have got to find this amount of money? I can say to Members, no. We have significant resources at our disposal. We have, going forward, clearly receipts from Esplanade Square over the next few years. Deputy Le Fondré is correct when he says that we do focus on cash accounting and we are not charging a full depreciation amount on our cash accounting. The other side of that, of course, is that we do not reflect in that cash accounting the interest from our investments in terms of the Strategic Reserve. We need to look at both sides of it. I will say that our accounting arrangements and the transparency that Jersey has, that this Assembly has in terms of accounting, is probably one of the best in the world. We have got the information but Deputy Le Fondré is right; we need to be planning to balance our books from an accounting basis. The big challenge is going to be to find resources for our capital but I am confident that we can do that. There is no sense that we should be believing the *J.E.P.* line that our infrastructure is crumbling, it is not but we do need to make

some proper decisions and we need to plan better, just as the model of the Jersey Homes Trust is; you borrow money, you get a receivable but you also, on an annual basis, put money aside for repairs and maintenance. The harbour, the airport, housing, are all candidates for a new way of properly accounting for capital over the longer term and this Strategic Plan meets that challenge I believe. I do want to say that the C.S.R. is important and the C.S.R. is absolutely vital to keep on track and we are going to have to certainly, as the resource statement that I have issued indicates... public spending is going to rise. It is going to rise because of growth requirements, particularly in terms of health. If we are to meet under the Le Fondré rules, that I accept, for balancing our budgets we are going to have to find greater levels of savings in the period for 2014 and 2015. I believe that these are possible. Every organisation needs to continually improve its efficiency and effectiveness. This is not about a right-wing view of cutting public spending; it is about a determination to deliver value for money, just as all governments attempt to do. We are going to have to identify and agree, in the medium term financial plan, what our new objective for 2014 and 2015 is going to be in terms of saving an amount of money because the growth in public spending that is set out in the resource plan is not going to be affordable. I certainly believe that this Assembly should be an Assembly which is characterised by a period of 3 years of no additional tax increases unless absolutely necessary. I stood originally as Minister for Treasury and Resources saying that I would not increase G.S.T. I do believe that I had no alternative but to face up to the reality of the changing different economic situation. I believe that Islanders would be sceptical if I said that we would not be raising G.S.T. over the course of the next 3 years because of the previous statement that I made. But I believe that Islanders can be more persuaded by the facts that the facts of our public finances are a fact of strength and if we live within our means, if we deliver the C.S.R., if we stick to the F.S.R. (Fiscal Strategy Review) proposals, if we stimulate the economy because we can, then I believe that this Assembly ought to be an Assembly that plans for the future, finds solutions for the capital programme of the future, finds funding routes of it but certainly is not an Assembly which is going to increase taxes over the next 3 years. There are going to be cases whereby we will be asking users of service to pay for those services. There is a debate about user pays which needs to happen. Those are things that we need to be looking at. We do need to look at appropriate user-pays charges but I do believe that, generally, the next 3 years should not be characterised by asking Islanders to contribute more. We are in a very strong position. We need to keep the income in Islanders pockets at the same proportion that it is at the moment in order that they can spend and they can keep the economy going. One of the biggest challenges - the first strategic priority - is, of course, the getting back to work initiative. Unemployment rates have risen and we need to find funding and we are finding funding for the range of initiatives that concentrate on dealing and tackling this problem. Aside from the one-off initiatives in 2012 we also need to, of course, plan if it does happen - and I think it is an if - if L.V.C.R. is withdrawn, which will be a further impact on our economy. I have accepted that we will need to find funding of certainly within a region of £7 million for back to work initiatives from 2013.

[16:15]

I have mentioned health and I have already mentioned the issue of the hospital. These are huge issues which this Assembly is going to tackle and we are working more productively, I think, and more co-operatively with the Health Department to deal with Health's spending challenges and I have to say that I am filled with confidence of the management team, that the Minister has put in place, in now being absolutely very much more straightforward with Treasury in terms of their requirements and I think that they are doing well. What I can say about meeting that priority of health is that we have already got built into budgets an expectation that we are going to increase health spending. We have got £4.1 million in the budget this year, which is being spent during the course of this year and we understand that Health has a requirement for possibly additional funding of £18 million by 2015. There is a lot of work going on with health. There are 8 service areas that

are being analysed in terms of detailed consideration for funding increases which will come forward in the medium term financial plan. But we will deal with this issue. We will tackle the issue of health and we will do so within the budgets that we have available over the next 3 years. I have mentioned housing. Housing I believe is now in a new era of organisation and reorganisation and we will be able to find the resources to meet the investment. If I may say to the Deputy of St. Mary, I agree with him and many Members will about the high cost of housing. There are issues about building costs, but the raw material problem that we have in Jersey is the cost of land. It is the cost of land that has risen that has pushed up house prices. Today sees the house price index survey which indicates, I think, flat numbers in terms of ...I am not sure if it has been released yet, otherwise Members will have seen an email about it. I think we are going to see a situation where house prices are going to be flat in terms of the outlook. But we need to do more to allow affordability in terms of that, and Treasury has a role to play. I think it is important that we do not raise expectations to dizzying levels that we are going to be able to deliver everybody a house at £200,000; but the points that the Deputy makes are absolutely right and working together with Planning, with Housing, we will deliver on this key priority. We certainly have the ability and are also talking, if I may also say, to the Parishes. Treasury is willing to consider or restart lending to Parishes for Parish schemes. There are good schemes both in St. Saviour and in a number of Parishes. The Constable of Trinity will scold me if I do not say Trinity, but there are some schemes. Lending margins are a lot wider than they used to be. Set-up costs: the finance is more easy. Together with the really good endeavours of the Treasurer and my Assistant Minister, we are willing to look at the issue of funding Parish schemes, just as we are wanting to see some schemes of housing. I believe that we can make a really substantial difference in terms of housing and we can afford to do it, because we have got strong public finances. The medium term financial plan resource statement that I have issued, as I said, indicates that expenditure could rise to £710 million by 2015. Within that we have got £26 million worth of growth as I have mentioned and, over the next few months while the Strategic Plan is going through the passage of approval of this Assembly, we are then going to need quickly to then translate that Strategic Plan into the terms of the medium term financial plan. We are going to have to look at all areas. We are not going to redo the C.S.R. but are certainly going to have to be looking at areas where we can make some reorganisation savings within departments. I think that is all I want to really say on the resource plan. I am happy to answer any questions that Members may have. I would just like to conclude by saying 3 things. I think that this Strategic Plan, if it is amended and improved as a result of this in committee debate and the public consultation, will make a lasting difference to the Island. Politics is about change; politics is about creating a better future and a better situation for our community. I believe that the strategic aim of health means that we will after years, if I may say, of neglect, have a Health Service which Islanders can have absolute confidence in its future and have absolute confidence for their friends and their families being looked after, and we can afford and we are planning to afford to do it. It is going to make a substantial difference to everybody in the Island. I believe that we can make a huge difference in terms of housing; we have already mentioned that. I believe that we can reform the States. We have now got a culture of improvement. I believe that we are seeing a more efficient States. I believe that we can be even more efficient, and we as States Members need to recognise and we need to appreciate the hard endeavours of the people that work in the public sector who are delivering a more efficient State. We are going to ask more of them, but we will support them in that, and we will end this period of office with a more important and more efficient States. Finally, I am an extremely strong supporter of the I.C.T. (Information and Communication Technologies) initiatives. Jersey is a service-based economy. We have little by way of sellable raw materials for economic growth. We do not have commodities. We have a great tourist industry because of our natural landscape, but ultimately the raw material is the brains of Jersey people. That is what drives the financial services industry. We can have confidence in the financial services industry, but also, if we put effort, if we put

marketing, if we put political will behind, I believe that we can create an I.C.T. sector for our economy. Many cities, many towns, many countries are doing it around the world: Singapore, Malta, the Isle of Man, Sydney, London, Hoxton Roundabout, all the rest of it. I believe that there is a real opportunity on the back of the initiative of Gigabit Jersey to create a centre of excellence for I.C.T. businesses in Jersey. But this Strategic Plan should not only set that as a high agenda; we should also set high standards for our own government services and the use of effectively electronic government. I would like to see e-government being at the heart of the reform part of the States, getting services on-line, delivered more efficiently, at the convenience of Islanders for the longer term. E-commerce, I.C.T. should be one of the lasting strategic issues that we agree on and deliver on in the next 3 years. I am wholly supportive of the Strategic Plan and of course, going to be a good, I hope, partner to the Chief Minister in terms of the delivering with ministerial colleagues on resources to meet it.

The Bailiff:

Chief Minister, I have got one more speaker at the moment. Would it be convenient to invite Members to move on to the second and third areas: the key issues and what are the keys over the next 3 years, so Members can really deal with any matter they wish at this stage?

Deputy M. Tadier:

Before the Chief Minister speaks, I just wanted to ask the Minister for Treasury and Resources: I did ask him about the expenditure figures. Would he be willing to give Members before the end of this debate the capital expenditure figures which I believe some Members may have, other Members do not have? But he certainly referred to those and it is material that I think all Members should be looking at and be aware of if they are to have a full and meaningful debate.

Senator P.F.C. Ozouf:

The balance has always been that we did not want the Strategic Plan to turn into a money debate, because ... and so I have been fairly limited in the information that I have sent around on, effectively, numbers. I have not published yet the 25-year Strategic Plan capital numbers. Members have seen it, because they will have attended the new States' Members briefing at St. Paul's where we went through the capital programme, and I think we circulated slides on the future capital requirements over 25 years. I will see what we can do. I doubt whether we are going to be able to do it before the end of this debate, and I am not sure that it is going to change Members' minds. Certainly there is a lot of work to be done on the capital programme and we are doing it and we will communicate that in a proper and orderly way as soon as possible.

The Bailiff:

Senator, are you happy to move on?

12.1.15 Senator I.J. Gorst:

Yes, indeed. In actual fact events have slightly overtaken us and as we suspected, Members have talked about a wide-ranging breadth of issues and that is good and proper. Perhaps I could ask Members to consider - because I think this is very important as we come perhaps to a close over the next hour - are there priorities or issues that we have not included that Members would like to see included? Perhaps the Deputy of St. Ouen suggested that there were some missed out and I wonder if he is not going to verbalise them today, then at least he can let Ministers know what they are so they can be considered in the round. Because I think that is critically important, an opportunity for Members to say the things they think are missing so that we can consider how they might be included before we get to the final document.

The Bailiff:

Certainly we invite Members to now address key issues as well as priorities.

Senator I.J. Gorst:

Indeed; and I know a number of Members have spoken about delivering and I am going to talk about that as I sum up. But that really covers as well what it is that they would like to see us have achieved at the end of 3 years so they tie-in nicely together.

12.1.16 Senator A. Breckon:

That is a timely intervention from the Chief Minister because I did intend to introduce perhaps a new issue because that was the content of an email I read. I was thinking of something outside the box in introducing that. But when the Chief Minister started off, he talked about looking forward and building for the future; but of course we are aware that we are in some difficult times. But what I would ask Members to do perhaps is consider whether we need the feel-good factor. It is difficult times, but I will touch on that in a moment or 2. I use a positive example, something that is happening all around us, and it is perhaps that because we are not involved that it is successful; and that is the Jersey Rugby Club. What is happening is of course they are producing some great stuff, excellent results, they have got some terrific support. They have got a mix of professional and amateur. They have lots of enthusiasm and a few weeks ago they had one of the record crowds for a rugby game throughout the U.K.; one of the top 5 attendances throughout the U.K. and that was here in the Island. Now what is that generating throughout the community and to the outside world? I would say to Members it is a terrific achievement and one that I think that we all are sharing in and celebrating. The reason I say that is we can talk ourselves down too far unless we talk things up a bit. That is not to pretend that, you know, we do not have difficult times, but we have to come through it as has happened in the past and come out the other side positive. I am pleased that the Minister for Education, Sport and Culture has come back because, against that background, we have had some significant publicity about removing funding for sports inside and outside the Island. So that is the other side, and it was not just a fraction of it; it was, you know, a drastic cut in their budget. If Members think about that, there are people representing the Island say in the sport of bowls. They are on a world stage getting publicity on Sky TV and all sorts of stuff. What does that generate and should we not again be celebrating all these sorts of things? Because for me this is the wrong thing that we are doing by removing the funding from things that I believe will take us to the other side. That is where I come in with what the Chief Minister said about things that perhaps are not there. With this you cannot exactly write it all down and put a price on it, but it is there and it is something we need to do, because I think it will be part of the progress that gets us through some difficult times. If we think of what we already have and again, many of us attended a presentation at lunchtime with the tourism industry and we heard some interesting things there. But then if we think of event-led tourism, we have reduced the budget from round about £750,000 to under £500,000 in the last 4 years. For me that is the wrong message again, because we have got things like Battle of Flowers, the air display, Jersey Life; we will soon be able to camp for a week in Trinity. We know that is going to happen because ... as long as we leave by midnight, that is, and Deputy Martin is not here, so she has probably already gone. There are things like the Jersey Motor Rally. Now these are the sorts of things that will be the constituent parts that move us on and move us through. There are other things that the Constable of St. Helier mentioned: the Branchage Festival which again has come from nowhere, but it has become established and hopefully will go on from there; the Jersey Marathon. Liberation could be Liberation Week, it could be Jersey Week. Again, the Constable of St. Helier mentioned Liberation concerts. We have also got other things to celebrate: we have got food festivals. We have Irish, Scottish, Italian, Polish, French, Portuguese; there are all sorts of things that we can do to generate interest into the economy, into employment, to the outside world to sell ourselves to other people.

[16:30]

These are the things, along with concerts, art, heritage, motor and water sports. I know, for example, people involved with the MG Owners' Club, they got a small grant; they have record attendances; they come year after year. It does not cost much to do these things but we should not be taking away the funding for things like that. Small football tournaments that are putting, you know, 150, 200 people in the hotels. The word is going out: "Come and enjoy Jersey. Terrific pitch at Springfield, terrific atmosphere, friendly atmosphere, well treated in the hotel." That is the sort of thing that we should be working away at, not chipping away at. But why I mention that is I think that is where we are getting it wrong. There are other things as well where commercially there will be sponsorship for perhaps things like darts, and I know bar billiards, the world championship comes back, and Jersey is well represented inside and outside the Island in things like netball. But we must be positive about that. That is why I think we need to include it as we go forward because the other things are more day-to-day, but this is something that I think can generate lots of other things by doing it, and we do not need a great deal of money to do it. But I will come to that in a minute, because I have some good news for the Minister for Treasury and Resources because we will not need any of our money to do any of this because I know where there is some. I know where it is not being used, and we could get it back into the economy and I think it will give a feel-good factor. To demonstrate this, last year I represented Jersey at the British-Irish Parliamentary Assembly which includes non-executive members from the Houses of Parliament - Westminster and the Lords, the Houses of the Oireachtas, the Northern Ireland Assembly, the National Assembly for Wales, Jersey, Guernsey and the Isle of Man. On the agenda was the Taoiseach, the Minister for Trade and the Minister for Agriculture and they were so, so positive and on-message it was unbelievable. You would not think they owed anybody tuppence. They talked about ... the Taoiseach, the Minister for Trade said from the Olympic Games you will get £250 million worth of business for providing back office technology and all sort of other things. Irish industry providing stents for heart operations; security in airports. This is the sort of business that we are doing that is going out worldwide. The Minister for Agriculture said: "We cannot supply Europe. We are applying for derogation. More Irish beef, milk, dairy industry. We are booming." This is the sort of thing, as I say, that did not owe anybody tuppence. You left there if you had not known the background to the European loan then you thought: "Well, wow. What a booming ..." and they said: "We will work our way out of this by doing the bits and pieces." You know, it is a fairly big economy and they have had their problems, but they were on-message. I know people do represent us out of the Island and we are being watched because there is still a certain amount of jealousy. But by doing the positive things, the sports things, the cultural things, the nice things to do, we can do and we can send the right message. The Deputy of St. Peter (just a coincidence that the Rugby Club is in St. Peter), but I think she was mentioning investing in the short term, and that is what some of this is, because I think these things could be self-generating and do the well-being bit. Now where could we get the money from? Here is the good news for the Minister for Treasury and Resources, if he has a look around at some of the reports that come in, I can tell him for example that the Financial Services Commission have a bank balance of over £5 million; £5 million. The reason they have kept it is a contingency for a possible legal action. We heard the Minister for Economic Development telling us this morning what a deal he has got for £350,000. So I would say that the Financial Services Commission does not need £5 million. If they do have a legal case they can go and see the Minister for Economic Development who has responsibility [Laughter] and he can get them a deal, and locally he might even get it cheaper. The other thing of course: the Jersey Electricity Company have a cash pile; a cash pile. Now two-thirds of that belongs to us. So the Minister for Treasury and Resources can get in there with a windfall tax and that would generate in excess of £10 million, and that will do absolutely no harm to that company whatsoever; not a thing. So there it is, lying in the bank and two-thirds of it is ours. So the message to the Minister for Treasury and Resources is: "In you go." The other thing of course is telecoms have some money laid around as well. In these times of austerity, again they have big

plans of digging holes and pulling wires through and whatever else, which is not expensive to do that; again they have a cash pile. Now is the time to bring this into play. That is why I say this thinking outside the box. Why should it lie idle? The J.E.C. (Jersey Electricity Company) and Telecom have made money because they have monopolies and we have allowed them to do it. So now is the time to say: "We want to generate some of this. So thank you very much, we will have some of it back now" and we will do the things I have mentioned with their money. The other thing, and I know this is perhaps a white elephant at times, we agreed a plan 5 or 6 years ago about Fort Regent. We agreed the plan; we did not put any money in. Again, we have an opportunity, subject to checks and balances, again to do some of this. We could all sorts of things with Fort Regent which would link into the sort of things I mentioned earlier and again that would generate some interest, some wellbeing. The Minister for Education, Sport and Culture is smiling now because he might have some money for Fort Regent which he has never had before and probably never will have unless we do something like I am talking about. So why this was sort of music to my ears when the Chief Minister said: "Can you think of something that we have not mentioned?" Now this could come together if a number of people were tasked to do it. Not just say: "Well, it is a good idea. We must take some action." Just something I want to mention is, of course we are paying ... I do not know what the going rate is now but we were paying the operator of the Waterfront swimming pool about £1,000 a day. So there are some things that we could ... it is less than that now, it is only £980, I think. There are some things that we could claw-back by investing. Again, as the Deputy of St. Peter mentioned, for the short term to see us ... wherever that may be. The reason I say that is it is not exactly throwing a spanner in the works, but I think it is something that perhaps Members, including the Minister for Treasury and Resources, should think about because it is a way to an end and windfall taxes are not unheard of. It has happened to people like oil companies before, where they have been seen perhaps making excessive profits; utilities have come under the hammer before. So again it should not be news to the people involved with that, because it has happened elsewhere and it would be a one-off. But it gets us over a difficult period and it would generate some interest and I would say economic growth. It would be a way of doing that and then we can move on. That links to the main issues that we have got. The reason I say that is because I have a report going back to 1987 and some of the things that we are talking about now about managing property, about procurement, about manpower plans, were discussed over 25 years ago. What it said is, we do not manage property very well; we do not look after it very well; procurement was virtually nonexistent. We are getting there but it has taken a long time. We have had umpteen reports, we have had strategies, we have had all sorts of things, but I would ask Members to ask themselves, who has been responsible for it? I think sometimes what we need to do with some of these issues is give somebody (it does not need to be a Minister) ... on Licensing, on Sunday Trading or whatever it is, on an issue and say: "Well, go away and 3 months later come back and tell us what is happening there." Because I know there have been things that have come before this House and have said: "Well, what happened to the review of the Licensing Law? You know, it has been around for about 10 years, I suppose. Where is it? Who is it with? Who is doing anything?" Well, somebody should have responsibility and be called to account to do that. The reason I say that is, whatever we are going to discuss, whatever we are going to agree, then something needs to happen. That is a cliché in politics: something must be done. But then, if that is to happen, the responsibility for it happening has to be delegated to somebody. If we are talking, for example, of working with the third sector, with the agencies out there, then somebody has to link with them and what we are doing to make sure it happens. We can say: "Well, we are going to work more closely with the Jersey Carers' Association." What are we going to do? Who is going to do it? Where is the fund? In the Parishes? Because some of the things that have been set up in the Parishes with people in the community supporting each other, who is going to liaise with that between Health and Social Security and the centre and whoever else. So that is why, with anything that we discuss we can look at the things overarching that, but then we need to get underneath it

and see what is going to happen, in what timescale and who is responsible. If that is Senator Farnham for whatever it may be, then in 3 months time he needs to be able to stand in this House, make a statement and answer questions about what he is doing and what has happened. Unfortunately we do not do that, and that is a failure. “Oh, yes. This is a good idea. We will agree all this.” But we all go away. “Right. That has got that out of the way,” but then how does it move on? I know that is something that the Chief Minister is keen to do, to involve more people, to have the inclusivity, but I think the population expect us to do something and that is just not producing reports or talking about it. What we need is some sort of progress chasers in between saying: “Yes, we agreed that. Where is it now?” Let us move on and make it happen, because for far too often it has not happened. It has been discussed, and then: “Where is it now?” “I do not know where it is now.” So I think, having kicked-off with a spanner in the works and moving into that, I do not intend make another contribution unless somebody comes back with questions.

12.1.17 Deputy M. Tadier:

Just to say that I agree certainly with all those points that have been raised about the importance of Sports and Culture. This is something that has not been in the document. That is not necessarily a criticism. You could argue that the important things are the high level and that once we get the Island working properly that these things can sit on top of that and that if we have an Island which is running correctly economically, people are employed, they will have free time to join social clubs and all that. But I think we do well to remind ourselves, and we have seen it the in recent weeks ... The Minister for Education, Sport and Culture will be only too aware of the sports community which obviously when they were faced with cuts we realised the added value that these sports clubs provide for the community, often on a shoestring. That is something which we cannot ignore. The area that I want to focus on, perhaps not surprisingly, is that to do with housing and the Chief Minister invited us to list areas which we thought had not been covered at all, or had not been covered adequately within that, and that is what I would like to do now. Looking at page 8 of R.5 to do with “Housing our community,” there are 2 things immediately which jump out at me which I think need to be included there in the first 3 bullet points which are, first of all, what about private sector rentals? The second thing, which goes together, is what about the non-qualified sector/general housing standards across the board, whether that is in non-qualified or in the (a) to (h) sector? Because this is not really covered here at all. The only reference we have got on this page to those who rent in the private sector are that 24 per cent of homes are privately rented. We have got no analysis of whether the conditions in those homes are good, whether the rents are affordable in that sector and what kind of protection there is. Now, of course, I know that this falls within the context of the fact that we have a new housing law coming through to look at security of tenure *et cetera* which will be welcomed, but of course that is extensive and currently it does not provide any security for those in the non-qualified sector. Again in the media in the last couple of weeks we have seen the horror stories of people who are living not simply in social housing which is substandard, but in the unqualified sector which remains completely unregulated, even though we are as a States giving money to landlords, in some cases who may have very good properties, and in other cases who may not. But there are not any checks and balances. What I would also like to see is perhaps that the wording of those 3 bullet points which would hopefully be extended to cover the other 2 points, should really be firmed up a little bit. It is not sufficient to say: “We will investigate schemes to generate affordable housing.” We should say that we are committed to generating affordable housing; we are committed to support first-time buyers; we are committed to make sure that everybody in our Island has access to affordable housing. When we talk about affordable housing, I suspect that some Members both in the Assembly and in the public immediately think of purchased housing. Other Members like myself who have spent the last 3 months scanning the internet and looking at rental prices going up from what they were, almost exponentially, perhaps 3 years ago simply see it in the more global context.

[16:45]

So affordable housing for some is of course about buying a house; for others it is simply about being able to rent a house with the flexibility that that provides. People should not be being penalised in our society either because (a) they do not have the means to purchase, or (b) because they would prefer to have rental property with the flexibility that that allows. So I think we need to include that in this section. The other thing I think we need to look at is, I think the Housing Department often comes under a lot of unfair criticism and is sometimes compared with the housing trusts and some people hold up housing trusts and say housing trusts are great because they operate really well. The Housing Department is terrible because it has got this big backlog of maintenance, it has got 28 per cent which would fail the U.K. Decent Homes Standard, *et cetera*. But I think the Deputy of St. Ouen quite rightly ... and it is quite refreshing to see the Deputy of St. Ouen now that he has been relieved of his Ministerial duties to come up with some more refreshing ideas which I suspect he was always capable of doing before anyway, and I am not suggesting he is by any means toeing the party line before. But he is spot on when he questions the fact that do we really need to create this newfangled housing system which is going to be operated at arm's length. I think certainly there are issues to do with regulation that need to be sorted out. In Jersey we seem to be very good at wearing many hats and having to regulate ourselves, so that certainly needs to be solved. But the key issue here is that the Housing Department is a success story. The Housing Department generates profits for the States of Jersey. Contrary to saying we should have less social housing, we should have more social housing, because it is beneficial. It was remarkable to hear another Member of the H.S.S. (Housing and Social Services) Scrutiny Panel complaining or intimating the fact that there were too many people in Housing who could afford not to be in Housing simply because they were not receiving income support. If we take out those in the Housing system, whether that is in trust or in the department who can afford to pay the full amount of their rent, then we are removing those who make the cross-subsidy in the States possible. So, it is counter-productive. We want more people in States Housing who can afford to pay the full whack. Ideally, we would want to be in a position where we had so much housing that we could afford to rent luxury properties to 1(1)(k)s and to (j) cats in Jersey, so that the money could come back into the system and we would have some control over rents. That might sound like a completely capitalist argument. It is. The States should be doing more to make money, because we do not want to be increasing taxes at a time when people can least afford to pay taxes. Of course, many of the faux capitalists in the Assembly might say that governments are not good at running businesses. Well, I would point to something like the Housing Department which does return a profit to the Treasury; too much of a profit indeed. It should be keeping that money for itself to reinvest in its maintenance until it has managed to clear the backlog. If funds do need to be raised in other ways for the Minister for Treasury and Resources then that is his problem and ours, of course. We could look at progress of taxation, we could look at lifting the social security cap, as I spoke of earlier. But it should not be for the Housing Department to be robbed to pay Peter or whatever the mixed metaphor is at this stage. I think housing is something that we should look to do more of. We need to look at this in the round. We often think that purchasing a house is something to be left to the private sector. I am sure we all agree we can all sign up to the manifestos when we stand for election or do not stand for election and say: "We agree with affordable housing." But when somebody puts forward a tangible plan and says: "Well, if we really do want to create affordable housing..." Of course the issues of building and land costs are relevant, but there are many other factors in the economy that are going to be contributory. So I am sure that if some Member came forward and said: "I think that members of the public should only be able to buy one home or if they buy a second or third home, they should have to pay more for that." Then I would presume that all Members would think that is a really good idea, because in fact that would bring house prices down. It would mean that we do not have rentiers in Jersey who simply live off providing rental houses which, as I said, are not regulated, which means that other

people cannot be buying those houses. So, I would presume that those kind of tax incentives to stop people buying multiple homes when housing is already at a shortage would be supported. We do need to think outside the box. I think we need to learn that there is a link between taxation, between incentives that we can use - carrots and sticks - when it comes to housing, there are links between the private sector and the public sector when it comes to affordable housing. I think that is all I have to say on that. I apologise if it was slightly muddled, but I hope the Chief Minister, when he has his staff look back through the Hansard, will take on board those 2 points, which I will reiterate. The fact that we should be including private rentals, we should be setting up a regulatory system for all housing in Jersey. It is not that difficult to envisage. It simply could be a scheme which is self-funded, where anybody in the Island who wants to rent out properties has to sign-up, pay a nominal fee, which would be dependent upon the size of their property, which could be self-funded to make sure that all the units that are being rented out, whichever the sector, are satisfactory and that the non-qualified sector be also included in the housing part of the Strategic Plan.

12.1.18 The Deputy of St. Ouen:

The Chief Minister invited me a little bit earlier to speak of some of the priorities that I feel are missing from the Strategic Plan. I think the first thing I need to acknowledge is I am certainly not advocating that the States should necessarily end up with 16 priorities in the Strategic Plan. However, I do think that picking up again some of the words that the Chief Minister said, if we are going to be serious about turning our directions more towards our community rather than simply money then that needs to somehow be reflected in the priorities within the plan. We need to bring out perhaps more flavour of that within the plan. I will use, as an example, some of the priorities that were contained within the previous Strategic Plan. One focused on providing for the ageing population. Yes, you could argue that the reform of Health and Social Services would encompass that. But is that specific enough? How do we include that within our vision? What about protecting the public and keeping our community safe? Key matters for quality of life and social policies. What about our Children and Young Persons Plan? The first ever framework was created last year, really drawing together all of the different elements and strands, both from public services and the third sector, in providing and looking at how we provide support for all youngsters of all abilities. That does not come out in this plan. We spoke about increasing social inclusion by encouraging and supporting people to help themselves. I suppose the first thing I need to say is we perhaps have not avoided or not identified the social issues and the areas that we want to tackle. It is just that perhaps we have been too busy doing other things for the last 3 years. It is right that we just remind ourselves what commitments we made and ensure that that is reflected within the new plan. What about protecting and enhancing our unique culture and identity? We have culture, sport and art. What about Parishes? What about our voluntary sector? What about voluntary contribution, honorary police service? Where is that going to play a part in our vision, our future, that we would like to develop alongside, and I totally accept, short term measures and issues that we need to deal with. I do not have the answers for the Chief Minister unfortunately. All I have given him is hopefully a little view of what may be contained in the plan. Finally, I need to just pick up on a couple of points relating to the Minister for Treasury and Resources speech and others. Economic growth is being suggested as, if you like, the miracle cure for all ills that will keep taxation low and allow us to all prosper. The only problem is that we have relied on it for quite some time and we know quite recently that with economic growth comes population growth and increased demands on our infrastructure. The census figures tell it all. Do not get me wrong, I am not against economic growth, but I do think that there is a discussion to be had and a real need to understand all of the implications when we sign-up to economic growth and acknowledge that there will be further demands on the housing and on our infrastructure that perhaps we did not properly appreciate when we signed-up to those sorts of topics. Lastly but not least, one of the main key

areas that the Council of Ministers, I think, initially identified as a key issue, is the issue of balancing tax and spend. This is about acknowledging what services we need to provide and acknowledging that there needs to be a contribution in whatever shape or form made by the public to meet the demands of those services, because that is how it works. I suppose, again, a commentator in a recent magazine raised the issue of: we have a variety of tax policies and other income streams being used at the moment, whether it is G.S.T., 20 means 20, Zero/Ten and now other perhaps less indirect forms of taxation, which is increases in our social security-type contributions. We also hear of charging policies being mentioned by the Minister for Treasury and Resources. We hear of further increases in our social security contributions to meet the long-term care needs. Maybe it is time that as a priority this Council of Ministers, with the Minister for Treasury and Resources, sits down and takes a proper look at all of the different contributions that we the public are making, whether it is direct or indirect taxation, and determine whether or not the current quite complex taxation that we have is suitable and meets the needs both now and in the future. Thank you.

12.1.19 The Deputy of St. Martin:

If I might just briefly return to the subject I spoke to earlier, which was working together. The discussion that we have had in the last couple of hours has focused heavily, as one might expect, on the financial aspects of delivering what we are going to put in the strategy. But I might just remind Members that we are not alone in being in financial dark times and that we do not have exclusivity to it. Our jurisdictions nearby, in Guernsey and in France, are not thinking about it any less than we are. I would just like to ask the Chief Minister and the Council of Ministers if they could as strongly as possible put in their Strategic Plan a commitment to work closer and better with Guernsey and France for our mutual benefit. Thank you.

The Bailiff:

Does any other Member wish to speak? Then I would invite the Chief Minister to sum up.

12.1.20 Senator I.J. Gorst:

It is a little bit earlier than I was just imaging. Perhaps if I could pick up on the point that the Deputy of St. Martin made there in his final comments. He is absolutely right. I am committed and I know the Council of Ministers are committed, and my Assistant Chief Minister with responsibility for external affairs is committed, to working much more closely with Guernsey. We find at this point in time, where Guernsey is currently going into an election period, it is difficult for us to make many statements about what we might like to do going forward. Perhaps I could pay a tribute to the Chief Minister of Guernsey. He has endeavoured to work closely with us in Jersey and raise the international profile of his community in a way that we wholeheartedly endorse and believe that going forward we should be doing that work together, because our interests are aligned, certainly when it comes to foreign policy, as it were.

[17:00]

I hope that the level of contact that we have had with our neighbours in France over these last few weeks will be maintained. That is one message that we have certainly received from the visiting French delegations that while they heard our message and believe that we have an impressive record to talk about, we need to be doing that with more French organisations. We intend to do that. Of course, we have the excellent work of the Brussels office, which we hope and know will be ongoing. We must consider whether we should be setting up similar operations in other jurisdictions, but those will be decisions for a future date. Perhaps I could thank Members for their contribution to this in committee debate. I have found it extremely interesting and very useful. I know that my fellow Ministers will also have found it useful and we will be able to consider in depth the comments that have been made when we come to finalise the Strategic Plan prior to its

lodging. A number of Members, I believe quite rightly, have talked about delivery. As the Minister for Treasury and Resources quite aptly said politics should be about changing the future and changing our community for the better. I wholeheartedly endorse that sentiment. But, that does give us a challenge. How are we going to deliver this strategy when it is approved? How are we going to deliver those positive changes in the best interest of our community? Some times in politics it is easy to point the finger at somebody else and suggest that if only they had done something differently the outcome might have been different. I hope that we have put behind us that element of negativity of the last Assembly and we will commit ourselves to working together. I believe that it is the responsibility of each Member of this Assembly to ensure that we, as a government and as a legislature, do in fact deliver on behalf of our community. I also believe that we need to work together more closely with various elements of our community outside of this Assembly to ensure that we can deliver in the best interest of every Islander. I spoke in my opening comments about the need, once the Strategic Plan has been approved, to set up - I would call them - Delivery Working Parties. This is one way that I believe that we will be able to monitor the ongoing implementation of the strategic priorities. It will be a method by which we can include non-executive Members of this Assembly in a more inclusive way, which I have spoken about prior to any change in the governmental system. It will also be a method by which we can include non-States Members in the operation and delivery of these priorities. I wholeheartedly endorse the view that we have an opportunity within the next 3 years, not only to listen, not only to talk, but to act. I recognise that with that desire to act will come some extremely challenging and difficult and the need to make courageous decisions. I hope that you, like me, believe that we have an opportunity, we have the constitution of the States Assembly which is prepared and ready for that challenge in a way that we have not been before. Perhaps I can close by once again thanking you, Sir, for chairing this in committee debate and thanking each Member that has contributed, any Member which has not been able to contribute and would like to and has other ideas that they would like the Council of Ministers to consider then perhaps they can contact either the relevant Minister, the relevant officer or myself, so that we can consider those issues as well. With that I shall retain my seat. [Approbation]

The Bailiff:

Thank you, Chief Minister. That concludes Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

So, we now come to M, Arrangements of Public Business for Future Meetings. Deputy Tadier, as vice-chairman of P.P.C., would you speak to this?

13. Deputy M. Tadier:

I have not received any information to say that the paper would be any different to what is currently already on the Order Paper. On that basis, I propose it unless other Members are going to be putting things.

13.1 Deputy M.R. Higgins:

On the next Order Paper, P.166, the *ex gratia* payment. I am asking to delay that again by one sitting - so 20th March - as I shall be out of the Island on States business. In fact, on that, there is a problem with the Order Paper for this next session, because there are a number of Members who are scheduled to be out of the Island on States business who wanted to take part in the debate on the Electoral Commission, which we think is a fundamental thing. I would ask the States that because

it is of fundamental importance to all Members that we should consider delaying it, so that all Members can be present and express their views.

The Bailiff:

Deputy are you proposing that?

Deputy M.R. Higgins:

Yes, Sir, I would like to propose that.

The Bailiff:

It is lodged by P.P.C., is it not?

Deputy M.R. Higgins:

Yes, it is.

13.2 Deputy M. Tadier:

We have spoken about this outside the Assembly. I do have some sympathy for the position of Deputy Higgins and I know that another Member, at least, will be away, due to no fault of their own, on States business. So, on the one hand while I think it is important that with such an important debate all Members should be here and should be able to contribute, it is also the feeling of the Chairman of P.P.C. that there is a certain amount of urgency in bringing this through. We would be delayed by 2 weeks. I am completely in the hands of the Assembly.

The Bailiff:

At the moment, Deputy, P.P.C. is proposing it be held on this date. I suggest that if Deputy Higgins wants to test the mood of the Assembly, Deputy, if you wish to propose that it be deferred until 20th March.

Deputy M.R. Higgins:

Yes, Sir.

The Bailiff:

You make that proposition. Is it seconded? **[Seconded]** Does any Member wish to speak?

13.2.1 Deputy S. Pitman:

Yes, Sir, I believe I am the other Member that will be away on P.A.C. (Public Accounts Committee) training, which I need. So, I feel I need to be there, but I also need to be involved in such an important debate.

13.2.2 Senator P.M. Bailhache:

I think the difficulty is, and one frequently hears these kinds of difficulties spoken of in the Assembly, that it is almost impossible to find a date which is going to be convenient to every single Member of the House. The reality is that time is already extremely short to meet the kind of deadlines that have been included in the P.P.C.'s report to the Assembly. I think the Assembly owes it to the people of the Island to give reform a chance and to make sure that the timetable, which the Privileges and Procedures Committee has laid down, is adhered to. If we start putting this off, we will never meet those deadlines.

13.2.3 Deputy T.M. Pitman:

Only briefly. Yes, it is difficult, but what is really important is to get this right. I think every Member should be involved. We have already let the people down by going back on what was

agreed, the Independent Commission. It could have been all sorted. So, I do not think putting it back one session when there are people who are away on States business is too much to ask at all. I think it is quite a reasonable suggestion. I understand why the Members are asking. I will be here for both, so it does not really affect me, but I think the important thing is getting this right. So, I would support Deputy Higgins.

The Bailiff:

Very well. So, the matter before the Assembly is whether to defer the Projet 5 debate to 20th March. If you want to defer it, you vote pour. If you do not want to, you vote contre. Were you wanting to say something?

The Deputy of St. John:

I just wanted to ask the Chairman of P.A.C. why the training day could not be moved, Sir.

Deputy T.A. Vallois:

The training day is part of the Commonwealth Parliamentary Association Workshop, which is due to take place that week. We cannot move it, because the Commonwealth Parliamentary will not move it.

The Bailiff:

Very well. Is anyone calling for the appel in relation to this matter? The appel is called for then. If you want to defer it, you vote pour. If you do not, you vote contre. The Greffier will open the voting.

POUR: 13	CONTRE: 28	ABSTAIN: 1
Senator A. Breckon	Senator P.F. Routier	Deputy M. Tadier (B)
Deputy J.A. Martin (H)	Senator P.F.C. Ozouf	
Deputy G.P. Southern (H)	Senator A.J.H. Maclean	
Deputy of Grouville	Senator F. du H. Le Gresley	
Deputy J.A.N. Le Fondré (L)	Senator I.J. Gorst	
Deputy S. Pitman (H)	Senator L.J. Farnham	
Deputy K.C. Lewis (S)	Senator P.M. Bailhache	
Deputy T.M. Pitman (H)	Connétable of Trinity	
Deputy T.A. Vallois (S)	Connétable of St. Peter	
Deputy M.R. Higgins (H)	Connétable of St. Lawrence	
Deputy J.M. Maçon (S)	Connétable of St. Mary	
Deputy of St. John	Connétable of St. John	
Deputy R.J. Rondel (H)	Connétable of St. Ouen	
	Connétable of St. Brelade	
	Connétable of St. Martin	
	Connétable of St. Saviour	
	Deputy R.C. Duhamel (S)	
	Deputy of St. Ouen	
	Deputy J.A. Hilton (H)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy E.J. Noel (L)	
	Deputy G.C.L. Baudains (C)	
	Deputy J.H. Young (B)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Mary	
	Deputy of St. Martin	

		Deputy of St. Peter		
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The Bailiff:

So, that remains on the agenda. I am advised by the Greffier too that there is a further amendment by Deputy Hérissier, but that will be listed in due course. Does any other Member wish to say anything about the future programme? Deputy Southern?

13.3 Deputy G.P. Southern:

Just to give notice that I have had a serious re-think about P.17 and I wish to change its emphasis, so I will be withdrawing P.17 from 20th March and resubmitting a new paper, which will probably have a different number.

The Bailiff:

Very well. Members are content to adopt the programme as set out there, save that P.166 is deferred to 20th March. Members are happy to adopt that? Deputy Martin?

13.4 Deputy J.A. Martin:

It is about the States Procedure and I am on P.P.C. Now that we do not have P.17 and on 6th March we do not have P.166, I think behind the scenes we will be deciding if we need to meet on both of those Tuesdays. This is my problem; it was not that we wanted to move one debate. P.P.C. were discussing moving everything from the 6th to the 20th, because we cannot bring the now 2 things left on the 20th back to the 6th. So, it is about timing. It is about papers being produced. It is about your time, Sir, the Greffe and everything else. We are making work for ourselves. We do not have enough work to do on 2 States sittings. I would like to make the suggestion we move the whole of the 6th to the 20th.

The Bailiff:

That is a matter for P.P.C., Deputy. The only point I would make is that the Assembly has just voted not to move a debate, so it wants to have some debate on the 6th. Of course, you always have question time and other matters at every meeting. If you get rid of the meeting altogether, no questions can be asked. Anyway at the moment we have a meeting on the 6th of March. Very well, that concludes the Assembly's business. We stand adjourned until the 6th of March.

ADJOURNMENT

[17:13]