

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 12th DECEMBER 2016

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[14:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Appreciation of former Member of the States – the late Richard Winter Le Sauteur

The Deputy Bailiff:

Members may be aware that the former Connétable of Grouville, Mr. Richard Winter Le Sauteur, passed away last Tuesday on 6th December. Mr. Le Sauteur was elected as Connétable on 4th January 1989 following a career in the finance industry as managing director of Kleinwort Benson. A keen conservationist, at his first meeting of the Assembly on 24th January 1989 he was elected on to the Island Development Committee as well as the Resources Recovery Board. Following the elections in 1990 he continued to serve on the I.D.C. (Island Development Committee) and also joined the Gambling Control Committee. In 1991 he was chosen by Members to serve on the Sport, Leisure and Recreation Committee following the creation of that committee. His last meeting of the Assembly was on 3rd March 1992. Our thoughts today are with Mr. Le Sauteur's family. May I ask Members to rise for a minute in his memory? **[Silence]** May he rest in peace. That ends items under part A.

QUESTIONS

2. Written Questions

2.1 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE USE OF CHARTERED AIRCRAFT: [9744]

Question

Will the Chief Minister detail all occasions since he took office in 2011 on which the States has chartered a private aircraft to transport civil servants, politicians or political guests of the States (excluding any trips made for emergency medical reasons), including the date, the cost and who was on board?

Answer

The information required to respond in full to this question is being collated and quality assured and will be issued to the Assembly in the coming week.

2.2 THE DEPUTY OF ST OUEN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING SHARE TRANSFER TRANSACTIONS INVOLVING COMMERCIAL PROPERTY: [9745]

Question

Following the adoption by the States Assembly of the Taxation (Land Transactions)(Jersey) Law 2009, what work, if any, has been carried out by the Department of Treasury and Resources with a view to extending the provisions of that law to share transfer transactions involving commercial property?

Answer

Extending the Taxation (Land Transactions) (Jersey) Law 2009 ("LTT") to cover share transactions involving commercial property is extremely complex. The Corporate Services Scrutiny Panel

acknowledged this in their report dated 10th June 2008 into the LTT for residential property and proposed to prepare a subsequent report examining this issue.

Following the elections in 2008 this further report was not progressed by the subsequent members of the Panel.

However the Treasury Minister is open to considering workable suggestions as to how LTT might be extended to encompass share transactions which involve commercial property, and is committed to reviewing the matter before Budget 2018.

2.3 THE DEPUTY OF ST OUEN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE RATES OF PROBATE FEES: [9746]

Question

What changes, if any, to the rates of probate fees charged under Item 9 of Part 3 of the Schedule to the Stamp Duty and Fees (Jersey) Law 1998 have been made since that law came into force, and what were the reasons for such changes?

Answer

The amendments to Item 9 of Part 3 of the Schedule to the Stamp Duty and Fees (Jersey) Law 1998 are detailed on the table attached in **bold**.

The reasons for the changes are summarised below:-

2004 – The fees were amended by Regulation following a review by the Blampied Implementation Group who considered that many of the current fees were not representative of the true cost of providing the service involved.

2005 – The cap on personal estates exceeding £13,360,000 was removed. In the 2005 Budget statement it was stated that “The (Finance and Economics) Committee, aware of significant estates over the current cap and having received recommendations to remove the cap, is now proposing that the cap be lifted such that duty is paid on the following scale.”

2011 – The judicial fees were increased. In the 2011 Budget statement it was stated “It is proposed that all judicial fees are increased to reflect more closely the actual costs incurred. Many have not changed since 2004. Typical increases in fees are from £50 to £60 or from £100 to £120.”

2012 – The judicial fees were increased. In the 2012 Budget statement it was stated “The Treasury Minister proposes to increase court fees under the Stamp Duties and Fees and the Land Transaction Tax Laws. The majority of the increased annual income will be retained by the Judicial Greffe and Viscount’s Department in order to meet their CSR commitments. Significant consultation on the increases has been carried out.”

2013 – The cap limiting probate fees to £100,000 on estates where the net value exceeds £13,360,000 re-introduced. In the 2013 Budget statement it was stated “There is a proposed amendment to the Stamp Duties and Fees legislation to reintroduce a cap on the amount of probate duty that is payable on an estate.” “Under the existing rules, probate duty is payable on the entire value of an estate. This has put the Island at a competitive disadvantage and encouraged non-local advisers to adopt non-Jersey based structures in order to avoid the potential liability to probate duty. The potential loss of business is primarily in relation to the establishment and administration or management of companies owned by individuals rather than by trustees or corporations. It has also had the effect of reducing the amount of cash deposited in Jersey banks. There is evidence of hundreds of millions of pounds not coming to Jersey because of the potential probate duty costs.”

Stamp duty fee charges Part 3 Item 9					
Value of estate	From 28/7/2004	From 1/1/2005	From 1/1/2011	From 1/1/2012	From 1/1/13
(1)(a) Not to exceed £10,000	No fee	No fee	No fee	No fee	No fee
(1)(b) Not to exceed £100,000	£50.00 for each £10,000 or part of £10,000	£50.00 for each £10,000 or part of £10,000	£50.00 for each £10,000 or part of £10,000	£50.00 for each £10,000 or part of £10,000	£50.00 for each £10,000 or part of £10,000
(1)(c) To exceed £100,000 but not to exceed £13,360,000	£500.00 in respect of the first £100,000, plus £75.00 for each additional £10,000 or part thereof	£500.00 in respect of the first £100,000, plus £75.00 for each additional £10,000 or part thereof	£500.00 in respect of the first £100,000, plus £75.00 for each additional £10,000 or part thereof	£500.00 in respect of the first £100,000, plus £75.00 for each additional £10,000 or part thereof	£500.00 in respect of the first £100,000, plus £75.00 for each additional £10,000 or part thereof
(1)(d) To Exceed £13,360,000	£100,000	(£13,360,000 cap removed)	(£13,360,000 cap removed)	(£13,360,000 cap removed)	£100,000
(2)(a) Professional application	£50	£50	£60.00	£80.00 (rate F)	£80.00 (rate F)
(2)(b) Other case	£150	£150	£180.00	£200.00 (rate I)	£200.00 (rate I)

2.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING HER DEPARTMENT'S BENEFIT SANCTIONS REGIME: [9747]

Question

What assessment has the Minister made of the applicability to Jersey of the National Audit Office's report in the U.K. entitled 'Benefit Sanctions', published on 30th November 2016, that the Department for Work and Pensions is not achieving value for money in its use of sanctions and that it should support better understanding of the impact of sanctions and use data to track that impact on the likelihood, duration and quality of employment?

What data or evidence, if any, does the Minister have to show that her Department's own sanctions regime is applied in a consistent and accurate manner?

Will the Minister advise how many sanctions were implemented in 2015, with what duration and for what reason, and further advise what total sum was withheld from benefits and how much was paid in hardship claims?

Answer

The National Audit Office's report on "Benefit Sanctions" is not applicable to Jersey, either directly or by extension, because it examines a very different system. Although there are similarities in that both jurisdictions operate a low-income benefit with work conditions, there are considerable differences between the way the UK's Department of Work and Pensions operates its benefits, and the way that Jersey's Social Security Department operates Income Support.

The National Audit Office's report raises varied concerns. It raises questions over the consistency of decision making between different benefit offices, communication of the sanctions rules on a national basis and the use of third-party providers to make sanctions decisions. None of these factors apply to Jersey, so although the report has been studied by officers in my Department, the criticisms made in the report are no cause for action here.

For the purposes of benefit sanctions the most important difference is that Jersey's system is designed so that decisions about a client's jobseeking activities are made by their personal advisor, who is primarily responsible for helping them find work, maintaining regular contact, and arranging opportunities to look for work. All personal advisors responsible for jobseeking decisions work in the same Back to Work team, based together in the same office location. This delivers a degree of accuracy and consistency in decision making which would be much harder to achieve on a national basis, where individual benefit offices may be operating with very different mixes of staff resource and management support.

Making decisions about an individual's compliance with the jobseeking process is just a small part of the support given by Back to Work advisors. The majority of jobseekers are strongly motivated to find work, and so their interaction with their personal advisor is very much in terms of positive support and encouragement. Nonetheless, the legal requirement to engage with the process is clearly communicated to each customer by their advisor, and any first infraction results only in a written warning. The jobseeker has the right to challenge any decision made by an advisor, including the written warning and any financial penalty. The personal relationship between the advisor and their customers means that safeguarding concerns in respect of any individual, their household or dependent children, can be passed through the appropriate channels.

The National Audit Office's report additionally raises concerns about the extent to which the UK's system offers value for money in terms of the administration of benefit sanctions. Back to Work advisors have many responsibilities, and applying sanctions represents a small part of their workload. The majority of their time is spent meeting with customers and helping them find employment. I consider this money well spent, and the steady decrease in the number of unemployed people shows the benefits of this investment.

Taking these factors into account, I do not consider that the criticisms raised in the report can by extension be applied to Jersey. I am confident that Jersey's sanctions for people who don't do enough to find work, or who leave work without a good reason, are applied fairly and consistently. Customers have the right to ask for all decisions to be reconsidered and, if unsatisfied with that second decision, to appeal to an independent tribunal.

Numbers of sanctions applied

4,590 individuals were registered with the Department as actively seeking work at some point in 2015. Of these, Back to Work supported around 2,900 Income Support jobseekers.

Throughout 2015, a total of 195 sanctions were issued for the first breach of a written warning, imposing a 2 week penalty equivalent to the adult component of the Income Support claim. This

amounts to a maximum of £184.24 for each sanction issued. 107 sanctions were issued for the second breach of a written warning, imposing a 4 week penalty equivalent to the adult component of the Income Support claim. This amounts to a maximum of £368.48 for each sanction issued. 89 sanctions were issued for the third breach of a written warning, which results in the Income Support claim being closed and all benefit being withdrawn. As this results in the closure of the Income Support claim, it is not possible to say how much benefit was withheld without manually counting the value of each Income Support claim. In addition, 461 individuals received a sanction for leaving work without good cause. This lasts for 13 weeks and reduces Income support entitlement by up to the value of the adult component of £92.12 – a maximum total of £1197.56 for each sanction.

It should be noted that as sanctions are applied progressively, the number of individuals included in these figures is less than the total of the separate figures.

Approximately £11,000 was paid in 2015 to households who had been issued with a third breach of a written warning, but where there were safeguarding concerns over the welfare of children. The payments are made through Ministerial discretion.

2.5 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING CHANGES TO EMPLOYMENT OR HUMAN RESOURCES PRACTICES: [9749]

Question

Given the findings of the States of Jersey Complaints Board contained in R.75/2016 that the process adopted by the States Employment Board in the case of the dismissal of Mr. Alwitary could “*never be considered acceptable, reasonable, just or fair*”, what changes to employment or human resources practices, if any, will the Chief Minister adopt across all Departments to ensure that the requirements of procedural fairness are met; and, if not, why not?

Answer

The States Employment Board does not accept the majority of the findings of the States of Jersey Complaints Board for the reasons set out in detail in the response of the SEB dated 4th October 2016 and published by the PPC.

In 2015, amendments were made to the Employment of States of Jersey Employees (Jersey) Law 2005 which allowed for the introduction of codes of employment practice, one of which covers recruitment and selection. In addition, the Jersey Appointments Commission monitors recruitment and selection standards in the public service. Processes and standards are regularly monitored to ensure good practice and lessons learned are translated into day to day practice.

The Board, through its own earlier reviews of the termination of Mr Alwitary’s contract, had identified some weaknesses in the recruitment process for consultants. These have been rectified by the current Hospital Managing Director since her appointment in 2013.

In total, the Hospital has successfully recruited 21 Consultants since 2012 using revised processes which were not all in place at the time of Mr Alwitary’s termination. Verbal and written feedback has been received from successful and unsuccessful candidates and Royal College representatives complimenting the Hospital on its recruitment process.

2.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING UTILITY TARIFFS IN THE ISLAND: [9750]

Question

In the light of guarantees given by some major utility companies in the U.K. over the freezing of winter fuel prices, what engagement, if any, has the Minister had with local utility companies (and specifically suppliers of gas and domestic heating oil) over the possible freezing of, or reduction in, tariffs in the Island; and if none, why has there been no such engagement?

Answer

This matter falls within the area of Competition and Regulation and responsibility for this is led by Assistant Chief Minister, Senator Ozouf.

The UK and Jersey Differences

The question is based on the assumption that Jersey is the same as the UK.

The circumstances in which some UK utility companies have undertaken to freeze winter fuel prices must be seen in the context of OFGEM (the UK energy regulator) investigating the energy markets and finding that competition in those markets was not working effectively for consumers.

The Circumstances in Jersey are different. The companies, the sectors and the findings of the Jersey regulator are all different from the situation in the UK. This important point needs to be emphasised.

This answer addresses the situation locally.

Jersey Heating Oil Market

CICRA published their review of the fuel market in Jersey in October last year and with respect to the heating oil market they concluded that:

We therefore have no reasonable grounds to suspect that a feature or a combination of features of market/s for the supply of heating oil/distribution of road fuel in Jersey are not acting in the best interests of consumers.

CICRA also pointed out that with respect to new entry in the fuel market:

In the view of CICRA the fact that new entrants to the supply of fuel to Jersey in 2014 (ATF) and 2015 (Roberts) are active or are about to be active in this aspect of the fuel market is significant.

Anecdotal evidence indicates that as a result of this increased competition heating oil prices are now lower and customers have increased choice particularly those customers with smaller delivery requirements. The ACM undertakes to work with the Jersey Consumer Council to support the continued development of their excellent price comparative information to take into account these market developments.

Jersey Gas Market

With respect to the gas market in Jersey, States members will be aware that work was commissioned to provide additional analysis of the gas market in Jersey by Oxera. This work was designed to build on the work done by CICRA. The objective has been to further establish whether the gas market in Jersey is acting in the best interests of consumers and to inform future government policy.

The final report was received on the 9th of December 2016 by the ACM. The report will be shared with Members and published during the course of this week.

The ACM and advisors are meeting Directors of Jersey Gas on Tuesday the 13th of December.

The Strategic Plan placed a high priority on improving competition. Ministers are fully conscious that States Members and the public want factual and thoroughly researched answers to legitimate questions about the price of gas and to inform domestic energy purchase options.

On the basis of the additional detailed analysis undertaken by them, Oxera have concluded that they agree with the overall conclusion reached by CICRA. That is, in relation to the historical profitability of Jersey Gas, there are no reasonable grounds to suspect that the gas market in Jersey is not acting in the best interests of consumers.

Summary

Given the findings of the CICRA and Oxera reports there is no justification for Ministers seeking or requiring gas or heating oil price reductions by suppliers at this time.

The ACM backed by Ministers wants to secure affordable energy prices in competitive markets that work in consumers' interests. The CICRA 2017 work programme will include further work on energy markets. The ACM will also engage with the Minister for P&E in further development of the Island's energy policy.

The Assistant Chief Minister will continue to work with CICRA to monitor trends in these and other markets and should evidence emerge that conditions have changed, will consider the appropriate response under the circumstances.

2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING A BREAKDOWN OF THE HOUSING TO BE DELIVERED BY ANDIUM HOMES: [9751]

Question

- (a) Will the Minister give a detailed breakdown of the 1,000 homes that Andium Homes intends to deliver over the next 5 years, in the following terms?
- (b)
- (c) refurbishments and new builds;
 - (d) social housing and affordable housing; and
 - (e) housing for rental and housing for purchase?

Answer

- (a) The Andium Homes Strategic Business Plan for 2016 – 2020 (see link below) outlines a target to deliver over 1,000 home completions.

<https://www.andiumhomes.je/publications/Documents/Andium%20Homes%20Strategic%20Business%20Plan%202016%20-%202020.pdf>

The Strategic Business Plan outlines the following analysis of new build homes in the period to 2020:

	2016	2017	2018	2019	2020	Total
Existing sites	44	54	51	212	256	617

States-owned Sites	-	-	40	87	40	167
New sites	-	-	54	125	100	279
Total	44	54	145	424	396	1,065

Gross new homes completions

In addition, a refurbishment programme is underway, with new refurbishment projects added as maintenance needs are identified through condition survey processes, with this being assessed annually and set out in each annual review of the Strategic Business Plan.

The Strategic Business Plan for 2016 – 2020 outlined the following in relation refurbishments, with Nicolle Close and Hampshire Gardens now complete, and Caesarea Court nearing completion:

PROJECT	UNITS REFURBISHED	PRACTICAL COMPLETION
NICOLLE CLOSE	20	2016
HAMPSHIRE GARDENS	39	2015
CAESAREA COURT	52	2017
CONVENT COURT	73	2018
HUE COURT	90	2020
163 – 170 CLOS DES SABLES	8	2017
	282	

The aim through these programmes is to achieve 100% compliance with the Decent Homes Standard over the period of the Plan, which is four years ahead of schedule and a commendable achievement which makes a real difference to people's quality of life.

- (b) There is not a discernible distinction between 'social housing' and 'affordable housing' with a degree of interchangeability between the two terms. Instead, the main distinction made is between homes that homes for rental and homes for purchase.
- (c) Andium Homes also plans to increase the supply of homes for purchase through its Homebuy scheme. The following from the Strategic Business Plan analyses this as follows:

	2016	2017	2018	2019	2020	Total
Sales of existing properties	20	25	25	25	25	120
New sites and intensification	-	3	55	116	40	214
Total	20	28	80	141	65	334

Sales per annum (Andium Homes Strategic Business Plan)

** of the 214 homes for sale to be delivered through new sites and intensification, 34 will be delivered through the intensification of existing sites, and 180 on new sites.*

In summary, of the 1,065 units of accommodation that Andium Homes plans to deliver by 2020, 851 will be for rent and 214 for purchase (with the remainder available for purchase being existing properties).

3. Oral Questions

3.1 Deputy M. Tadier of St. Brelade of the Minister for Social Security regarding the Income Support housing component for households waiting to downsize in the social rented sector: [9760]

Will the Minister advise what the current policy is that is applied to the housing component for households who are under-occupying and waiting to downsize in the social rented sector?

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

I have previously answered this question from the Deputy in greater detail as one part of written question 8648. To summarise, the income support rental accommodation component is designed to help towards the reasonable rental costs faced by low income households. The household receives an accommodation component at a level according to the size and type of the property that is appropriate to its members. In cases where the household occupies a property that is larger than it needs income support restricts the amount of accommodation component that is paid. Obviously there will be situations where a household cannot predict that there will be an empty bedroom, for example, because a family member leaves home. In this situation the accommodation component is maintained to allow the household time to downsize to an appropriately sized property. Households on the social housing transfer list will continue to be supported at the full accommodation component while they await a suitable property to move into. It is very important to have a mechanism that encourages households to free-up social housing properties that are too large for their needs. Jersey has a limited social housing stock and it would not be right for the taxpayer to continue to fully support a household that chooses not to move when there are families in urgent need of properties with additional bedrooms.

3.1.1 Deputy M. Tadier:

I thank the Minister for the clarification. Could the Minister confirm whether she believes that the relationship and communication between her department and the social housing providers, in particular, Andium, is good and whether there is any room for improvement, specifically in regard to this issue of people who are waiting to be transferred to downsize?

Deputy S.J. Pinel:

As Minister for Social Security, I am not in a position to comment on Andium's waiting lists. However I can say that the relocation of the housing Gateway staff to the Social Security building has helped to improve service in this area.

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

Can the Minister for Social Security clarify for Members what would happen if a tenant applies to downsize but no suitable accommodation is available and therefore could stay on the list for some considerable time?

Deputy S.J. Pinel:

People who are on the waiting list for a new social housing property are not treated as under-occupying and are paid the accommodation component at the higher rate until a new property is available. This can be paid for up to a year or until 3 reasonable offers of new housing have been turned down.

3.1.3 Deputy G.P. Southern:

She is saying then that the cap on rental component will be enforced after a year, is that the case? If so, could the Minister inform Members how many households this sanction currently applies to?

[14:45]

Deputy S.J. Pinel:

I cannot inform the Deputy how many households it applies to but, yes, it would be, as I answered in my previous question, that it would be for up to a year. There is always, as with everything in income support, exceptions to this. If there are no properties available then of course we would not be capping the accommodation component.

3.1.4 Deputy M. Tadier:

Would the Minister look into the issue of how many individuals in this situation there are that are waiting more than a year and may find themselves in a situation where they find the housing component is capped, just to make sure. Because ultimately it is the constituency representatives who, one way or another, pick up these workloads, and in the interests of fairness and efficiency for everyone involved that may be useful.

Deputy S.J. Pinel:

As with every income support claim they are all very individual and fluctuate considerably with people moving in and out of income support. So somebody may be on the waiting list for 11 months and 3 weeks and then suddenly find the accommodation that they require. So it is very difficult at any particular time to pinpoint a number such as that.

3.2 Senator S.C. Ferguson of the Chief Minister regarding steps taken as a result of the ‘Alwitary case’ to ensure similar circumstances would not arise in future: [9766]

Have any sanctions been applied to politicians and staff involved with the ‘Alwitary case’ and what steps, if any, have been taken to ensure that similar treatment of a staff member as occurred in this case does not arise in the future?

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

The States Employment Board conducted a number of reviews of this case, including one by the former Solicitor General. These reviews provided no evidence that sanctions were appropriate, however process improvements have been made giving confidence that similar circumstances will not occur in the future, including improvements to the hospital’s recruitment procedures for consultants, which have been received positively.

3.2.1 Senator S.C. Ferguson:

Would the Chief Minister supply a summary of these improvements to States Members to satisfy them, particularly after the very strong report produced by the Complaints Board?

Senator I.J. Gorst:

I am sure that the States Employment Board would be only too willing to provide a note of the improvements that have been made. I am also proposing to ask the States Employment Board if they agree that we give extra oversight to the Appointments Commission, as well as the oversight that we have from the Royal Colleges in those cases, and I see no reason why the States Employment Board would not provide a note on those changes.

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

Can the Chief Minister tell us, as he is chairman of the States Employment Board, whether he reviewed the recommendation that came from the hospital to terminate Mr. Alwitary’s employment? If not, why not?

Senator I.J. Gorst:

The Deputy seems to be confusing operational matters, which are rightly undertaken by management, and policy matters, which are the responsibility of the States Employment Board. The States Employment Board were informed of the action to be taken.

3.2.3 Deputy M.R. Higgins:

As I understand it, the States Employment Board is the employer of all States employees. Surely the States Employment Board should have made the final decision or reviewed all the evidence that came from the hospital, which was badly flawed, as was identified in the States Complaints Board report. Does the Minister not agree that you should have examined the evidence before rubber-stamping the termination?

Senator I.J. Gorst:

If we were to take such an approach that would be many hundreds, if not thousands, of contract decisions that politicians would get involved in and that would be wholly inappropriate. We do not sit on the recruitment panels. We do not have the expertise for each particular position that needs to be recruited. What we endeavour to do is ensure there are appropriate policies in place to make sure that those recruitments are undertaken to the highest standard. The Deputy will know from reading the States Employment Board's response that there were improvements that could have been made in that case. Those improvements have now been made but they have been made at the policy level and will affect all recruitment of consultants.

3.2.4 Deputy G.P. Southern:

Does the Minister accept that 2 fundamental flaws occurred in this particular case wherein Mr. Alwitary was not clearly informed of what he was supposed to have done wrong and, secondly, was not given access to a fair tribunal hearing in order to put his case and to question the actions of the States Employment Board?

Senator I.J. Gorst:

As I have said, and as the States Employment Board said in their response to the Complaints Board, there were things which could have been improved, and that was around the process of signing a contract and saying that that contract was not appropriate. We have been quite clear about that. We have now put in place improved policies, as I said in answer to Senator Ferguson, to ensure that those situations cannot arise again.

3.2.5 Senator S.C. Ferguson:

Given that the Chief Minister was apprised of the Alwitary case at the very beginning and given that it was within the power of the Chief Minister to prevent the escalation of the case at the very beginning, why did he not take the appropriate action?

Senator I.J. Gorst:

The appropriate action has been taken. The States Employment Board requested a number of reports into the differing views of what occurred and we believe that the right decision was made. There were some difficulties along the way of reaching that decision. The States Employment Board have been quite clear about that. But as the Senator will know, from reading the former Solicitor General's report, ultimately the right decision was made and I am not sure that the Complaints Board have opined upon the merits of the decision or not. They simply talked about some of the flaws that they felt were in the process of which the States Employment Board have accepted.

3.3 Deputy J.A. Martin of St. Helier of the Minister for Treasury and Resources regarding the cost of securing a bond to pay for the new Hospital: [9752]

Given that up to £400 million will be borrowed in the form of a bond to pay for the new hospital, if agreed by the Assembly, will the Minister provide the lowest, the middle, and the highest amounts to the nearest million it has been calculated the States will pay back in total over the proposed 40-year life of the bond

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

An important point to emphasise is that no decision has been made yet as to the exact level of any such borrowing, nor has a decision been made on the terms of any bond that may be issued. In other words, whether to borrow over 30, 40 or even 50 years. The coupon or interest rate is also to be secured as part of the process although it will be a fixed rate for the term. There is therefore no clear answer to the question the Deputy asks until the above criteria is set. As an indication of the States Members' presentation in November we used £400 million over 40 years using a coupon rate of 2.6 per cent, as an example advised by our advisers for planning purposes. This equates to an interest or coupon rate per annum of £10.5 million.

3.3.1 Deputy J.A. Martin:

I am surprised and I do apologise I was not at the briefing. I think on that day I was unwell. But we are going to be asked on 17th January to pass this future funding and the Minister says there has been no decision. So can he tell me what we are going to be literally passing? I have read the report on P.130 and it talks about £400 million over 40 years. What are we going to be looking at on 17th January?

Senator A.J.H. Maclean:

I understand the Deputy's question and this is following a similar path to the housing bond, which was approved by this Assembly. It is important because of the process that we have to follow that as much flexibility as possible is afforded to the Treasury to ensure that the best value deal possible can be achieved on behalf of the Island. So effectively we have set a broad criteria of up to £400 million and we will then go through the process, which if this Assembly approves the principle will take between 3 and 4 months to secure. Obviously during that period of time one of the key criteria that we need to be working on is what the markets may well be doing with regard to the likely interest rate that can be achieved.

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

The Minister just referred to the housing bond that was created for I think it was P.33/2013. Can I ask the Minister whether he thinks the report to his proposition, which we are due to debate, is sufficient enough for us to make a decision on such a large amount of money?

Senator A.J.H. Maclean:

I understand the sensitivity. To answer the question in short, it is enough, I believe, in terms of information, to give the direction of travel. We hope that by explaining it in the way we have Members will appreciate the difficulties of securing a borrowing fund of this nature, a bond in other words, that has to go through a 3 or 4-month period to be able to secure it once the Assembly make the decision, assuming the Assembly do make the decision. It is necessary to do it in this way to ensure that we get best value for the public. There is no other easy way in which it can be crafted or structured.

3.3.3 The Deputy of St. John:

Does the Minister not accept that there is a concern from the public and third sector providers that they are not aware of what this hospital will look like or what will be involved in the hospital in

terms of whether it will be future-proofed or how it will help in terms of community care? On that basis, if they are not aware of that, why we should be agreeing such a large amount of money in terms of borrowing.

Senator A.J.H. Maclean:

What I was referring to was the process we would go through in order to secure the funding that has been set. The budget that has been set for the hospital, which is at £466 million, as Members will be aware, includes substantial contingencies, incidentally. The details to which the Deputy is referring are matters in part that are dealt with in P.110 but also for both Treasury and Health to work on together. I believe this discussion today in this particular oral question is specifically about the process of arranging suitable funding.

3.3.4 Deputy G.P. Southern:

My first question must be whether the Minister will produce the figures requested by the Deputy well in advance of the 17th January debate because otherwise there is no point in having the debate. If it is just an in principle debate we may as well not have it.

Senator A.J.H. Maclean:

No, absolutely, and the point I am trying to make is that every day and every week the markets are changing. It is important that immediately before the debate the latest up-to-date figures are provided for Members from an indicative perspective to make it clear what it is that we are proposing in terms of the funding of this hospital, the bond and how much it is going to cost over the period of time. As I pointed out, we have already had some indicative figures based on those at the States Members' presentation. What that has showed us, and we have done quite a bit of sensitivity analysis on that, is that over the period that the bond would be held, if it were to be 40 years, and if it were to be £400 million, and if it were at 2.6 per cent, which is what the rate was at that particular point, then all of the capital cost of the hospital would be paid off by 2057. All the interest payments would have been met over that period of time from the Strategic Reserve and based on a conservative prudent 2 per cent above R.P.I. (retail price index) investment returns on the Strategic Reserve that fund would have a capital base of £3.6 billion at the end of the period. But this is changing all the time, and we will of course update Members nearer to the debate.

3.3.5 Deputy G.P. Southern:

As part of the information required will the Minister show, as he has done on page 16 of his accompanying report, the growth of the fund over the 40 to 50 years of the bond? Will he show a parallel diagram which shows what happens if we spend the money directly from our reserves over the next 8 or 10 years and then grow the fund? Can we have a look at what that looks like?

[15:00]

Senator A.J.H. Maclean:

Yes, absolutely. I am pleased the Deputy has raised that point because on the basis of external advice we have looked very closely at the numbers and it is absolutely clear that it makes more financial sense currently to borrow the money than it would do to use the money sitting within our reserves and gives us an additional amount of flexibility over the period of time. That position of course could change. We have got a number of months in which to secure the bond and the markets are volatile and there could be a change, but as we stand at the moment it is undoubtedly more preferential to borrow the money than it would be to use our reserves.

3.3.6 Deputy J.A. Martin:

It seems a shame that the Minister for Treasury and Resources seems quite scared to say the figure. It is going to be near £1 billion and I did say to the nearest million, and I think I was being quite generous. I was not pinning him down too narrowly. My second concern, and it is what the Minister has just said about the markets and how unstable they are at the moment. Is the Minister going to propose this before we have discovered our relationship with the U.K. (United Kingdom) or the E.U. (European Union) after Brexit because that is where the instability is? I know the Minister for Health and Social services is looking at the Minister for Treasury and Resources and saying: “Oh no, we cannot wait this long.” But really I am pleading to the Minister to come back with much more information before the 17th and some assurances because I cannot support this at the moment and people out there are saying: “It is Monopoly money and you are not playing with our Monopoly money.” Does the Minister agree?

Senator A.J.H. Maclean:

The Minister certainly does not agree that we are dealing with Monopoly money here although the numbers I accept are high. There is a degree of volatility, the Deputy is absolutely right, and it is a point that I have made and this I suspect will not change. The process from the point at which the States Assembly make the decision, assuming this decision is that we can proceed to get a bond over whatever period is agreed or proposed and at whatever level, will take 3 to 4 months. To answer the Deputy’s question, if she is worried about the triggering of Brexit and what additional affect that might have in terms of volatility, it is frankly difficult to tell. There is significant volatility globally anyway. We have a timeframe that we can work to and a process that we have to go through. There is no way easily to foreshorten that and so we will have to work with what we have got. The other point about bringing back more information; yes, if you want to take the estimated interest payments at £10.5 million, and those will change between now and when we debate it, and again between when we debate it and when we secure the bond if we go down that route. But those numbers, if you just add them up on an annualised basis, do come out to about £420 million, about £860 million in total, but of course in 40 years’ time that money will be significantly different if it is inflation adjusted. I have talked about what the Strategic Reserve would be worth in 2057 based on just 2 per cent above R.P.I., and that would be £3.6 billion, and that is a large sum of money as well.

3.4 Deputy M.R. Higgins of the Chief Minister regarding the response of the States Employment Board to the findings of the States of Jersey Complaints Board in R.75/2016: [9756]

Will the Chief Minister, as Chairman of the States Employment Board, explain why the Board has not accepted the findings of the States of Jersey Complaints Board in R.75/2016 and compensated Mr. Alwitry for breach of contract?

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

The reasons why the States Employment Board has not accepted the findings of the Complaints Board are set out in detail in the response of the States Employment Board dated 4th October 2016 and published by P.P.C. (Privileges and Procedures Committee) recently. Mr. Alwitry was offered a settlement at the time of the breach, which was not accepted.

3.4.1 Deputy M.R. Higgins:

Does the Chief Minister accept that what the States Employment Board has done in its response to the States Complaints Board is simply try to justify what cannot be justified? Essentially they did not follow a correct process. Mr. Alwitry had no access to what we call natural justice. He was not told what the complaints were against him. He did not know until he got his letter telling him he was not going to be employed, anything about it until that particular moment of time. The entire

process was wrong and will the Chief Minister accept that the process adopted by S.E.B. (States Employment Board) and the Health Department was wrong; the process?

Senator I.J. Gorst:

I have accepted, it says in the States Employment Board's 2 responses that there were problems with the process, and that is why a settlement was offered in regard to that breach. But I do not accept a lot of what else is suggested in that report because of the reasons explained in the former Solicitor General's report and to other reports as well.

3.4.2 Senator S.C. Ferguson:

Does the Minister consider that given the fact that Mr. Alwitry had resigned from his job, was making arrangements for his children, his wife had given her notice in because she is a G.P. (general practitioner), and he gets a letter a week before he is meant to arrive here, does the Minister really consider that £25,000 is sufficient compensation?

Senator I.J. Gorst:

Compensation is always guided by advice and any offer of compensation rightly should be guided by advice. The Senator makes assertions about what she is asserting are the facts of the case. If she had read the details of both reports she would see that those assertions are not the facts of the case.

3.4.3 Deputy G.P. Southern:

In reference to the S.E.B.'s use of the Solicitor General, is it not almost unprecedented that the Solicitor General should be used as an independent reviewer of the Board's actions and then within a very short time be employed as adviser to the States Employment Board? Surely this practice is basically fundamentally wrong.

Senator I.J. Gorst:

I do not accept that assertion either. The suggestion around advice and the suggestion that the former Solicitor General, the current Solicitor General or any other Crown appointment would give anything other than impartial, independent advice, and the report that the former Solicitor General undertook was indeed just that. The States Employment Board were mindful of the difficulty surrounding this particular case, which is why they went to such lengths to commission 3 reports to try and bring resolution to the case. Therefore it is not right to assert what the Deputy is asserting, and that was one of the things that the States Employment Board could not understand about the findings of the Complaints Board; that the Solicitor General was anything other than independent of the States Employment Board.

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

Is the Chief Minister able to give an indication of the actual total cost of this incident? He is naming consultancy advice, legal advice, compensation. It is rather disappointing to hear all of that. Has he got any idea how the total cost of this unfortunate incident has been?

Senator I.J. Gorst:

This would come into cost categorisation because of course there were costs to the first individual that we asked to do a review. The idea was that that would lead to mediation and then there was the cost of the Beal report. The other costs of course are what we could describe as sum costs because those individuals are already in employment, but I cannot recall what the total costs were. I should also say that it is already the subject of legal exchanges so those costs will change going forward as well perhaps.

3.4.5 Deputy A.D. Lewis:

Would the Chief Minister be prepared to advise the Public Accounts Committee what the costs are to date at a later date please?

Senator I.J. Gorst:

I shall try and do it perhaps in the category of extra costs rather than sum costs.

3.4.6 Deputy M.R. Higgins:

This matter is going to go further because I will give notice to the Chief Minister I am bringing a vote of no confidence in the States Employment Board, which includes the Chief Minister, and the Minister for Health and Social Services and the officers in ...

The Deputy Bailiff:

Deputy, you have to ask a question.

Deputy M.R. Higgins:

Okay. I am just letting him know. Because again the Chief Minister referred to the Solicitor General's report and how it was independent and everything else. Deputy Southern has already mentioned how the Solicitor General then became a legal adviser to the States Employment Board and ... sorry, read the report, Chief Minister. It is in there. Also the Solicitor General at one point would not reveal information because it was privileged, because the Solicitor General and so on, which would be useful in the case. Does the Chief Minister still think that the process ... remember it is process here, if anyone is dismissed they should have due process.

The Deputy Bailiff:

Deputy, please ask the question. You have spent probably about 45 seconds and you have not got to a question yet.

Deputy M.R. Higgins:

I would like the Chief Minister to answer the question whether he feels ... he mentioned the process was defective. He has not said that it was totally defective. Will he agree that it was totally defective, the process of the dismissal?

Senator I.J. Gorst:

The Deputy has made a number of accusations and sometimes we arrive at cases where advice is on the one hand and someone else looks at a case and thinks that something else is the case. Sometimes those issues can only be resolved before a court. I suspect that is why this particular case is now the subject of legal exchanges. I would just ask him to bear that in mind before he decides on the timing for the lodging of his vote of no confidence, but that of course is entirely up to him. "Total" is an all-inclusive word and I stand by the points that I made earlier about the deficiencies of the process. I do not use the term that he did.

3.5 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the services delivered at Sandybrook Residential Home: [9755]

Will the Minister inform Members whether he has any plans to change the services currently being delivered at Sandybrook Residential Home and, if so, what the changes are and the timescale involved?

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

I am very grateful to the Deputy for this question because, contrary to social media comment, Sandybrook Hospital is not closing. This has been very upsetting for the patients, their relatives

and the staff. My department does have plans however to undertake a refurbishment at Sandybrook. This is likely to commence after the winter in 2017. It will be undertaken in 4 phases, will involve temporarily... as beds become vacant and not being filled.

3.5.1 Deputy J.A. Hilton:

I think in part the concern has arisen among the public because I am told that the same architect who designed The Limes designed Sandybrook and so the question that was being asked of me was... The Limes was closed down because it was not compliant with current regulations. The question that was being asked of me is: is Sandybrook compliant with current regulations as a nursing home?

Senator A.K.F. Green:

Another very good question from the Deputy. Yes, she is right. The 2 establishments were designed by the same very capable and excellent architect. One was designed, The Limes, as a residential home where Sandybrook was designed as a nursing home come residential home. So the designs are very different. The problem at The Limes was that there were not sufficient wide corridors and sufficient space for people to be able to escape and once I was told by the fire service that in the event of a fire patients would not get out alive - not get out alive - then The Limes had to change. Sandybrook refurbishment is about improving facilities for patients.

3.5.2 Deputy G.P. Southern:

In that case, can the Minister assure Members that there will be no change in the scope for the extent of services delivered at Sandybrook?

Senator A.K.F. Green:

Not entirely, because ... no, and the only reason for that is it is a mixture of nursing and residential. That mixture may change as the needs change as we upgrade. But the number of patients in Sandybrook, be it nursing or residential, will remain the same.

3.5.3 Deputy J.A. Hilton:

We are very aware that there is a chronic shortage of nursing beds and of course we are approaching the winter months and the demand increases somewhat.

[15:15]

Can the Minister therefore confirm that the plan is to convert those residential beds into nursing beds as the residential beds become available at Sandybrook? Is that part of the future plans for Sandybrook?

Senator A.K.F. Green:

Not entirely, but I did say that this is a dynamic situation but the number of beds will not change. But incidentally I can advise the Deputy that currently we have 13 vacant nursing beds, 38 vacant residential beds and 5 vacant beds specialising in dementia. I have also been discussing with providers further nursing bed arrangements coming forward, including the unfortunate one at Bonne Nuit that will be back online next year.

3.6 Deputy G.P. Southern of the Minister for Social Security regarding the withholding of Income Support payments: [9758]

Will the Minister advise how many income support claims have been subject to the withholding of benefit paid through (a) sanctions, (b) overpayment charges, (c) Household Medical Account

payments, and (d) loan repayments on special payments; and will she provide the total sum withheld in the first quarter of 2016?

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

While the Deputy has grouped these 4 individual areas of income support into a single question they represent very different aspects of benefit, each of which requires its own explanation. They are not directly comparable to each other. Even so, a detailed analysis of individual claims would need to be undertaken to fully answer each part and it is not realistic to undertake this volume of work within the timetable set for an oral question. As it is not possible to explain each of these 4 areas within the recommended time for an oral answer I am happy to circulate some written notes on these topics to Members before the next States sitting.

3.6.1 Deputy G.P. Southern:

Is that written notes not answers? Are they going to contain the answers I requested in January? Is a month not enough time to do this work?

Deputy S.J. Pinel:

As I said in my answer, it is a huge amount of work to undertake and with Christmas in the middle, with not everybody working at full capacity across the Island, then I think it would be quite reasonable to get written notes to the Deputy and also to the other Members of the Assembly before the next States sitting.

3.6.2 Senator S.C. Ferguson:

I find this a bit strange because if you have a fully computerised system which works, which we were led to understand existed down at Social Security, why is it taking so long to produce the figures?

Deputy S.J. Pinel:

It was an oral question which we received on I think it was Wednesday or Thursday with ... and I have already spoken to the Deputy about it, I emailed him this morning to say that it was not going to be possible to give him all the information he needed. I do not want to make a stab in the dark at this sort of information. I never do. It needs to be concise and it will take that time to accumulate the information. The Deputy said that it should have been a written question in which case we would have had more time to have done it.

3.6.3 Senator S.C. Ferguson:

But a written question only gives you about 2 or 3 more days. If you have got a proper computer system you should be able to just have a search mechanism and get it quite quickly.

The Deputy Bailiff:

I am sorry, was that a question?

Senator S.C. Ferguson:

Does the Minister not think that?

Deputy S.J. Pinel:

If it was that simple there would have been a short and concise answer to Deputy Southern's question. I have already explained that we cannot do it in that timeframe.

3.6.4 Deputy G.P. Southern:

I am reasonably happy to wait until 31st January. I am sure the team can get moving by then. But can I ask for a specific example on one aspect of that, which is sanctions? I am surprised to learn from her written answer to a written question that there are some 461 individuals who received a sanction for leaving work without good cause. This means that they do not get their personal component, £92 a week, for 13 weeks. Is she confident that assessment of these cases, which are effectively very serious - you lose something like £1,200 of your benefit over a period of time - the system she uses, these cases are rigorously and thoroughly investigated in each and every case and not just ladled out as and when?

Deputy S.J. Pinel:

Of course I am completely sure that every individual case will be examined very carefully, but there has to be some sanctions when the Back to Work team spend so much time, effort, concern in finding people jobs and if there is not a good reason to leave them there has to be a sanction.

3.7 Deputy K.C. Lewis of St. Saviour of the Chief Minister regarding the impact of ground water contaminated from the Airport on the health of the population: [9764]

Since 1st January 2000, what decisions, if any, have been taken by any States body to monitor or survey the health of the population in relation to the impact of any ground water contaminated from the airport?

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

[Aside] Sorry, I do apologise. Could I ask for this question to be answered by the Assistant Minister for Treasury and Resources under whose remit this area falls?

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

There have been no decisions made by any States department to monitor the health of the population in relation to the impact of any airport contaminated ground water. Water supplies with the potential for contamination by P.F.O.S. (perfluorooctane sulfonate) from firefighting foam from the airport have been monitored for many years by the airport, now Ports of Jersey, and that process was overseen by Environmental Health. Those in properties where supplies were at risk of contamination have been offered alternative supplies, therefore there is no reason for anyone to be adversely affected through consumption of P.F.O.S. contaminated water and no reason to monitor the health of the population in this respect. The very small number of people involved would render any such monitoring statistically unreliable and, furthermore, I am pleased to advise that there have been no reports from health professionals of illness caused by this problem, including G.P.s who would of course be the first to see any evidence of that.

3.7.1 Deputy K.C. Lewis:

It was basically not just talking about the groundwater, it is the monitoring thereof in the health of the people concerned. We are talking about P.F.O.S. and P.F.O.A. (perfluorooctanoic acid), one is a sulphate and one is an acid in the water supply. Why was there never any decision taken given that a pernicious carcinogenic and persistently harmful chemicals were known to have entered parts of the water table and to have been consumed by members of the public before it was discovered?

The Connétable of St. Peter:

The Environment Protection Agency over in the United States have done a lot of work looking into this problem. They are very clear that the likelihood of contamination by perfluorooctane sulfonates is going to be across the whole population irrespective of whether P.F.O.S. foams were in use at the time. These perfluoroalkyl substances were used to make carpets, clothing, fabrics for

furniture, packaging for paper, for food and other materials and anything that is resistant to water and grease. It is likely that a test across a population would indicate that most people have some form of this chemical remaining within their body. Therefore to try and determine whether there is any difference to those living down in St. Ouen's Bay for the relatively short period of time that they were contaminated would be unprovable.

Deputy K.C. Lewis:

I find that quite unbelievable. Basically admitting that the people down there have been contaminated but that it is not suitable to do any testing at the moment. I will do more research and come back with further questions.

3.8 Deputy R.J. Renouf of St. Ouen of the Minister for Treasury and Resources regarding the application of the Land Transaction Tax to share transfer transactions involving commercial property: [9753]

Does the Minister share the stated objective of his predecessor in office, as confirmed to the Assembly on 17th June 2008, to extend the application of the land transaction tax to share transfer transactions involving commercial property?

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

I am acutely aware of the fact that share transactions in companies that own commercial property remain outside of the scope of both stamp duty and land transaction tax. While recognising that this was a difficult area to address my last but one predecessor stated that it was his ambition to try and achieve the objective of encompassing commercial transactions in the L.T.T. (Land Transaction Tax) law at some point. This is an extremely complex area and previous work indicates that there is no easy solution. I can assure the Deputy, however, that if there was an easy solution we would have introduced it by now. However, I will ask my officers to look again with fresh eyes, in particular to see whether in the intervening period other jurisdictions facing similar challenges have developed solutions, which might work here. This review will be completed in advance of the 2018 Budget.

3.8.1 The Deputy of St. Ouen:

Supplemental please. The Minister has stated that he will ask his officers to look again with fresh eyes but can the Minister say what work has been undertaken in the last 8 years since those ambitions were expressed in progressing this matter?

Senator A.J.H. Maclean:

I know in the intervening period that my predecessor looked at the matter but, as I have said, it is not straightforward. There is a high level of complexity in terms of introducing it. I think it will be interesting just to look elsewhere to other jurisdictions. I note with interest that the United Kingdom has similar challenges. It indeed has not addressed such a matter and I am sure, like us, would like to do so if it was straightforward. But as I have said to the Deputy, we will look again and see if there are opportunities. None have been identified that I am aware of to date but we will review it and come back with conclusions prior to the Budget 2018.

3.8.2 The Deputy of St. Ouen:

May I ask, if it is such a difficult thing to do and given that our taxes are agreed that they should be low, broad, simple and fair, does the Minister think it fair that in imposing a land transaction tax on a very limited class of transactions, while excluding a great majority of transactions, does that achieve the required threshold of fairness?

Senator A.J.H. Maclean:

In no shape or form was I suggesting that I felt the current position was fair. Clearly it is not. All I was pointing out to the Deputy was that Jersey is not alone in being, to date, unable to come up with a solution to address this matter and it is a matter that we will focus on and see if there are some opportunities in which we can bring these companies within the scope of taxation and the assets that they contain in terms of commercial property, which he is referring to. It is not a matter of fairness. It is unfair but then again we have not got a solution, and neither have many other places, but we will work on it.

3.9 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding the Government's targets to address the issue of climate change: [9762]

What targets, if any, does the Government have in place to ensure that Jersey plays its part in addressing the issue of climate change?

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

Jersey takes its international environmental obligations very seriously. We are signatories to the relevant international protocols and are committed to reducing carbon emissions. Our energy plan outlines detailed policies to reduce the Island's carbon emissions by nearly 80 per cent by 2050 compared to our 1990 baseline. This will help us to ensure that the Island has secure, affordable and sustainable energy while also being a good global citizen in action against climate change.

3.9.1 Deputy S.Y. Mézec:

Of course we all welcome the stated commitment for the aims there but the Chief Minister spoke about being a good global citizen on this subject. Does it not therefore send out mixed messages when recently there has been a focus on oil and gas week where there were efforts made to encourage businesses to do business with Jersey, bearing in mind this is ultimately a trade which, to be frank, is destroying the planet?

Senator I.J. Gorst:

No, it does not at all. Companies which are coming to Jersey and work with Locate Jersey, they work with them to make sure that they are managing environmental risks, that they are following best practice, that they are responsible and ethical when it comes to those natural resource companies.

3.9.2 Senator S.C. Ferguson:

Would the Chief Minister like to forecast the state of local transport should we achieve this 80 per cent reduction in carbon by 2030 or whichever year it is?

[15:30]

Senator I.J. Gorst:

No, I will desist from that offer.

3.9.3 Senator S.C. Ferguson:

Is it not true that if this target is achieved we shall either be walking or on bicycles?

Senator I.J. Gorst:

Technology is changing all the time and elsewhere in the world some governments are giving incentives. Some energy companies are giving incentives. Some technology companies are giving incentives. Over the relatively short lifespan of Members of this Assembly we have seen

technology transform engine capacities, clean engines, technologies that move people. I have been out in the Middle East and been in driverless technology driven cars. The world around us is changing so we cannot assume that with all those changes we will simply either be walking or cycling because there are many other outcomes that may transport us from one place to the next.

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

Climate change is one of the issues raised by the Environment, Housing and Technical Services Scrutiny Panel in their revisions to the States of Jersey Strategic Plan. We are now more than half way through the Strategic Plan. Would the Chief Minister undertake to either tell us now or to report back on how far his Government is meeting the environmental objectives of the Strategic Plan?

Senator I.J. Gorst:

They are making good progress. The Department for Infrastructure has got plans. The Minister for the Environment also is working on policies and plans and I am sure that they would be delighted to report back to the Assembly.

3.9.5 Deputy G.P. Southern:

It is all very well for the Chief Minister to talk about achieving these laudable aims of 80 per cent reduction in energy use but that does not tie-in well with his government's reduction in energy saving programmes in insulating houses that already exist or subsidising the insulation of housing that already exists and that has been reduced in terms of its commitment over the past 2 years, has it not? Does the Chief Minister manage to balance those 2 issues?

Senator I.J. Gorst:

Absolutely because thousands of vulnerable Islanders received support over the 5-year period of the energy efficiency grant to deliver improved energy efficiency of their homes. That, together with amended regulation, falls under the Minister for the Environment, which is about new houses and building bylaws, *et cetera*, work together to ensure that we can deliver on those policies into the future.

3.9.6 Deputy G.P. Southern:

Yet the funding for that scheme has been vastly reduced. Does he think he has managed to insulate every available home on the Island or is it just a cost saving again?

Senator I.J. Gorst:

We should not expect the Government to do everything. We should expect a partnership with Government and the private sector and members of the public should consider themselves, together with their energy provider, about ways that they can improve the insulation and energy use of their own homes.

3.9.7 Deputy M. Tadier:

Will the Chief Minister state whether he thinks the States are doing enough and leading by example when it comes to using green energy but also being zero or carbon neutral. For example, will he give evidence of any new States buildings which incorporate solar panels which aim to be zero carbon or carbon neutral and incorporate things such as grey water recycling and if not, why not?

Senator I.J. Gorst:

This is not my area of expertise. I did suggest that this question should have been more rightly directed to the Minister for the Environment but there we are. But, as I understand it, St. Martin's School is a perfect example in answer to all of those questions that the Deputy has just listed.

3.9.8 Deputy M. Tadier:

Supplementary. I thought it was the Chief Minister who is responsible for Jersey's international obligations of which the environment and carbon emissions must necessarily be one, but even if it is not is it not something which under collective responsibility he, as chief of the Government, should be making sure that every department under his watch should be aiming for the very highest standards in environmentalism rather than just simply paying lip service to it on occasion?

Senator I.J. Gorst:

Has the Deputy read the Energy Policy? Perhaps not. Has the Deputy spoken to the staff in the Environment Department? Perhaps not. Has the Deputy spoken to everything that Jersey Property Holdings are doing in answer to the questions that he asked me about? Perhaps not, judging by his supplementary question. We have international obligations. We are serious about meeting those international obligations and departments, day in, day out, at an operational level are helping us to deliver on those obligations.

3.9.9 Deputy S.Y. Mézec:

Since the Chief Minister makes no apologies for wanting to do business with firms which ultimately are destroying the planet, could he let the Assembly know what efforts, if any, the Government and Locate Jersey are making to encourage companies involved in researching and providing renewable energy to do business with Jersey? What conferences are we sending our people to and what efforts are being made to boast about the services that Jersey has to offer potentially to these businesses and to let them know how they can benefit so that we can be playing a positive role in helping to develop those renewable energy plans?

Senator I.J. Gorst:

I have got no doubt that Locate Jersey are doing that as well. On a recent trip that I went on to the U.A.E. (United Arab Emirates) there was a climate change conference and I met various people in the sidelines of that conference. I have spoken, as I am sure Senator Ozouf has, to fund managers and fund operators that are investing in Cleantech, in climate change products. Of course we welcome those and that is part of our extended hand of friendship to businesses to use Jersey in a responsible way.

3.10 The Deputy of St. Ouen of the Minister for Social Security regarding the impact of a lack of income on the health of individuals and communities: [9754]

Following the work of the Health Intelligence Units in compiling the Jersey Health Profile 2017 and its finding that a lack of income is a factor affecting the health of individuals and communities, what assessment, if any, has the Minister made of that finding and what action, if any, will she take as a result?

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

This document, the Jersey Health Profile, was published a few weeks ago and I would like to congratulate the Health Intelligence Team for presenting the statistics in such an accessible way. It is a very valuable piece of work which clearly has implications for all departments. Although the report provided many local statistics it did not present any specific information regarding the health of low income residents. Instead it drew attention to some of the issues that are generally accepted to be associated with health inequalities. These issues include income and also housing, education and working conditions. The report also references some of the activities and policies which can reduce health inequality. For example, the report has commented on the low levels of unemployment in Jersey and reductions in the numbers of people actively seeking work. The

department has already committed to several projects specifically aimed at improving health outcomes for lower income groups. The Back to Work teams have extended the support available to jobseekers with long-term health conditions. The new Pension-Plus scheme will be launched in January providing increased support to low income pensioners with dental, optical and chiropody costs. We are working with external advisers to review the current system for support with G.P. costs.

3.10.1 The Deputy of St. Ouen:

With reference to the key finding made in the Scrutiny Report, *Living on Low Income*, that the current provision in income support has failed to deliver on an assurance made to this Assembly in 2008 when income support was introduced, that no one should fear the cost of going to their doctor because income support would cover that cost... Specifically, what steps is the Minister taking within the G.P. advisory groupings that she is working in to ensure that low income households will have access to G.P. services without charge?

Deputy S.J. Pinel:

In answer to the Deputy's question, we have secured the assistance of expert health economists who are currently reviewing the payment system within primary care. We have asked them specifically to comment on mechanisms to support low income groups' access to G.P. services and look forward to receiving their recommendations in the first quarter of 2017.

3.10.2 Deputy G.P. Southern:

Could she name the consultants that are advising her and could she give an indication of when we can expect to see their report?

Deputy S.J. Pinel:

No, I cannot name the consultant but I have already said that we will be receiving their recommendation in the first quarter of 2017.

3.10.3 Deputy G.P. Southern:

I find that astonishing if the Minister cannot name the advisers that she is relying on on such an important issue. What do you mean: "I cannot tell you"?

Deputy S.J. Pinel:

I do not think I said: "I cannot tell you." I said: "I chose not to."

3.10.4 Deputy G.P. Southern:

Can the Minister explain the grounds on which she is refusing to answer a question and inform this Assembly? Is there is some sort of commercial confidentiality or some other secrecy going on?

The Deputy Bailiff:

I will allow it as a supplementary, Minister. You can answer that.

Deputy S.J. Pinel:

Thank you very much. [Laughter] No, there is no commercial secrecy at all. I just do not know the names of them but I will find out for the Deputy.

3.10.5 Deputy M. Tadier:

Will the Minister state what she thinks is the correct level of financial disincentive to stop poor people from visiting the doctor?

Deputy S.J. Pinel:

Sorry, I did not quite understand the question the Deputy asked.

Deputy M. Tadier:

I will repeat it. What does the Minister think is the correct level of financial disincentive to stop poor people from visiting the doctor?

Deputy S.J. Pinel:

The people on income support, depending on their medical requirements, as the Deputy will know, have free access to the doctors depending on how many times they visit. Sometimes it is 4 times a year, sometimes it is 12 times a year. It totally depends on what their requirements are but those visits to the G.P. are paid for and, as the Deputy will well know, the G.P. visits are subsidised for everybody in the Island through the income support scheme.

3.10.6 Deputy M. Tadier:

Supplementary. The reality is that we know that whether people are on income support or not many do not visit the doctor because they say it is too expensive, they cannot afford it, but also people who are on income support in some cases have had their rental components reduced to pay for their Household Medical Accounts only to find out later on that they cannot afford to pay their rent. So does the Minister agree that this is an urgent problem and if not for the majority of people who find it difficult to pay certainly for the most vulnerable on her watch and what action will she take to address this?

Deputy S.J. Pinel:

I think I answered that question in my opening remarks but I have already said that the economists are looking at the groups accessing G.P. services in the lower incomes and we are also doing the Primary Care Strategy so there is a lot of work already underway.

3.10.7 Deputy M.R. Higgins:

The Minister eventually partly answered my question. The external consultants, can the Minister tell us when they were appointed?

Deputy S.J. Pinel:

Not the exact date but I can get that for the Deputy.

3.10.8 The Deputy of St. Ouen:

Just to ask: will the Minister share the reports of her expert health economists with my Scrutiny Panel when it is available?

Deputy S.J. Pinel:

Yes, we always share the reports with the chair and the Scrutiny Panel in advance of any Scrutiny hearing and we will make sure they have a copy of the report in advance of it being public.

3.11 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the occupancy of Greenfields: [9767]

What has been the average weekly occupancy of Greenfields over the past 2 years? How many weeks, if any, have there been no offenders present and what has been the average number of staff onsite at any one time?

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

In 2015 Greenfields was occupied around 70 per cent of the time. That was 115 days there were no residents. Average occupancy at any one time varied from one to 3 residents. So far in 2016 Greenfields has been continuously occupied.

[15:45]

Occupancy levels vary at any one time from one to 3 residents. Over these 2 years the average numbers of staff on site at any one time have been 3 on a day shift and 2 on a night shift. However, the staffing ratio is assessed according to the needs of each individual young person and the mix of all young people in the unit at any given time. When the unit is not occupied the staff are moved to support other children's homes and looked-after children.

3.11.1 Senator S.C. Ferguson:

Given the amount of money spent on converting Greenfields does the Minister consider that we are getting value for money?

Senator A.K.F. Green:

It is not just about value for money. It is about the appropriate treatment of our young people and I consider Greenfields to be a much more appropriate place when the court does need to sentence people than La Moye Prison.

3.11.2 Senator S.C. Ferguson:

Would Greenfields not be better converted for use by mental health patients currently located at St. Saviour rather than mixing them up with the dementia patients on Clinique Pinel ward?

Senator A.K.F. Green:

I think the Senator has got hold of the wrong things here. At St. Saviour's Hospital we have 2 units. We have the assessment unit in Orchard House and we have Clinique Pinel for people with dementia and other mental health complications. Greenfields is absolutely the wrong place for mental health patients to go. So Greenfields is a secure unit which offers accommodation and care to young people who are assessed at having the highest needs at that present time.

3.12 Deputy M. Tadier of the Minister for Home Affairs regarding the review of the Customs and Immigration Service's working practices in respect of dog-training: [9761]

Further to a statement issued by the Customs and Immigration Services on 11th June 2015 that they would be "commissioning an independent review of our dog training and working practices" following allegations of mistreatment in the local and national media, will the Minister confirm whether that review has taken place and, if so, who undertook it and what the key findings were?

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

I can confirm that a review did take place between 7th and 10th September last year. That review was undertaken by one of only 6 trainers in the world who has the advanced canine behaviour accreditation. This individual is regarded as an expert dog trainer and behaviourist and has provided advice to enforcement agencies all over the world. The key findings from the review were very positive with the expert concluding that the Jersey Customs and Immigration Service Dog Unit was not only fit for purpose but one where the welfare of dogs is of prime consideration.

3.12.1 Deputy M. Tadier:

I am glad the findings and the results are not confidential and that they can be shared with the public and I am sure that would have also been the case were they not so positive. Given that the Minister has already shared publicly the findings of that could she confirm whether or not the

report itself could be published in one form or another and if not, could it at least be shared perhaps with the Scrutiny Panel, even if it had to be done so under confidentiality?

The Deputy of St. Peter:

I would be happy to share the report with the Scrutiny Panel.

3.12.2 Deputy J.A. Hilton:

Can the Minister tell Members whether the gentleman who carried out the review is the same person who was looking at the situation with the dog, Mr. Bronx, that is currently held while its future is being decided?

The Deputy Bailiff:

I cannot allow that. I am afraid that is outside the ambit of the question. Would you like a final supplementary, Deputy Tadier?

Deputy M. Tadier:

Sorry, can I just ask a point of order of behalf of Deputy Hilton even though she has not asked me to? Surely it cannot fall outside the remit as part of the question is, who undertook the review, and that is what Deputy Hilton's question is?

The Deputy Bailiff:

No, the Deputy is directing her question directly to the question of Mr. Bronx I think, and not at all to the question of the identity of this individual.

Deputy J.A. Hilton:

The question was: is the individual the same person in both instances?

The Deputy Bailiff:

But that is not asking for the identification of the individual, is it?

Deputy J.A. Hilton:

I am just asking: is the individual who carried out the review on behalf of the Customs Services the same individual who alleges that Mr. Bronx is of Pitbull type? Is it the same person?

The Deputy Bailiff:

Very well, I will allow that as being a valid question.

The Deputy of St. Peter:

As I described in my opening answer, the person who conducted that review was one of only 6 trainers in the world who have this advanced canine behaviour accreditation and I do believe that the same person has been used as an expert witness in a recent case.

The Deputy Bailiff:

Deputy Tadier, did you have a final supplementary as the last was a point of order?

3.12.3 Deputy M. Tadier:

I am just wondering, given the fact that the Minister said she will make it available to Scrutiny, would she make the report available publicly given the fact that the criticisms of the Customs and Immigration Service were made very publicly both in the national and local media and that it may be worth considering it given the fact that she has been quite open up to this point in publicising that further just to set the record straight that the Customs and Immigration Service have a great

track record when it comes to dog handling and they do not mistreat or have not mistreated their animals in the past?

The Deputy of St. Peter:

I believe the question was that I would share this openly and make the original report public, and I would indeed be happy to do so as I am proud of the work that the Customs and Immigration Service do in the Island and the way they serve the public.

3.13 Deputy K.C. Lewis of the Chief Minister regarding the proposals in the Draft Budget Statement 2017 to increase fuel duty: [9765]

Further to the proposal to increase the duty on both petrol and diesel road fuel in the 2017 Budget what effect does the Minister forecast that the increase will be likely to have on inflation?

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

I would like to ask Senator Ozouf whose remit this falls under to answer please.

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

The Statistics Unit advises that petrol and diesel road fuel have a combined weight of 2 per cent of R.P.I. I am advised by the Statistics Unit that if the 2p per litre increase were passed on to consumers it would result in an increase of R.P.I. of 0.3 per cent. Last year's proposed and approved increases represented 0.02 per cent, therefore R.P.I. measures obviously the annual change in prices, therefore again stressing if the duty increases were all passed on, the annual effect on inflation of this year duty increases would be 0.01 per cent. Therefore, this very small increase in inflation is not one which would stoke inflationary pressures according to the economic adviser in the economy because it does not add to aggregate demand. If anything it dampens demand. The Council of Ministers will continue to follow the advice of the F.P.P. (Fiscal Policy Panel) to make sure that Fiscal Policy acts in a countercyclical way and from a competition and regulatory standpoint we will continue in 2017 to place a very high priority on looking into energy markets but especially the markets that the question relates to to ensure consumer value and choice. Just in conclusion, there was a written question also in relation to a similar matter and I omitted to say that the J.E.C. (Jersey Electricity Company) had frozen their prices, which is relevant, and I should have put that in the written question.

3.13.1 Deputy K.C. Lewis:

Everything we consume, food, clothing, *et cetera*, is transported by road. Surely any inflation on this margin is something that we should be avoiding. Does the Minister not agree?

Senator P.F.C. Ozouf:

I have made clear that this is ... first of all, there is increasing choice in where you buy motor fuel from and in fact the Consumer Council is giving consumers more information about where they can get better choices from that. Secondly, I have to say that the increase in inflation of 0.1 per cent is, I am afraid, simply not ... it is almost a rounding error and it is not something which could be remotely regarded as stoking inflation.

3.13.2 Deputy M. Tadier:

In the blog posting of the Budget 2017 by the Minister for Treasury and Resources and in the context of duty, the Minister notes that the increase in tobacco, and the reason I mention tobacco is it says that the cost of dealing with tobacco direct and indirect costs is £26 million a year and it only takes in £15 million. Now, the reason I ask that in the context of duty on fuel is whether or not an assessment has been done of what damage, both locally, and maybe globally, petrol and

diesel does in the atmosphere as well as other related issues that driving has, and has that been taken into account whether or not the increase in fuel or indeed the take in duty on fuel anywhere near covers that sum?

Senator P.F.C. Ozouf:

I am briefed to answer this question in relation to inflation, not in relation to the environmental matters.

3.13.3 Deputy M. Tadier:

Okay, let us put a different question. Does the Assistant Minister think that it is important to have a consistency of approach? We are being told that tobacco has related costs and that the reason for an over-inflation rise is because it can be justified in terms of behavioural but also in terms of funding the shortfall for the other damage that is done. So is there not a similar argument that should be applied saying that the cost of the fuel increase is not high enough and that motoring in Jersey, certainly from an environmental point of view, is still far too cheap?

Senator P.F.C. Ozouf:

If the logic of the Deputy is correct, therefore an increase, which is really a very small increase in price for motor fuel, is likely, as I said in my answer, to dampen demand as opposed to increase demand but these are simply not relevant factors. One cannot say that a 0.01 per cent increase in inflation on this has got anything to do with environmental factors at all but he if wants a yes, then yes, but tangentially, but it is not really relevant.

3.13.4 Deputy M.R. Higgins:

Can I ask the Assistant Minister whether he received advice on the impact of this increase but also based on the fact that with O.P.E.C. (Organization of Petroleum Exporting Countries) apparently getting their act together and trying to restrict the supply of fuel, prices are going to go up quite considerably so, therefore, it may not be a 2 pence increase within the Island which has the inflationary effect it has but if the oil prices do go up, back to where they were, which I doubt, but at least a way towards it, have they taken those factors into account and does he know what the extra inflation would be for different rises in the price of petrol?

Senator P.F.C. Ozouf:

I have not got a crystal ball but, as I have said previously, I draw Member's attention and consumer's attention to the opportunities to lower their costs in purchasing road and fuel, all prices, by a much greater extent to that which he refers or expected in relation to O.P.E.C.

3.13.5 Deputy G.P. Southern:

Can I seek clarification from the Minister? I think I just heard the Minister say that 0.3 per cent increase for this year is only 0.1 because you have got to subtract last year's 0.2. It seems to me ... where did he get this advice from? Was it the Economic Adviser's Office or was it the Stats Department because that is not how we treat R.P.I.?

Senator P.F.C. Ozouf:

I have stood in this place and tried to give the Deputy tutorials on inflation before. Let me say again, that effectively the measure of inflation is the difference in the annual change in prices, therefore if last year's increase, which I said in my answer, was 0.3 per cent ... sorry, this year's increase is 0.3 per cent and last year's was 0.2 per cent, the difference in inflation this year is 0.1 per cent. Now, I thought he was a teacher. I have tried to teach him that. That is the measure of inflation. Surely, I do not need to repeat it again.

3.13.6 Deputy G.P. Southern:

The Minister is completely incorrect and does not know what he is talking about. The fact is while the R.P.I., the Retail Price Index, changes from year to year, retail prices go up and stay up. So 0.3 per cent this year is 0.3 per cent, not 0.1 per cent. You do not subtract one from the other. That is a nonsense.

The Deputy Bailiff:

Do you want to put a question there somewhere, Deputy?

Deputy G.P. Southern:

Does the Minister agree?

Senator P.F.C. Ozouf:

No. For the answers I gave previously.

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

I could not miss the opportunity of you mentioning the Jersey Consumer Council there, Assistant Minister. It is something that the Economic Development, Tourism, Sport and Culture Department grant-fund. Their website shows comparison costs of forecourt prices and heating prices. Would you not agree that competition is key here? We have seen increased transparency in competition at garages on forecourts and we have had a drop in heating oil prices as well. So competition really is key here, is it not?

[16:00]

Senator P.F.C. Ozouf:

I am very pleased that the Deputy is playing close attention to the work of the Consumer Council, which I also commend, and I commend the comments that he makes and to the very helpful graph that the Consumer Council put in relation ... which may help Deputy Higgins also in relation to his questions because they have got the previous prices of oil there. Yes, I absolutely agree that competition is working. We are seeing now ... I have previously declared an interest so I do have a beneficial ownership in a garage but have nothing to do with it. It is on my stated record. Nothing to do with the business. But I applaud the fact that as a result, I think, of the Consumer Council showing garages and their different prices we are now seeing a greater number of garages that were previously charging very high prices now coming to lower prices. In heating oil, the prices of heating oil as a result of the new market entrant, as a result of the data that I have got off the Consumer Price website is less by 7p. So he is absolutely right. I encourage consumers to vote with their feet, drive with their vehicles and go and get the lowest prices because that is the way that we will bring down prices and narrow that net price margin which the Minister for Treasury and Resources correctly said at the Scrutiny Panel, can be driven down further. We are making progress. We have got more to do.

3.13.8 Deputy K.C. Lewis:

Is the Assistant Minister still working very hard with the Channel Islands regulator to ensure the people of Jersey get a fair deal when it comes to road fuel?

Senator P.F.C. Ozouf:

Yes, the Minister is working very hard. The Minister is delighted to say that he is working very hard in relation to all of the issues to do with the energy market and the Minister is working very hard, even though I have got to go to London imminently to do a panel briefing tomorrow on the Value to Jersey for Britain, tomorrow lunchtime I will be meeting the gas company and I will be finally publishing an Oxera Report on the gas price market and following up then with C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) in relation to the other issues where

C.I.C.R.A. is going to be also reviewing again the very helpful conditions which my colleague, the Minister for Infrastructure, put in relation to the fuel farm lease and the throughput price to allow the proper prices to be charged in Jersey. We have seen that net price in Jersey too high for too long but it is coming down and it will come down further and it will receive my personal and strong support, and C.I.C.R.A. for doing their important work.

3.14 Deputy G.P. Southern of the Chief Minister regarding the findings of the States of Jersey Complaints Panel in the ‘Alwitry case’: [9759]

What response does the Chief Minister plan to make to the finding of the States of Jersey Complaints Board in the Alwitry case that the case was “one of the worst examples of a public authority disregarding fundamental principles of fairness and contract law that this board has seen in the long collective experience of 3 members”?

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

The States Employment Board has examined this in detail, as explained in its submission to the board, including a review by the former Solicitor General. This was done to ensure that the principles of fairness and equity have been met and the conclusions were clear. Processes could have been better, as I have said, so they have been improved but the outcome would have been the same and that it was the correct one.

3.14.1 Deputy G.P. Southern:

Does the Minister accept the following which comes directly from the Complaints Board report: “The board remains firmly of the view that a right decision follows a fair and defined process? The process adopted by S.E.B., the hospital and H.R. (Human Resources) can never be considered acceptable, reasonable, just or fair.” Does he agree that with the board’s conclusion that the decision in terms of Article 9(2) of the Administrative Decisions Review (Jersey) Law, the decision was unjust, oppressive, improperly discriminatory, based wholly or partly on a mistaken law or fact, could not have been made by a reasonable body of persons after proper consideration of all the facts and was contrary to the generally accepted principles of natural justice? Does the Minister agree and will he ensure that such a “shabby process”, the words of the report, “shabby process”, does not occur in future?

Senator I.J. Gorst:

I do not necessarily accept the vocabulary used in the report. I have accepted, as the States Employment Board have accepted, in their response to date that the process could have been better and measures have been taken to ensure that the failures in process which occurred do not occur again.

3.14.2 Deputy M.R. Higgins:

I have just heard the Chief Minister say that processes have been put in place to stop it happening again. In the past we have had the appalling treatment of Dr. Day, who worked in the hospital, and we have had the appalling treatment of the former Chief Officer of the States of Jersey Police, both of whom, it could be argued, did not receive natural justice. So how can the Chief Minister say that processes have been put in place when they are repeating some of the same mistakes that they made in the past?

Senator I.J. Gorst:

I was not involved in either of those 2 cases that the Deputy is referring to but there were reports and circumstances that led to the decisions that were reached. In answer to the Deputy and in

answer to the Complaints Board, we are talking about improvements to the process of recruitment of consultants.

3.14.3 Deputy M.R. Higgins:

Supplementary. One of the problems with the contract that was given out by the department; I was amazed at the amateurish approach by the hospital officials who entered into the contract. It was an unconditional contract. Things that they were complaining about that should have been in the contract were not there. What steps have been taken to train officers in the Civil Service to make sure that they follow contract law and do not do, as they did in this case and any other cases? In other words, what steps have been taken to retrain them and hold them to account for their failures?

Senator I.J. Gorst:

I am not sure who it is the Deputy is blaming. He seems to be trying to blame everybody. The changes that have been made, I have already given the undertaking to, I think, Senator Ferguson, that a note will be provided by S.E.B. to the changes to process that have been made. It was not straightforward and the Deputy has just raised one of those issues which was not straightforward and that was how the contract was issued, the circumstances of the issuance of the contract and what was in that contract or what was not.

Deputy M.R. Higgins:

Does the Chief Minister think ...

The Bailiff:

No, Deputy, you have already had a supplementary question.

Deputy M.R. Higgins:

Okay. I will save for question without notice.

3.14.4 The Deputy of St. John:

Can the Chief Minister explain how the States Employment Board hold senior management teams to account for delivering their policies so these types of situations do not occur?

Senator I.J. Gorst:

The Deputy will know that that is changing the way that we try and ensure that H.R. policies are delivered by departments to a process which is akin to the way that we deal with financial direction to try and improve it.

3.14.5 The Deputy of St. John:

Supplementary. Does it not concern the Chief Minister, being the legal responsible body for employees of the States, that it is not sufficient to hold senior management teams to account for the policies that they are expected to deliver?

Senator I.J. Gorst:

There have been a number of improvements that the States Employment Board has wished to deliver together with the Appointments Commission, and the way that we are going now I hope will address the concerns the Deputy rightly raised has been in the past but equally in any given case you can, from time to time, have human error. That may be from inexperience. It may be that a junior member of staff feels bullied by a more senior person and they are difficult to deal with on a day-to-day basis.

3.14.6 Senator S.C. Ferguson:

As part of his changing of procedures will the Chief Minister also make sure that when engaging outside experts to conduct reports that the Chief Executive of the States should not set up the terms of reference but the terms of reference should be set up by the expert who is going to do the investigation? At least one of the reports on which he is relying the terms of reference required examination of Mr. Alwitry only and not the actions of H. and S.S. (Health and Social Security) and the terms of reference were designed by the Chief Executive. Will he look very carefully at these procedures?

Senator I.J. Gorst:

Of course we looked carefully at those procedures but when requesting an independent investigation terms of reference have to be provided.

3.14.7 Senator S.C. Ferguson:

I disagree. Surely, the fact is that the situation is explained but the individual doing the investigation should go away and work up a set of terms of reference themselves.

The Bailiff:

I am sorry, Senator, was that a question?

Senator S.C. Ferguson:

Surely they should go away and work up the terms of reference themselves.

The Bailiff:

Well, that is a rhetorical question. What was the question for the Chief Minister?

Senator S.C. Ferguson:

Does he not agree?

Senator I.J. Gorst:

No. When instructing a review, be it internal and independent, a terms of reference have to be provided. One may take advice on what those terms of reference should be but they need to be provided in order to instruct the review.

3.14.8 Deputy G.P. Southern:

Does the Chief Minister refute the repeated assertion on the part of S.E.B. that because the right result was produced that the process, in and of itself, was satisfactory?

Senator I.J. Gorst:

I have not said, and I have been quite clear this afternoon, not to say that the process was satisfactory, but I have equally said that the Complaints Board, I think, in their own words said: "They have not considered the merits of the case" which is quite an important point in regard to States Employment Board.

Deputy G.P. Southern:

So you are repeating that assertion.

3.15 Deputy S.Y. Mézec of the Chairman of Comité des Connétables regarding the holding of Parish Roads Committee meetings in public: [9763]

What consideration, if any, has the Comité given to the holding of Parish Roads Committee meetings in public?

The Connétable of St. Peter (Vice-Chairman, Comité des Connétables - rapporteur):

Unfortunately, I can inform Deputy Mézec that there is none. We have not considered them at all as a Comité. Each individual Constable considers it in his own Parish on the merits within the Parish. I am aware, for example, the Parish of St. Helier since 2002 have been holding their Roads Committee meetings in public with an A and B agenda. In my particular case in my Parish I have offered it to my Roads Committee and they have declined but we have a new Roads Committee, just recently elected, and I will ask them the same question again.

3.15.1 Deputy S.Y. Mézec:

Supplementary. Does the vice-chairman believe that there is merit in holding Parish Roads Committee meetings in public? Would he, or any of his fellow Constables, like to take the opportunity to come and witness a St. Helier Roads Committee meeting in public which I, myself, have done on several occasions accompanying parishioners when there have been issues on the agenda that have concerned them and seen first-hand the positive effect it has had on opening up the Parish system to those parishioners, allowing them to see first-hand and gain a greater understanding of the way things work and how they can engage with the Parish to improve the things that matter to them in their local communities?

The Connétable of St. Peter:

I see no demerit at all in opening them up to parishioners. But just to add to my previous answer, also within the ... what often does happen, certainly I think in most Constables' Parishes, that we invite people in when there are issues to talk directly to the committee on matters that are of concern to them so they can address the committee themselves. So public do have access, albeit by arrangement.

Deputy M.R. Higgins:

Sorry, I may have misheard the Constable. Did he say that he was not in favour of them being open to the public?

The Bailiff:

No, he said he saw no demerit, as I understood.

Deputy M.R. Higgins:

Demerit, thank you. Just wanted clarification, thank you.

3.15.2 Deputy M. Tadier:

I think that those answers are useful. Does the rapporteur for the Comité also believe in a time perhaps where people are more mobile and they do move to live in different Parishes during the course of their life, although I am not saying that is exclusively a new thing, that people do expect some kind of consistency of approach, if not a cloning of each Parish but some of the main functions should have a consistency?

[16:15]

The Connétable of St. Peter:

Yes, Deputy Tadier is entirely right. That is the role of the Comité to ensure that we, as far as possible, reflect the way that we operate across Parishes albeit each Parish will have some area where it will have its own unique particular problem.

The Bailiff:

Final supplementary, Deputy Mézec?

Deputy S.Y. Mézec:

No, thank you, Sir.

3.16 Deputy M.R. Higgins of the Minister for Health and Social Services regarding procedures followed in the event of complaints made by vulnerable persons: [9757]

Will the Minister explain on what basis, if any, a request from a vulnerable person for access to records relating to them might be refused, and on what basis a States Member wishing to assist such a person would be prevented from attending meetings where complaints by that person were being lodged with his department's governance team?

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

There are 2 questions here. The reasons for refusal are set out in the Data Protection (Subject Access Modification - Health) (Jersey) Regulations 2005, Article 5, which states that: "Personal data consisting of information on the physical or mental health, or condition of the data subject", that is the person: "are exempt from disclosure where it would be likely to cause serious harm to the physical or mental health of the data subject, the person, or any other person." With regard to accompanying patients at meetings, the department welcomes this involvement so long as the patient has capacity to confirm that they wish to have a States Member, or for that matter any other person, to attend the meeting in order to represent them and support them. However, given the sensitive nature of the material often involved, it is essential that clarity is sought in advance as to the purpose, parameters and agenda that applies to such meetings, and that the roles, remit and responsibilities of those attending are clear. It is also important to recognise that consent given at a point in time does not last for ever; it is time and issue-specific. It is important that any person, particularly if they are considered to be vulnerable, is giving informed consent and understands the implications of sharing information with a third party, that is, once the information is shared, the person no longer has control over it.

3.16.1 Deputy M.R. Higgins:

I accept that the Data Protection Law does state that information could be refused to a person in those circumstances. Can the Minister explain why that information was not supplied, however, to that person's legal representative when it was requested? That is number one, but I will come back on the others in a moment, because I am sure I will be the only one.

Senator A.K.F. Green:

I think the Deputy is talking about a specific case. It would be totally inappropriate for me to discuss that particular case in this Assembly in public on video and on the radio.

The Bailiff:

This is a final supplementary, Deputy, because there is no one else asking questions on this.

3.16.2 Deputy M.R. Higgins:

I think that is highly restrictive, Sir, especially on such an important issue. The point I am trying to make is the Minister says that it is an individual case; it may well be, but why would a legal representative be refused information relating to a vulnerable person because they wanted that information to see whether there was any way that they could assist them. That is one. I will ask the second question as well, and that is: I recently went, last Friday, to a meeting and was refused permission to be in the meeting, and yet previously I have been invited to a meeting by the same team, which was cancelled at short notice, and I was the only person who arrived. Is the Minister

satisfied that his officers are looking at the best interests of the person when they cannot even get either a political representative or a legal representative to a meeting?

Senator A.K.F. Green:

An appropriate health professional makes the assessment in accordance with the law. They assess the possible harm to an individual. That is not for me, or the Deputy, to assess; that is for the appropriate health professional, as in the law. With regard to the meeting, I do not really want to get into specifics, but when someone turns up halfway through a meeting and we were not aware they were coming, you can expect there to be some difficulty in determining whether they should be there or not.

The Bailiff:

That brings questions at notice to an end. We now come to questions to Ministers ...

The Deputy of St. Peter:

Sir, sorry, before we move to questions without notice, could I just make a quick apology to the Assembly? When I was answering my question earlier I suggested that the dog expert who wrote the report about Customs and Immigration in 2015 was the same who recently gave evidence in court. In fact, I was wrong, Sir, and they were different experts that had been used. So I apologise to the Assembly; it was entirely my mistake.

4. Questions to Ministers without notice - The Minister for Education

The Bailiff:

Very well, Minister, thank you. We now come to periods of questions to Ministers without notice. The first question is directed to the Minister for Education. Deputy Southern?

4.1 Deputy G.P. Southern:

In the past, the Minister for Education has stated in the House that there are reasons to be cheerful on the issue of recruitment and retention. Is he aware that the latest input figures for teacher training in the U.K. show that only 90 per cent of secondary places have been met, a vacancy number of 2,000? Does he still think that, in the light of what is going on in the U.K. ...

The Bailiff:

Excuse me, can I ask you to pause, Deputy? I am not sure we are quorate. Could I just assess? I do apologise, and I will let you start your question again, of course. Yes, we are 24. I am afraid we are not quorate. Could we invite Members to come back into the Assembly, please? Very well, we are now quorate. If you would like to start your question again, Deputy?

Deputy G.P. Southern:

In the light of recruitment problems to teaching in the U.K., is the Minister still confident that he can afford to reduce the salaries of newly-qualified teachers by £8,000 and still maintain any retention and recruitment issues?

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

Thank you to the Deputy. I still am confident. I have to say, I am fully aware of what the Deputy has spoken about. I constantly, like everybody else, read these figures and am concerned about the situation that we find ourselves in with the U.K. But just to reiterate, what we are trying to do with the situation with the teachers' pay is get back to a creditable level that would be equal to that of the U.K., or slightly above. So at the moment we have a situation where over the last 4 years

newly-qualified teachers have been paid on level 3, which is £38,200, I think it is, and level 1, which we would pay at this current rate, would be £33,900. So what we are trying to do is reduce the rate down to a situation where we find it more equitable for both heads in the schools and for ourselves, so we have some flexibility in recruitment. Earlier I mentioned in the previous Assembly that we went out of our way to approach Newcastle University to look for specific teachers in the science field; we achieved that, we got 4 new teachers this year, and this year we are going back to the same place again, and other places, to look for some maths teachers. Hopefully we can effect that. Equally, there is an advert going out today, I think it is, or tomorrow, related to that recruitment, so I am confident, but I am fully aware of the situation.

4.1.1 Deputy G.P. Southern:

Is the Minister stating that teachers in the U.K., who achieve a degree of 2:2 or above will not be paid on entry grade 3 of the teacher's scale?

Deputy R.G. Bryans:

No, I am relating the situation we find ourselves in here. If you are an entry level 1 of newly-qualified teachers in the U.K., you are on something around £28,000; at least that is the entry rate in inner-city London.

4.2 Deputy J.A. Hilton:

In the *Jersey Health Profile 2016*, 32 per cent of 10 and 11 year-olds are either overweight or obese. Can the Minister inform Members what steps, if any, the Education Department will take in assisting in reversing this worrying statistic?

Deputy R.G. Bryans:

Thank you to the Deputy. We provide a lot of information with children through our P.S.H.E. (Personal, Social, Health Education) curriculum, which is compulsory, compared to the U.K., so there is a lot of information relating to nutrition, quality of the food that they eat, and so forth. In fact, we engender and we help to work with charities like Caring Cooks, as an example, to come into the schools and show children what the quality of good food is. We are surrounded by it on this Island, and it is getting to that point. Equally, we work very closely with the Sports Department ensuring that as many children as possible get out and start to make inroads to their physical health. So between those 2 skills, I think we are addressing the problem.

4.2.1 Deputy J.A. Hilton:

Sorry, a Supplementary. Can the Minister confirm whether there has been a decrease in the amount of time given to primary school children involved in outdoor activities, or whether it is the same as say, for instance, 15 or 20 years ago?

Deputy R.G. Bryans:

I could not confirm or deny that; I will have a look at it. I think at the moment it is approximately the same, if not slightly better. Certainly, the primary schools that I visit are out and about as much as they can. They have what they call "forest schools" now and "mud kitchens" so the children have access to pretty modern skills with pretty good facilities all round. I will have a look at it and come back to the Deputy.

4.3 Deputy A.D. Lewis:

Could the Minister update the Assembly of any progress that may have been made in exploring a viable student loan scheme as one of the solutions to help resolve the issue of higher education funding?

Deputy R.G. Bryans:

Thank you to the Deputy. Yes, I can say that on several fronts we are still advancing on this particular problem. Here is a Minister that stands up aware of the situation that was reported in the *J.E.P. (Jersey Evening Post)* just on Saturday, that the parents are in a position where they are having to remortgage homes, and the like. As a parent who has had one child go through a college situation and another child who chose not to, I am acutely aware of that situation, and I feel very sorry for those people in that position. For the department, we recently, in fact just Thursday and Friday, met with the Student Loans Company. I do not know what the result of that is; I have not had the chance to meet with my colleagues in the department to talk about those issues. Equally, I have had similar discussions, after some emails from the Deputy himself, relating to some ideas he had with regard to student loans and looking for extra ways to providing funding for higher education. Treasury, and I do not want to pre-empt anything the Minister for Treasury and Resources might say, but we have come back with some other ideas and we are still following forward on Deputy Lewis's ideas. So we are still focused on that, there is no silver bullet that I can see at this moment in time. Equally, today I took a Skype call from the University of Cannes, and so we are still looking at advancing that area and opening it to students to access higher education across in Europe.

4.3.1 Deputy A.D. Lewis:

Does the Minister feel he is getting the support that he really needs in terms of technical advice and solutions from the Treasury?

Deputy R.G. Bryans:

Yes, I do. At this moment in time, as people have now fairly understood, it is a discussion which needs to be advanced with Treasury, and I can report that now at the Council of Ministers it was confirmed that we are putting together a subpanel with the Ministers to look at this issue.

4.4 Deputy J.M. Maçon of St. Saviour:

As the Education and Home Affairs Scrutiny Panel has a hearing with the Minister for Treasury and Resources on Monday morning, we will certainly be looking forward to hearing that information, but can I ask the Minister, what has happened to the Skills Board, where has its budget gone and what has replaced it?

Deputy R.G. Bryans:

Thank you to the Deputy for that question. We are now in a situation where we have a Business Enterprise and Skills Board; in fact, it has been very active during the last couple of months in relation to, again, higher education funding, and a consideration of going to companies and aligning ourselves with the kind of education that we provide for our students and the sort of things that employers are looking for. One of the ideas that is coming through is a notion of assisting, or working with, companies over here to provide bursaries. So it is alive and well and is working very closely with Highlands at the moment.

4.5 Deputy M. Tadier:

Following the publication of R.145 - Modern Languages Teaching Review, can the Minister give an update on what progress, if any, is being made with the languages strategy?

Deputy R.G. Bryans:

Thank you to the Deputy. Yes, we are ploughing ahead with that as well. We have now received funding for a couple of teachers in relation to Jërriais, just to secure any questions that may come relating to that, but in terms of modern languages, the department is working very closely and has just appointed somebody to look into the matter.

4.5.1 Deputy M. Tadier:

Presumably the Minister can give some more information in due course. I will be interested to talk to that individual; I am sure other Members might be as well. Could he specifically give an indication of how German is faring in our secondary schools, particularly the States schools? Is it taught in any of the 11 to 16, or even in Hautlieu and, if not, can he state why that is the case?

[16:30]

Deputy R.G. Bryans:

I am not specifically aware of the situation with German. I know it was on the decrease at some point in time, but I can certainly find out and come back to the Deputy.

4.6 Deputy K.C. Lewis:

This has been touched on lightly previously, but is the Minister aware of media reports stating that many parents are remortgaging their homes or cashing-in pensions in order to put their children through university? Surely, in the whole scheme of things, this is not a huge amount money, and surely something could be done with Treasury. Does the Minister not agree?

Deputy R.G. Bryans:

I am not quite sure what the Deputy is suggesting with regard to what is a huge amount of money. I am aware of the media reports relating to that; that is what I said earlier. It is a difficult situation that we find ourselves in. It is worth reminding the Assembly that it was back in 2012 when parents had to find £3,000, as opposed to the rise to £9,000, and it has only been 4 years since that point that we found ourselves adrift from the situation. I am acutely aware of the situation that parents find themselves in. It is a matter of choice, and what we are trying to do right across the board, is try to resolve that situation in a number of different ways. We are increasing the degree offering in the University College of Jersey, and that has been extremely successful. Out of the 80 students that qualified this year, I think 90 per cent of those students have been able to access jobs within the Island. With that, along with all the other ideas that we have and with the idea relating to Deputy Lewis and his student loans, I think we are going to come up with some sort of solution.

4.7 Senator S. C. Ferguson:

Has the Minister thought of reviving the old thick and thin sandwich courses when working with companies in the market?

Deputy R.G. Bryans:

I am not sure what the “thick and thin sandwich courses” are, to be quite frank.

Senator S. C. Ferguson:

A thick sandwich is being employed by the company before and after a 3-year degree course, and a thin sandwich is 6 months with a company, 6 months degree.

Deputy R.G. Bryans:

Thank you to the Senator. Yes, this is the sort of thing that is being looked at by the new Business Enterprise group. So, as I said before, that is one of the areas of engagement, is looking at working with companies locally.

4.7.1 Senator S. C. Ferguson:

Does the Minister agree that the advantage of such courses is that the students are paid while they are studying?

Deputy R.G. Bryans:

I do agree with that; I do not know why I would not. Thank you.

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

Is the Minister aware that there is a problem, it would appear, with the retention of teachers at La Moye School and, if he is aware, could he please inform the Assembly?

Deputy R.G. Bryans:

Of course I am aware. We had a situation where some parents wrote to the school, to ourselves, to the director and to myself copied in, and we wrote back to both the parents who wrote to us and all parents within the school to confirm that the head teacher is off sick, and we wanted to provide reassurance about other issues. It is worth reiterating that, as a Minister and as a director and as a department, the first focus of all of our attentions is on the welfare of the children. We have been particularly quick to respond to this, because it was important that people fully understood the situation that we found ourselves in, and we wanted to clarify any misunderstandings that we have had. We have been in contact with the P.T.A. (Parent Teacher Association). I think the important thing for people to realise is that for a school in a situation where a head or a teacher is off sick, there is a plan; they have already put that in place. With regard to the department when we see a situation like this, we equally have a plan. The Director has been up there and spoken to people already, and is following through as well.

4.9 Deputy G.P. Southern:

Would the Minister expand on that and explain what he thinks the issues are in La Moye? Because we have seen significant loss of staff, staff resigning, in the last few months. Has he had an enquiry into what the issues are, or will he have an enquiry into what those issues are, for the sake, not only of the children, but of the staff involved?

Deputy R.G. Bryans:

Thank you to the Deputy. Yes, of course, we have offered both the parents and the staff the opportunity to talk to both the Director and myself about the issues concerned; that is ongoing. I will not talk about a particular individual, I do not think that is fitting within this Assembly, but I can say we have put the plan in place, we are open to discussions and we will be carrying on from that point.

4.10 Deputy S.Y. Mézec:

Following on, on this topic, does the Minister have any idea what proportion of the staff who have left La Moye School in the past few years have left without a job waiting for them to go to?

Deputy R.G. Bryans:

No, I am afraid I do not know what the proportion is that are in that particular position.

4.10.1 Deputy S.Y. Mézec:

A supplementary. Would he endeavour to find out what that information is and present that to Members who have expressed a concern about this issue?

Deputy R.G. Bryans:

If it is appropriate, yes, I can.

5. Questions to Ministers without notice - The Chief Minister

The Bailiff:

That brings to an end the time allocated for questions to this Minister. We now move on to questions for the Chief Minister. Deputy Hilton?

5.1 Deputy J.A. Hilton:

Some Members, and the public alike, have deep concerns about Jersey's rising population and lack of effective population policy. Can the Chief Minister inform Members what progress has been made and when the Council of Ministers will be bringing a population policy to the Assembly?

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

We understand the feeling in the community about population on both sides of the argument. We have a timetable of bringing a new population policy to this Assembly before the summer recess but, in advance of that, at the beginning of January we will be announcing a package of measures to strengthen the existing work of the Housing and Advisory Work Group.

5.1.1 Deputy J.A. Hilton:

A supplementary. Is the Chief Minister able to tell us what sort of measures they will be doing to supplement the policies of the Housing Work Group?

Senator I.J. Gorst:

I can give a general comment on it, but it is a package that we are working on together. We are looking at revised fees, we are looking at removing under 5-year licences on large companies where they are out of kilter with others in the sector, together with other measures as well.

5.2 Deputy S.Y. Mézec:

When the news broke that the States had chartered a private jet for the Estonian Ambassador, I lodged a written question asking how many times this sort of thing had been done by the Government, and the answer that has been provided to that says that it is going to take some time to collate that information. Could the Chief Minister inform the Assembly how long it takes to count to one?

Senator I.J. Gorst:

Is that a question: how long it takes to count to one?

The Bailiff:

I think the suggestion is that it should not be more than one, but do you want to rephrase the question, Deputy?

Deputy S.Y. Mézec:

Yes, Sir. If it was only one occasion this has happened then I would presume the information would be very easy to collate, so could the Chief Minister confirm whether it is the case that the States has been hiring a chartered private jet on several occasions, and could he elucidate further to give us the details of that or what he knows at this point, at least?

Senator I.J. Gorst:

Thank you for that question. The Deputy's oral question is slightly different from his written question, of course; his written question was private flights, which is not only jets. The answer in detail will be provided by the end of this week, hopefully by the end of this States sitting. There are a number of flights. The vast majority, cost-wise, involved the Prison Service and areas connected with C.C.A. [Community and Constitutional Affairs] when prisoners, for example, or those who have mental health issues have to be taken in an individual flight for their own safety with the protection of officers. That amount is somewhere between £50,000 and £60,000, off the

top of my head, but this number will be provided. The next department with a spend is my own department with a spend of something like £5,500, £4,000 of which was that flight that has been in media headlines. The remainder is a number of flights taken from the Aero Club in small props where myself, together with other officials in Jersey, and officials in Guernsey, have travelled, because it is far cheaper to travel that way to events in France rather than having to go to the expense of going on a scheduled flight into the U.K. and then on to France, thereby saving the taxpayer money. But the exact detail, as I said in my written answer, will be provided by the end of the week.

5.3 Deputy S.M. Brée of St. Clement:

Does the Chief Minister agree that, due to the unprecedented amount we borrowed in the debt markets, as proposed in the future hospital funding proposition, the debate, planned for 17th January 2017, should be delayed by at least 4 weeks to enable Scrutiny to undertake a full and proper review?

Senator I.J. Gorst:

I spoke to the chairman of the said Scrutiny Panel last week, and I pointed him in the direction of the Minister for Treasury and Resources. I have had a subsequent conversation with the Minister for Treasury and Resources and I believe that he shares the view with me that Scrutiny should be given an appropriate length of time to do their work along the requested 4 weeks in addition to the date of 17th January. But it is a principle that the Minister is asking this Assembly to agree, and that is whether he has permission to go away and borrow up to an amount.

5.3.1 Deputy S.M. Brée:

A supplementary. So just to confirm, the Chief Minister is agreeing that a 4-week delay to the debate date will be provided, which is contradictory to a letter received by the Corporate Services Scrutiny Panel from the Minister for Treasury and Resources saying he would only provide a 2-week delay to the debate date. Could I ask that the Chief Minister confirm exactly what is being offered by the Council of Ministers to the particular Scrutiny panel?

Senator I.J. Gorst:

If the Deputy had wanted to know the Minister for Treasury and Resources's answer he could have asked him, could he not? He asked me, I had a conversation with the Minister for Treasury and Resources; of course, I do not have prior sight to every Minister's letter issued from their department. I will take the matter up with him.

5.4 Deputy J.M. Maçon:

The Chief Minister has commented on the population policy, but can I ask him what work is being done should the U.K. move with Brexit to a points-based system, a work-permit based system, as is being discussed at the moment? Is this not an opportunity for Jersey to also seize upon that type of universal system?

Senator I.J. Gorst:

It absolutely is and the package of measures that we come forward with in January will strengthen our existing system and the population policy that we bring to this Assembly for debate prior to the summer recess may, of course, all be changed in the outcome of the Brexit negotiation. We are joining with the United Kingdom working party in this particular area. It is going to be complicated, it is going to be detailed. There is extra money provided for that work together with the British Government, but the Deputy is right that, if a position is arrived at by the United Kingdom to follow one of the proposals that he suggested, then we would consider that very

carefully. More than that, we will be involved in the discussion about what a suitable proposal might be.

5.5 Deputy M.R. Higgins:

Many Members in this House are concerned about the question of accountability. We are constantly being told that Ministers are only responsible for policy and that civil servants are responsible for their operations. Can the Chief Minister tell me how many senior civil servants have been held to account for their failures over the last 5 years without being paid off with a golden goodbye?

[16:45]

Senator I.J. Gorst:

It is easy for the Deputy to make unsubstantiated allegations in this Assembly about the work that senior people do on our behalf. If he came to Cyril Le Marquand House, or went round the departments, he would see the many hours that those staff put in on behalf of this community on behalf of this Assembly, above and beyond the call of duty. Perhaps then he would think twice about criticising them in a forum where they have no right of reply. I do not think it is appropriate and I would ask him to desist from it.

Deputy M.R. Higgins:

I take it the answer is none?

5.6 Deputy M. Tadier:

I feel sorry for Senator Gorst, the Chief Minister today, who seems to have been abandoned by all of his ministerial Senatorial colleagues. Sadly, there is somebody else who might feel abandoned at the moment, coming into Christmas, and that is Mr. Bronx. This saga goes on. I would ask, given the fact that it is a huge interest to the public, and also the fact that it relates to the community and it perhaps comes under his remit of Community and Constitutional Affairs, will the Chief Minister endeavour to take a personal interest in the case of Mr. Bronx to make sure that all the departments are co-ordinating, that there is proper communication with the owners, who are still facing ongoing bills due to this possibly, I would suggest, dubious retention, so that this dog can be repatriated with its family in time for Christmas?

Senator I.J. Gorst:

I am not sure whether this Assembly wants a presidential system or it wants a council system, because many questions this afternoon seem to have been addressed to me as though I were president rather than Chief Minister running my own department sitting around the Council of Ministers' table. The Deputy knows that that issue falls within the remit of the Minister for Home Affairs and, more particularly, the Assistant Minister for Home Affairs. I have absolute confidence in the work that the Assistant Minister for Home Affairs is doing in this regard, and that she is hoping to find a way through that will give comfort, but she has got to be mindful as well about protection for those who might encounter any dangerous animal, in this case a dangerous dog. She will take appropriate consideration, she will take appropriate advice, as I know she is doing, and I hope that there will be a satisfactory outcome. I do not know, because I am not briefed exactly on when that timeline will be, but I understand that it will indeed be shortly, and I expect that "shortly" to be before Christmas.

5.6.1 Deputy M. Tadier:

A supplementary, if I may. It does say on the Chief Minister's own departmental website that: "The Chief Minister's Department is at the centre of Government and provides the leadership and

co-ordination of strategic planning across the States” and that the department is there to, among other things: “Communicate effectively with the community.” This does not seem to have been happening with regard to the owners, and it is something that we are ...

The Bailiff:

Deputy, we are up against time. Could you turn this into a question, please?

Deputy M. Tadier:

Does that Minister acknowledge, from his own website, that it does fall within his remit? He is head of the Government, he does not need to be president in order to take an interest in this, and that his words are quite welcome, and that he will take the action that has been asked, not simply by myself, but by the public, some of whom voted for him to be in office?

Senator I.J. Gorst:

I thank him for that vote of confidence following an earlier vote of no confidence from the Deputy opposite about my ability and interest in these matters. I stand by the answer that I gave him, and I hope that the issue will be resolved, as I said, in the timeline that I outlined, but I have absolute confidence in the Assistant Minister, who will be making this decision.

Connétable C.H. Taylor of St. John:

Thank you, Sir. You indicated I did not have time, and I bow to your superior knowledge.

The Bailiff:

There is about a minute and a half. Senator Ferguson?

Senator S.C. Ferguson:

Answered, Sir.

5.7 Deputy G.P. Southern:

Just in time. In the response to a written question today, it says here on gas supply: “There is no reasonable ground to suspect that the gas market in Jersey is not acting in the best interest of consumers.” Can the Chief Minister do his best to ensure that there are grounds to confirm that the gas market in Jersey is acting in the best interests of consumers, rather than the negative?

Senator I.J. Gorst:

If the Deputy was listening to Senator Ozouf’s answer to a question earlier, he would know that Senator Ozouf said that he would shortly be publishing a report; I cannot recall whether he said C.I.C.R.A. or Oxera or a joint effort, into the gas market, and that, I hope, will answer the Deputy’s question.

The Bailiff:

Thirty seconds. Deputy Andrew Lewis.

5.8 Deputy A.D. Lewis:

Would the Chief Minister support the concept of moving towards a minimum wage that more reflects a living wage in Jersey, and moving that forward much quicker than is currently proposed by the Minister for Social Security, which is 11 years, and reducing it down to perhaps something like 5 years? Would the Minister support that concept if it was possible to achieve?

Senator I.J. Gorst:

I certainly support the principle. I would not wish to give a timeline to say that 5 years was sufficient. I know that the Minister for Social Security is doing a lot of work in this particular area and there are difficulties with some sectors of our economy, but there are others that we need to be mindful of in regard to the ability to live on the current minimum wage ...

The Bailiff:

Minister, I am sorry, that brings the time allowed for these questions to an end.

Senator I.J. Gorst:

I am terribly disappointed by that, Sir.

The Bailiff:

Very well, that ends the business ...

Deputy C.F. Labey of Grouville:

Sir, sorry, could I just remind Members before we adjourn that members of the Licensing and Hospitality Trade are downstairs in the Members' lunchroom ready to take questions, if Members have them, for them before tomorrow's budget debate, for about 20 minutes or so from now.

The Bailiff:

Yes. Certainly, Deputy, I am sure Members will note that. I should also say that there has been a report presented, R.129/2016: Tobacco Strategy 2017 to 2022 - Creating a generation of non-smokers, presented by the Minister for Health and Social Services. Very well, in accordance with the arrangements for Public Business previously agreed, the States stands adjourned until tomorrow at 9.30 a.m.

ADJOURNMENT

[16:52]