

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 30th APRIL 2013**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 The Dean of Jersey – new Commission**

#### **The Bailiff:**

The last 2 months have not been an easy time for the Anglican Church community in Jersey or, indeed, for the wider community in the Island. It is therefore a great relief that the Bishop has issued a new Commission for the Dean and that he will be free once again to perform his duties as Head of the Anglican Church of Jersey. **[Approbation]** I had not, in fact, quite finished. **[Laughter]** It is excellent to hear that the Bishop and the Dean will be working together to address some of the issues which have been identified, including the important issue of safeguarding, but for today I simply want to say how nice it was to be able to turn to my right at the beginning of the meeting and say, once again: “Monsieur le Doyen” and what a pleasure it is to have our Dean back in this Assembly. **[Approbation]** On that topic, I would also like to thank the Vice-Dean, Canon Houghton, who was given the Bishop’s Commission during the absence of the Dean. Canon Houghton was placed in a very difficult position, torn between his affection and respect for the Dean, and his duty to his Bishop. He carried out his role with great humanity and diligence and I would like to take this opportunity of thanking him publicly for what he did during that time. **[Approbation]**

### **1.2 Referendum (Reform of States Assembly) (Jersey) Act 2013 - result**

#### **The Bailiff:**

The next matter under A relates to the referendum. Article 12(5) of the Referendum (Reform of States Assembly) (Jersey) Act 2013, requires the Greffier to make arrangements for the result of the referendum held on 24th April to be reported to the States at their next meeting. Article 12(4) of the Act specifies the manner in which the result is to be reported so these are those results. There were 16,624 valid ballot papers. There were 159 invalid papers, in other words, spoilt papers. The total number of first choice votes for each option was as follows: Option A, 6,581; Option B, 6,804; Option C, 3,239. As none of the 3 options obtained more than half of the valid first choice votes, Option C was discarded. The total number of valid second choice votes from the discarded Option C votes cast for each of the remaining 3 options was as follows: Option A, 126; Option B, 1,386. The aggregate numbers of valid first and second choice votes cast for the 2 remaining options was therefore as follows: Option A, 6,707; Option B, 8,190.

### **1.3 Liberation Day – recording of proceedings**

#### **The Bailiff:**

The final matter that I have under A relates to Liberation Day. As Members know, we usually give permission for the media to record the special sitting of the States on Liberation Day. I have received requests from the *Jersey Evening Post*, Channel Television and the Société Jersiaise, who are doing an article on this programme and, of course, the official organisation who will be broadcasting the sitting down into Liberation Square so I trust Members agree to all of those organisations recording the proceedings. Thank you very much.

[9:45]

## QUESTIONS

### 2. Written Questions

#### 2.1 THE CONNÉTABLE OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE APPOINTMENTS OF THE DIRECTORS OF HUMAN RESOURCES AND ORGANISATION DEVELOPMENT:

##### Question

Further to the appointment in 2011 of a new Director of Human Resources and of a new Director of Organisation Development (Change Leader) in December 2012, would the Chief Minister advise –

- (a) whether both postholders originate from or have strong connections with Scotland?
- (b) whether both postholders previously worked for Glasgow University's Executive Team and, if so, give details of positions held and dates of service?
- (c) whether the two postholders knew each other, in both a personal and professional capacity prior to working in Jersey and, if so, for how long?
- (d) whether the Director of Organisation reports to the Director of Human Resources?
- (e) whether a competitive process was used in both appointments and, if not, explain why not?

Would the Chief Minister advise how many candidates were interviewed for each post, and how many applicants were from on-Island?

Would the Chief Minister provide details regarding who was responsible for writing the job description for the Director of Organisation Development's post?

##### Answer

I can re-assure the Connétable of St John that with regards to the two posts mentioned, the appropriate Jersey Appointments Commission processes and procedures were followed and that the Chair of the Appointments Commission chaired both appointments and that all necessary declarations of interest were made.

In total 34 applications were received for the post of Director of Human Resources, two of which were from on-island residents.

There were 65 applications for the post of Director of Organisation Development, 18 of which were local.

With regards to the job description for the Director of Organisation Development the normal process was followed. The Job Description was prepared by the Director of Human Resources and other members of the senior Human Resources team and agreed by the current Chief Executive. The role was evaluated by the HAY process.

## **2.2 THE CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ATTENDANCE AT THE PARIS AGRICULTURAL SHOW:**

### **Question**

- a) Given that Jersey attended the Paris agricultural show from 24th February to 3rd March 2013, would the Minister advise the total cost to the Island, including staffing and accommodation?
- b) What benefits to industry and to the Island were achieved?
- c) Would the Minister outline which local based companies exhibited and advise the number of persons representing each industry and whether their travel, accommodation and expenses costs were met by his Department and, if so, the amount spent?
- d) Would the Minister advise the number of States Members and public sector employees who attended; the duration of their visits and their individual travel and accommodation costs, as well as the cost of the Stand and associated advertising?
- e) Does the Minister consider that, given the timing of the show, the expenditure was justified?

### **Answer**

- a) The cost to Jersey in attending the Salon d'Agriculture in Paris was £14,590.68. The costs were met by both the Economic Development Department and Chief Minister's Department on the basis that there were both economic development and international affairs elements to Jersey's participation. All expenditure was in line with Departmental travel policy.
- b) Jersey was invited to attend the 50th Salon International de L'Agriculture in Paris by the General Council of La Manche following a visit to the Salon last year by the States of Jersey and industry representatives from the Island. The joint venture with the General Council of La Manche has helped build upon the foundations laid down through the La Manche Working Group, to strengthen political and economic links with La Manche and enable the Island to demonstrate the variety and quality of its produce to a wide audience in Jersey's nearest marketplace. It also highlighted Jersey as a holiday destination and improved transport links with the new Blue Islands direct air link between Jersey and Paris and to explore future export opportunities.

The Show was held over 9 days from 23 February to 3 March 2013; opening times 09.00 to 19.00 and from 09.00 to 23.00 on the final Friday and attracted approximately 694,000 visitors. Jersey received, met and talked to approximately 5,500 of them over the period of the Show.

This high level of personal contact enabled analysis of the value of the event in terms of exposure and as a platform for selling artisanal products. There were 3 halls dedicated to artisanal producers emphasizing just how importantly the French take locally produced and/or specialist foods.

It also enabled the Island's rural development advisers to estimate the likely investment required from producers in time and costs so as to be able to make an informed decision as to whether Jersey will attend next year. It also allowed Jersey to observe how best to present our offering by learning from those stands that had been longer established and generate new

ideas for marketing the Island. La Manche are already asking us whether we are prepared to attend again. A report to this effect has already been circulated to the producers.

- c) Staff manning the stand represented all of Jersey's rural and marine industries, which varied over the duration of the 9 days with a higher attendance during the opening weekend and for the late night opening on the final Friday (until 23.00) but ranged from 1-3 people at any one time as we were dealing with, on average, 60 visitors per hour. Tastings, video displays and promotional material representing La Mare Vineyards, The Jersey Dairy, Jersey Sea Farms, Jersey Oyster Company, Jersey Royal Company, Albert Bartlett and Jersey Tourism, were featured at the show. 1 person specifically representing the Jersey Oyster Company attended the show and he paid his own travel, accommodation and expense costs.

- d) Costs

2 States Members

Travel and accommodation = £1415.89

9 Public Sector Employees plus Bureau de Jersey Travel,

accommodation and subsistence\* = £7,814.98

\* Subsistence includes States Members

Stand= £3,375.00

Promotional Material (including translation) = £1,984.81

Total Costs = £14,590.68

- e) Yes, especially with the media coverage we received. The following information was provided by La Manche.

States of Jersey Press Release

"Jersey and La Manche at Paris agricultural show"

**Ouest France:**

"The products of the land and sea at the Salon"

"Friends for life"

**L'Agriculteur Normand:**

"50 good reasons to go to the Salon of Agriculture"

"Inauguration of the La Manche stand"

**La Manche press:**

"La Manche shines at the Salon"

"Jersey Gold"

**La Manche Libre:**

"La Manche agricultural power" (web article with video)

"Entente cordiale between La Manche and Jersey"

"Normandy agricultural power"

**Radio:**

**Tendance Ouest:**

Interview

Pascale Bousquet (Account Director – Agendacom, Communications agency)

Quote "When you listen to her you feel like going straight to Jersey to eat some Jersey Royals and lovely Jersey Dairy ice cream with black butter!"

**BBC Radio Jersey**

Interview

Additional information

Public sector employees

Average cost of travel per person was £295.92

Average cost of accommodation per person was £65.93 per person per night

Jersey Delegation

Average cost of subsistence\* was £41.67 per person per day

\* Includes States Members

**2.3 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS  
REGARDING BREACHES OF THE DATA PROTECTION (JERSEY) LAW 2005 BY  
POLICE OFFICERS OR THEIR CIVILIAN STAFF:**

**Question**

Will the Minister advise members for each year since 2004 to the present date:

- (a) how many times, if any, the Home Affairs Department, Home Affairs Minister and/or the States of Jersey Police have notified the Data Protection Commissioner that police officers or their civilian staff have unlawfully broken the Data Protection (Jersey) Law 2005?

- (b) how many officers or civilian staff, if any, have been prosecuted for these breaches, (explaining further under what law they were prosecuted), how many were found guilty and the penalty imposed in each case?
- (c) how many officers or civilian staff, if any, have been disciplined for these breaches and what was the penalty imposed in each case?

### **Answer**

- (a) The States of Jersey Police have consulted the Data Protection Commissioner (DPC) periodically in connection with allegations of breaches of the Data Protection Law. There is no requirement to formally notify the DPC of investigations into alleged breaches of the Law.
- (b) Two officers have been criminally prosecuted for Data Protection Law breaches. Both pleaded guilty at the Magistrate's Court. Both officers were sentenced to fines of £300 or 6 days' imprisonment in default.
- (c) The two officers prosecuted for data protection breaches (above) were also subject to discipline procedures. Both were dismissed from the Service. One was re-instated on appeal, the other is awaiting appeal. Additionally, two other officers and a civil servant have been disciplined. Both officers were reprimanded and the civilian dismissed for gross misconduct. (These were separate cases with differing levels of breach).

## **2.4 DEPUTY M.R. HIGGINS OF THE CHIEF MINISTER REGARDING DATA PROTECTION COMPLAINTS AND REQUESTS RELATING TO THE STATES OF JERSEY POLICE:**

### **Question**

Will the Chief Minister advise members

- (a) how many times the Data Protection Commissioner has received complaints and/or requests for assistance from citizens in relation to subject access requests from the States of Jersey Police, the Police Association and/or the Police Complaints Authority under Article 7 of the Data Protection (Jersey) Law 2005 for each year from 2005 to the present date (further breaking the information down by institution and whether they related to complaints or requests or both)?
- (b) the nature of any complaints received, the actions taken by the Commissioner in each case and the outcome of the intervention and the time taken to resolve the complaints from start to finish, if they were resolved and, if they were not resolved, the time spent on them;
- (c) the nature of the requests and the assistance given or not given in the circumstances;
- (d) the lessons, if any, learnt from these experiences?

### **Answer**

The Office of the Data Protection Commissioner ("ODPC") is independent of government.

Requirements to report and/or publish its activities are defined by statute (see Part 6 of the Data Protection (Jersey) Law 2005 (“the 2005 Law”)) and by any applicable policies:

- Each year, it produces an Annual Report which provides statistics on complaints.
- Article 59 of the 2005 Law restricts the disclosure of information obtained by or disclosed to the Commissioner.
- ODPC has issued a Policy Statement and Guidance on Complaint Handling and a Policy Statement and Guidance on Communicating Enforcement Activities.

In light of the above, I do not judge that it would be appropriate for me to seek to place specific data relating to an individual intervention in the public domain. However, the Data Protection Commissioner is happy to liaise directly on the questions raised if that would be of assistance.

**2.5 DEPUTY M.R. HIGGINS OF THE CHIEF MINISTER REGARDING REQUESTS SINCE 2005 MADE UNDER ARTICLE 53 OF THE DATA PROTECTION (JERSEY) LAW 2005:**

**Question**

Will the Chief Minister advise members how many times, in each year since 2005 to the present date, the Data Protection Commissioner has been requested to provide assistance; or has granted assistance and/or refused to grant assistance under Article 53 of the Data Protection (Jersey) Law 2005?

Will the Minister outline, in respect of assistance granted or refused –

- (a) the nature of the assistance requested, using the same headings contained under Schedule 10(2)(a), 10(2)(b)(i) and (ii) and 10(3)(a), (b) or (c) relating to legal advice and the conduct of proceedings;
- (b) The total number of persons assisted in each case;
- (c) the financial cost of assistance in each case, using the same headings contained under Schedule 10(2)(a), (b)(i) and (ii) and 10(3)(a), (b) or (c) relating to legal advice and the conduct of proceedings; and,
- (d) the outcome of the assistance given in terms of remedy?

**Answer**

Work is being carried out to provide a full answer to this detailed question. Given that there is the potential for some of the information being requested to be subject to a court case, more officer time is required to provide a suitable response; therefore I will provide the Deputy with the relevant information before the next States Sitting.

**2.6 DEPUTY M.R. HIGGINS OF THE MINISTER FOR HOME AFFAIRS REGARDING COMPLAINTS MADE AGAINST THE CHIEF OFFICER AND THE DEPUTY CHIEF OFFICER OF THE STATES OF JERSEY POLICE SINCE 2004:**

**Question**

Will the Minister advise members –

- (a) how many complaints have been lodged in each year since 2004 to the present date against the Chief Officer and Deputy Chief Officer of the States of Jersey Police respectively listing against each the nature of the complaint.
- (b) how many of these complaints were investigated, by whom and what was the result?
- (c) how many complaints were not investigated and what were the reasons for not investigating them?
- (d) whether there are currently any complaints under investigation, and, if so, would he explain in each case the nature of the complaint, who is investigating it and the likely or anticipated date that it will be completed?

**Answer**

- (a) It is not appropriate for me to provide this level of information in relation to a group which, at any given time, includes only two people.
- (b) The same answer as for (a).
- (c) All complaints which have been made or will be made to me are treated seriously. It is my normal practice to first make an assessment as to whether there is a sufficient basis to request a full investigation by an outside force and for this purpose I will often ask for a preliminary report on the matter before making that decision.
- (d) The same answer as for (a).

**2.7 DEPUTY M.R. HIGGINS OF H.M. ATTORNEY GENERAL REGARDING DATA PROTECTION BREACHES:**

**Question**

Will H.M. Attorney General advise members on how many occasions from 2004 to the present date his department has had referrals from either the States of Jersey Police or the Data Protection Commissioner regarding data protection breaches by -

- (i) police officers; and/or
- (ii) civilian staff employed by the police

Would he advise in how many cases his Department has decided to prosecute the offenders?

**Answer**

The Law Officers' Department does not keep separate records for prosecutions brought under the Data Protection (Jersey) Law 2005 which came into force on 1st December 2005. After enquiry it is believed that:



- (i) There have been four referrals of complaints from the States of Jersey Police in respect of Police Officers. In two cases the officers were prosecuted.
- (ii) There has been one referral of a complaint from the States of Jersey Police in respect of a civilian worker. There was no prosecution.

## **2.8 DEPUTY T.A. VALLOIS OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING RETURNS TO THE TRASURY FROM INCOME DERIVED THROUGH PUBLIC SERVICES:**

### **Question**

Could the Minister advise how many States Departments make a return to the Treasury from income derived through their services to the public, how much each department returns and on what basis these returns are made?

### **Answer**

It is not exactly clear what is meant by return, so this answer addresses it in the wider context in the interest of being as helpful as possible.

States Departments fall into two categories – States Funded Bodies and States Trading Operations.

#### States Funded Bodies

The Housing Department is the only States Funded Department whose income exceeds expenditure. This net income is effectively its “return” for the year.

In 2012 this net income “return” was £24 million. This “return” began when the Rent Abatement and Rebate Schemes, which were funded by the Housing Department, were replaced by Income Support. This change meant the Housing Department’s rental income exceeded its expenditure, thereby creating an annual net income. The “Annual Return” is how the original funding for the Rent Abatement and Rebate Schemes is transferred (via Treasury) to Social Security to help towards the Income Support Budget.

Other States Funded Departments do get income from the services they provide to the public. They use this income to help pay for the cost of their services so do not make a return to the Treasury. The MTFP contains information relating to the income of each department and details are also reported in the States Accounts.

#### States Trading Operations

The States currently has four Trading Operations; Jersey Airport, Jersey Harbours, Jersey Car Parking and Jersey Fleet Management. Two of these Trading Operations currently make a return to States General Revenues.

The financial return from each States Trading Operation is negotiated with the Treasurer of the States on behalf of the Minister for Treasury and Resources. The proposed financial return is then presented to the States as part of the Medium Term Financial Plan for approval.

In 2012 Jersey Harbours made a financial return of £118,683 and Jersey Car Parking made a return of £1,552,300.

In recent years, the requirement for a financial return from Jersey Airport and Jersey Harbours (above the £118,000) has been removed to reflect the fact that these departments will fund their own capital programme and also to provide for the costs of the proposed Ports Incorporation.

Jersey Fleet Management Trading Operation does not make a return on the basis that any surplus of income over expenditure will be used to offset future vehicle costs.

## **2.9 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES:**

### **Question**

Will the Minister advise whether vehicles are permitted to drive through Coronation Park in St Lawrence and, if they are permitted, when that permission was granted and by whom?

If such permission does exist, will he also advise –

1. How park users are made aware that vehicles will at times be driven through the park?
2. Whether there are any restrictions on the use of vehicles?
3. What safety procedures, if any, are in place to prevent accidents involving members of the public, particularly children?
4. If there are safety procedures, when they were last reviewed and what, if any, changes were made following review?
5. Whether vehicles are restricted from any area of the park, particularly the children's play area?
6. Whether the Road Traffic (Jersey) Law 1956 is applicable to those who drive in Coronation Park and if it does not apply, what legislation, if any, covering the use of vehicles does apply?

### **Answer**

I can confirm that vehicles are permitted to drive through Coronation Park. The Transport & Technical Department's staff and on occasions the Café' staff, are allowed to park their cars in the park as this frees up valuable space in the small car park for visitors.

Clearly works vehicles are required in the park for the various gardening operations undertaken by the team based there.

Maison des Landes and other special needs groups have permission to drive into the park allowing wheel chair users safe access to and from the vehicle

The owners of No's 1 and 2 Montrose Villas benefit from numerous contractual rights of way over Coronation Park. These contractual rights extend to vehicular rights of way to and from their properties and are perpetual.

1. Park users are made aware of vehicles in the parks by various signs. At both exits from the small children's playground there are signs warning parents that vehicles use the driveways. There is also the same sign warning parents as they cross from the paddling pool to go to the playground. In addition there is a sign on the main driveway which warns drivers that children are crossing and restricting vehicle speed to 5mph.

2. Vehicles belonging to the general public not included in the earlier part of my answer are not allowed in the park and as I have already said vehicles are restricted to 5 mph.
3. The main throughway for children crossing the driveway is between the paddling pool and the small children's playground. At both these junctions 'kissing gate' barriers prevent children from running straight on to the driveway without stopping. The warning signs that I referred to earlier are on these kissing gates.
4. We are continually reviewing safety precautions and are currently looking at whether we can improve the signage warning the public that vehicles have access to the park.
5. Vehicles are restricted to the main driveways, although the works vehicle will drive where work requires.
6. The Road Traffic (Jersey) Law 1956 does not apply to those who drive in Coronation Park. Instead, it is the Policing of Parks (Jersey) Regulations 2005 which regulates that activity

**2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE IMPACT OF THE RENT PROPOSALS WITHIN THE HOUSING TRANSFORMATION PROGRAMME:**

**Question**

Does the Minister consider that it is important that tenants in all sectors fully understand the impact of the rent proposals in the Housing Transformation Programme?

Under the proposals to raise rents to 90% of private sector rent levels, would existing States tenants with new tenancies face a rise in rents, based on a weighted average, of £39 per week (25%)?

Will those in 2-bed accommodation see a rise in rents in the order of £50 per week or 30%?

Does he accept that by year 5 of the plan, over 50% of States tenants will be paying higher rental rates and that all tenants are likely to see their rents subject to annual inflation-plus rises of 4.25%, or 23% over the five years amounting to a weekly addition of £35?

Will the Minister acknowledge that this combination will produce new tenancies at average rent levels which are £84 per week (54%) greater than at present, and if not, what figures does he have for proposed rent increases in 2014 (year 1) and 2018 (year 5)?

**Answer**

I believe it is important that all interested parties understand all of the impacts of the Housing Transformation Programme and I have been very open in communicating my proposals in the media. The Housing Transformation Programme's Report & Proposition and Full Business Case are public documents which have been widely publicised. In fact, all States tenants received a leaflet which explained how the rent policy would affect tenants in March when I lodged these proposals.

In addition to this, The Housing Department's magazine "Community News" was delivered to all States tenants this week, which contained an article about the proposals for reform. We have also been making use of social media to engage with customers; we will continue to do this in the weeks leading up to the debate on the 14th May.

For a number of years, the Department has operated a policy of uplifting rents for new tenancies to more appropriate levels following refurbishment and the proposed policy would add, on a weighted average, a further £11.89 or 6% to rents on new tenancies. For 2 bedroom accommodation the figure is £20.06 or 10%. I refer the Deputy back to my answer to question (7564) in which I set out clearly the ranges of rents for each type of unit. This shows that rents are clearly dependent on the size and type of unit.

As noted in my answer to the Deputy's question (7564), section 5.2.3 of the Housing Transformation Programme's Full Business Case illustrates how the modelled convergence of current rents to 90% of market under the proposed rent policy will occur. This indicates that 51% of tenants, including those in newly developed properties will be at the 90% level by year 5. Tenants will see annual rent increases linked to R.P.I. plus 0.75%. If R.P.I. rises in line with the central scenario projections of the States of Jersey Statistics Unit, then tenants will see aggregate increases of 21% by year 5 of the Full Business Case. However, as we have seen with the latest inflation figures of 1.4%, these assumptions are subject to variation. A proper comparison is to look at these matters in real terms, which is 6% and £11.89 as noted above.

In 2010 it was recognised that States rentals had fallen significantly behind market, the proposed policy aims to bring rent levels from the 2010 weighted average of 69% of market to 90% of market. Considering the impact on the tenant of the average change in rent levels is meaningless. The change in rent for existing tenants moving to new tenancies is dependent on a wide range of circumstances such as where the tenant is moving to and from and for what reason. Indeed, many tenants downsize and so their rent could actually decrease.

Furthermore, as I have said, all tenants on low incomes and receiving Income Support will be fully protected and only those tenants who move will be subject to the proposed policy.

## **2.11 DEPUTY G.P. SOUTHERN OF THE MINISTER FOR HOUSING REGARDING THE INFLUENCE ON CENSUS FIGURES ON THE PROPOSALS CONTAINED WITHIN THE HOUSING TRANSFORMATION PROGRAMME:**

### **Question**

Does the Minister accept the figures for rent rises in the Housing Trust sector given in the draft sector report of July 2012 which show a weighted average of £33 (18%) weekly, and if not, what figure does he have for rent increases in the Trust sector for 2014 (year 1) and 2018 (year 5)?

Given that the aforementioned draft report was never finished pending the results of the 2011 Census, will the Minister state what evidence, if any, the 2011 Census contained which had a bearing on the formulation of the Housing Transformation Programme (HTP) and in what ways, if any, his plans were changed by it?

What research, if any, has the Minister undertaken to estimate the capacity of the Trust sector to deliver housing over the period of the HTP and will he release any papers on this topic?

Will the Minister explain why the HTP contains no mention of the population it is intended to cater for and inform members of the extent to which the Statistics Unit was involved in developing the 30-year projections contained in the plan?

In particular, will he explain how the HTP caters for the demand outlined in the Housing Needs Survey 2013-2015 in the light of population growth targets?

**Answer**

I assume the Deputy is referring to the “States of Jersey – Rents and Income Support” draft report of July 2011.

The rent policy considered in the draft report involved uplifting all rents to 90% of market rent in April 2013 which is clearly not the rent policy now being proposed. Under the proposed policy, rents will only be charged at 90% of market rent when a property becomes vacant.

Additionally, market rent assessments provided in the draft report were based on assessments performed by the Trustees. Accurate market rents cannot be determined until proper independent market assessments have been undertaken. For both the reasons stated above, I do not accept the rental increase figures stated in the Deputy’s question and forecast rental income in the Trust sector cannot yet be determined without the property market assessments.

The July 2011 report concluded that *“A further analysis of the impact of alternative rent limits policies on the capacity of claimants to access the private rented sector can be undertaken once data is available from the 2011 Census that will provide an accurate and current record of the size of the private rented stock, and its distribution between different types and sizes of dwellings.”*

As this reference clearly relates to the private sector rental market and the options for Income Support for claimants in this sector, I understand that the 2011 Census figures have been taken into account by the Minister for Social Security in formulating his proposals for Income Support in this sector which will be published shortly.

Indicative financial plans have been constructed for the Housing Trust sector, but a lack of detailed and independently verified data relating to their market rents and a full condition survey of their properties have meant that a full capacity review cannot be undertaken. These pieces of work will need to be undertaken in the future. In the interim, some of the Housing Trusts have confirmed to me that they have sufficient surpluses to undertake the developments as set out in my proposals.

I refer the Deputy to my answer to his question (7563) in which I explained that the proposals within the Housing Transformation Programme allow for the development of all sites currently in States ownership and designated for social housing and that the new Housing Company can and will deliver additional social housing for viable schemes if further sites are identified and borrowing is made available. I also recognised that that further units of social housing are required in order to meet the needs of our community in the longer term and I am working to ensure that these are brought forward.

My Housing Transformation Proposals have concentrated on setting up the appropriate structures to ensure that sufficient social housing is delivered in an appropriate and sustainable manner. The Full Business Case is based on a full condition survey of the housing stock plus proposals to build new units on defined sites as detailed in appendix B. The Full Business Case would have been flawed if it had included notional sites with notional costs. What I have delivered is a Business

Case that resolves current issues, increases capacity and provides a structure that enables further supply of homes as sites are identified and in response to the Affordable Gateway Statistics and demand outlined in the Housing Needs Survey.

**2.12 DEPUTY G.P. SOUTHERN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PROTECTION OF THOSE IN RECEIPT OF THE RENT COMPONENT OF INCOME SUPPORT FROM THE IMPACT OF PROPOSED RENT INCREASES:**

**Question**

Will the Minister advise what measures, if any, he will take to protect those in receipt of the rent component of Income Support (IS) from the impact of the rent increases outlined in the figures contained in Appendix 2 of P.33/2013 Amd.(2) which show the rental income of the proposed Housing Company increasing at rates much greater than inflation from £40m in 2013 through £55.6m by 2018 to £75m in 2023?

Despite the assumption of static numbers of IS claimants contained in the Housing Transformation Programme, does the Minister consider that, when faced with weekly rent rises of between £35 and £80 over the next 5 years, more social housing tenants will be eligible and apply for IS, and if not why not?

**Answer**

I can assure members that tenants of the proposed Housing Company in receipt of Income Support will be fully protected from the impact of the rent increases as set out in P.33/2013.

Regulations will be brought to the States Assembly towards the end of 2013 setting out the specific changes required to the Income Support rental components, and these will be brought into force at the same time as the new rental policy is introduced. This is currently planned for April 2014.

The Minister for Treasury and Resources has confirmed that the additional cost of higher Income Support rates following the change in social rental policy will be fully reflected in additional funding for Income Support on an annual basis.

The Housing and Social Security Departments have investigated the household incomes of existing Housing Department tenants who do not receive Income Support, using existing sources of information. This analysis identifies that a small proportion of tenants are likely to become eligible for Income Support in the future, following a change of tenancy which will result in the 90% rent being charged for the new property.

As noted above, additional Income Support costs resulting from the proposed rent policy will be met by the Treasury through an additional budget allocation to the Social Security Department. (See, for example, R.15/2013 section 1.5.5)

**2.13 DEPUTY G.P. SOUTHERN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING CTPLUS JERSEY'S RECOGNITION OF THE TRADE UNION UNITE:**

**Question**

Will the Minister advise members whether there has been a failure on the part of the new bus service provider (CTPlus Jersey) to recognise the trade union Unite under the relevant code of practice of the Employment Relations (Jersey) Law 2005 and, if so, what steps, if any, has he taken or will he take to resolve this issue as a matter of urgency?

If this explanation involves any weakness in the lack of clarity in the code or the Law, will he undertake to correct it and, if not, why not?

Will he undertake to ensure that in the future following the transfer of an undertaking where the majority of staff are transferred, as in this case, a mechanism for automatic recognition is built into the process?

Does the Minister, having previously praised the good employment relations record of the parent company, consider that this latest episode reflects well on the company chosen to operate the Island's bus service?

### **Answer**

It is not within my remit to monitor the management of employees of LibertyBus, as they are not employees of the States of Jersey.

I can confirm though that I am not aware of any failure of the kind suggested.

I understand that there are negotiations between LibertyBus and its employees ongoing at the present time, on the subject of union recognition. This is entirely proper and in accordance with the Employment Relations (Jersey) Law 2007 and the codes relating thereto.

In the circumstances, it would not be appropriate for me to say anything further in relation to this, save as set out below.

In the event that defects in the Employment Relations (Jersey) Law 2007, or the codes relating to it, were identified it would be a matter for the Minister for the Department of Social Security to address these. I am not aware of any such defects.

I do not propose to try and second guess what kind of arrangements may or may not be appropriate in future transactions.

In relation to the final point raised, given my comment above regarding present negotiations it would appear that appropriate steps are being taken to meet the requirements of the Employment Relations (Jersey) Law 2007 and the codes that relate to it. On this basis, yes this does reflect well on the company.

## **2.14 DEPUTY G.P. SOUTHERN OF THE CHIEF MINISTER REGARDING THE DATE WHEN CODES OF PRACTICE COVERING THE TRANSFER OF UNDERTAKINGS PROTECTION OF EMPLOYMENT WILL BE INTRODUCED:**

### **Question**

Further to his response to my oral question on 16th April 2013, regarding the introduction of codes of practice covering the Transfer of Undertakings Protection of Employment (TUPE) equivalent to

or better than those in place in the UK, will the Chief Minister advise the date by which he will undertake to have such codes in place and, if not, why not?

If the date he has in mind is later than December 2013, will he explain the reasons for the delay?

**Answer**

This matter is basically the same issue that was raised under an oral question asked by the Deputy on 16th April 2013.

As a consequence, the answer is essentially the same in that draft codes of practice covering such matters are in the process of development and consultation with a number of pay groups and will be refined as part of the on-going work attached to the proposed incorporation of the Ports of Jersey.

Good progress is being made and the working group is continuing its work, which the group will endeavour to be completed by December 2013 when both the Employer and Unions are satisfied with the outcome.

**2.15 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHIEF MINISTER REGARDING THE USE OF 'ZERO HOUR' CONTRACTS:**

**Question**

Would the Chief Minister state whether the Council of Ministers are concerned about the increasing prevalence of 'zero hour' contracts and their association with 'casual labour' issues of decades ago?

Notwithstanding that such terms can be appropriate in certain circumstances, is the Minister concerned that some employers are using these contracts as an excuse for bad work management and would he also state whether he believes it appropriate and morally acceptable for States bodies to use such contracts?

**Answer**

There are no statistics on the use of zero hour contracts across the Island. As a consequence, it would not be possible to verify the premise of the question that there is an increasing prevalence of such contracts or whether their use was associated with working practices in previous decades.

As the Deputy states zero hours contracts are entirely appropriate for people who agree to be available for work as and when required but where no particular hours or times of work are specified. Examples of the appropriate use of such contracts include the use of Bank Nurses in Health and Social Services and Supply Teachers in the Education, Sport and Culture Departments respectively.

It is incumbent upon employers in the Island to use zero hours contracts appropriately and not to use them to cover work that is regular in nature. To do otherwise can result in Employment Tribunal claims in respect of the appropriate annual leave, recognition of bank holidays, unfair dismissal and redundancy.

In today's environment it is appropriate that State bodies utilise a number of different contractual and working arrangements which can include the use of zero hours contracts to the mutual benefit of the service and the affected individual.



**2.16 DEPUTY G.C.L. BAUDAINS OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE COST OF OFFSHORE WIND-MONITORING MASTS:**

**Question**

Would the Minister quantify the cost of purchase, installation, maintenance and removal of off-shore wind-monitoring masts and from which budget that will come?

**Answer**

The estimated costs associated with the off-shore wind-monitoring project can be broken down as follows:-

<b>Item</b>	<b>Cost</b>
Purchase of the wind-monitoring equipment, including the masts and radio and communication systems amounts to	£30,000
Installation	£10,000
Maintenance	£5,000
Decommissioning	£5,000
Contingency	£5,000
<b>Total Estimated Cost</b>	<b>£55,000</b>

Funding for this project will come from existing Department of the Environment capital budgets.

The Transport and Technical Services Department are assisting in this project and supplying the communication infrastructure and the Ports of Jersey will be providing transport to and from the reefs.

We are exploring the opportunity for a commercial partner to contribute to these costs in exchange for access to the wind data that will be captured, therefore the costs to the Department of the Environment may reduce.

**2.17 DEPUTY G.C.L. BAUDAINS OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE DECREASE IN THE BUS USAGE SINCE CTPLUS REPLACED CONNEX:**

**Question**

Given the 4% decrease in bus usage since CT Plus replaced Connex, would the Minister advise:

- a) whether he was aware at the time of awarding the contract that a similar problem existed in Guernsey, where the service is also operated by CT Plus?

- b) how many buses CT Plus are presently using (and their capacity) compared with Connex and whether he considers this adequate?
- c) whether he is aware of the problems unreliable buses pose to the travelling public, especially those trying to get to work?
- d) what steps, if any, he is taking to halt the decline in bus usage and the consequential migration of people into cars?

**Answer**

- a) Recorded trip numbers on Guernsey’s bus service have been reducing since the peak in 2010 when it carried 1.64 million passengers. Subsequently in 2011 numbers declined to 1.58 million (-3.7%) and then 2012 this weakening continued to 1.51million passengers (-4.6%). Guernsey advises that this trend appears to mirror the decline in visitor numbers to the Island. Similarly, in Jersey during 2012 Connex reported a corresponding decline.

Following the withdrawal at short notice of Guernsey’s incumbent bus operator Island Coachways, April 2012 the States of Guernsey selected CT Plus from a field of seven bus companies to partner with it under a two year contract to operate the buses and assist the States of Guernsey to develop a ‘long term future for the bus services’ to stabilise what had already become a service under duress. The Guernsey situation differs from Jersey in several important aspects, in that the States of Guernsey owns the vehicles, sets the fares, and takes responsibility for setting the routes and frequencies, retaining the revenue and associated risks. The core responsibility of CT Plus is to supply drivers and operate the buses.

Working with the States of Guernsey, CT Plus is in the process of introducing new initiatives for Guernsey, such as late evening buses and innovative travel pass products, to try and reinvigorate the market.

The statistical significance of a 4% decrease in Jersey’s recorded passenger numbers during the first quarter has yet to be established. It may be a continuation of the decline experienced by Connex, but is more likely to be attributable, at least in part, to the extended period of adverse and cold weather the Island suffered during early 2013, and the services’ teething problems which have largely been addressed by LibertyBus through the Spring timetable changes and will further be addressed through the forthcoming Summer timetable changes.

- b) LibertyBus have 90 vehicles available to them to deliver the public and school services, compared to Connex’s peak fleet strength of 84 vehicles. The LibertyBus fleet provides an additional 321 seats compared to that of Connex at the height of their operation.

The table below summarises the fleets of the two companies, detailing seating and vehicle capacities. Of the 84 Connex vehicles, the nine Mercedes schoolbuses had all been taken out of service by the summer of 2012, reducing their fleet to 75 vehicles and the overall seating capacity by 267 seats.

COMPARISON OF VEHICLE CAPACITY - CONNEX V LIBERTYBUS		
	Connex fleet	LibertyBus fleet

Vehicle type	Seats per vehicle	No. of buses	Total seats	No. of buses	Total seats
<b>Single Deck</b>					
Mercedes (schoolbus only)	27	3	81	x	x
Mercedes (schoolbus only)	31	6	186	x	x
Plaxton Pointer	41	10	410	10	410
Plaxton Pointer	37	6	222	6	222
Caetano Nimbus short	29	33	957	13	377
Caetano Nimbus long	41	2	82	2	82
Caetano Nimbus long	37	16	592	16	592
Caetano Nimbus long	34	1	34	x	x
ADL Enviro200 10.8m	35	5	175	x	x
Bluebird Orion Plus	17	x	x	4	68
Optare Solo SR	33	x	x	33	1089
<b>Double Deck</b>					
ADL Enviro400 2009	68	1	68	x	x
ADL Enviro400 2010	62	1	62	x	x
ADL Enviro400 2013	65	x	x	6	390
<b>Totals</b>		<b>84</b>	<b>2869</b>	<b>90</b>	<b>3230</b>

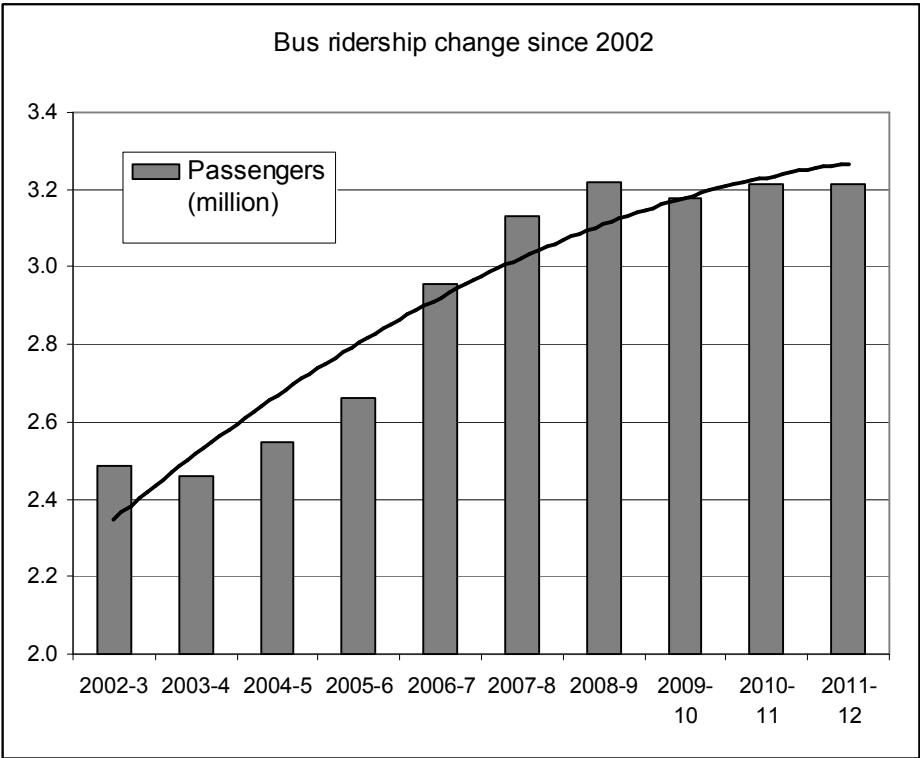
x = Vehicle type not operated

- c) I am acutely aware of the problems that unreliable buses can cause to the travelling public, particularly those travelling to work. This is why I as Regulator impressed upon LibertyBus that addressing punctuality is of the utmost priority. Since then, most of the teething problems which occurred at the start of the service have been addressed by LibertyBus through the Easter and forthcoming Summer timetable changes.

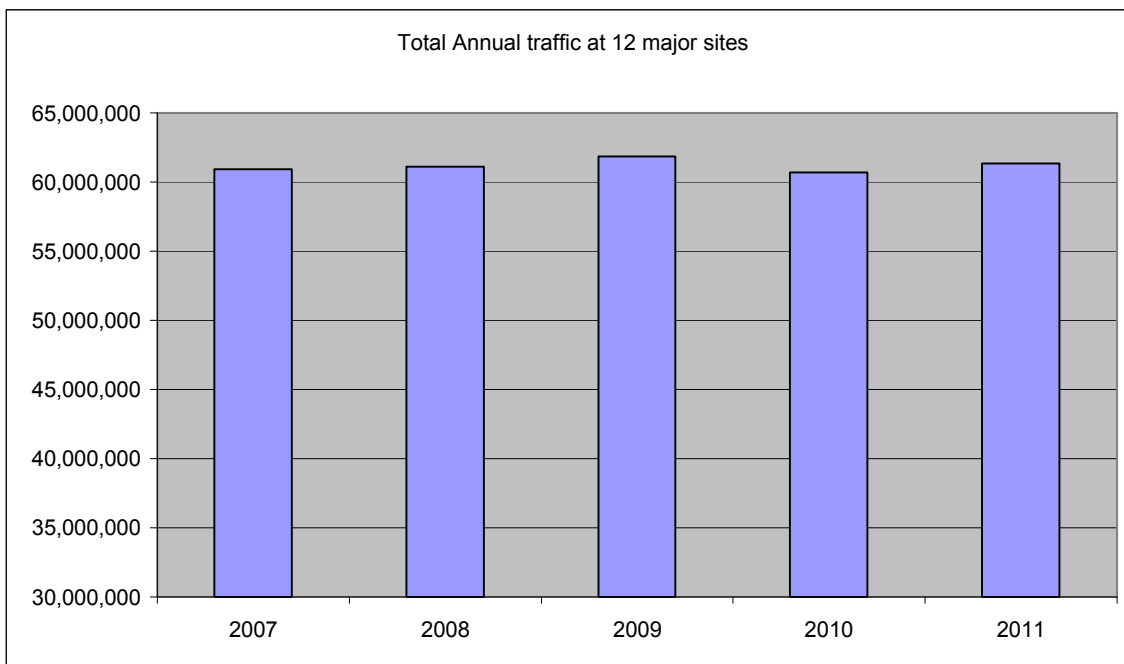
Initiatives such as the split in the Service 15 from a through route into two separate services, the 15 and 16, and the new and very popular X12 express service from the West have contributed significantly to improving reliability.

Further to this, following a contractual period of grace to allow LibertyBus to establish itself, I have incorporated into the Contract significant penalty clauses where unreliable services are identified. This information will be gathered automatically using GPS tracking equipment within the vehicles.

- d) Notwithstanding statistical fluctuations between some years, the overall trend for recorded passenger journeys on the bus network continues to rise as set out in the Chart below:



While contrary to what is asserted in the question, car use has remained static, despite the Island's population having increased by around 10,000 during the period 2001-2011:



To ensure that this trend of increased public transport patronage continues, I have instigated various initiatives as follows:

- The fleet operated by LibertyBus under the 2013 Contract is required to be one composed of high quality vehicles on all public routes, which provide a fully accessible, comfortable and modern environment for the passenger. This includes the provision of more leg room and both buggy and wheelchair spaces on the single deck buses used on the majority of the network, with luggage racks on the double deck buses serving the Airport
- LibertyBus are contracted to provide a 14% increase in journey miles by 2015, ensuring a higher overall level of service
- Introduction of earlier morning services
- Additional Sunday and late evening services
- Express services on routes where the highest demand exists
- Over 25 new bus shelters installed between late 2010 and spring 2013, compared to 6 in the previous decade, along with additional roadside timetable information display sites
- The provision by LibertyBus of more accurate ticketing data, to allow unmet demand to be identified and new routes instigated
- The introduction of electronic smartcard ticketing this summer to allow cashless transactions, both speeding up bus boarding times and allowing more attractive commercial offerings to be made to the public
- Extended opening hours of the passenger concourse at Liberation Station, to 10:00 pm since the start of 2013
- Improved consultation process, including regular parish meetings with passengers
- On-board audible and visual next stop announcements expected to be implemented across the fleet this summer
- Telematics systems to monitor and improve driving standards, facilitating more comfortable journeys, due to be installed this summer

This list is not comprehensive, but intended to highlight the kind of initiatives being undertaken.

## **2.18 DEPUTY G.C.L. BAUDAINS OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE SUPPLY OF SUPER-UNLEADED FUEL:**

### **Question**

Given that the supply of Super unleaded fuel has now been depleted at most garages, will the Minister explain why no public announcement has yet been made to direct those motorists who require such fuel to the supplies promised by the fuel companies?

Furthermore, given the way the fuel was withdrawn, would the Minister review how this information was communicated and explain what action, if any, he intends to take?

### **Answer**

Fuel Supplies (C.I.) Limited has issued several media releases to date with more scheduled for May.

Reporting on super unleaded availability has been covered by Channel Television and jersey.isle-news.com and can be viewed at the following links:

[http://www.channelonline.tv/channelonline\\_jerseynews/displayarticle.asp?id=504633](http://www.channelonline.tv/channelonline_jerseynews/displayarticle.asp?id=504633)

<http://jersey.isle-news.com/archives/rubis-offers-fuel-solution-for-super-unleaded-supply/16676/>

RUBiS has also written to car club members and information is available throughout the RUBiS forecourt network in the form of an FAQ.

Fuel Supplies (C.I.) Limited has also maintained dialogue with CICRA, States of Jersey, trade bodies and various motoring organisations throughout the process.

The continued supply of super unleaded involves the unorthodox importation of the fuel from France utilising large road tankers via ferry services followed by direct distribution to a limited number of RUBiS forecourts.

Motorists requiring supplies of Super Unleaded will only be able to access it via a special RUBiS Loyalty Card. The reason for requiring a card is to ensure that given the constraints surrounding the importation and distribution of relatively small quantities of fuel, there is sufficient supply for those motorists that can only use 98 Octane fuel.

Super Unleaded fuel is currently available from various forecourts in the Island and Fuel Supplies (C.I.) Limited has undertaken to continue to provide a limited supply to customers from at least two of their existing retailers.

The proposed solution for distribution is currently under review by Fuel Supplies (C.I.) Limited's logistics partners and site visits have been scheduled in May to ensure that the correct health and safety procedures and traffic regulations are complied with.

The withdrawal of super unleaded from the Island clearly caused some concern amongst consumers initially. However, given the requirement for the re-development of the La Collette Fuel Terminal and the declining demand for Super Unleaded (less than 5% of retail fuel sales), it appears that Fuel

Supplies (C.I.) Limited has responded well and is going to extraordinary lengths to ensure that an adequate supply will be retained in the Island.

It is of course also open for the remaining distributors to develop their own plans to continue the supply of super unleaded to their customers.

**2.19 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE IMPACT ON FUTURE HOUSING SUPPLY OF THE JERSEY DEVELOPMENT COMPANY'S 2012 REPORT:**

**Question**

Will the Minister inform the Assembly of the implications for the spatial and housing policies of the Island Plan 2011, and the Island's future housing supply, of the recent statement by the Jersey Development Company in their 2012 report (R.29/2013 refers) that "*there is unlikely to be any further residential development on the St Helier Waterfront for a few years*", and the actions, if any, he proposes to take to address those implications and compensate for this change of policy by the Company?

**Answer**

The implications of '*no further residential development on the St Helier Waterfront for a few years*' does not, on the basis of the evidence available to date, have any significant implications for the housing policies of the 2011 Island Plan but is a matter that is kept under regular review through the preparation and publication of annual Residential Land Availability statements.

The 2011 Island Plan estimated that the St Helier Waterfront might yield up to 1,000 Category B homes during the Plan period 2011-2020. It was envisaged that 600 homes might be developed here by 2015, with a further 400 being completed by 2020.

Nearly 400 homes have already been built on the St Helier Waterfront since 2011 (at Castle Quay I) and planning permission exists for the development of nearly 350 more here (at Zephyrus and Castle Quay II).

Having regard to the overall level of housing supply, as set out in the latest Residential Land Availability statement (as at January 2012), the situation with regard to the provision of Category B homes generally is considered to be quite healthy, with nearly 600 Category B homes having already been built since the approval of the Island Plan in 2011 and another 600 under construction, together with planning permission existing for the development of nearly 1,800 more. When this is set against the requirements for new homes, it indicates a healthy surplus of over 800 Category B homes.

As stated above, however, the situation is regularly monitored and another Residential Land Availability statement, to reflect the position as at January 2013, is currently in preparation.

**2.20 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE COST OF CONSULTANCY REPORTS ASSOCIATED WITH THE VARIOUS MACHINERY OF GOVERNMENT REVIEWS SINCE 1999:**

**Question**

Could the Chief Minister advise how many consultants' reports have been produced across all States' departments during the period of the Machinery of Government reforms from 1999 to date and how much each one has cost?

**Answer**

In order to answer this question comprehensively it will require a significant amount of work and officer time. I have arranged for officers to commence this task and will endeavour to provide the Deputy with the relevant information by the next States Sitting.

In the meantime, I refer the Deputy to relevant information which is already in the public domain at the attached link (<http://www.gov.je/Government/Consultations/>).

### **3. Oral Questions**

**Senator I.J. Gorst:**

Sir, before we start, Deputy Pitman has got a question 5, an oral question, this morning which is, I think, in effect, addressed to the Assistant Chief Minister who Members will know is unwell today, and therefore not able to join us in the Assembly. I wonder if the Deputy would mind deferring that question until the next sitting so that the Assistant Chief Minister ...

**The Bailiff:**

He is on défaut as opposed to malade. Nobody has informed the Assembly of his malade.

**Senator I.J. Gorst:**

Perhaps I can try and kill 2 birds with one stone. Firstly, could I beg the apologies of the Assembly for (a) being late myself but (b) I should have declared Senator Bailhache as malade.

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

The question was addressed to the Chief Minister. I know there is confusion about who is in charge but it was addressed to the Chief Minister.

**The Bailiff:**

We will come that in a moment when we get to question 5. Do you wish to affirm that Senator Bailhache is malade?

**Senator I.J. Gorst:**

I do, Sir, yes.

**The Bailiff:**

Very well, Senator Bailhache is marked as malade.

**Senator I.J. Gorst:**

With regard to the matter of the question, of course I am more than happy to answer the question. I thought it was simply common courtesy. The question is, in actual fact, about an action of my Assistant Minister and therefore I felt it was best answered by that Assistant Minister.

**The Bailiff:**

I think it is a matter for Deputy Pitman. If he wishes to maintain the question, it is up to him.



**3.1 Deputy M. Tadier of St. Brelade of the Minister for Health and Social Services regarding concerns raised about levels of care at Highlands Care Home in the past 2 years:**

Will the Minister advise whether any concerns have been raised about the levels of care at Highlands Care Home in the past 2 years, whether there have been any inspections at the home during that time period and if so, what the findings of those inspections were?

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

Highlands Care Home is registered under the Nursing and Residential Homes (Jersey) Law 1994. As required by this law, the home is inspected twice a year. I can confirm Highlands has been inspected in accordance with the statutory requirements. During inspection last year, concern was raised by the management at the home regarding a member of staff. This was investigated under the current safeguarding procedure. There were no current or outstanding regulatory actions in respect of Highlands. Information provided during inspection is given in confidence for the limited purpose of ensuring that the department has discharged its statutory functions. The Solicitor General has confirmed that there is no legal authority in law to disclose inspection reports and the department does not therefore have the legal power to disclose any details of these inspections.

**3.1.1 Deputy M. Tadier:**

The Minister confirmed that there had been concerns raised by management but can she say whether there have been concerns raised to her department by members of the public about levels of care at the home?

**The Deputy of Trinity:**

I do not have the exact details of that but I am happy to look into it. There is a policy that any family member of the resident can ask to see the inspection body.

**3.1.2 Deputy R.G. Le Hérissier of St. Saviour:**

Given the large amounts of public money that are often paid to these homes and, as we see in the U.K., in fact, money which ensures their survival, would the Minister tell the House how these homes are publicly accountable for the public money that is placed in them?

**The Deputy of Trinity:**

As a regulatory body, I wear 2 hats. The regulation and inspection is a statutory function which is very detailed looking at various aspects of fire, number of staff per patients, *et cetera*, as well as the other hat. We have an S.L.A. (Service Level Agreement) with care homes and residential homes if we need to, or we purchase contract spot beds, and we continue to monitor all the care and support that they need.

**3.1.3 Deputy R.G. Le Hérissier:**

I wonder if the Minister could be a bit more precise. If complaints are received, for example, and they fall within the S.L.A. or the non-adherence to the S.L.A., how does the Minister respond to this?

**The Deputy of Trinity:**

As I have said, if there is a complaint, then the regulatory and inspection body will go into nursing homes or residential homes to look at the complaints and proceed from there.

**3.1.4 Deputy J.G. Reed of St. Ouen:**

Will the Minister confirm whether criminal record checks are required for all staff working in care homes?

**The Deputy of Trinity:**

Yes, all care homes undertake robust recruitment procedures, and these are a detailed application form, full employment history, qualifications and experience, 2 references and since the beginning of this year, a criminal record check, and this was following advice from the Law Officers' Department.

**3.1.5 Deputy G.P. Southern of St. Helier:**

Would the Minister define for us what she sees as wearing 2 hats and if there is a conflict in her roles, as Minister, will she divest herself of one of those?

**The Deputy of Trinity:**

The 2 hats I was referring to as part of that is the statutory function, the regulation and inspection of all nursing and care homes as well as part of Community and Social Services with the S.L.A.s. With the Regulation of Care Law that is going to be coming to this House, hopefully by the beginning of January next year, that will change slightly because we will need to set up a Commission to look at the regulation and inspection function.

**3.1.6 Deputy G.P. Southern:**

Could the Minister please elucidate, because I do not understand whether she thinks that she has a conflict of interest presently and whether she is, in fact, getting rid of one of those roles?

**The Deputy of Trinity:**

No, because they are 2 separate functions. It might not be ideal in the Deputy's eyes but this is how it is at the moment and that is why the Regulation of Care Law, which is coming to this House hopefully by July of next year, is important, because at the moment it is only privately run nursing homes and residential homes that are regulated and inspected.

**3.1.7 Senator S.C. Ferguson:**

The Minister said earlier that she does not have knowledge of complaints. Does she not discuss these with her Chief Officer, since they are indicative of the success of the policies being applied?

**The Deputy of Trinity:**

Matter of inspections is the regulation and inspection. If there is a serious complaint, yes, I will be notified, because if the complaints are not addressed or there is still an ongoing problem that needs to come to me, because I will take some action.

**3.1.8 Senator S.C. Ferguson:**

Surely a regular discussion of complaints is more useful than just an occasional discussion of a major complaint?

**The Deputy of Trinity:**

As I said, the regulation and inspection body go into each nursing and residential home. If there is a complaint and serious complaints, yes, they do come to me and I do discuss them along with other residential and nursing homes and other organisations that we do regulate.

**3.1.9 Deputy M. Tadier:**

Senator Ferguson touched on my point. The Minister earlier said she does not have the exact details when I asked if concerns had been raised by members of the public. It is simply a yes or no and I am astounded that the Minister does not seek to find that information which the question is seeking before coming to this Assembly. Can the Minister really confirm, I think she knows as well as I do, that she has been approached by at least one member of the public, who is one of my

constituents, who has raised concerns that patients there have been left on their own, when alarms go off, that there are insufficient staff numbers, that there is a high level of staff turnover, that often clients come back home after respite smelling of urine, *et cetera*, and will she confirm that she is taking these concerns very seriously and acknowledge the fact that concerns have been raised, either directly or indirectly, to her department from members of the public?

**The Deputy of Trinity:**

Yes, I know the issue that the Deputy was talking about. As with any complaint, we take complaints very seriously, and the complaint goes to the inspection and regulatory authority who will address these complaints.

**3.2 Deputy G.P. Southern of the Minister for Housing regarding the mismatch between the projections contained within the Reform of Social Housing (P.33/2013) and population projections produced in 2012 following the 2011 Census results:**

Given that the scenario described in the 3 policy bullet points included on page 11 of the full business case associated with the Reform of Social Housing, P.33 of 2013, fails to match up with any of the population projections produced in 2012, following the 2011 census results, will the Minister state whether, in drafting the proposition, he sought input from the Statistics Unit and if not, why not?

**Connétable J.M. Refault of St. Peter (Assistant Minister for Housing - rapporteur):**

The increase in the overall population of the Island does not necessarily translate into an increased need for affordable housing. The need for affordable homes is a much more complex issue and one which is sensitive to economic fluctuations. For this reason, the Statistics Unit, the Planning Department and the Housing Department, jointly run the Housing Needs Surveys which aim to ascertain what the population's housing needs and aspirations are. The outputs from these surveys are validated against the Statistics Unit's population model, and they are reviewed annually and set out in the Planning Department's review of residential land availability on an annual basis. This document monitors the delivery of homes, including those on sites approved in the Island Plan and identifies the impact that insufficient or slow to emerge supply has on housing needs. Shortages in supply are dealt with in the Island Plan and in 2011, it was agreed that schemes on States land be brought forward as a means of meeting the level of need identified in the most recent Housing Needs Survey. It is these sites which form the basis of the growth in the new housing company's business case. I fully acknowledge, that even without widening eligibility criteria to include groups such as key workers, couples and singles under 50 without children, further sites are required to meet the growing demand, and I am working with the Minister for Treasury and Resources and the Minister for Planning and Environment to identify appropriate sites. The important thing about my reform proposals is that they will put in place the structure necessary to respond to the changing housing requirements of the Island. The housing company will have ...

**The Bailiff:**

I think, Assistant Minister, that is rather long for a concise answer.

**The Connétable of St. Peter:**

Thank you, Sir. I look forward to hearing the Deputy's questions.

**3.2.1 Deputy G.P. Southern:**

Within that extremely long answer, the Assistant Minister failed to address the question. Did the Assistant Minister seek to include the Statistics Unit in his debate of future demand or not? How much input was there from the Statistics Unit? There appears to have been none apart from these 4 paragraphs on housing numbers.

**The Connétable of St. Peter:**

I can go back to paragraph 2. Would you like me to read it again? I am sure you would not. I did state there that the Statistics Unit, Planning Department and Housing Department jointly and together, run the Housing Needs Surveys and those report back to us annually to determine the ongoing need.

**3.2.2 Deputy G.P. Southern:**

Is it the case that the Housing Needs Survey last completed, showed a demand for 400-plus of social rented units and the Assistant Minister's own waiting list indicates 800-plus social rented units and no reference is made to this in the entire 120 pages of the full business case contained in R.15?

**The Connétable of St. Peter:**

We do reflect the needed growth. The business plan shows an increasing 434 units of housing as part of the business plan for the new Housing Unit. The current level of actual need actively in the housing gateway stands at 1,304 from all different ranges from one-bedroom to 5-bedroom needs.

**3.2.3 The Deputy of St. Ouen:**

I would just like to ask the Assistant Minister, he speaks about the Housing Needs Survey, would he confirm whether the Housing Needs Survey measures current demand or future demand?

[10:00]

**The Connétable of St. Peter:**

The Housing Needs Survey does not measure future demand, it measures known requirements and the very limited trend from that. To project further forward without the proper data would be the wrong thing to do to come forward as part of the S.H.U. (Strategic Housing Unit).

**3.2.4 The Deputy of St. Ouen:**

Is that not the point that I think Deputy Southern is trying to make, and the question is whether or not the Statistics Unit have been involved in considering future requirements beyond those that we know currently?

**The Connétable of St. Peter:**

As I said before, the Statistics Unit are embedded with us and Planning to develop the ongoing need as they see it evolving.

**3.2.5 Deputy R.J. Rondel of St. Helier:**

The Assistant Minister mentioned that they are woefully short of sites, and that they are in discussions to bring further sites forward. When does he anticipate that this may happen?

**The Connétable of St. Peter:**

I would hope to see that happening sometime this year, but we are in the hands of the Minister for Planning and Environment and maybe a question later on could be addressed to him on that matter.

**3.2.6 Deputy G.P. Southern:**

Does the Assistant Minister consider that it is appropriate to bring forward his Housing Transformation Plan without any reference, apart from 4 short paragraphs, to the population for which he is supposed to be catering, given that he is bringing a 30-year plan? Has he ever seen a housing plan previously which did not talk in depth about the population that it was catering for?

**The Connétable of St. Peter:**

I wish life was that simple. As we already know, the population model is being developed by the Chief Minister's Department. That will have an impact on the ongoing growth or not of the population. If we were to work simply on a straight line graph on the current explosion of population, then we would be looking at something considerably larger than the reality will be in 30 years' time, which makes it very difficult to use existing trends to develop a future profile.

### **3.2.7 Deputy G.P. Southern:**

If I may, a final supplementary developing that answer. The reality is that the population model has been around for the last 6 months. Why is there no mention of any of the projections predicted by the Statistics Unit anywhere in this documentation? That surely is a failure of information which means that his plan is inadequate and incomplete?

### **The Connétable of St. Peter:**

I am getting in danger of repeating myself again. If we go back to paragraph 2 of my original answer, the Statistics Unit are involved and have helped to deliver the Housing Needs Survey and will continue to do so.

### **3.3 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding complaints investigated by the Jersey Police Complaints Authority, the Deputy Chief of the States of Jersey Police and the Professional Standards Department:**

Is the Minister satisfied with the way in which complaints made by serving and former police officers and the public have been investigated by the Jersey Complaints Authority, the Deputy Chief of the States of Jersey Police and the Professional Standards Department?

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

There have been no individual cases of disciplinary complaint against States police officers in relation to which I have been dissatisfied with the investigation. However, I do not become involved in individual disciplinary complaints against police officers, other than the Chief Officer and the Deputy Chief Officer. My responsibility is for oversight of the general police complaints system. Members of the Assembly will recall that there is currently underway a review taking place of the whole system in relation to disciplinary matters concerning States police officers.

### **3.3.1 Deputy M.R. Higgins:**

I find it amazing that the Minister for Home Affairs can make the statement that he has made. He has had repeated complaints to his office and to himself of delays on the part of the States of Jersey Police, even to provide people with information placed under subject access requests. He is aware of allegations of perversion of the course of justice and, as the Minister for Home Affairs, I would have thought he would have taken it on board to at least investigate. The question I am going to ask right now is, is it right that people who put in subject access requests, should be denied the information by the States of Jersey Police or inordinately delayed on it and, in the case of one person who made a complaint against the Deputy Chief Officer of Police, who gets a response from the Deputy Chief Officer of Police to say there is no case to answer. Is that good enough?

### **Senator B.I. Le Marquand:**

If there is a disciplinary complaint against the Chief Officer of Police or the Deputy Chief Officer of Police, then I will ensure that that is properly looked at. That is very much part of my province but the fact is that the whole area of subject access is a very complex one. It is one which is highly technical. There are inevitably going to be disagreements between people who want to get access to information and those who think that they should not for very good reasons. These are known to happen. The Deputy is, of course, aware of one particular case. I am aware of that particular case.

I wish the Deputy would come and see me about it rather than first asking questions in the Assembly in this way.

### **3.3.2 Deputy T.M. Pitman:**

The Minister for Home Affairs said if there is a complaint against the Deputy Chief Officer. Obviously, we know there is a complaint against the Deputy Chief Officer. Given that it would not fall to the Chief to investigate that, can the Minister then clarify if an outside police force has been brought in to investigate that?

### **Senator B.I. Le Marquand:**

When I receive a complaint against the Chief Officer of Police or the Deputy Chief Officer of Police, I have first got to decide as to whether there is a sufficient basis to warrant bringing in an outside force to do an investigation. As the Members of this Assembly know from previous cases, that is a very expensive exercise and so what I do, in many cases, is I ensure that there is a preliminary inquiry in relation to the matter, so I get some idea what it is about and as to whether there is a significant issue here which warrants going outside the Island. The point here is this, that in relation to complaints, sometimes people make complaints but they are not disciplinary complaints, so that is the first issue. The second issue is there may be some technical failure which has taken place which does not warrant disciplinary action, but just warrants correcting the system or whatever. This is why I go through this process initially, except in cases where there very clearly is an issue which must go outside the Island.

### **3.3.3 Deputy M.R. Higgins:**

Just first of all, I will just say I am not referring to one complaint about subject access requests. I have probably got about half a dozen. I have got about 12 people that I have been talking to who have got complaints against the States of Jersey Police and the current investigations and previous investigations. In fact, will the Chief Minister tell us then has he just recently received an external report about a complaint against the Chief Officer of Police, and if not, why not?

### **Senator B.I. Le Marquand:**

I thank the Deputy for my promotion to Chief Minister. I am still the Deputy Chief Minister and I am very grateful to hold that office as I always say on these occasions for a whole variety of reasons. The answer is I have not received an external report in relation to the current Chief Officer of Police.

### **Deputy M.R. Higgins:**

I will notify the Minister for Home Affairs what the complaint is about, and I will be asking the question next time and I hope that by then, he will have read it.

### **3.4 Deputy S. Pitman of St. Helier of the Minister for Transport and Technical Services regarding CTPlus' official recognition of the union:**

I would firstly like to thank the Minister for attending a long meeting last night with some bus drivers, and so I do know the answer to this question but for the benefit of colleagues and members of the public, I would still like to ask it. Will the Minister confirm whether CT Plus has fulfilled its obligation to officially recognise the union and if so, does he consider that this will represent a step towards resolving some of the service problems being experienced by both staff and customers since the company took over the contract?

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

I would refer Members to Code 1 of the Employment Relations (Jersey) Law 2007 which includes the following: "A trade union is recognised by an employer where it is agreed that the employer

and union will engage in collective bargaining for any purposes.” Collective bargaining is a process of conducting negotiations in relation to matters relating to the workplace. I hope that negotiations are speedily concluded. Several meetings have taken place and discussions are ongoing.

**3.4.1 Deputy S. Pitman:**

Will the Minister clarify precisely how long the process of concluding union recognition in his opinion should last?

**Deputy K.C. Lewis:**

Yes. There is, I believe, a series of meetings planned between the company and any union that wishes to represent the workforce. If negotiations break down after a series of meetings, then I believe J.A.C.S. (Jersey Advisory and Conciliatory Service) will be brought in to mediate.

**3.4.2 Deputy S. Pitman:**

How long does the Minister think the process should go on for?

**Deputy K.C. Lewis:**

Hopefully within weeks.

**3.4.3 Deputy G.P. Southern:**

Is the Minister aware that in the normal course of issues where there is a recognition dispute, the parties have 10 working days to agree a new bargaining unit, or else J.A.C.S. will be called in?

**Deputy K.C. Lewis:**

I believe J.A.C.S. have been notified of the situation. As I say, negotiations are ongoing.

**3.4.4 Deputy T. Pitman:**

I attended the meeting as well and it was very long, but hopefully helpful. Could the Minister advise whether he is aware of the fact that the company is attempting to break down the staff in a sort of divide and conquer process, where the drivers are trying to be isolated from other colleagues in an attempt to sort of break down collective bargaining and is he happy with that approach?

**Deputy K.C. Lewis:**

I am not aware of that approach but, as I say, as Minister for Transport and Technical Services, I think most of my workforce are members of a union. I do not have a problem with it.

**3.4.5 Deputy R.G. Le Hérissier:**

I wonder if the Minister could tell us: what are the key factors that determine whether or not a certain union is recognised?

**Deputy K.C. Lewis:**

This is down to negotiation between any proposed union and the company involved. This is not a company being taken over by another company. This is a completely new company, so the bargaining starts from scratch.

**3.4.6 Deputy R.G. Le Hérissier:**

The Minister knows there is a comparison in Guernsey. There was a bit of a long and arduous road to recognition. Could he tell us what lessons were learned from that situation?

**The Bailiff:**

I am not sure that the Minister is responsible for the Guernsey ...

**Deputy R.G. Le Hérissier:**

Same operator.

**Deputy K.C. Lewis:**

You took the words out of my mouth, Sir. I will be blamed for lots of things but not for Guernsey.  
[Laughter]

**3.4.7 Deputy M.R. Higgins:**

Is the Minister aware of the fact that the main players with CT Plus are devoutly anti-union, and have taken the view that they do not want to recognise the union under any circumstances?

**Deputy K.C. Lewis:**

I am not aware of that. I believe the parent company involved has, I think, about 19 companies in franchises throughout the United Kingdom, and I believe there is recognition there.

**3.4.8 Deputy S. Pitman:**

Is the Minister aware of the need for the urgency of these negotiations and recognition of the union, given the health and safety issues regarding the long hours worked and the split shifts?

**Deputy K.C. Lewis:**

Yes, I am aware that there are some drivers who are unhappy with split shifts and that is going to be looked into. As I said previously, I hope there is a speedy conclusion.

**3.5 Deputy T. Pitman of the Chief Minister regarding the Assistant Chief Minister (with responsibility for External Relations) and his access to confidential documents central to the suspension of the Dean's Commission:**

Further to concerns raised by a member of the public travelling on the same flight as the Assistant Chief Minister with responsibility for external relations, that he was able to identify details of both the victim and alleged abuser central to the suspension of the Dean's Commission case, did he receive these confidential documents in his official capacity as Assistant Chief Minister?

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

I have liaised with Senator Bailhache regarding this question, and he has confirmed to me that he has read no such document on a flight. The only document he has read on a flight is the independent review of a safeguarding complaint for the Diocese of Winchester published in March, which is available to all on the internet.

**3.5.1 Deputy T.M. Pitman:**

Given that the document that I was contacted about by a member of the public identified both the victim and the alleged abuser, can this be the same document, I would ask the Chief Minister, and has he bothered to check to find out if that answer is true?

[10:15]

**Senator I.J. Gorst:**

Hence my request earlier, as a matter of common courtesy. If the Deputy had follow-on questions which were outside the scope of this particular question, it might have been far better for him to address it to the person who is a Member of the States and can answer more fully than I can. As I have just said, the document that the Assistant Chief Minister read on the flight was the review which is in the public domain and all members of the public could read.

**3.5.2 Deputy M.R. Higgins:**



Will the Chief Minister tell us whether he received a copy of that report, that was different to anybody else, because certainly the document that I saw, the document that has been on the web, put it that way, did not state the name of the victim or the name of the perpetrator but members of the public did find out that information from that flight. How could that be if it was only that same document?

**Senator I.J. Gorst:**

I was not on the flight in question. I do not believe that the questioners were on the flight in question. I have, of course, read the public document and, if I recall correctly, it is a number of weeks since I read it, the individuals concerned were referred to by initials but I can only assume that those initials did not correspond to their actual initials, and therefore I do not quite understand how we have arrived at the question before us today.

**3.5.3 Deputy M. Tadier:**

I just wanted the Chief Minister to confirm that he is responsible ultimately for the political conduct of his Assistant Ministers when it comes to the remit of his own department, and the fact that the Assistant Chief Minister is not here today to answer those questions is immaterial, because it is ultimately the Chief Minister with whom the buck stops?

**Senator I.J. Gorst:**

It is and I have no problem with that. If the Deputy can provide me with evidence which is contrary to the answer I have given, then I will of course investigate that but I have no evidence or grounds to suggest that the answer I have given is incorrect in any way.

**3.5.4 Deputy T.M. Pitman:**

I have to say these glib answers do not do the Chief Minister any favours at all. In asking this final question, I would just like to apologise on behalf of the States to H.G. for totally inappropriate footstamping earlier, very very disappointing and disrespectful to the victim, but what I would like to say to the Chief Minister is, it seems to many that this is a clear breach of code of conduct and data protection and I would suggest to him that if you changed the name from Senator Bailhache to a Syvret, a Pitman, perhaps a Tadier, then there would certainly be some action on the Chief Minister's part. Perhaps he would be putting out a press release to criticise the action ...

**The Bailiff:**

Are you going to ask a question?

**Deputy T.M. Pitman:**

What will he be doing as Chief Minister? What action will he be taking to ascertain the true facts?

**Senator I.J. Gorst:**

As I have just said, if the Deputy has evidence which is contrary to the answer that I have given, then of course I would be delighted to receive it, but the report that all Members of this Assembly could have seen is in the public domain and the confirmation that I have from my Assistant Minister is that that is the document that he was reading on the flight. Therefore I do not, without evidence to the contrary of that, believe that there is any other action which needs to be taken.

**Connétable J. Gallichan of St. Mary:**

I am sorry to interrupt, Sir, but during that last "question", Deputy Pitman said he wanted to speak on behalf of the States of Jersey. I would like to say that Deputy Pitman does not speak on behalf of me.

**Deputy T.M. Pitman:**

I was saying the footstamping was not on behalf of me.

**Deputy M. Tadier:**

Yes, I would like to add the same. The footstamping earlier for the return of the Dean was not on my behalf.

**The Bailiff:**

We are in question time, please. We are not discussing that.

**3.6 Deputy S. Power of St. Brelade of the Minister for Transport and Technical Services regarding amendments to the current Motor Traffic (Third Party Insurance) (Jersey) Law 1948 relating to driving an uninsured vehicle:**

Can the Minister advise whether consideration has ever been given to amending the current Road Traffic (Third-Party Insurance) (Jersey) Law 1948, so that uninsured drivers are not only prosecuted for driving an uninsured vehicle but that the uninsured vehicle that is driven on Jersey roads can be impounded and immediately scrapped and if not, why not?

**Deputy K.C. Lewis (The Minister for Transport and Technical Services):**

I can advise that my department has considered this possibility of introducing such measures in the past. However, it was apparent that in addition to the necessary law changes, the infrastructure and immediate police access to the insurance database required to support such measures was lacking.

**3.6.1 Deputy S. Power:**

Does the Minister not regard the issue of uninsured vehicles as a major problem on Island roads, and has he ever had discussions with other Ministers on the Council of Ministers to bring forward a simple procedure so that the person driving the uninsured vehicle can have that vehicle impounded straightaway?

**Deputy K.C. Lewis:**

I have not had the discussion, but we do have an advantage over the U.K. inasmuch as we have the Insurance Windscreen Disc, which is instantly verifiable. We do not have access to the U.K. insurance database, which would be a major problem.

**3.6.2 Deputy M. Tadier:**

Does the Minister agree while impounding an uninsured vehicle may be a wise thing to do that it is not ecologically sound to immediately scrap a perfectly good working car, and that it is not the car's fault if it was being driven by an uninsured driver?

**Deputy K.C. Lewis:**

I can hardly argue with that one but cars are regularly impounded by States of Jersey Police and in the Parish Honorary Police for various infractions, and I believe that would be sufficient.

**3.6.3 Deputy J.A. Martin of St. Helier:**

Is it not about time as well, that the Minister looked at the actual fine for uninsured drivers which is, for some of the damage they can do, a pittance, and this might be another way, a subtler way and a fairer way of making sure people do get insurance as somehow they would have to pay in the end?

**Deputy K.C. Lewis:**

I would agree with that entirely, but believe that would be a matter for my colleague, the Minister for Home Affairs.

### **3.6.4 Deputy S. Power:**

I have to say that I do believe that this is an issue, and I do believe that the Minister has a solution to deal with uninsured drivers of uninsured vehicles. The Parish system of impounding vehicles is satisfactory. There is therefore a timed ability to find out whether the vehicle being driven by the driver is owned by the driver or whether it is insured by the driver. Would the Minister not agree with me that there is a great deal of time wasted, police officer time and court time, in chasing and prosecuting these people, and a strong disincentive to drive a vehicle such as an uninsured vehicle would work if he brought this forward?

### **Deputy K.C. Lewis:**

Yes, I believe many of the cars that have collected in Parish pounds are not collected and I believe it may be I think about a 6-week period. I think many of them are indeed scrapped.

### **3.7 Connétable P.J. Rondel of St. John of the Minister for Treasury and Resources regarding a recent 'spam attack' on Jersey Mail:**

Further to a media report on 21st March 2013, regarding a spam attack on Jersey Mail, is Jersey Mail wholly or partly owned by Jersey Post and who do the Information Services Directors report to?

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

I am advised that Jersey Mail is a free email service wholly-owned by Jersey Post. Responsibility for this service sits with Jersey Post, Director of Information and Computer Technology, who reports directly to the Chief Executive of Jersey Post.

#### **3.7.1 The Connétable of St. John:**

Can Members be told how many of these satellite companies are held by Jersey Post, their names and who the directors are, and whether they are 100 per cent or a lesser percentage owned or divided into shareholdings with other parties? Please give a breakdown.

### **Senator P.F.C. Ozouf:**

I do not think that Jersey Mail is a company. I think it is a business unit within Jersey Post. If I have got that wrong, then I will correct that later, but that is my understanding. Indeed, I would refer the Connétable to the annual report and accounts by Jersey Post, which are published and laid before the Assembly which set out most of the wholly-owned and partly-owned subsidiaries of Jersey Post and again if any of them are not, then I will correct that. Jersey Post, the Board of Directors, makes decisions in the best interests of the company. Sometimes they will have subsidiary companies as some other utilities do for specific purposes and specific businesses but that is I think set out in their annual report and accounts.

#### **3.7.2 Deputy R.G. Le Hérissier:**

We have the example of Jersey Telecom and the Gigabyte project. Does the Minister not think that this continual answer, inferred today that he is not responsible is getting to ridiculous extremes and that we need to review the whole relationship of these utilities to the States and what public accountability means?

### **Senator P.F.C. Ozouf:**

Deputy Le Hérissier is one of those Members who enjoys asking me questions about utilities and I enjoy answering them, but we are setting up organisations for better accountability and better focus. Yes, the Minister for Treasury and Resources is the shareholder and I regard my responsibilities and take them extremely seriously with the Treasurer and, indeed, with my Assistant Minister we have set up strengthened arrangements for utilities. We have memoranda of understanding, no

surprises policies, regular briefings, and there is a good interchange with the wholly-owned subsidiaries of the States of Jersey, and these will be further strengthened by Harbours and Airports, by the housing organisation. I have got no doubt that public ownership and national ownership means something. They are not independent trusts; they are not independent organisations and they effectively ultimately play the tune that is the strategic objectives of the Island so I do not understand what the Deputy says. If his issue is policy as opposed to implementation, these boards are there to implement and no, we should not politicise implementation. We should appoint people and let them get on with their jobs.

### **3.7.3 The Connétable of St. John:**

I understand where the Minister is coming from but like Deputy Le Hérissier, I have got some concerns, given in the past I have put questions in relation to the Jersey Electricity Company and they have a number of these satellite companies, and I have asked for details via the Minister in the past of these satellite companies, and he has refused to give any of the details quoting that because it is only a percentage shareholding, we cannot get to the bottom of where our money is being invested. Would the Minister please answer, would he now become open with us and allow us to know where our money is invested and what percentage of our money is invested in these satellite companies held within some of our quangos?

#### **Senator P.F.C. Ozouf:**

The Connétable protesteth a little too much I think. The J.E.C. (Jersey Electric Company) is a publicly quoted company. It has a level of transparency in terms of its affairs and in terms of its quarterly reporting and its annual report, which surpasses even that which we require of the wholly-owned subsidiaries. It is simply not correct to say that the Minister has not told the Connétable what the subsidiaries of Jersey Electric Company are. That is just simply not right. There are accounts which are laid before the Stock Exchange, laid before markets, which set out all of the wholly-owned subsidiaries, the partly-owned subsidiaries, the shareholdings of it, the boards of directors, *et cetera*. It is simply not correct and I think, with respect, this is way outside the question that was regarding a spam attack on Jersey Mail's postal email system.

### **3.7.4 The Connétable of St. John:**

The Minister is trying to hide yet again from answering a question that has come out of the reply he gave me. All I want to do is to be able to drill down into some of these companies, and make sure we are getting value for money, and yet the Minister is only willing to keep all this information to himself. We are elected; we are responsible to the people of this Island. The Minister is responsible to answer questions in this Chamber. Is that not correct through the Chair, Sir?

#### **The Bailiff:**

He is responsible for answering questions for matters for which he has responsibility.

#### **Senator P.F.C. Ozouf:**

Deputy Le Hérissier and the Connétable are getting most excited. Perhaps I will lend the good Connétable my iPad so he can look at the published report and accounts by the Jersey Electric Company and he can do his own research. He does not need to spend valuable time in this Assembly asking me questions about subsidiaries of the J.E.C. when they are already published, they are already online and they are there for not only him but the whole world to see.

### **3.8 Deputy G.C.L. Baudains of St. Clement of the Minister for Transport and Technical Services regarding changes to bus routes from 31st March 2013:**

Would the Minister advise whether changes to some bus routes did not occur on 31st March 2013 as advertised and if so, explain why, and identify whether the continuing problems with the service

lie with the operator, his department or himself and, if the latter, would he apologise to the public for the inconvenience caused?

[10:30]

**Deputy K.C. Lewis (The Minister for Transport and Technical Services):**

As stated in my answer to the Deputy's question 7544 on 16th April, a number of proposed enhancements to establish winter bus routes originally intended to take effect from 31st March 2013, at a time of year when winter services would normally remain unaltered, were replaced with the introduction of the Liberty Link group of services, following representations during the timetable consultation period from organisations and individuals. This change to the planned revision was able to be accommodated within a very short timescale and was being well received by those who commented on the original proposals. Some of the proposed enhancements are still due to take place and have been deferred until the next planned timetable change date of 27th May 2013 for the peak summer season proposals which are currently being consulted upon by Liberty Bus.

**3.8.1 Deputy G.C.L. Baudains:**

The *Gazette* of 14th February spoke of proposed changes, the Minister is quite correct, but then it went on to say: "The revised timetable will commence on 31st March" well, it did not, for the number 1A bus for a start, and now, as we are told, the same promise has been made for 27th May. Will that happen? We do not know. When will the Minister finally admit that CT Plus is unable to run a reliable service, compounded by the fact they appear to have a policy of not responding to passenger queries? When is the Minister going to get this service running properly, if possible?

**Deputy K.C. Lewis:**

I believe Liberty Bus have employed someone to handle all the consumer problems that have arisen. As I have mentioned previously, I believe that CT Plus, the parent company, have about 19 franchises throughout the U.K. so they do know how to run a bus company. I said they have had some problems, and Members are aware of the operational difficulties that have been encountered during the early period of the bus contract and, as regulator, I have impressed upon Liberty Bus, the service operator, that addressing punctuality and service is of the utmost priority.

**Deputy R.J. Rondel:**

Following the submission of my question, I believe that there may be potential conflict of interest and I would ask your ruling as to whether I may be able to ask it, Sir?

**The Bailiff:**

Well, I think it would be tricky for me to give a ruling when I am not entirely sure what the question is.

**Deputy R.J. Rondel:**

The question relates to large retailers and, being a director of a very good local farm shop [Laughter] I may be accused of having a conflict, and I ask for your ruling.

**The Bailiff:**

I think you could ask the question.

**3.9 Deputy R.J. Rondel of the Minister for Treasury and Resources regarding increasing tax rates for the largest U.K. retailers operating in the Island:**

Has any research been undertaken into increasing tax rates for the largest U.K. retailers operating in the Island, as was recently proposed in the Isle of Man's budget statement and, if so, what were the conclusions?

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

My friendly suggestion to the Deputy is that he should declare it, not advertise it. **[Laughter]** The Deputy will recall that I published a report in October 2012, on the matter of taxing a non-locally-owned non financial-services company. The report included an assessment of extending the scope of the 10% band, but found that doing so could result in Jersey's Zero/Ten regime falling foul of the E.U. (European Union) Code of Conduct, for a number of reasons. Firstly, Jersey has a greater proportion of companies paying 10% and 20% than the Isle of Man. To increase the scope could compromise Jersey's zero general rate of corporate tax for companies. As Members would expect, I have discussed the Isle of Man proposal with my counterpart, and we will keep under review the progress he is going to make with succeeding and getting approval of that with the Code Group, but I should say that, even if the Isle of Man is successful, a similar change for Jersey may not be code-compliant, as the Isle of Man is in a different position to Jersey because it has a greater scope for increasing its 10% band because of the limited scope of amount of companies, particularly financial services companies, that exist in our 10% band.

**3.9.1 Deputy R.J. Rondel:**

Would the Minister for Treasury and Resources accept that the Isle of Man has recently introduced this and that they are looking to raise approximately £3.5 million a year in additional tax from those retailers?

**Senator P.F.C. Ozouf:**

I can say - and I am sure that he will not mind me saying - I have discussed this, as the Deputy would expect me to, I have had extensive and helpful discussions, particularly having regard to the Deputy of Grouville's proposals, on this whole issue of 10% and zero rate, *et cetera*, and it is a very difficult issue. The Deputy is quite right to say that the Manx Minister for Treasury is aiming to raise about £3.5 million. I would say in the context of our corporate rate of tax, we raise approximately £70 million of corporate tax, which is a great deal greater than that of the Isle of Man, and so our position is different. We have always had a wider definition of what is within 10% of financial services than both Guernsey and the Isle of Man, and that puts us in the difficult position that it limits our ability to raise that scope even wider. I hope the Deputy understands this very important issue.

**3.9.2 Deputy M.R. Higgins:**

Addressing this point, we are not talking about financial services, we are not talking about extending the 10% to any other financial service, we are looking at large retailers, or even retailing, and there is nothing to stop the Island if it so wished, to tax retailers, large or small, from paying 10%, as long as we do not discriminate against any of them, because it would be compliant with the E.U. Code. So the Minister is being, I think ...

**The Bailiff:**

Careful, Deputy; you fall into the trap sometimes.

**Deputy M.R. Higgins:**

I do, but I just think that it is the usual spin, Sir, and he is trying to move away from what is the truth of the issue. He could do it if he wanted to; the truth of the matter is he does not want to.

**Senator P.F.C. Ozouf:**

That is absolute nonsense, and if the Deputy is going to challenge me in this Assembly he needs to raise his game in terms of what he is understanding. He is absolutely wrong when he says that it is simply possible to extend 10% to retailing, which I would welcome, and like to do unilaterally by myself or the Council of Ministers; it is simply not right. He does not inform the Assembly of the requirements to get the Code Group to accept our general system of tax, and he is wrong to simply say that it is an extension of just financial services which is possible to extend to retail. It is not just financial services, it is all companies, and it is the argument of how many companies in Jersey pay the zero versus the 10 that is important. If we compromise the general rate of zero of corporate tax, we will undo the authorisation and the support we have within the Code Group. I do not want to throw the baby out with the bath water of effectively doing away with £70 million of corporate tax in financial services, for effectively the much smaller revenue, which I would like to get but cannot get from retailing.

### **3.9.3 Deputy M.R. Higgins:**

A supplementary, Sir? What the Minister is saying to us is that if he increases the tax band in any way to other areas, it means that financial services will be more isolated, and then it will look as if we are discriminating against other types of business, but we are giving preferential treatment to the finance industry. What I would ask the Minister for Treasury and Resources to do is to publish his case for not extending it, setting out the arguments, and let us all see the arguments.

### **Senator P.F.C. Ozouf:**

Again, perhaps I could refer the Deputy to the detailed report that the Treasury published, and maybe he did not attend the briefings on the issue, last September, 2012, explaining exactly what the issues were with the Zero/Ten, responding properly and fully to the Deputy of Grouville's understandable and absolutely correct concerns about Zero/Ten. He really must raise his understanding. I say to him: read the report from 2012 and stop throwing bricks across the Assembly at me on this issue, this is not an easy issue to deal with. He also needs to look at the revenue that Jersey raises very successfully from corporate tax, which is much greater than our other Crown Dependency colleagues and, on balance, whether we have a system which serves this Island better. I make no observation of matters for the Isle of Man Parliament; they are a matter for them, but we are doing what is in the best overall interests of Jersey, having to deal with this tightrope issue of needing to be code compliant. It is not easy.

### **3.9.4 Deputy R.J. Rondel:**

With the talk of bricks, it sounds as though Deputy Higgins has raided Senator Ferguson's handbag [**Laughter**] but I would just like to thank the Minister for his answer and ask that he would continue to monitor closely the Isle of Man's situation with what they are doing.

### **Senator P.F.C. Ozouf:**

Willingly. I think I can say that both the Treasuries of Guernsey and Jersey will keep the Isle of Man progression of the retail tax under very close review, we watch it with interest and certainly, if we can gather more tax without compromising the general rate of zero then, of course, we will do so. The property tax review which is underway is also designed to deal again with the Deputy of Grouville's issues, and the Deputy's issues, about whether or not we can get more tax from businesses without compromising the Zero/Ten regime, which is so fundamental to our financial services industry.

### **3.10 Deputy R.G. Le Hérissier of the Chief Minister regarding the way in which the success of the public sector reform project would be measured:**

How will the success of the Public Sector Reform Project be measured?

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

The Public Sector Reform Programme has been designed to develop and implement more innovative, efficient, and less expensive government. I have asked Senator Maclean to take on the responsibility for political leadership for this far-reaching programme, which will ensure that the public service is reshaped to provide States services which ensure value for money across 4 key parameters: service, quality, cost and outcomes. Specific measures across all these parameters will be established, to ensure that the public can see transparently the value of the programme. Senator Maclean is in the process of establishing an oversight board to ensure that such measures will be both quantitative and qualitative to safeguard the integrity of the programme.

**3.10.1 Deputy R.G. Le Hérisier:**

In a statement in the media the Director of Human Resources said that he would be able to identify where savings could be made. I wonder, in receiving those assurances from the Director, could the Chief Minister tell the House in which areas he has identified where he can make precise estimates of savings that would be made?

**Senator I.J. Gorst:**

I sometimes know that my voice can be monotonous, but I think I have already answered in my earlier comments: they are in the process of establishing those criteria and it is a little too early but, in very short order, we will be able to put amounts upon it.

**3.10.2 Deputy G.C.L. Baudains:**

Following the comprehensive presentation States Members had on this issue - I think it was 18 months ago now - as far as I can see, nothing tangible has happened. Would the Chief Minister agree with me in relation to the question: "How will the success of public sector reform be measured?" that it is not very difficult to measure nothing?

**Senator I.J. Gorst:**

I could not disagree more with the Deputy. Lots of things have been happening, as I answered at the last States sitting, and there are and will be criteria put in place. It is slightly too early today to be able to quantify the amounts, but be in no doubt that we will see savings, yet bear in mind that costs can be either a cost saving, a cost avoidance, which is just as important to ensure that States expenditure does not continue to grow in perhaps the way it has in the past, and also dealing with opportunity cost. So we do agree. I understand that some Members are slightly less patient perhaps than myself to get the numbers, but that will be part of the process in very short order.

**3.10.3 Deputy R.G. Le Hérisier:**

Does the Chief Minister not think it odd that, despite all the soothing words he has just presented to us, surely, having enhanced the Human Resource Department in a very big way, he had some concrete questions that he asked and he received concrete answers, not bricks? Would he not acknowledge, it seems very strange that, based on the immense experience there, all he can offer us is soothing words and not real promises, as wanted by Deputy Baudains?

**Senator I.J. Gorst:**

Absolutely not, I am slightly surprised at the Deputy because I know that he does research, anybody that has looked at large reform programmes across complex organisations understands that there is a process to be gone through, because you can quantify the financial savings, and it is very important that we are going through the process of engagement, and I spoke at the last States Assembly about that, but be in no doubt about our commitment and Senator Maclean's commitment, that the outcomes will be, we have no doubt, integration of existing functions, a reduction in the number of States offices, reduced transaction costs by changing to online



processes, an integrated I.T. (information technology) platform which lead to reduced costs, a more flexible, mobile and responsive workforce, the right size workforce ...

[10:45]

So we are, I believe, working in the same direction, but it is a process that we must go through and we must engage and take people with us on this journey.

**3.11 Deputy S. Pitman of the Chairman of the Privileges and Procedures Committee regarding the dual role of the Bailiff:**

Given that the dual role of the Bailiff can result in his disallowing, on the grounds that it breaches Standing Order 16, a personal statement from an elected Member criticising the judiciary, including the Bailiff as head of the Judiciary, will the committee be bringing forward proposals to address the role of the Bailiff and, if so, when?

**Connétable A.S. Crowcroft of St. Helier (Chairman, Privileges and Procedures Committee):**

The Privileges and Procedures Committee has established a Carswell subcommittee and terms of reference for the subcommittee were agreed last Thursday. I envisage that the subcommittee will take several months to complete its work. The outcome of the work will be reported to P.P.C. (Privileges and Procedures Committee) and subject to the approval of the committee to the Assembly in due course.

**3.11.1 Deputy S. Pitman:**

Does the Chairman not agree that this point is a clear and perfect example of how the dual role of the Bailiff is in complete conflict with a transparent and accountable democracy?

**The Connétable of St. Helier:**

I do not want to say anything that would prejudice the findings of the Carswell subcommittee, but my own opinion is that the Bailiff is required to apply the rules in Standing Orders when asked to approve draft questions, personal statements and so on, and must give reasons under Standing Orders when he rules that something is out of order. P.P.C. has no evidence that the Bailiff takes decisions on anything other than this basis, and he would not be able to justify a decision that was not taken without proper reference to standing orders. Any Member who feels that a decision of the Bailiff is wrong is free to lodge a proposition to challenge that decision.

**3.11.2 Deputy M.R. Higgins:**

Would the Chairman tell us who the Members are of the subcommittee looking into the Carswell item?

**The Connétable of St. Helier:**

Yes. I am chairing the subcommittee, and the other Members are Deputy Martin and Deputy Tadier.

**The Connétable of St. Mary:**

My question was just asked, Sir. Thank you.

**3.11.3 Deputy T.M. Pitman:**

Obviously, it is worrying enough in a small Island where you have the Island's only newspaper calling to suppress the fact that they were allowed a rather friendly Jurat to sit on the court case, however, it surely has got to be deeply worrying that responsibility for refusing to have a perfectly legitimate statement, and obviously that is going to be subjective on opinion, can be made calling on the person who is ultimately responsible for the Judiciary. Why is there not something in place,

or is there a method in place, where an appeal can happen now so that the person is taken out of the firing line; the Deputy Bailiff, likewise?

**The Connétable of St. Helier:**

I think I have already addressed this question in my previous remarks: that the Members of the Assembly do have a route open to them if they are dissatisfied with any ruling by the Chair.

**3.11.4 Senator I.J. Gorst:**

Could the Chairman confirm that he and P.P.C. are satisfied that the current President of the Assembly makes decisions in line with Standing Orders, and therefore the premise of this question is unfounded?

**The Connétable of St. Helier:**

Yes. Again, I think I have already said exactly that to the Assembly. I am happy to repeat it.

**3.11.5 Deputy S. Pitman:**

Bearing that in mind, does the Chairman of P.P.C. not feel that it is important for public perception that the States of Jersey, including the Bailiff's role, is seen to be free of conflict and impartial?

**The Connétable of St. Helier:**

Yes, I do agree that that is the case and I believe that it is what happens at the moment.

**3.12 The Connétable of St. John of the Minister for Economic Development regarding the employment licence granted to the Jersey Rugby Club:**

Would the Minister advise whether the Jersey Rugby Club has been granted a licence to employ professional rugby players on non-local contracts and, if so, would he provide details of how many players have been employed on this basis, the length of each contract and whether the players concerned have brought over their families?

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

I can confirm that the Jersey Rugby Club have a licence under the Regulation of Undertakings and Development (Jersey) Law, to employ up to 30 non-locally qualified players and coaches and, as at 31st December 2012, they were employing 11. The majority of non-local players are here on one-year contracts with a small minority on 2-year contracts. As to their family arrangements, that is wholly a matter for the players and coaches, however, I understand that the vast majority are single and tend to share accommodation.

**3.12.1 The Connétable of St. John:**

Could the Minister say when the original licences were applied for and issued to employ up to 30 staff?

**Senator A.J.H. Maclean:**

Not off the top of my head, no I cannot.

**3.12.2 The Connétable of St. John:**

Is it not usual that the Minister comes briefed on all aspects of a subject that he is being questioned on, and does not give the vague answer that we have just received?

**Senator A.J.H. Maclean:**

I am fully briefed, but the Connétable will appreciate that the level of detail ... I have just mentioned there are 30 non-locally-qualified individuals, I do not have details on each and every one. What I can tell him is that there was an increase in the licensing as a result of an application in

October of last year, which increased the number from 24 to 30 non-locally-qualified, in response to the challenges that the Jersey Rugby Club is facing in the championship this year.

**3.12.3 The Connétable of St. John:**

Possibly the Minister could tell us, then, when the rugby club became a professional club and would that have been the time that they applied for the licences?

**Senator A.J.H. Maclean:**

The Connétable asks a very relevant and interesting question because, in fact, the rugby club is professional; all players, including local players, have professional contracts with Jersey Rugby Club, and I think that should be applauded by everyone: the standard which Jersey Rugby Club has reached and the level at which they are planning.

**The Connétable of St. John:**

The Minister did not answer the question. I asked when it became a professional rugby club.

**Senator A.J.H. Maclean:**

This season is the first season when all players are on full and professional contracts.

**Senator L.J. Farnham:**

As the Minister is fully briefed, I just wondered if he could remind us of all the fixtures, the scores and the try scorers as well, please? **[Laughter]**

**3.12.4 Deputy M. Tadier:**

Can the Minister confirm that, were the licences not to have been issued, that these posts would not have been filled by locals?

**Senator A.J.H. Maclean:**

There are a number of locals who are playing in Jersey Rugby Club at this high level; in fact, again, that is something to be applauded, but clearly, playing in a championship, we are not going to have a squad able to compete at that level unless we bring talent into the Island. I think the point to make is the incredible infrastructure that Jersey Rugby Club had put in place: the Academy, with 600 or 700 children starting at 7 years old. Some of these kids who have come through are now playing for Jersey Rugby Club. In the future the club itself, and certainly from my point of view, and I am sure Members agree, we want to see more of our youngsters playing in championship and premiership **[Approbation]** and I have no doubt that will happen. In fact, if I may, I would just add that we are seeing local players ... one Academy player who played this season for Jersey Rugby Club has now been transferred to a club that is playing in the play-offs and hopes to be in the premiership.

**3.12.5 The Connétable of St. John:**

Given that the Minister is not briefed sufficiently well enough, I will not put any further questions. **[Laughter]** But I can say there were 17 professionals on the radio this morning.

**Senator A.J.H. Maclean:**

If I may, I would just like to thank the Connétable for his final question, and to take the opportunity to congratulate the Jersey Rugby Club on its success in maintaining the championship, and I am sure Members will agree **[Approbation]** and wish them success for next season.

**3.13 Deputy G.C.L. Baudains of the Chairman of the Privileges and Procedures Committee regarding the way in which the States Assembly would be constituted with 42 members:**

Would the Chairman agree to provide in advance of any debate resulting from the referendum, greater detail and clarity, together with supporting research, as to how the States Assembly will be constituted with 42 Members?

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

Yes, we will.

**Deputy G.C.L. Baudains:**

I am grateful to the Chairman for his answer.

**3.13.1 Deputy G.P. Southern:**

When?

**The Connétable of St. Helier:**

That is a much more difficult question to answer. The committee at its last meeting, agreed to ask our officers to prepare the necessary legislation to enact the wishes of the public, as shown in the referendum; we are hopeful that will happen within the next few months, but it really is a matter of how much work there is to be done.

**3.13.2 Deputy G.P. Southern:**

When are we likely to see preparation indicating how the States Chamber will be structured with 42 Members? Will it be well in advance of any proposition being debated?

**The Connétable of St. Helier:**

Yes, as indeed in my short reply to the questioner, we will provide information in advance of any debate. We have already received correspondence from some members of the public about the outcome of the referendum, and we will be considering that at our next meeting.

**3.13.3 Deputy R.G. Le Hérisier:**

Could the Chairman confirm that the Troy Rule will be an integral part of the package which his committee will be bringing forward?

**The Connétable of St. Helier:**

If the Troy Rule is maintained, an Assembly of 42 Members would be made up by a maximum of 18 Ministers and Assistant Ministers and 24 Members who were not. When deciding to take forward option B at our meeting last Thursday, Privileges and Procedures agreed that, until any decision is made to the contrary, the draft legislation should be prepared on the basis that the Troy Rule with these numbers will remain in place.

**Deputy M. Tadier:**

I do not need to ask the question.

**3.13.4 Senator P.F.C. Ozouf:**

Would the Chairman agree that the report that the subgroup on ministerial government that has been made public this morning, R.39, is relevant to this whole issue, and would he congratulate his subcommittee on what seems to be an excellent report, welcoming and strengthening machinery of government in the context of the new Assembly?

**The Connétable of St. Helier:**

Yes. I am certainly happy to do that and I am very grateful to the Members, not only from P.P.C. and Deputy Tadier, who has chaired the subcommittee, but to Members across the States who have

participated in extensive work on the subcommittee, and I commend their report, which is on Members' desks this morning.

**3.13.5 Deputy T.M. Pitman:**

As I advised the Chairman, there is going to be a move to the Parish Assembly to put an official request from the people of St. Helier, to ensure they have democratic voting equality with their country cousins. Even taking that on board, can the Chairman assure us that some sort of liaison is going on with the Chief Minister with regard to all these various Ministers that he wants and how that can possibly work with the Troy Rule? Without that liaison, I do not see how we can come up with any sort of workable picture.

**The Connétable of St. Helier:**

It is a matter for the committee, and I am sure that we will take on the board the Deputy's suggestions at our next meeting.

**3.13.6 Deputy J.H. Young of St. Brelade:**

In view of the interest from members of the public, who included in their submission to the Electoral Commission issues to do with the machinery of government, and expressed concern over the number of Members and the impact on that, will the Chairman ensure that the subcommittee's report and the issues identified in that are given appropriate publicity so that when he comes forward with his solutions we can be sure that they are soundly based?

**The Connétable of St. Helier:**

I will certainly do that, but I would also respond by pointing out that the Electoral Commission received over 300 submissions, the vast majority of which asserted that there were too many States Members, and also remind the Deputy that both of the reform options in the referendum recommended a smaller Assembly. But we will, of course, take on board his concerns.

**3.13.7 Deputy C.F. Labey of Grouville:**

Does the Chairman not agree that if the Troy Rule is not accepted or adhered to in the future, that the only democratic way of proceeding would be through party politics?

**The Connétable of St. Helier:**

As I said in one of my earlier answers, the committee believes that the Troy Rule, in the absence of any move to the contrary, will be in place as we move forward with the drafting of the implementation of the referendum decision.

**The Bailiff:**

Do you wish a final question, then, Deputy Baudains?

**Deputy G.C.L. Baudains:**

I have no further question, Sir; it has been fully ventilated.

**3.14 Deputy T.M. Pitman of the Minister for Home Affairs regarding the States of Jersey Police's action in relation to 3 plots to kill Islanders since 2010:**

Further to statements from the States Police that they have had 3 plots to kill Islanders since 2010, will the Minister clarify whether this number is correct, what action was taken against those making the alleged threats, and under what laws these actions were enforced?

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

Following a Freedom of Information request, the States of Jersey Police revealed to the *Jersey Evening Post* that there had been 3 occasions since 2010 where there had been an assessment, based upon intelligence received, of a very high risk of danger to a person's life.

[11:00]

The *Jersey Evening Post* sub-editor then created a colourful headline which was worded in the way set out in the question. The assessments of risk here were based upon intelligence which, although sufficient to identify the person who needed to be protected, were insufficient to bring a successful prosecution. Sometimes in such cases the information is insufficient to even identify the precise source of the threat.

**3.14.1 Deputy T.M. Pitman:**

Obviously one only has to look back a couple of years to see a documented conviction for a gentleman making a threat of death to members of the public. Initially, I know for a fact, that was only going to be progressed through a Parish Hall Inquiry. Could the Minister tell us is that the normal procedure for such serious threats to members of the public?

**Senator B.I. Le Marquand:**

I am so sorry, I did not completely hear the question. It was not the Deputy's fault; there were 2 bouts of coughing which went right across some of his words. I did not pick up what was the particular incident that he was referring to.

**Deputy T.M. Pitman:**

I was referring to the fact that in 2011 a gentleman, if I can call him that, was convicted in the court for making a death threat to a family where a former politician was staying. Initially, that procedure was only going to be done through a Parish Hall Inquiry; what I am asking the Minister is: is that the standard reaction to a death threat?

**Senator B.I. Le Marquand:**

I can only speak on behalf of the States of Jersey Police and it is their role to identify incidents and to investigate them and to produce files for prosecutors. I think, if there is criticism here, it would be criticism of the first thoughts of a prosecutor in relation to how to deal with this, but I take the view that death threats should always be treated seriously. As I say, I am not responsible for the behaviour of prosecutors.

**The Bailiff:**

Does any other Member wish to ask a question? Do you wish to ask a final question, then, Deputy?

**3.14.2 Deputy T.M. Pitman:**

Indeed, Sir. That case is documented, we all know it is a [*Name omitted from the transcript in accordance with Standing Order 109(7)*], it is in the public domain; we cannot name Curtis Warren and not someone who makes death threats to people. The police were subject to another complaint just at Christmas, a death threat to another member of the public from the same person, no action taken. Indeed, the member of the public was not even got back to by the police.

**The Bailiff:**

Deputy, Members are not meant to mention names unless it is unavoidable and central for the question to be understood.

**Deputy T.M. Pitman:**

I think it is, Sir.

**The Bailiff:**

No, it is not, you can simply ask the question as a matter of principle.

**Deputy T.M. Pitman:**

I always take your advice, Sir but, given the fact that the person in question is receiving taxpayers' money, it is a very serious question as to why these serious threats are not being taken seriously. It is worrying to many people.

**The Bailiff:**

That is a proper question, but you do not need to mention the name in order to do it.

**Senator B.I. Le Marquand:**

As I said before, the role of the police is to investigate matters and produce a file for the prosecutor to consider as to whether there is a sufficient basis for prosecution. I know nothing of the detail of this case because, as Members of this Assembly know, it would be improper for me to get involved in individual investigations.

**The Bailiff:**

Deputy Pitman, it appears to me that mention of that name was clearly in breach of the standing order, so I am going to direct it be withdrawn from the Hansard.

**Deputy T.M. Pitman:**

Could I just ask your explanation then, because regularly Members name Curtis Warren, *et cetera*; I just do not understand how the things differ sometimes. I am just asking so I do not make the same mistake again.

**The Bailiff:**

I cannot remember the context in which the reference to Mr. Warren was made, but it is a question of whether the subject can be discussed sensibly without mentioning the name, that is the test laid down in standing orders. Your question could be posed without reference to the name, whereas if it is a discussion of the outcome of Mr. Warren's trial then, clearly, that cannot be discussed without referring to the Warren trial. Very well, we come to the next question then which Deputy Southern will ask of the Minister for Transport and Technical Services.

**3.15 Deputy G.P. Southern of the Minister for Transport and Technical Services regarding the dispute over union recognition at CTPlus:**

What action has the Minister taken, or will he take, to bring the dispute over union recognition at CT Plus to a satisfactory resolution as soon as possible and, if not, why?

**Deputy K.C. Lewis (The Minister for Transport and Technical Services):**

I would refer Members to my answer to Deputy Southern's written question 7603, and I believe this has largely been covered by my response to Deputy S. Pitman earlier. I would also refer to Code 1 of the Employment Relations (Jersey) Law 2007, which includes the following in paragraphs 3, 4 and 12; 3: "A trade union is recognised by an employer where it is agreed that the employer and union will engage in collective bargaining for any purposes"; 4: "Collective bargaining is a process of conducting negotiations in relation to matters relevant to the workplace"; and 12: "Where an employee or group of employees are represented by a trade union and the union seeks recognition from an employer with respect to these employees, then it is recommended that both parties engage in a process of discussion and negotiation with a view to agreeing the most appropriate way forward to formal recognition. The J.A.C.S. is available to assist in this process when these parties so request."

**3.15.1 Deputy G.P. Southern:**

Does the Minister consider that, since he chose and promoted this company based partly on their good record on employee relations, including union representation, he was misled?

**Deputy K.C. Lewis:**

No. As previously mentioned, I believe they run up to, I think, 19 franchises in the U.K. and there does not appear to be a problem. I repeat, it is going through the process at the moment; if agreement cannot be reached, it will go to J.A.C.S. and I also repeat I would hope for a speedy resolution.

**3.15.2 Deputy G.P. Southern:**

Will the Minister accept that hope may not be sufficient in this particular case and will he give his best endeavours, which is a phrase he likes to use, to ensure a resolution in an appropriate timescale?

**Deputy K.C. Lewis:**

It is not in my hands. I believe that there is a process, as I have mentioned previously, that they can go through. They have had, I believe, 2 meetings at the moment, from which have parted, I believe, amicably, I am informed, if they cannot reach agreement it goes to J.A.C.S.

**3.15.3 Deputy G.P. Southern:**

Could the Minister explain to Members exactly what he understands is the company's objection to recognising the union immediately, because they definitely represent the vast majority of all employees employed by CT Plus?

**Deputy K.C. Lewis:**

I have no knowledge of how many people are recognised or how many people are in the union but, as I say, there is a process to be followed and hopefully it will be followed swiftly.

**Deputy G.P. Southern:**

Will he seek that answer?

**Deputy K.C. Lewis:**

Certainly. I speak to - that may be a Freudian slip there - CT Plus on a regular basis, and I am more than happy to ascertain that information as to whether there is anything in particular they are unhappy with.

**3.16 Deputy M.R. Higgins of the Chief Minister regarding action taken by the Data Protection Commissioner relating to a complaint against the States of Jersey Police:**

Is the Chief Minister satisfied with the action taken by the Data Protection Commissioner relating to a complaint, and I must stress this is singular; my actual question was plural. It says: "Is the Chief Minister satisfied with the action taken by the Data Protection Commissioner relating to complaints alleging the States of Jersey Police's failure to disclosure information allowed under the Data Protection (Jersey) Law 2005, and within specified timescales?"

**Senator I.J. Gorst:**

Sir, I would ask my Assistant Minister, with political oversight of data protection, to answer this question. Thank you.

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



I am satisfied that the Data Protection Commissioner acts in accordance with the policies and statutory requirements under the Data Protection Commissioner's office functions. The Data Protection Commissioner receives full co-operation from the States of Jersey Police Force regarding any requests for information in connection with data protection matters.

**3.16.1 Deputy M.R. Higgins:**

Supplementary? How can it be classed as full co-operation of the States of Jersey Police, when the people who complained or sought information from the police, who can expect normally to have it under the law in 40 days, did not receive it till after 365 days and, in some cases, have still not yet received it? So how can the Commissioner be said to be satisfied and how can the Commissioner be said to be doing their job if that is the case?

**Senator P.F. Routier:**

The Deputy is referring to a particular case. If he would like to discuss that matter with myself and the Chief Minister and the Data Protection Officer, we would be happy to meet with him and discuss it.

**3.16.2 Deputy M.R. Higgins:**

A supplementary, Sir, again. You might have to discuss 12 cases because there are quite a number of serious complaints about the lack of co-operation from the States of Jersey Police with a request for subject access and to investigate criminal action.

**The Bailiff:**

So the question, Deputy, is ...?

**Deputy M.R. Higgins:**

I will have to bring up all 12 if we do have a meeting.

**The Bailiff:**

That does not sound very like a question, but ...

**Deputy M.R. Higgins:**

Will he meet me on that basis?

**Senator P.F. Routier:**

I will be happy to meet with the Deputy on any complaint he has regarding the Data Protection Commissioner.

**3.16.3 Deputy R.G. Le Hérissier:**

On the principle of who guards the guards, would the Assistant Chief Minister tell us if anyone does have a complaint, notwithstanding some of the excellent work carried out by the D.P. (Data Protection) Commissioner, who would they go to for a truly independent hearing of that complaint?

**Senator P.F. Routier:**

At the last sitting I answered a question in relation to complaints procedure. The complaints procedure is published on the Data Protection website and it is very clear. It is a public document; any person who is dissatisfied with actions of the Commissioner may complain to the Chief Minister. Any person who is dissatisfied with actions of the Commissioner's staff may complain to the Commissioner. There is a full process that is laid out on the website of how to complain and it is very open and it is there for anybody to follow.

**3.16.4 Deputy R.G. Le Hérissier:**

A supplementary? Notwithstanding some of the excellent work performed by the Chief Minister, could the Assistant Chief Minister tell us what precise process is followed when the complaint lands on the Chief Minister's desk?

**Senator P.F. Routier:**

I have not experienced that as yet because no complaint has been made to the Chief Minister, but the process is there to be followed and we will follow it if and when it ever happens.

**3.16.5 Deputy G.P. Southern:**

Does the Assistant Minister accept that a delay of up to and beyond 365 days is totally unacceptable for the resolution of such a request, and does he believe that, if that is the case, then the standards achieved by the Police Department are completely unacceptable?

**Senator P.F. Routier:**

I have no idea of the detail of what was being asked for and the conditions of what was being asked for, so I cannot comment on that at all. There may have been some specific areas which were relating to particular open cases which were difficult for the police to divulge, but I cannot comment on that.

**3.16.6 Deputy G.P. Southern:**

Does the Minister accept that if the 40-day limit has been breached by such an outrageous length of time, that is unacceptable on the part of (a) our Data Protection Law and (b) the police concerned?

**Senator P.F. Routier:**

I am not prepared to comment whether it is unacceptable on that particular case because I do not know the details of the case. If it was, obviously, a straightforward question which needed to be answered within 40 days, well, that is unacceptable, but I have no idea of the detail of that particular case that is being talked about.

**3.16.7 Deputy T.M. Pitman:**

Much on the same theme, I am party to some of the same information. I would like the Assistant Minister to answer the question: how can the rules be being adhered to when people have not had information within 40 days? It is quite simple. Something is wrong here. Some people even moved on and their jobs have been terminated. Can the Assistant Minister explain to me how can this be working if that 40-day period, which applies to everyone else, is not being adhered to?

**Senator P.F. Routier:**

I would reiterate the answer I gave earlier: if there is a particular concern and a complaint to be made, there is a procedure to follow, and I would suggest to any Member who is involved with any of these cases, that you seem to be privy to information which no other people are and, if they would like to make a complaint, there is a procedure to follow.

**3.16.8 Deputy T.M. Pitman:**

Just a supplementary? Could I please come along to the meeting with Deputy Higgins, Assistant Minister?

[11:15]

**Senator P.F. Routier:**

Yes.

**3.16.9 Connétable D.W. Mezbourian of St. Lawrence:**

I would like the Senator to explain how he can ask the Data Protection Commissioner to attend a meeting with him and the Chief Minister because, clearly, in an answer to written question 4 today, we are told that the Office of the Data Protection Commissioner is independent of government?

**Senator P.F. Routier:**

The law is written in a way that the Data Protection Commissioner comes under the aegis of the Chief Minister. The complaints procedure is very clear: that the process is anybody may complain to the Chief Minister if they have concerns about the Commissioner, so we have the right to ask the Commissioner to come along.

**3.16.10 Deputy M.R. Higgins:**

In fact, referring to question 4, the written question: “The Chief Minister states that the Office of the Data Protection Commissioner is independent of government.” I mean, quite rightly, and that is the way it should be, but then he goes on to say that he does not ... and this goes back to the Assistant Chief Minister’s answer, but he goes on to say he does not: “Judge it appropriate for him to seek to place specific data relating to an individual intervention in the public domain.” If we set up the Office of the Data Protection Commissioner, does it mean there are no checks and balances to ensure that that department is doing its job? If the Chief Minister is not prepared to look into it or answer questions, then we are going to have to change the law in this House to have some sort of accountability for that office and other public offices which are created by this Chamber, and there appears to be no redress for anyone. Does the Chief Minister think it is acceptable that we should not be able to get answers as to how efficiently the Commissioner’s office is performing?

**Senator P.F. Routier:**

The mechanism for ensuring that the Commission is performing effectively and appropriately, there is an annual report every year which lays out what the Commission has been doing, and it is open to any Member to read that report, and that is the way we seek to ensure that the Commission is working appropriately. I have to say, from the last few reports that I have read, certainly, there has been no concern that the Commission Office in total has not been carrying out its function correctly and, until there is any complaint, there is no justification in saying that that has not been the case. I have spoken to the Commissioner about these questions which are being laid on a regular basis; she is very prepared to sit down with Deputy Higgins in particular to talk through the concerns that he has. If the Deputy wants to come along and talk with myself, the Chief Minister and the Commissioner, we are very happy to do that.

**Deputy M.R. Higgins:**

A final supplementary, Sir? In fact, it is not so much a question, I was just saying the truth of the matter is I think the only way that we are really going to get the full facts out is I may have to bring a vote of no confidence in someone to give the whole of the Assembly all the data that I have got.

#### **4. Questions to Ministers Without Notice - The Minister for Social Security**

**The Bailiff:**

Very well. Then we will come next to questions to Ministers without notice, and the first is to the Minister for Social Security. Deputy Southern?

**4.1 Deputy G.P. Southern:**

Will the Minister inform Members of his estimate of the additional cost proposed for the income support rental component caused by the proposed increase to 90% of market rents, contained in the Housing Transformation Plan, and state to Members how he proposes to make the additional £3 million cuts to income support he is already committed to?

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

I have already provided a written answer to Deputy Southern on this matter. I would say to the Deputy that I shared his concern about the potential costs to the income support budget with the Housing Transformation Programme increase in rents. I asked my officers to do a more detailed study of the figures that were provided in P.33 and I am now satisfied that the figures in P.33 are accurate and, in preparation for the debate, I will be providing a detailed analysis over the 30-year period to satisfy Deputy Southern and others as to how the Housing Department arrived at the figure after 30 years of £2 million for income support. On the other matter, I am working with officers to look at where we can potentially make the £3 million cut in our budgets. It may not all need to come out of the income support budget, but that is the most likely place. I will be spending some time on that during the summer with officers to bring forward any proposals that might need States approval.

**4.1.1 Deputy G.P. Southern:**

Is the Minister in a position to release the figures that he has, the new calculations, in response to information that I gave him, in advance of the usual one day before the debate, so that I and others can inform themselves and be fully prepared for a proper debate on fortnight Tuesday?

**Senator F. du H. Le Gresley:**

The analysis that I have mentioned will be part of a Council of Ministers comment on Deputy Southern's amendment. I will not be in control of when that paper is released.

**4.1.2 Deputy G.P. Southern:**

This goes on all the time, we get comments the day before; that is no proper preparation for any debate. On such an important debate, where what we accept has got to last for 30 years, will the Minister for Social Security, since he has the figures, produce them in advance of the 24 hours before the debate? A weekend would do; if he can produce them on the Friday, that would be better, and he is in control of his own data, surely, not the Minister's.

**Senator F. du H. Le Gresley:**

I will do my very best to provide Members with this information before the debate. In fact, the data, of course, is the data belonging to the Housing Department, not the Minister for Social Security, it is just that we have done an analysis with the Housing Department officers in order to satisfy the queries raised by Deputy Southern in his amendment, and we will get that information to him as soon as possible.

**4.2 Deputy R.G. Le Hérissier:**

Could the Minister confirm that his revised target date for introducing long-term/community care insurance is indeed on target and, if not, would he identify any issues or problems that he believes may delay matters?

**Senator F. du H. Le Gresley:**

I am delighted that Deputy Le Hérissier has asked me this question, as it gives me the opportunity to advise Members that great progress has been made by officers of my department working with the Treasury and with the Health and Social Services Department, to bring forward the scheme for commencing on 1st January 2014, whereby the first recipients will receive benefit from July 2014. The scheme may be slightly changed from what was originally proposed, but I am satisfied that we will have a robust scheme and that I will be sharing my thoughts and how we progress with Scrutiny in the next couple of days.

**4.2.1 Deputy R.G. Le Hérissier:**

Just a supplementary. That is good news, could the Minister confirm that recipients will start receiving the relevant care in July but that payments will commence in January 2014, and what are those slight changes to which he refers?

**Senator F. du H. Le Gresley:**

I can confirm, because Deputy Le Hérissier has just repeated what I said, is that the contributions will commence to be collected through the tax system on 1st January 2014 and the first beneficiaries will be from 1st July 2014, in order to allow a build-up of funds from which the benefit will be paid. As to the changes, I am not at liberty to discuss these because there is still policy under development.

**4.3 Deputy J.H. Young:**

Will the Minister give the Assembly a progress report on the Back to Work scheme that he undertook to introduce in this Assembly, to assist with the maintenance of countryside infrastructure in response to the proposition I withdrew in favour of his undertaking? Can he tell us when the scheme started, how many people are on it and what the progress is, please?

**Senator F. du H. Le Gresley:**

In relation to working with the Environment Department, we have run a pilot scheme where volunteers have done work with officers from the Environment Department, and my officers in Back to Work are working very closely with the Environment Department to run another scheme in the summer months. At the moment the majority of the work that is taking place on the environment is taking place with the National Trust for Jersey, where we are running volunteer schemes over 4 weeks; 3 groups have taken part and it has been extremely successful, and a fourth group will be starting very shortly.

**4.4 Senator L.J. Farnham:**

In the lack of other questions, I just wanted to ask the Minister which way he voted in the referendum. [Laughter]

**4.5 Deputy R.G. Le Hérissier:**

Notwithstanding the excellent successes of some of the Back to Work programmes and the Minister's commitment to ensuring local youngsters work in hospitality, what are his feelings about how placement in work will ultimately strengthen the future of the Jersey economy? Does he really believe in the depths of his heart that putting youngsters in large numbers into hospitality will secure the economic future of Jersey, excellent though some of these moves have been?

**Senator F. du H. Le Gresley:**

The one industry that has sustained in Jersey is tourism, and I am a very big supporter of tourism and therefore I think that there are career opportunities for our young people, particularly in the tourism industry, which, of course, is evolving and changing all the time. I am pleased that I can use this opportunity, perhaps, to advise Members that since we launched the hospitality initiative, which was 4 weeks of training followed by specific meetings with potential employers at job matches, of which we have had 2, 135 people have started jobs in hospitality this year, of which 79 people went through the training programme. Of those who went through the training programme, a further 21 took the jobs in other industries. We still have more and more job offers coming through hospitality, following the last job match, and although the target that I set the department was considerably higher, I am still very pleased with the results that we are achieving.

**4.5.1 Deputy R.G. Le Hérissier:**

The Minister did not deal with other economic sectors. Would he, for example, say whether a lot of these youngsters are indeed qualified to work in other sectors and are unable to get work in their chosen sector?

**Senator F. du H. Le Gresley:**

The largest number of people registered as unemployed, looking back to their previous work, are in construction at the moment and also retail. We are aware of the problems that construction has had of late, and the fact that there is not a lot of investment being made in new buildings. This is a matter more for the Minister for Economic Development and the Minister for Treasury and Resources to stimulate the economy, but the other area is retail, and of course, we know of the problems that the retail sector in particular has had and the growth of the internet shopping. We do encourage still our people who are seeking work, to look for jobs and careers in these industries, and I was very pleased that the construction industry recently announced that they were running more apprenticeships for people who want to join the construction industry. So there is work going on with the more traditional industries, but it is very difficult out there and it is very tough for people looking for work, and we are working very hard through Back to Work to give them every assistance to find permanent work.

**4.6 Deputy G.P. Southern:**

Since the Minister has just mentioned apprenticeships, could he explain to Members what the role of apprenticeships is in the modern-day Back to Work schemes and define for Members what constitutes an apprenticeship nowadays, because there seem to be all sorts of mixtures of packages at various times?

**Senator F. du H. Le Gresley:**

This is a question that really has to be directed at the Minister for Education Sport and Culture because apprenticeships comes under his area, not under my area, but of course we do work together on Back to Work to make sure that apprenticeships are available. I seem to recall that the recent figure was that there were about 58 people on the Trackers apprenticeship scheme, and that a further 55 places would be made available, I believe, before the end of the year. Also, T.T.S. (Transport and Technical Services) is advertising apprenticeships, so I think we all recognise that apprenticeships are a very valuable tool and very helpful to get people into work.

[11:30]

**4.6.1 Deputy G.P. Southern:**

A supplementary, if I may? Will the Minister inform Members how long a Trackers apprenticeship lasts?

**Senator F. du H. Le Gresley:**

I did not come with that information because it is not in my portfolio, but I am looking at the Minister for Education Sport and Culture, who is ignoring me ... **[Laughter]** but my belief is it is for 3 years.

**4.7 Deputy J.H. Young:**

During the debate on Survivor's Allowance, the Minister told us about the review of the pension contribution, particularly for additional voluntary contributions, and the contributions for those while redundant to make shortfalls. Could he tell us how his progress is getting on with that work and when we might expect to see some recommendations?

**Senator F. du H. Le Gresley:**

This is a piece of work that has not started but I would say that at the moment anybody can make voluntary contributions if they so wish, but in my experience those people who have inquired as to the likely cost of making up contributions have found that it is fairly penal, and they have not necessarily wished to make those payments.

**4.7.1 Deputy J.H. Young:**

The right to make additional payments, would the Minister confirm that they are not permitted once people reach their normal retirement age, and therefore short people have no options but to make up a way of making up pension shortfalls? **[Laughter]** Would you like me to clarify the question?

**Senator F. du H. Le Gresley:**

I do not have the information with me, but I think the Deputy is probably right, in that once you reach pension age you cannot make any further contributions, but I do not have that information with me today.

**4.8 Deputy P.J.D. Ryan of St. John:**

Would the Minister agree with me that the important thing about apprenticeships are flexibility, so that it can be available to all sorts of different trades and circumstances which might include full-time study, in which case the apprenticeship might be a shorter period of time, or it could be not full-time training at the technical college, and also that one of the most important things in an apprenticeship scheme is that it would certainly address the question of making our young people work ready by the end, which includes many of the elements in the Advance to Work or Advance Plus but over a longer period of time and that parental involvement is also a key element of it and that it is very formal?

**The Bailiff:**

A concise question.

**Senator F. du H. Le Gresley:**

I think I agree.

**4.9 Deputy G.P. Southern:**

Would the Minister with no responsibility for apprenticeships please attempt to tell me whether a Trackers apprenticeship does not need an employer, and he can still be in an apprenticeship; is that the case?

**Senator F. du H. Le Gresley:**

The Trackers apprenticeship was a new way of delivering apprenticeship schemes, and the Deputy is right, the apprentice is not linked to one particular employer although over the period of the apprenticeships they would probably work for a number of employers.

**The Bailiff:**

Very well, that brings questions to the Minister for Social Security to an end. We move on now to questions to the Chief Minister.

**5. Questions to Ministers Without Notice - The Chief Minister**

**5.1 Deputy T.M. Pitman:**

Would the Chief Minister join with me in sending out a message of support to H.G. who apparently is living rough on the streets of London, basically because she complained about being abused, and perhaps through his officers make an approach to say: "Get in touch and we will do whatever we

can to help” because at the moment that young woman is getting in touch with people just via an internet café? It is really quite appalling and I do hope the Minister feels he can act.

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

As I said in my statement when the report was initially published, I join, and I think the Deputy says these sentiments, in saying how saddened we are that a young lady suffered while she was living in our community. The Deputy went on to ask me whether I personally would intervene. It is my understanding that the church is attempting to offer support for that individual currently, and therefore I do not think it is for me to intervene.

**5.2 Senator L.J. Farnham:**

I promise my last word on the referendum for now. Would the Chief Minister agree that the Greffier and his staff should be congratulated on the way they ran the referendum, and although they cannot be held to account for the result, I think they should be thanked for all their efforts?

**Senator I.J. Gorst:**

I absolutely agree with the Senator. All those involved in ensuring that there was good order and people were able to vote on the day of the referendum must be congratulated, but of course we know that the lion share of getting of the work and getting us to where we are today fell to the Greffier and his office, and I am grateful for their work on our behalf.

**5.3 Deputy G.P. Southern:**

Following the call from the Minister for Treasury and Resources for projects on which he can spend up to, I believe, £50 million by way of fiscal stimulus, does the Minister accept that the simplest way of getting money into the economy is to pay the public sector a proper rate and will he reconsider his offer for 2012 to public sector workers in the light of the need for fiscal stimulus and keeping the economy going?

**Senator I.J. Gorst:**

There are many questions there. I am not sure whether I need to repeat the “no” that I am giving to them, or if I simply say: “No”. As the Deputy knows, the pay round has been very difficult and this Assembly has asked for the States Employment Board to ensure pay restraint. We have done that. We believe that the offer before States employees is fair, albeit we acknowledge that it has not been easy. But at the same time this Government is committed to stimulating the economy and I support the words of the Minister for Treasury and Resources.

**5.3.1 Deputy G.P. Southern:**

Supplementary, if I may. Would the Minister reconsider his position as a matter of urgency, before we see strike ballots in action again in this Island, which is going to happen very shortly?

**Senator I.J. Gorst:**

I hope that that is not the case because I do not believe that that is the right course of action. As I have explained on many occasions, the States Employment Board recognises the difficulty of the current economic climate and the difficulties that it places upon staff but at the same time it recognises that we need to have pay restraint right across the economy, and that includes States employees. Having said that of course, the offer on the table included a 4% rise in 2014, and we are not many months away from now that rise.

**5.4 Deputy M.R. Higgins:**

Does the Chief Minister share the view of many Islanders that question time has become increasingly questions without answers? If I give an example, a written question 5 to the Chief



Minister today, I asked him to outline - again to do with data protection - but how many times in each year since 2005 to the present, the Data Protection Commissioner has been requested to provide assistance or is granted assistance under Article 53 of the Data Protection (Jersey) Law? The answer I get is: "Work is being carried out to provide a full answer to this detailed question, given that there is a potential for some of the information requested to be subject of a court case." Maybe one case, what about all the others? We are talking about 8 years here. There have not been that many cases over 8 years, why avoid the question? My final question is: does he believe that evasion on the part of Ministers does nothing to the standing of this Assembly, to politics or democracy?

**Senator I.J. Gorst:**

I do not agree with the premise of the Deputy's question. There is not evasion on the part of Ministers. I could quite easily have written an evasive answer to that question. I chose not to. I chose to answer it appropriately and fairly, and that is that it will take time to collate that information. I need to have a full understanding of information being provided before I submit it to this Assembly, and therefore I believe that the Deputy should accept that that is what I have instructed and requested my officers to do, and that is the answer that he will get in due course. Just because he simply asks a question and expects it to be easily answerable in the timescale required for detailed written questions, that is not always the case. As he himself said, he is asking for information going back over 8 years, which is not available at the touch of a button.

**5.5 Deputy M. Tadier:**

Will the Chief Minister advise whether he has been engaging with the House of Commons Justice Committee which is looking at the relationships with the Crown Dependencies, and if so in which way he has been engaging?

**Senator I.J. Gorst:**

Staff in my department liaise very frequently with the Ministry of Justice, and they have engaged with the Justice Select Committee, and in due course I would expect to be making a submission to that committee, and I also hope that the chairman of the committee will, during the course of the review, be able to find time to visit Jersey in person.

**5.5.1 Deputy M. Tadier:**

Following that up, of course I think the deadline finishes quickly. If the committee are invited over to Jersey, will the Chief Minister make sure that States Members are able to speak to them and that any members of the public who have concerns, perhaps specifically relating to good government in the Crown Dependencies, either positively or not positively, may be allowed to approach that forum so that they can hear not simply from the political elites in Jersey, who may think that everything is running in a particular way, but from the grassroots public of Jersey?

**Senator I.J. Gorst:**

As I understand it, a call for evidence and the work that particular Select Committee is in the public domain and any member of the public, be it across the Channel Islands, the Isle of Man or the United Kingdom, can submit to that committee in the same way that we see individuals submitting to our own Scrutiny Committees. Therefore they have that ability. I would not wish to describe any submission that I might make as Chief Minister in the terms that the Deputy has described it. The office that I hold is a democratically elected office and I serve at the pleasure of this Assembly, and I make comments from that position.

**5.6 Deputy S. Pitman:**

Could the Minister tell Members what message it puts across to our public employees that year on year we have underspends, and year on year we have pay freezes? What message does he think that sends out to our public employees?

**Senator I.J. Gorst:**

As far as I am aware the only pay freeze that States employees have taken is a freeze for 6 months. That position was changed by the previous Government, and a pay rise was provided. As I have said earlier, the current pay round has been difficult but for 2012 a 1% non consolidated pay award was offered, for 2013, it is 1% consolidated and 1 per cent non consolidated and, as I said, for 2014 it is 14%. That is not a pay freeze. With regard to underspends, we know that we budget and project income in a very cautious and conservative manner and I believe that is absolutely right. We can sometimes get obsessed with budgets but coming from my profession I am more interested in the actual spend than I am in budget, and therefore if departments are managing to spend under their budget I think that is a positive thing, and with the advent of 3-year spending I believe that departments are going to be able to manage their budget in an even more effective way.

**The Bailiff:**

The Deputy of St. John has indicated to ask a question. I do not usually let Ministers ask questions of other Ministers.

**The Deputy of St. John:**

It has been covered, Sir.

**5.7 Deputy M. Tadier:**

Following up from my last question. Can the Chief Minister give an undertaking that if the Select Committee do come to Jersey, that he will organise a forum whereby the public can come in, albeit perhaps for a day, and speak directly to that Select Committee in confidence?

[11:45]

**Senator I.J. Gorst:**

That would not be appropriate for me to do such a thing. As I indicated, I hope that the Select Committee chairman might pay a visit to the Island but I am far from certain that that will happen. As I said, I will be making a submission, it is open to any Member of this Assembly or the public of Jersey to make a submission. Of course should the chairman make the visit and there are Members of this Assembly that perhaps wish to meet with him informally, I do not for a minute suspect he will be taking formal evidence in a visit to the Island community, then I will see if that can be arranged. But obviously it will be down to the chairman to decide.

**Deputy M.R. Higgins:**

It is just a point of information. The Select Committee evidence has to be taken by 10th May and any member of the public can put in a 3,000 word submission to them. So I would just like to make it known that everyone can apply by 10th May.

**5.8 Deputy J.H. Young:**

On the Consolidated Order Paper today we have Community Provisions: restrictive measures Syria, and a piece of legislation being made by the Deputy Chief Minister on behalf of the Chief Minister. Could the Chief Minister confirm that it is normal practice for the lawmaking responsibilities to be delegated to Assistant Ministers?

**Senator I.J. Gorst:**

That was not delegated to an Assistant Minister. It was delegated to the Deputy Chief Minister in my absence from the Island on a chief ministerial trip to the Middle East, and that is absolute normal practice and covered by Standing Orders in the States of Jersey Law.

**5.9 Deputy G.P. Southern:**

In his comments on my proposition P.37, the Minister refers to the “greater expense than £20,000” to do a proper inquiry into a possibility of a living wage and talks about an unrealistic timescale. Can he elucidate for Members why such big costs would be there and what he sees as a fair timescale?

**Senator I.J. Gorst:**

That is a very good question. The Deputy knows, and we have touselled on this issue before in my previous capacity. But if one were to do such a piece of work, one would have to do it properly, thoroughly and robustly and would need, I believe, to employ one of the U.K. (United Kingdom) academic institutions. An institution well known for doing this piece of work would be Loughborough. That I believe would take money and would take time and I am not sure that I see the benefit in undertaking that work anyway.

**5.9.1 Deputy G.P. Southern:**

Supplementary, if I may? Does the Minister realise that £20,000 would be at the top end of what Scrutiny would need to pay to have serious expertise involved in such a report, and is there some reason why ministerial government costs more than Scrutiny?

**Senator I.J. Gorst:**

That is not the case at all. If the Deputy, as I am sure he has, has seen the report recently published - I think recently published, I only saw it recently myself, perhaps I was just catching up on reading - with regard to the expense of experts employed by Scrutiny function and I make no comment on it. I believe that Scrutiny is enhanced by the employment of internationally renowned experts and the costs of those experts can, in certain cases, where the subject is complex, be considerable. Therefore, if this piece of work is to be done, as I suggest in my comments, we would need to take appropriate academic research and advice.

**The Bailiff**

Does any other Member wish to ask a question? Then we bring questions to the Chief Minister to an end. That concludes that and then there are no matters under J or K, so we come to Public Business.

**PUBLIC BUSINESS**

**Deputy G.P. Southern:**

If I may seek the advice of the House. Because I only received comments this morning on my proposition, which is quite a serious one, on P.37. I am currently third on the order but I require some time to fully take in the comments of the Council of Ministers and therefore if we deal with these first 2 items quickly I would be asking that my proposition slip down the Order Paper in order to give me some time to prepare properly.

**Senator I.J. Gorst:**

While we are about to start Public Business, I wonder if I could just inform the Assembly at this point that P.38 Draft Wills and Successions, I ask for it to be moved until the next sitting, 14th May.

## **6. Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations (P.17/2013)**

### **The Bailiff:**

Then we move to the first item on the Order Paper in relation to Public Business, which is the Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations, Projet 17, lodged by the Minister for Health and Social Services. I will ask the Greffier to read the citation.

### **The Greffier of the States:**

Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations. The States in pursuance of Articles 1, 1C and 2 of the Restriction on Smoking (Jersey) Law 1973 have made the following Regulation.

### **The Bailiff:**

Assistant Minister, I gather you will be acting as rapporteur in this case? I invite you to propose the principles.

### **6.1 The Connétable of St. Peter (Assistant Minister for Health and Social Services - rapporteur):**

In 2009 300 of our schoolchildren responded to a survey asking them about tobacco advertising and promotion. 70% of those children clearly stated that they felt it should be banned because they recognised the potential for harm. I am here today to present on behalf of the Minister for Health and Social Services, a proposition that will help achieve what those children want: protection from the harm caused by the addictive drug we know as tobacco. As Members will recall, this is an amended proposition. The amendment enabling the original policy objective to be met while also having regard to Jersey's international obligations and the United Nations Convention on the Law of the Sea. A proposition will put in place the appropriate controls, controls that are absolutely lacking at the moment, to help ensure Islanders are not subjected to tobacco advertising and promotion. Whether in the media, in shops, in restaurants or as they go about their daily lives, Islanders are subjected to promotion of a product that thankfully the majority of people do not use, and among the minority who do, two-thirds want to give it up. I am sure I do not need to remind Members about the dangers of smoking. We are all too familiar with the health risk posed by cigarettes and tobacco. Smoking wrecks lives and kills people. Our community pays a high price for smoking, both in human and financial terms. There is no such thing as a good cigarette and no good things come from promoting them. We all know that advertising promotion can be effective ways of increasing consumption of any products, the multi-million pound advertising marketing industry stands as testimony to the power of persuasion, enticement and awareness. Evidence on large-scale studies clearly demonstrates the link between promotion and consumption, including the irrefutable fact that tobacco promotion encourages people, particularly children, to take up and continue smoking into adult life. They started experimenting, then they become addicted. While tobacco smoking may be on the decline across the population as a whole, we need to ensure that this trend is maintained to strive for much lower smoking rates among the next generation. The World Health Organisation considers point of sale tobacco displays as advertising, describing it as a deliberate indiscriminate and powerful tool aimed at promoting smoking. It is a silent salesman; a gallery of tobacco products prowling enticingly in the same space of sweets and magazines and under other everyday items. But tobacco is not an everyday item. It is a product that causes great harm and as such it should be treated differently. It should not enjoy the privileges of being promoted in the most prominent position in the whole shop, or among the most popular displays. A plethora of research summarised in the report that accompanies this proposition demonstrates the influence that point of sale tobacco promotion has, especially on children. A large scale study of 25,000 young people highlighted that 15 year-olds who are the most exposed to point of sale

displays, are almost 3 times more likely to try smoking as a result of it. This kind of promotion carries an even higher risk of encouraging a child to start and carry on smoking than the example set by parents who smoke. The study's findings are consistent with further systematic review of international research, which positively associated point of sale promotion with increased risk of smoking among young people. This proposition has the health of local children at its heart. This Assembly has already committed itself to a tobacco control strategy which has a very clear target of reducing the consumption of tobacco in children and adults. Our hard won gains in reducing the number of smokers could be lost if we continue to allow new smokers to become addicted. These Regulations will help achieve our strategic target of reducing the number of children who smoke from currently 17% to below 10% by 2015. Members must consider the known harms of tobacco and not be distracted by arguments concerning the current challenges facing the economy. Are we really willing to put economic interest in front of our children's health? The fact is, tobacco is a substance that needs to be treated differently. It is unlike any other product sold to Islanders in the harm it causes. Just ask the 250 families whose relatives will have died prematurely from tobacco-related diseases during the course of developing this strategy. Given the power of advertising promotion and reflecting on our duty of care to all Islanders and, in particular, to our children, it is surely incumbent upon us to make sure we have the right controls in place. As a community we need to continue to act and continue to protect if these deaths are to reduce. What is proposed is nothing new. Jersey will not be the first to introduce such controls. Australia, Norway, Finland, Canada, New Zealand, Iceland, Ireland, and I think even Thailand, have already done so and have seen a significant reduction in the prevalence of smoking as a result. Nearer to home: England, Scotland and Guernsey are all working towards implementation of similar controls in the near future. In fact I think I did hear on the news this week that Scotland introduced theirs just this week as well. So we are certainly not alone and certainly not leading the curve. We are of course conscious that these Regulations will generate some concern, and indeed perhaps conflict, over the potential impact on the small retailers. But I ask again, whether we, as States Members, should not be putting the health and wellbeing of Islanders above any concerns over the maintenance of tobacco promotions. This is particularly important given that tobacco consumption creates a direct cost for taxpayers in relation to healthcare and lost productivity. I understand that small retailers may be concerned about the logistics of managing tobacco sales, when that tobacco may no longer be on public display. But I am confident that given the 18-month lead-in period together with guidance from the department, Jersey retailers will be able to make the necessary changes. These changes need not be overwhelming. It can be as simple and straightforward as fitting a sliding door or curtain over existing point of sale displays, or keeping tobacco products under the sales counter, where they cannot be seen by the public. Questions have inevitably been raised about the impact of these new Regulations on our duty free and ferry services. The answer is simple. They can continue with their sales of tobacco products providing that product displays comply with the promotional legislation. That means, at the airport for example, a dedicated area sited away from other duty free goods and accessible only by people aged 18 and over. While on ferries tobacco products must not be displayed while the vessel is within inland waters. Inland waters are within the 3-mile limit around Jersey. Ferries are already required to close their duty free shops when they reach the inland water boundaries and as such their compliance with Regulations will be sufficient, providing that tobacco products cannot be seen in the window displays and all advertising of promotional screens is withdrawn while in inland waters. Our international neighbours have responded to the very clear evidence about tobacco promotion, and so should we. We need to say yes to these Regulations because they will help ensure our community is given the same protection as other citizens in other jurisdictions when it comes to tobacco control. We should not be distracted from doing so, simply because of the impact on tobacco retailers. Nor should we allow our resolve to weaken by misplaced concerns that we may be accused of becoming a nanny state. Of course, anyone as an individual has the right to choose to

smoke or not. That is their gift. But it does not make it right that anyone should be subjected to promotional activities or displays that are proven enticement to smoke. Doing away with public displays of tobacco will support our parents, teachers and other role models who promote the no smoking message on a daily basis.

[12:00]

I would urge the Assembly therefore to endorse the principle of these Regulations and in doing so unequivocally demonstrate its commitment to tobacco control and the health and wellbeing of Islanders, particularly our children.

**The Bailiff:**

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

**6.1.1 Connétable M.P.S. Le Trocquer of St. Martin:**

I thank the Minister for forwarding a copy of the PowerPoint presentation that was to be given to Members, but was cancelled due to the inclement weather in March immediately before this proposition was originally going to be debated. The Frequently Asked Questions information was also very helpful and I thank the Assistant Minister for his explanation today. I think I can understand the reasoning behind the proposition but I do have a few concerns and a little bit uneasy, albeit I want to support the proposition because anything positive is better than nothing at all. I say the word “think” because I am a little confused at whether this has much to do about children but is aimed at smokers generally. If it merely relates to children and persons under 18, then it is a large piece of work for what might have been dealt with by policing the current legislation that is in place. On the face of it, this is quite a simple proposition following reports of studies that show that young people are affected by advertising and are likely to take up, in this case, smoking because of that advertising. On the other hand, we have a product being sold that is totally legal, that we as a Government intend to impose our conditions, those of restricting nearly all advertising, that must be the first questionable decision, and then taking it even further, telling the shop owner to place it under the counter, out of view; the second questionable decision. Like most young lads I purchased and smoked probably 2 or 3 packets in total of cigarillos, they were not cigarettes, when I was about 15 or 16. But I do not think it was because they were on the counter and easily available to me. It was because it was a time when you think you are suddenly grown up and when in fact you have not, and when you have earned some money during the week and can afford to buy things, and of course you are under peer pressure. Not because they were on display in the shop. It is possible that hiding the product will make it even more of a challenge to young people. I accept that these new Regulations might make it more difficult and might maybe - just might - help prevent this from happening. Of course the next proposition that the Minister is bringing forward later today, as an additional step to prevent young people buying or acquiring cigarettes. We all knew the ploy at Woolworths of placing sweets. Sweets at the counter near the exit to the shop, so those who have just been to purchase items in Woolworths at the store had to pass the vast array of sweets on display as they left and just could not resist the temptation to stop and buy something. There is another large national station operating in the Island today that offers you the opportunity to purchase chocolate each and every time you pay for your gardening magazine, your Arch Lever files, your birthday cards and pen refills; the temptation is there when you see the product. As relating it to children alone is too simplistic. I just have 3 main comments and queries for the Assistant Minister. The first relates to the policing of the Regulations. I note and understand that support will be given to the retailers by officers from the Public Health Department. However, I suspect that will be mainly advice as to how best to cover and remove, but have readily available, cigarettes and tobacco products as the new Regulations, if approved, draw closer to the implementation date. However I suspect officers from the department have much

other work to keep themselves more busy, than with having to take on even more responsibilities. Retailers will be seeking guidance as to how they believe their cigarette displays, which in fact will no longer be displays, how they believe will comply with the new law and the Environmental Health Officers will give, as they always do, good and sound advice. But can the Minister confirm they will not need additional resources to take on this extra role? I have concerns that things will be different if approved today at night and at weekends. Friday nights when young people are out and meeting their friends, trying to buy cigarettes and intoxicating liquor. Officers from the department will not be there to police the shops then and will rely on the goodwill of the shop owners. Will it end up with the police, in particular the States Police, maybe even the Honorary Police, having to police the Regulations to ensure that nothing is on display, and I am not sure what powers they would have under the legislation. Would it be merely to report back to the Environmental Health Officers the following day or on a Monday morning, or would they be expected to take on the role of enforcing the law, as they are expected to do for other pieces of legislation, like the policing of beaches, where legislation exists but it is left to the States and Honorary Police to police because we no longer have beach inspectors? What evidence have we today of shops being reported already for selling underage, there is legislation there. We have none because it is not being policed. It could be argued that we already have too much legislation already so what is the use of additional legislation if it is not policed correctly. A paper exercise or something we hope will be self-policed. I accept that policing of smoking restrictions in pubs and clubs has been mostly self-policed albeit we did set ourselves another probably unforeseen problem and now have to walk through a haze of smoke as we walk down streets and pass in front of shops, clubs, pubs, restaurants and banks, and look at the thousands of cigarette butts littered in pavement and streets. It is a different issue I fear. Moving on to the second point: I wonder what consideration was given to making provisions for the breaches of the Regulations, in particular, the display of tobacco products to be subject to a fine at Parish Hall level. Members will be aware on the introduction of the Shops (Regulation of Opening and Deliveries) Law in 2010 passed by the previous Assembly, provision was made where the person charged with an offence under that law if accepted the decision of a Centenier, and in fact still the Constable but will be changing, at Parish Hall level, the Centenier was able to impose a smaller fine with restrictions as set out and within the standard scales of fine legislation. As the draft stands today any infractions will now result in a Magistrates Court appearance for the alleged offender or be dealt with at Parish Hall level by way of a written caution, which in effect is no more than a slap on the wrist. Provision could have been made in the proposed piece of legislation, that may be even for a first offender, that there could have been an option to being dealt with at Parish Hall level without having to appear before the Court, obviously like other pieces of statute legislation that course of action, if a person accepts and agrees the decision. The Minister and her officers may have considered this option and if so decided against it, as it is not in the proposed Regulations. It may have been thought unnecessary but I would like to hear the comments of the Assistant Minister on it. Finally, and I know this is for a future date, but one that relates to display of intoxicating liquor. Here we are deciding, among things, to withdraw cigarettes from public display to help prevent children from purchasing but also to remove from view of the customer all cigarettes and tobacco products because of the harm inflicted on everyone, and in the same shop we are likely to see shelf after shelf of every sort of intoxicating liquor imaginable, large displays advertising special offers of drink sales, numerous low price deals, promotions on brands and we all know the health risks and social problems that alcohol has caused society. Time and time again we read of it. Only last week we had Deputy Hilton bringing forward her concerns and one shared by many, of the sad situation that exists in the centre of St. Helier with on-street drinking. We are like the ostrich, we have heard from a Deputy who is not in the room at the moment, it is not quite true because the ostrich does not bury their head in the sand, it just leans it on. This Assembly knows, having heard during the level of taxing on alcohol, the story of my evening out, out of the clubs at the end of last year, I am not tea-total

and I enjoy a drink. But I ask the Minister to now consider, as she may well already be doing so, but to think of advertising promoting and display of intoxicating liquor too. How fair is the proposition being discussed today on the tobacco industry as we seek to impose more conditions while we ignore the problems associated with sale and consumption of intoxicating liquor? Some Members will recall the days when the corner shops and supermarkets had to pull down blinds to cover their intoxicating liquor, their wines, lagers and spirits and so on, not because of the health problems associated with drink but because of the licensing hours of opening, and not just because of the case of Sundays; keeping them covered all day Sunday and having to drive to the airport to buy a bottle of wine, the forgotten bottle when having friends for Sunday lunch. I understand the reasons behind the Minister's proposition but I am just a little uncomfortable that this is an easy target for the best of intentions and that that we, as a Government, are targeting only one product. Let us target other problems too. Although we have legislation to cover the sale of fireworks, they are still allowed to be openly displayed in shops at certain times of the year yet the product causes misery for many elderly people, pets, causes of major fires, serious injuries and death. The display of adult magazines on top shelves, magazines that sometimes the first step lead to some seeking further pornographic material online and the problems that subsequently result. What restrictions there? None. I just believe codes of practice. Returning back to the displays in relation to alcohol, the particular offers and special promotions of cheap drink, an Island still operating on a 1974 Licensing Law, where consumption of alcohol has continued to be a problem on this Island and promises of a new law one day. Apart from the continued tax increases of cigarettes annually at budget time, the Restriction of Smoking Law 1973 has been supplemented with 2 subsequent orders, a vending machine order and a notice of workplace order, the introduction of 4 pieces of law implemented as Regulations that covered sales of cigarettes to children, vending machines, warning notices and workplaces. Five of those pieces of legislation have been introduced since 2006. One can see why the cigarette industry feels unfair pressure. If we are implementing these proposals I urge the Minister for Health to work with the Minister for Economic Development and the Minister for Home Affairs to bring forward the proposed and long overdue new licensing law as soon as possible where consideration should be given to other health promotion issues associated with alcohol.

### **6.1.2 Senator S.C. Ferguson:**

Before anyone suggests that I have a conflict of interest, I have not. I have not had a cigarette for the last 18 months. **[Approbation]** However, the whole debate so far, despite what the Assistant Minister says, is a case of "nanny knows best". I mean is this approach really the way to stop people smoking? Quite honestly, will not the forbidding of it not add glamour to the act? I mean it did not work with alcohol and prohibition, it did not work with betting, and it did not even work with the purchase of condoms, so why should it work with cigarettes? For the younger Members here, there was alcohol during the time of prohibition in the U.S.A. (United States of America), betting shops were not allowed to operate, I think, pre the 1960s, and way back in the 1950s and 1960s condoms had to be bought at the barbers under the counter. I know it sounds amusing but there were more illegitimate children and illegal abortions in those days and now Health and Social Services want to turn the clock back to these "we know what is best for you" days. I would suggest that the psychology of this is flawed. If you forbid something then it makes it much more attractive. Now I have seen figures somewhere, which I have not been able to lay my hands on, but they indicate that in fact fewer youngsters are smoking, but this particular proposition merely brings the subject to the foreground again. It is also, as an ancillary matter, hitting our shopkeepers where it hurts, in the middle of a recession. There are so many matters to deal with in health, this should not be top of the agenda. I would suggest there are other more pressing matters like waiting lists, proper co-ordination of off-Island treatment, primary care. This is a distraction and I



recommend to the Assembly that we reject it and convey to Health and Social Services that they deal with their main priorities first.

### **6.1.3 Deputy S.G. Luce of St. Martin:**

I have very, very few regrets in life but one of them I do regret is that I ever started smoking. I would just like to remind Members that we are all elected to this Assembly to make Jersey a better place and that these proposals this morning relating to smoking will make Jersey a better place. It is only a short time since we banned the smoking in public places, but already the improvements in that legislation is being felt throughout health services in the U.K.

[12:15]

Knowing what we know now about smoking and the effects of smoking, would we ever allow it to be legalised if somebody was stood in this Assembly today proposing its adoption? We must do everything we can to discourage smoking, especially by youngsters, and I will be supporting the propositions today.

### **6.1.4 Senator P.F.C. Ozouf:**

I understand the Connétable of St. Martin is concerned about policing, and I understand that he has a lifetime of experience as a career policeman, and he clearly has some very strong views about alcohol, pornography and fireworks. I think that he however needs to raise his eyes upwards from just this simple issue and he needs to take an overall Island view. I hope that he is going to be supporting these proposals. I do not think that we should be passing legislation which is unenforceable but I think, as an Assembly, we should be passing legislation and I do believe, and maybe the Minister for Home Affairs can address this issue. He is right. We should not be passing legislation that cannot be enforced. But do we really think that we are incapable of using the endeavours of the Health Protection Group, the consumer group that Economic Development is responsible for, Trading Standards, who are an important part of regulating these markets? Does he really think that the Honorary Police and the police have not got the resources in case most retailers in Jersey, most individuals in Jersey, are law abiding, and I am not sure that there is necessarily the argument of a massive additional cost in terms of passing these Regulations. I congratulate, if I may, Senator Ferguson on coming out and saying that she is no longer a smoker. She said so, and she addressed this Assembly by saying so. Presumably she, if I may say, gave up for a reason.

### **Senator S.C. Ferguson:**

Yes, cost. [Laughter]

### **Senator P.F.C. Ozouf:**

Excellent, then she has absolutely answered the question. Fantastic. The policies of this Assembly in preventing people from smoking because of cost are working. She has answered the point. The next time that she comes forward and opposes vigorously a budget increase on tobacco then I will remind her of those remarks because it shows that the policies are working. I am regarded by some as a bit of a free marketer, but after hearing Senator Ferguson again this morning on some of her views, I am certainly a bit of a left-winger. She spoke about condoms and turning the clock back. Clearly, the world has changed, and the world's understanding of issues of health protection, the misuse of alcohol, tobacco has changed. So I want to, if I may, congratulate the Assistant Minister and the Minister for Health on dealing with this issue. Senator Ferguson said that they should be focusing on other things and we should be focusing on the priorities. Well it does not seem to me an enormous amount of work is done on this. We have these Regulations before us, they are clearly sensible, let us pass them and move on to the issues that Senator Ferguson really wants to focus on. There is no argument whatsoever for not passing this legislation at all, in my view, particularly because this legislation is just another step in dealing with the affliction of tobacco

addiction, which affects people lives and affects people's health. In fact, I would like to go further in time ensuring that, for example, we follow the leading example of Australia, that has taken away completely now the branding of cigarettes and this image of a particular brand being associated with health or fitness or something that is great. Now in Australia, which brought in these Regulations a number of years ago, prevented tobacco from being displayed, put it under the counter. I can imagine, I have never been a smoker, the absolute draw that one feels if one is lining up in a supermarket and seeing rows of tobacco with the well-formulated advertising, the magnet of buying that cigarette when you are at the point of buying what other groceries you have made with those cigarettes lined up. It is all psychology. It is all designed to be magnetic in terms of bringing you over the wire of selling a consumer good. Anything which assists people that are trying to kick the habit that does not draw them from that magnetic ability to make a purchase of tobacco and puts them under the counter, and then completely disassociates anything good or trendy or macho or anything else in terms of tobacco must be a good thing. So I would like to go further in time and follow Australia in having Jersey cigarette packets in white paper or brown paper because then there would be absolutely nothing. If people want to smoke then they can smoke it without the difficult issue of this addiction, which afflicts so many people's lives. There is no reason, there is no earthly reason, why we would not follow the jurisdictions that have dealt with reducing tobacco consumption. These are good Regulations and I hope Members, I am concerned about the economy, but the economy and finances must come second place to ultimately people's health, which is what these Regulations are about.

#### **6.1.5 Deputy J.A. Martin:**

I have not really got much to add except that I would like to just question what Senator Ferguson said. Senator Ferguson says we are forbidding smoking, and we are not. She says that we should also concentrate on our waiting lists. Well, if we can stop youngsters smoking waiting lists reduce overnight because many, many, many illnesses are related to smoking. The Constable of St. Martin is worried about the policing. Nobody would have convinced me 10 years ago you would stop smoking in pubs. In fact when we brought it under Senator Syvret, there was an amendment from Senator Vibert, to go that one step further, and the House thought at that time it would never be carried. Now I go back and I tell my children in the office when I had the manual typewriter in my first job, I had an ashtray at the end, and it was type, reverse and smoke. Like they think I live on planet Zog, it is never good. They can never have seen it being possible. Self policing in Jersey and in the U.K. of the pubs, and where you cannot smoke is absolutely ... you do not even see people trying, on Tubes, on Tube stations, on ordinary stations. Nobody does, and if somebody does somebody always says: "What do you think you are doing?" I mean all about the alcohol again, the simple way is we have a ... we sell the alcohol in bonded warehousing. We take all the money like they do in some Scandinavian countries, a bit too far for probably our Minister for Economic Development. So, as I say, we are not forbidding. It is if we can stop people smoking ... it has been done all over the U.K., I mean people who want to find out where the cigarettes are will. But like Senator Ozouf said, it is definitely not a draw. You do not go in there and they are all pretty colours and everything like cigarettes are. I do thank Senator Ferguson for her lecture on where you used to only be able to buy condoms, and it used to have to be down to the men in the barbershop, we now know why we had the baby boom because leave something to a man and they normally forget. **[Laughter]** I really think we should pass this and let us not go back on alcohol. Just for the record, our public health officials have twice at least, and over the last 18 months, not twice, done 2 lots of rollouts speaking to the small shop holder, speaking to the large retailers, and this is not a surprise to them, and it is not going to cost a lot of money but, as I say, I will start with if you can stop people starting, and I, like the Deputy of St. Martin, are one of those, and it is one of the most addictive drugs and I have tried. What they say is never, never stop trying to give up. I

will not stop doing that, and I will never stop trying to get youngsters to stop smoking. This is something that will help and this is something that is a no-brainer.

#### **6.1.6 The Deputy of Trinity:**

A lot has been said and firstly I would like to add my congratulations to the Senator on giving up, and I hope she used the Help to Quit scheme run by Health and Social Services. **[Aside]** **[Laughter]** That is a shame, because ... it is good determination then because the Help to Quit scheme has been very good, is very good and very successful. Our aim here as a department and as Minister, is to prevent children from starting to smoke in the first place. If we can get that right from the word “go”, there is a lot of education done in schools, very good education, but it is putting all the bits together to make sure that we do not. We know the effects of smoking further down the line. What it causes, the heart and lung problems. That costs an awful lot of money. So if we can get one step ahead and prevent it from occurring then curing this addictive drug in the first place, it can only be a good thing. If we save one child from taking up smoking because of this then it is one child saved. During all my years as a hospice nurse I have seen the destruction that it causes to families and the patients who have developed cancer because of smoking. Just because of smoking. If we can prevent that from happening years down the line this might not be a short-term fix. This is long term. It can only be a good thing. As regarding the Constable of St. Martin, where do you begin with that? Can these Regulations be enforced? Yes, they can. We already have staff within Environmental Health and Public Health and Trading Standards, who do the work. It would be just another thing to add to their list. No extra staff. It is just continue as they are. If there are persistent cases they are empowered to submit a file to the Attorney General, so that is there. Regarding alcohol, yes, we have been too long. I totally agree with the Constable. It is coming. The Minister for Home Affairs and I and the Minister for Economic Development too, have been working very hard to get out a consultation which should be in the next couple of months with alcohol strategy as well as licensing law. It is coming, the Minister for Home Affairs and I are really pushing hard on this. You are quite right, it is the next thing that we really need to tackle. So I urge Members please to support this. This is very important. We are not forbidding people from smoking. It is the power of advertising. That is what we are doing here, and I urge Members to support this proposition.

#### **6.1.7 Senator L.J. Farnham:**

I would like to align myself with those comments and especially the comments of the Minister for Treasury and Resources, but we get these debates, normally at budget time, and at times like this when we all issue our own moral crusade about how we must stop smoking, must not allow people to smoke, yet we still allow cigarettes to be sold by the million from our own airport. I understand that the cigarettes will have to be put aside in a room and everything, but my question is: why not go a step further? Why not lead by example and the States says: “Let us just put the commercial interest to one side for a second” which goes slightly against the grain for me, I must say, because I am from a business background, but let us put it to one side and say: “No, we are not going to sell cigarettes by the caseload from our airport” and let us lead by example.

#### **6.1.8 Deputy G.P. Southern:**

Just taking in the consequences of that last statement. I just want to briefly refer to the carrot and stick approach. We have said we can provide guidance as to making sure that people stay within the rules, and we have talked about self-regulation and it is going to work. I just wondered what the stick is and what level of penalties are attached to breaches of this particular law.

#### **6.1.9 Deputy M. Tadier:**

These debates are always fascinating, because of course we know fundamentally underline that smoking is bad for you and people should not smoke, yet this is what brings out the fundamental

contradictions of our consumer society and also of our free society where on the one hand I find it very difficult to see how we can say: "Oh yeah, you want to sell a product? That is fine. You want to import a product? That is fine. Bring it in to Jersey and you can make your money on that and we will take some of those taxes and you can sell it freely, that is fine." How many other products are there out there where we allow something to be traded freely and certainly when it comes to alcohol we have a - and I make the analogy because it has already been made - as both types of social drugs which are permitted. On the one hand we crack down on the alcoholics, the drinkers who are not all alcoholics, but on the other hand if you are an alcohol dealer you are a respectable part of society, you go out, you wear your suits, you talk to people and you will obviously be sometimes glad-handing local and foreign politicians that come to visit.

[12:30]

It is always the recipient of those actions who is put to blame. So I am questioning, what are we doing about the importation of tobacco, the duty free sales, which have already been alluded to? I am sorry I missed whether the amendment had already been taken, but we seem to have a strange scenario where duty free sales in the airport, it is going to be very much clandestine now: "All right, mate, you want to come and buy some ... you want to buy some tobacco, yeah, come round this back room. We got a special room which we have had to build for you." You can buy all that alcohol, whisky, that is fine. You can buy the Toblerones, you can buy these massive overpriced Toblerones if you want to, which are good for you, that is fine. You can buy them. You would never buy them anywhere else unless you were going through an airport buying duty free. You can buy your whisky there. If you want your Glenfiddich that is fine, you have to pay a bit more for that. You can buy these 2 bottles for £16 but if you want something a bit harder come round this back room with me and we might even be able to sell you something in a blank white box so you will not be able to distinguish from it", but underneath is a box and if you look very carefully, these are Benson & Hedges but these are Silk Cut Red, but they are white ones so they are Jersey ones. They are special edition. Make sure that when you go abroad you give a special edition Jersey packet of fags to your friends who live in Essex or wherever. This is the kind of strange scenario that we are talking about. The Minister for Treasury talks about the misuse of tobacco, people who were misusing tobacco. It is not a misuse of tobacco to stick a cigarette in your mouth, light it and then inhale the smoke from it, that is what tobacco is for. If you were to get some rolling tobacco, stick it in your ear and pour some water in it, that is a misuse of tobacco and you would have, I would say, probably health issues which extended past the realms of just lung deficiency in the future that needed treating immediately. So I am uneasy about this. I am uneasy that it is being sold to us on the basis that it is to protect children, yet there does not exist any legislation that stops me going into a room with my son and daughter, shutting all the windows, lining up in front of the television and making them inhale my smoke, because that is what goes on behind closed doors, and we will not get involved with what goes on in families. There are so many contradictions in this. We know that the Minister for Health, rightly or wrongly, has told us that if she had her way she would ban tobacco. She would ban smoking, or maybe she said that about alcohol but I am sensing that there is a mood in the Assembly that wants to ban tobacco outright. We know that we cannot do it, therefore we are going to put these strange and bizarre regulations on what constitutes tobacco advertising. I was bowling at the bowling alley, probably about 6 months ago, and it was not particularly late, loads of children around and they were advertising Fosters, straight in front of me: "Fosters, you can come and buy Fosters." So I am very uneasy about this. I would probably have to support this, of course, because anything that we can do to reduce the effects of smoking need to be minimised, and I think we also need to be conscious of the ubiquity of advertising anyway, whether it relates to these kinds of products or anything else. So it really is something which I think is much more complicated and no wonder it stirs up these kind of emotions. But we do have to, I think, be careful in future that we are not giving out duplicitous messages that we do

need to have that review of duty free sales. It seems strange to me that on the one hand to go full circle, the airport, because it is terrestrial and it is still part of Jersey, might be operating system whereas a boat that is docked outside can sell and advertise, which does not create a level playing, because they are not within the terrestrial jurisdiction of the Island. On the one hand you might have Condor, which can freely advertise the Toblerones and their cigarettes openly to children or to anyone who comes into the shop, but at the Jersey Airport that does not take place, whereas in Gatwick, for example, they might have completely different regulations, which begs the question: "Is Jersey being competitive by introducing this Regulation at the moment when other surrounding airports, *et cetera*, are not doing it?"

#### **6.1.10 Deputy E.J. Noel of St. Lawrence:**

I have recently seen first-hand how tobacco is sold in Australia. I even took photographs on my phone of the tobacco shops to show any States Members what they look like so they could see what the future would be like in Jersey. They are covered up behind screens; they do not have any branding on them. The only things they have on their packets are the health warnings. They also have a very high level of duty making most packets of cigarettes, I believe, in excess of £10 per packet. Another interesting fact is that they only allow 50 cigarettes as their duty free allowance, not currently our 200. I believe in this instance I can speak for the Minister for Treasury and Resources, the Minister for Treasury and Resources and I would welcome such a reduction in our duty free allowances for cigarettes being imported into Jersey. The Australians go a step further, they ban smoking on their beaches and their promenades. All of these measures have had a beneficial effect on their health services, reducing the burden. They are also improving their environment, and they are also improving the lives of their people, in particular the future lives of their youngsters. We just simply need to get on and approve these Regulations, it is the sensible thing to do, it is the right thing to do.

#### **6.1.11 Deputy G.C.L. Baudains:**

Deputy Tadier, when he spoke, reminded me of a record many years ago that purported to be from Walter Raleigh where it was asked: "What is this wad? This tobacco wad. You put it in your mouth. Do not tell me you set fire to it? You do?" It is all just quite interesting. I am concerned about these Regulations because they are clearly well intentioned, but I believe at the same time misguided. For example, Senator Ozouf, I believe, is of the view that people start smoking because of exciting packaging that they see in the supermarket. I did not think sex was a good idea because of something I saw at the Co-op so I really do not see the relevance. **[Laughter]** These Regulations will make no difference at all, because young people do not smoke because when they are at the checkout: "Oh, look at that lovely packet, I wonder what is in there. I will have some of that." They start smoking because their mates smoke. "Try one of these." "Okay, right" and then 10 or 20 cigarettes later they are buying their own and it does not matter if it is in a flashy package or if it is from under the counter or if it is in a packet with no labelling on at all. It will not make any difference. So, as I say, I appreciate the fact that these Regulations are well intentioned but I doubt if I will support it because I do not believe they will make any difference at all.

#### **6.1.12 The Connétable of St. Helier:**

Much of what I was going to say has been said by other Members. I think some of the dissenting voices today, or questioning voices, in the Assembly are right to challenge whether these particular Regulations will make any difference. I know the Minister for Treasury and Resources said: "Well, they are before us, let us just get on and approve them." That is not really good enough when it comes to legislation. As an Assembly we have committed in the past to not pass unnecessary legislation. I am not saying this is unnecessary but when the rapporteur replies I would like an answer to a couple of questions. First of all, I note that the industry wrote to Scrutiny back in

February and I wonder whether Scrutiny - perhaps he is not in a position to tell us - took up the suggestion that they conduct an evidenced-based review as to whether these new proposals will be a useful part of the overall smoking strategy. Secondly, a few people have said very glibly that the effect on the economy will be minimal and the rapporteur rather emotively said that must not set the economic interest against our children's health. As another speaker said, this is not just about children buying cigarettes. I would like to know a little bit more about the economic impact of this. Has the department done any work on the number of shops affected? Will any jobs be lost as a result of these Regulations going through? What will be the costs to the smaller retailers who at other times and in other debates we, as an Assembly, profess ourselves determined to protect. I think that is really the very least we can do to make sure that before we introduce legislation we have some idea of the impact it will have on the people whom we represent. Also I note that we have been written to by the industry body or representatives of it and that they raise a question that some Members have echoed, that given that there have apparently been no prosecutions for underage tobacco sales then how will we measure the success of these new instruments that are being given to the enforcement agencies. I note in passing that of course the enforcement of underage alcohol sales is being effectively discharged and we regularly hear of sixth category licensees who are taken to the bench and are punished for selling alcohol to minors. Why have we not seen a similar focus on underage tobacco sales? I do not agree with some Members who feel that this debate has been unnecessary. I think some very interesting points have been raised by Members, particularly in regard to duty free. Why are we doing this and yet apparently turning a blind eye to the ability of so many smokers to get their cigarettes on the cheap, and also the wider issue of alcohol and how it is promoted in our supermarkets in particular? We throw the book at our licensed premises and yet we allow supermarkets in 6 categories to promote easy access to alcohol. I believe it has been a very useful debate and I look forward to hearing replies to my precise questions from the rapporteur. Thank you.

#### **6.1.13 Senator B.I. Le Marquand:**

The issue here is this: are we serious about reducing in the future the number of people who are smoking? The tragic fact is that regular smokers damage their health. The long-term effects of smoking in terms of chronic heart disease and chronic lung disease, including cancers, mouth cancers, if you have known someone who has lived out the final years of their life with chronic lung disease or chronic heart disease, barely living an existence, going in and out of hospital for treatment, then you will understand that this is not a quick killer. One of the pleasures of sitting next door to Senator Ferguson, as she is temporarily my neighbour, is we have some interesting disagreements in relation to things. One of the disagreements we had this morning - one of the downsides of that is we very often incur the wrath of the Chair by making too much noise - was about this very fact. I can assure Senator Ferguson that in many cases people die slowly and their last years are most unsatisfactory. The cost to the health system, which is perhaps a lesser issue than the evil of their chronic health problems, is also very great. We are not here talking about prohibition. I am not a prohibitionist either in terms of alcohol or in terms of cigarettes. The reason I would never be a prohibitionist in terms of cigarettes is that we have so many people who are addicts and they became addicts at a time when it was lawful. Therefore to change the law and making them criminals would be totally unacceptable. We are talking here primarily about the issue of advertising and promotion. I would ask Members to consider the question: "Who is this targeted at?" Is it targeted at existing smokers in order to switch brands? I do not think so. If you look at the nature historically of advertising with such ridiculous things as: "Come to the big country" the sort of illusion that somehow this was a healthy thing, how ludicrous is that? Come to the big bonfire and inhale its contents would be a far more accurate description. Nicotine is a highly addictive drug. Let us not beat about the bush on it. It is highly addictive. The previous director of the Drug and Alcohol Department, who by coincidence was an Australian, once told me

that he thought it was more addictive than heroin. Now, it does not have the psychotic affects associated with heroin, but in terms of pure addiction that was his opinion. We applauded Senator Ferguson for giving up cigarettes because we know how hard that is, because it is highly addictive. We cannot sit by and allow a further generation to become addicted in this way. That would be grossly irresponsible. It is for those reasons wholeheartedly I support the principles.

### **LUNCHEON ADJOURNMENT PROPOSED**

#### **The Bailiff:**

The adjournment is proposed. The Assembly will reconvene at 2.15 p.m.

[12:44]

### **LUNCHEON ADJOURNMENT**

[14:16]

#### **The Bailiff:**

The Assembly was discussing the principles of Projet 17. Does any other Member wish to speak?

#### **6.1.14 Connétable S.A. Rennard of St. Saviour:**

During the lunch hour I have been accosting people in the street that had a cigarette and asking them basically why they were smoking. One young lady said to me: "I have been smoking since I was 13 and I enjoy it." So I said: "Well, does the advertising do anything to you?" She said: "No, I am not the least bit bothered, I just walk in, get the packet I require and walk out. I am not bothered by the advertising." While I was out I went to what I think might be the only specialist shop we have in the Island, opposite the Town Hall, I went to see the gentleman and I asked him what would happen to him - because it is a beautiful shop front if anyone has had a look, it really is lovely - and he says that he is under the assumption that he is going to have special exemption and he will not have to hide his advertising. So I wondered how that was going to work. But it is a lovely shop and I think that we have consider these points as well as everything else because this gentleman would not serve under age children, they would not be able to get a packet of cigarettes. He also works what I would call bankers' hours and he is not open late at night. So that would be another safeguard. If we adopted some of the things that they do ... and I know I do harp on but this is the only place I know a lot about is the United States. They do have specialist shops that will only sell cigarettes and only sell alcohol. You cannot buy them in supermarkets. Strangely enough you can buy cigarettes in garage shops but you cannot buy alcohol, which is obviously a wise thing. But they seem to get them in brown bags from other places. But there are specialised shops and maybe we need to think on those sort of lines rather than bringing out any more legislation because I think it is time that the public looked after themselves and thought for themselves. We have a lot of cigarettes that come out at the moment with awful pictures and things on them but it does not seem to deter anybody and bring out another rule, they are not allowed to do this and not allowed to do that, people have to be allowed to think for themselves sadly and a lot do not. But one of the ladies - I spoke to 3 or 4 people - I spoke to, I said to her: "Can I be really personal? Do you have any children?" She said: "Yes." I said: "Do they smoke?" She said: "Yes, because they have seen me and my husband smoke." So unless you stop the top ... it is not so much helping the children because unless you are going to bring out a lot of legislation, no smoking in the home, no smoking in the car, and where do you stop? I would just like to know for sure that this gentleman with the specialised shop is going to be exempt and there is not going to be a lot of hoarding and brown paper at the windows which will make it look really seedy and nasty, and that his business is going to be okay. I think it is time that we allowed the public to think for themselves.

#### **6.1.15 Deputy S. Power:**

Listening to the Constable of St. Saviour there, it might useful for her to read Regulation 7 which deals with specialist and bulk tobacconists and their exemption. I wanted to ... I have to pay a fine, my phone has gone off. **[Laughter]** Having said that I humbly start again.

**The Bailiff:**

The Greffier will make a note, I am sure.

**Deputy S. Power:**

Yes, I am sure the Greffier is expert at making notes on fines. I wanted to draw Members' attention to read the short paragraph on page 3 and that is: "Eight out of 10 smokers start before the age of 19 and a local service shows that the number of children who believe they will smoke when they are adult triples as they reach secondary school. The change in perception makes them a particularly vulnerable group who need to be protected from the promotion of harmful product." This last sentence is so important: "The same local survey shows that garages, corner shops and supermarkets represent a regular source of tobacco for children who do smoke." While we are discussing the restriction on advertising today my own view is that were we to be serious about this we would be probably tackling the supply as much as the regulation on advertising. In my view smoking starts, as it did with me, under the age of 19, and it does not start at duty free shops or restaurants or car ferries or airports, it starts at the corner shop because it is easy and it is accessible. That is the first issue; if we really want to deal with smoking beginning at an early age we really have to deal with the supply. While this Regulation and this Report and Proposition is worthy of support I would say to the Minister for Health, and indeed to the Medical Officer of Health if she is listening, that the next thing we will need to do is do something about the supply. The Constable of St. Saviour was correct, in some American states you cannot buy alcohol or tobacco in a corner shop or, as they call it over there, a grocery store, you have to go to a state-regulated store, which does nothing but supply tobacco and alcohol. I think if we were serious about it we would do that. But there is a tension and conflict in this because with every cigarette sold we have impôt, impôt and impôt and the problem is that it produces millions of pounds a year for central funds and we have to be honest with ourselves and say: "If it produces millions of pounds a year for Treasury, how much of those millions of pounds a year has to be spent with the Health Department dealing with respiratory problems and all the other problems associated with smoking for a continuously long period of time?" The other issue that I constantly see, and it is not very far from this building, is that there are 2 corner shops at the bottom of Hill Street, and I have seen older teenagers buying alcohol and tobacco for younger teenagers, and that is something else that we are going to have to address and that comes with supply. I started at 14 or 15 in the west of Ireland. I was given cigarettes by an older person and that started me off. It was nothing to do with advertising, it is what is called peer group pressure, and we are not really dealing with that here. I will support this reluctantly, it is another small piece of armament in the battle against the damage that smoking does to the health of the public. This Assembly legally allows the sale of tobacco and we now have to deal with the consequences of it. My good colleague, Deputy Baudains, was going to refer to Sir Walter Raleigh introducing tobacco to civilisation and that is why it came across the Atlantic, I have been told. But what we have to do today is be sensible about some of these reports and propositions and move it on. I finally say to the Minister for Economic Development there are an awful lot of people out there who have restaurants and marginal tobacco sales which are going to be affected in a draconian way by this and normally they would never, ever have a teenager come in and buy from these establishments. It is slightly simplistic, I think, for the Assistant Minister for Health and Social Services to suggest that a simple curtain or a sliding door will do as so many of these businesses have had major and very expensive fit outs. That does not say that we cannot deal with this, we can, but my summary sentence on this is that this is another small step in the direction



to control tobacco consumption on the Island, advertising is just one issue, the other ones are, as I have said, supply, peer group pressure and all the other issues.

#### **6.1.16 Deputy R.G. Bryans of St. Helier:**

I was not going to speak about this today but the question of moral ambiguity came up before lunch and I thought I would jot down a few notes. Before lunch Senator Ferguson spoke about a nanny state. We have a responsibility, not as a nanny state but to provide parental governance. I grew up in a society where everywhere you went you were met with a thin pall of smoke, in pubs, on buses, restaurants, everywhere. Now, with tough decisions made by some brave governments, we are nearly in an Island-wide smoke-free zone. It is equally clear, as Deputy Martin states, that even smokers caught in the trap of addiction wish they had never started. We have a clear imperative, a moral obligation to take every opportunity to reduce an early introduction to smoking, leading to a lifelong addiction, an addiction that costs people hard earned cash and shorten people's lives. There is no moral ambiguity about that. Should we consider the hard-pressed retailer who is struggling to make ends meet in a recession? Of course, we should but which cause is greater? As an educationalist my focus is to educate our way out of this dilemma, but it is not enough. All we are doing is removing advertising. It will not reduce the number of people who choose to smoke, that is their choice. Advertisers and retailers are resilient. We should embrace any opportunity to stop the early adoption of a lethal addiction. It will give us all a better quality of life. Smokers have a choice, I have a choice; I choose to back this proposition.

#### **6.1.17 The Connétable of St. John:**

Goodness knows what this particular document is costing the Island. Surely it could have been done in a slightly different way, Minister. We are using a sledgehammer to crack a nut because I think the majority of us here are going to support this. But when I see the headlines in the paper today about the health police and the current Green Paper for Health, this is going to allow these people - if that goes through on the Green Paper - to walk into people's homes and if they see that somebody is smoking, next thing the health police will be doing their bit on that Green Paper because it will be affecting somebody else's human rights. I was in Switzerland on States business some weeks ago and as I came back through the airport I had a phone call from one of my daughters who asked me to bring some cigarettes back for her. She knows I do not approve of her smoking anyway. But anyway I went and had a look in the tobacco department at Geneva Airport and, not being one who usually purchases cigarettes, I took one look at these cartons and they were covered with the most grotesque pictures of different parts of the body that had been affected by cancer. I walked out of that particular part of the building ... well, it virtually made me sick because I had not seen, not being a smoker, these pictures before and so many of them, I thought: "Wow, that alone if I was thinking of smoking would put me off." To do away with those pictures and just have a plain carton to me I think sounds a bit odd because that alone, once they have got their plain packet of cigarettes, they will take it and probably put it in a cigarette case and the like and therefore you will stop having this type of deterrent, for want of a better word.

[14:30]

I am going to support this because I have always had an issue with smoking, it affects me more than ... I am reasonably chesty and therefore it gets me. One of the best things that happened was stopping smoking in public places, like restaurants and the like. But that said, it is a freedom of choice for many people. I have one or 2 concerns of why has it been necessary to produce such a large document, surely the Minister could have done this in a different way, by an order or one of the other things within her armoury to make this happen. I am sure I am going to be corrected by the Assistant Minister in due course. I can see him laughing so that obviously is going to happen. But surely that could have been done, because goodness knows how many thousands of hours have

been spent in law drafting just to bring all this into being. Hopefully the rapporteur will tell us how much has been spent on putting this lot together, that will be an interesting figure. Because I believe it is the right thing, probably not done in the right way, I will be supporting it.

#### **6.1.18 Deputy T.M. Pitman:**

Just a few points. I am very much in agreement really with the Constable of St. John. I think Deputy Tadier hit the real nail on the head, where unless we do have the implementation of the health police, which seems a possibility ... I visit homes and I see parents just smoking and smoking in front of children who have absolutely no choice in that decision. It is about awareness and education that you really need to focus. That is my only criticism of this. I will support it but I would just like to see a greater process of joined up thinking with Health generally from the Council of Ministers. It must be 2 years ago that we agreed when the other Deputy Pitman brought about healthy food and G.S.T. (Goods and Service Tax), now we have to encourage people generally. None of these things exist in a vacuum. I am perhaps the only Member who used to be employed within the British Government's Drug Prevention Initiative, so I am quite aware of the problems, and until we get to grips with some of the anomalies that someone can, as I have said many times before, drink 15 pints of lager yet people throw up their hands in horror and we see people sent to prison for a having a joint of cannabis. Until we get a more grown up, realistic approach to all of this and look at it collectively I think whatever initiatives we do are always probably going to fail and never get quite the result that we want. From working with young people, I think Deputy Power is quite right, there is a huge peer pressure, and that is another issue that needs to be looked at. Why are young people smoking? Why are lots of young teenage girls smoking? Things about body image, *et cetera, et cetera*. Again, it is just this joined up thinking. Stress: lots of people I know smoke, they do not want to smoke but they do so because of stress. I smoked for 3 weeks once when I was at university. Fortunately it was under the duress of former girlfriend, luckily I came home for Easter and I rediscovered the smell of my clothes, that I stank like an ashtray, so I stopped and I have not smoked since. I think I once had a cigar in Cuba but there we go, that would not surprise anyone, would it? Just for the experience. But that is it. So I think we have to give support to people all round. I fully support the initiatives we have had about smoking in public places but until we get that collective picture I think any of these well-intentioned initiatives are ultimately going to fail. That is my only concern but I will be supporting it.

#### **6.1.19 Senator A.J.H. Maclean:**

Just briefly, if I may. One or 2 Members have raised the point about the impact potentially on businesses of this legislation and clearly there is going to be some impact as Members would expect. Probably the greatest financial impact is going to be up at the airport although it has not been quantified yet with regard to duty free. Members may or may not be aware that cigarettes represent one of the biggest sellers in the duty free area, and of course its export rather than import, people leaving the Island are purchasing from duty free. The link clearly is that that revenue helps to pay for the running of the airport and to keep costs down. I make the point simply because there are unintended consequences of any decision taken. That is not to say, and I am in no way standing up here saying this is not something we should not do, I am just simply pointing out that we need to be very aware of what the impacts are likely to be more broadly to decisions that this Assembly takes. I would agree with the Connétable of St. John, I think he was absolutely right, sometimes we go down the route of legislation when indeed there are other actions that we could take and should take that are perhaps quicker, easier and cheaper that have an important role to play. By that I mean education. I think there is a big, big role in terms of education in trying to minimise the impact on young people and more elderly members of the community who smoke to understand the damage, and I thought the description that the Connétable made of his trip to Geneva was quite

illuminating. I have seen some of these pictures and they are absolutely disgusting. That is exactly as they are intended to. They are there to put people off. So I think education has a really important role to play, we do not do enough of it and I think we need to really up the game in that particular area. What I would simply say is we need to think more about education than legislation in certain areas. We also need to look very closely at the role of the police in terms of enforcing the legislation that we have in place to make sure that we again minimise the damage and impact on particularly young people who are those who are hurt most. That is all I wish to say. I will be supporting this particular proposal but Members should be aware of the unintended consequences, thank you.

**The Bailiff:**

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

**6.1.20 The Connétable of St. Peter:**

Thank you very much to all the Members that have taken a lot of effort to contribute to this debate. It has been very useful to hear all their points in the debate. First, before I start addressing some of the points they have raised, I have an apology to make to Members that I misled them earlier on this morning, I spoke about inland waters within the territorial waters being within 3 miles, it is not. Inland waters are the harbours and inland waterways. The legislation for territorial waters is exempt. So outside the harbour these Regulations do not apply, inside the harbour they do. So that is just to clarify that point that I possibly misled one or 2 Members on this morning. It does not change the thrust of the Regulation, I just needed to clarify that point. What I am going to do, rather than go through everyone personally, is to pick up the common threads that went through the questions this morning and try and deal with it in sectors and hopefully Members, if they wish to come back, can ask to interrupt me if they wish. Talking about resources for enforcement and monitoring, I can confirm that no additional resources will be needed from the department. The department has already been working to support retailers during this 18-month lead-in period and will continue to do so, and that has been planned as part of their business as usual. Existing monitoring and compliance of existing tobacco regulations is currently conducted by Trading Standards and Environmental Health. This will continue to operate and help enforce these Regulations. Emphasis on enforcement is to work with the retailer only moving to penalties in extreme and persistent offending. That brings me neatly into penalties. Penalties already littered within the Regulations, penalties for breaches of these Regulations are liable to an unlimited fine as set out in the schedule in fines, exact fines will be dictated by each individual case. I thank the Minister for Economic Development for his comments on economic impact. Certainly where similar Regulations were passed in other countries there has been no reported negative consequences to retailers as a result of compliance with new laws. Some Members claim that advertising does not encourage people to smoke or start smoking, therefore I am assuming they are going to support this because if it does not make people start then why talk against them having the advertising. If it is not working to promote it then there is no issue with it being taken away. Duty free: that is a very good point and has been well exercised today and it is certainly something that is already on the radar of the Health Protection Units. I was very encouraged to hear Members enthusiasm for addressing tobacco sales in duty free areas. The next tobacco control strategy in 2015, will afford us the opportunity to consider and include this issue in the future. Certainly, as 2 of our colleagues have mentioned earlier on in the debate this morning, I think Australia limit their imported duty free to 50 cigarettes per person and somebody mentioned to me over lunch time, I think it is Norway, they limit it to 19, one less than a packet just to make it awkward I believe. So there are already controls out there. Some perhaps a little bit more restrictive than others, but certainly that is an area we need to consider and look at in the future. Moving on to clarify the

concern about duty free tobacco on passenger ships. There is no inconsistency in the way the Regulations will be applied. Condor, as with any other passenger ship, will be required to comply with these Regulations when they enter inland waters, that is the harbour. By the time they come into the harbour all advertising must be off and all sales completed. Which, as we already know, they do that anyway. I did mention in my initial speech about the nanny state and certainly we have had some comments on it. I would reassure Members that these Regulations are about protecting children. The references I have made to wider research evidence would support his view. As a government, I think Deputy Bryans made the comment, we have a duty to act when the evidence of real harm of tobacco is so overwhelming. This is not the action of a nanny state. This is acting as a good steward for our community's health. Moving onwards I agree with Members comments that tobacco is just one of the health risks that Islanders face. The department is currently working with Home Affairs, Economic Development and the Chief Minister's Department to bring forward a government-wide policy on alcohol. We expect to be in a position to consult with the public later this year, in the meantime we should not squander this opportunity to deliver on promised action to reduce tobacco smoking in Jersey. There were a couple that I did not pick up in my notes I did over lunch time. I think the Constable of St. Saviour; I have highlighted here, mentioned a lady she spoke to in town, started smoking at 13 years old and currently enjoys. This is what we are trying to do is stop these ladies starting at the age of 13 because evidence is showing us now that people that start smoking at 13, 14 and 15 are 3 times as likely to suffer from ill health or die of the effects of smoking, much more so than if somebody does not start until in their late 20s. So for young children the impact while their lungs and bodies are still developing, is much greater and more probable to give them long-term health risks and die prematurely from smoking tobacco. Do we want to sit in this Chamber and accept that situation or are we going to stand up in this Chamber and say: "We are going to protect those children from dangers they are not really aware of yet"? Deputy Pitman made a good comment about the children at home being protected. I do not know how we can help him do it but I entirely agree with his comments. There are too many children, and I have to admit rather ashamedly that up to the age of about 32 I did smoke 20 a day and my children had my second-hand smoke. I look back on that now with some disgust in myself for doing that. But I am more educated now. I recognise the dangers. Fortunately neither of my children have ever smoked and hopefully neither will my grandchildren. Certainly there has been some comments about the difficulties some of the retailers, I think someone mentioned about the difficulty in closing down the displays. Certainly where it has been introduced in the past the retailers were arguing it is going to cost about £10,000 per retailer to equip up, to encompass the Regulations where they have been introduced elsewhere. In practice afterwards it costs them around £300. That is what we have been given on the research that we have done in developing up these Regulations. I think it was my very good friend the Constable of St. John, sat alongside me here normally - he is outside having a cough unfortunately, hopefully not from cigarettes - he did ask how long has this been going on. It is has been going on approximately now ... this strategy was started in the very embryonic stages around 5 years ago. It has been building up to the crescendo where we are now but it came back to the States earlier this year and this inland water issue put back the amendment. I think there is nothing more I can add at the moment.

**The Bailiff:**

Very well, all those in favour of adopting the principles, kindly show? The appel is called for in relation to the principles of Projet 17, I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 43</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Deputy G.C.L. Baudains (C)		

Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

**The Bailiff:**

The Deputy of St. Peter, do you wish this matter to be referred to your scrutiny panel?

[14:45]

**Deputy K.L. Moore of St. Peter (Chairman, Health, Social Security and Housing Scrutiny Panel):**

No, thank you, Sir, we have considered this issue, met with the industry and exchanged correspondence and we are satisfied with the approach taken by the department.

**The Bailiff:**

Thank you very much. Assistant Minister, how do you wish to propose the Regulations? There is one you are amending so we cannot propose that. Do you wish to propose all the others or in parts or how do you wish to do it?

**6.2 The Connétable of St. Peter:**

I think it stands together and I would like it if Members would allow us to do 1 to 28 all in one go and we will deal with the amended one, 29, separately.

**The Bailiff:**

Very well, do you wish to say anything about them or will you simply answer questions?

**The Connétable of St. Peter:**

Just very quickly, just simple quick one-liners. Part 1, the general regulations are in parts 1 to 4 and these key terms and regulations, such as specialist tobacconist and bulk tobacconist - and I apologise again, I did not answer the Constable of St. Saviour's question about bulk tobacconists - they will continue to be able to trade as normal. In their shop window they can show smoking paraphernalia but not packets of cigarettes or advertising for cigarettes, those ones remain out of sight inside the shop. Part 2 advertising: the Regulations address advertising in more detail and also describe the exemptions which we mentioned earlier. Those are Regulations 5 to 14. Brand sharing, Regulations 15 to 16, these address the brand sharing in more detail. Part 4, the point of sale display Regulations 17 to 21: these Regulations address display at the point of sale and also talks about the person found guilty of an offence under these Regulations. Display of prices, Regulations 22 to 27 in part 5, they set out the specific requirements for display of prices of tobacco products. Part 6 are the general provisions in relation to offences under these Regulations.

**The Bailiff:**

So you propose Regulations 1 to 28. Are they seconded? **[Seconded]** Does any Member wish to speak on any of those Regulations? Deputy Tadier.

**6.2.1 Deputy M. Tadier:**

I have a question about the Article that relates to the smoking paraphernalia in the windows. It seems to me that if one is hiding the actual tobacco products themselves, there seems to be nothing to stop one, for example, having a branded Benson & Hedges lighter which you can display in the window in exactly the same format and branding as the packs of tobacco would have. The Assistant Minister is nodding, he seems to know what I am talking about so perhaps I will let him answer. But it does seem to me that could be a contradiction. You could have a Zippo lighter which has been designed to look like a packet of cigarettes and therefore you have that in your window and it is performing exactly the same advertising function as the cigarettes would be doing themselves.

**The Bailiff:**

Does any other Member wish to speak on the individual Regulations? I invite the rapporteur to reply.

**6.2.2 The Connétable of St. Peter:**

Over enthusiastic. Thank you, Deputy Tadier, for that question, it is very useful. That comes under part 3, brand sharing, of Regulations 15 and 16. Anything which carries a brand name of a

cigarette will be picked up by this law. It cannot be used. So if it is a Benson & Hedges lighter or cigarette case, it cannot be displayed at the window because that is encouraging people to buy a Benson & Hedges cigarette. It is a form of advertising effectively and we are looking to stop that so people do not go and buy the tobacco.

**The Bailiff:**

All those in favour of adopting Regulations 1 to 28, kindly show? Those against? They are adopted.

**6.3. Draft Restriction on Smoking (Advertising, Promotion and Display) (Jersey) Regulations 201- (P.17/2013): amendment (P.17/2013 Amd.)**

**The Bailiff:**

Now there is amendment to introduce a new Regulation 29 and renumber. So I will ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 30, Regulation 29, (a) after Regulation 28 insert the following Regulation: “29. Application of Regulations to the territorial sea. These Regulations do not apply to a vessel of any description that is within the territorial sea adjacent to Jersey, (b) Renumber the existing Regulation 29 as Regulation 30.”

**The Bailiff:**

Do you wish to propose the Regulation?

**6.3.1 The Connétable of St. Peter:**

This proposition was sent back because of the reference to the inland waters. This Regulation clears it and makes the territorial waters exempt from the Regulations, and clarifies the position which I mentioned earlier with regard to inland waters.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the new Regulation 29, on the amendment?

**6.3.2 The Connétable of St. John:**

Yes, I would like the Assistant Minister to explain what he means by the “territorial sea”, because in his speech this morning he mentioned the 3-mile limit and territorial waters. Then in his summing up of the proposition he spoke about not closing the ships shop that sells cigarettes and alcohol, *et cetera*, until they get into the harbour or in the small roads. I need that clarified because he is now telling us something slightly different here, which I am aware what the territorial waters are, this needs to be clarified so that everybody knows that we are singing from the hymn sheet.

**The Bailiff:**

Does any other Member wish to speak? Then I invite the rapporteur to reply.

**6.3.3 The Connétable of St. Peter:**

Unfortunately I think the Constable of St. John was out having his little coughing fit when I addressed that. I will repeat it again now for his benefit. My apology was that I said that the inland waters were up to 3 miles from the shore. In fact the inland waters are within the harbour only, the rest are territorial waters, and the territorial waters are exempted by this amendment to the proposition.

**The Bailiff:**

Very well, all those in favour of adopting Regulation 29 as amended, kindly show? Those against. It is adopted. Then formally I think you must move the new Regulation 30 then, Assistant Minister?

**The Connétable of St. Peter:**

Yes, I propose Regulation 30, please.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting what is now Regulation 30, kindly show? Those against? It is adopted. Do you propose the Regulations in Third Reading, rapporteur?

**The Connétable of St. Peter:**

Yes, Sir.

**The Bailiff:**

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

**7. Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201- (P.18/2013)**

**The Bailiff:**

We come next to the Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201-, Projet 18, lodged also by the Minister for Health and Social Services and I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 201-, a law to amend further the Restriction on Smoking (Jersey) Law 1973. The States subject to the sanction of Her Most Excellent Majesty in Council have adopted the following law.

**7.1 The Connétable of St. Peter (Assistant Minister for Health and Social Services - rapporteur):**

P.18/2013 proposes to amend further the Restriction on Smoking (Jersey) Law 1973. To start with, too many children in Jersey are smoking. Between the ages of 13 and 16 the number of children who describe themselves as smoking regularly doubles. Research shows that most adult smokers start and become addicted to smoking during adolescence, and estimates that a young person who starts smoking at the age of 15 is 3 times more likely to die from smoking related cancer than someone who starts in their late 20s. It is vital therefore that we, as a responsible and caring community, do everything we can to try and protect children from the known harms caused by tobacco. Despite retailers' best efforts and existing regulations, the opportunities for underage children to access tobacco products by vending machines are still far too prevalent. Smoking is dangerous, it ruins people's lives, and tobacco vending machines represent an easy option for children encouraged or persuaded to buy tobacco. Recent surveys have highlighted that vending machines are a consistent source of tobacco for children. These Regulations represent a small but essential measure to support and improve the health and wellbeing of Islanders and the purpose of this amendment is to reduce the risk of tobacco being sold to children through tighter control of tobacco vending machines. The tobacco control strategy agreed by this Assembly in 2010 commits to prohibiting tobacco vending in Jersey. This is an important step which is consistent with an



ongoing approach to reducing smoking rates among young people. I therefore urge this Assembly to maintain its commitment to tobacco control and the health and wellbeing of our Islanders by endorsing this important amendment to the existing tobacco law.

**The Bailiff:**

Is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles? Connétable of St. Martin.

**7.1.1 The Connétable of St. Martin:**

I thank Members for the debate this morning and this afternoon, I did not realise it would take the turn that it did but it was a major issue both financially and medically. I can understand the reasoning as well behind this proposition and recall a local nightclub in St. Helier that had a vending machine in the club that dispensed cans of intoxicating liquor. Although there were a number of other issues that led to the club losing its liquor licence following a referral to the licensing bench by the then Attorney General, it was evident that there was no control whatsoever on that stage, on the purchase of goods from vending machines situated around licensed premises. In this case we are talking about cigarettes, in the previous case it was lager and cider. My concern, however, relates to the operators and the suppliers of the vending machines. In the Frequently Asked Questions document that was provided to us after the cancelled PowerPoint presentation for Members, one of the questions related to the loss of jobs for the vending machine operators. The reply indicated that there was only one firm operating such machines and that the owner had been aware of the impending policy for some time. It did not quantify the number of jobs likely to be lost and was lacking in this respect. The concluding part of the written answer stated, however, that the machines could be modified to supply healthier options like nicotine replacement therapies. Maybe the owners of the alcohol dispensing machines at the nightclub I referred to earlier could have been told to adapt their machines to sell Lucozade and Jersey Spring Water, but I doubt there would have been much take up on that. I am sure that was not the case. It might have resulted in the machines being converted to take packets of 10 cigarettes rather than 20, I do not know if that was considered. Nevertheless it is a serious matter and I was concerned in reading the *Jersey Evening Post* report of 18th March of this year, this was the night before the proposition was to be brought to the Assembly, they quoted the owner of the company that restocks in the machines and supposedly supplier to vending machines on the Island saying that no one had contacted him about the department's proposal to outlaw tobacco vending machines, and that he and his staff member would have to close. The Draft Restrictions on Smoking was lodged on 7th February 2013 after what I would suspect was many months of work before the owner of the company stating that he only became aware of the impending situation days earlier. The consultation referred to by the Minister may have taken place with wholesalers, but not possibly with the actual vending machine operators, and it is the general livelihood of that man and his member of staff or staff members and I do not think ... there may be an answer that consultation did take place but he may have been missed out. So I just ask if the Assistant Minister could advise the Assembly what consultation did take place, with whom, when it happened and whether consideration was given to allowing cigarette vending machines to remain in areas where they could be clearly monitored by staff, in particular in public bars where children under 18 are only allowed with adults and not allowed there after 9.00 p.m. in any case.

**7.1.2 Deputy G.C.L. Baudains:**

Unlike the previous proposition, I believe this will have a measurable benefit so I will be supporting it but I am slightly concerned, and this does occur with quite a few propositions that come before us, the financial manpower implications. We are told it will impose additional duties

but they will be managed within existing resources. Unless there is existing slack in the department, could the Assistant Minister tell us how that will be?

### **7.1.3 Deputy M. Tadier:**

I do not have a problem with the fact that cigarette vending machines are being phased out, it seems to be that is what is happening already in the U.K. In fact a friend of mine from the U.K. commented on how unusual it was to see tobacco vending machines still in clubs and pubs. I am concerned about the way this is being sold to us as an Assembly though, on the basis that it is there to protect children when the report itself, P.18, says: "Approximately 6% of underage tobacco purchased by 14 to 15 year-olds come from tobacco vending machines" which means that 94% of 14 and 15 year-olds who are buying tobacco illegally are not buying them from vending machines. It seems a strange way to sell this to us. What about the 94% of those children who are not using vending machines, what are we doing about that 94%? How do they get them? They presumably get them from friends, from parents who smoke initially, *et cetera*. I think we should be a bit more honest and say that we are taking vending machines out of pubs, it will have an effect on people who supply and maintain vending machines and it is going to affect smokers, and I think that is what it is designed to do. Although you can argue, of course, that 6% is significant anyway and we should be clamping down on that, that is no doubt where the answer will be. I think the real reason is that we want to make smoking much more difficult for people to do, whether it is successful or not, I am not sure.

[15:00]

France have a completely different smoking strategy, have they not, you can only buy tobacco as far as I can see from a licensed tabac seller, you cannot buy it from other shops. The French still seem to smoke quite a lot. So whether or not the strategy is correct, it is obviously one prong of a multi-pronged approach. Let us not dress this up as trying to solve the issue of children smoking because, as it says in the report, it is only 6% who seem to buy their tobacco from vending machines and maybe if that is a concern we could just tighten up the regulation and make sure that those bars that are offending bars are tightened up and that we know who the rogue sellers are. Or the ones who are simply too busy and have their vending machines too close to the door, maybe that is a simpler way to go down.

### **7.1.4 Deputy J.A. Martin:**

This follows on from the advertising because for the vending machines to work you need to know what you are putting money in and the picture of what you hope to get out in the long run. The question of how many percentage of youngsters ... I could name you 5, 6 pubs in this area within 100 yards that do not have doorman, that will have one staff on, being on a very busy day like today if it gets sunny, they are not noticing who is walking in and out. We need to cut this off, that children are going in. They are not necessarily next to the door and people are too busy because of the staff they can employ at certain times, they know where they can go. Absolutely the business, and I have been told, that does run the vending machine is in talks with all the licensees, because if licensees do not sell the cigarettes ... the vending machine only has to be out of sight. Now, you pay for your pint, you say, and I want 20 XY or whatever and they say that will be that. They then again, out of sight, will supply you with that. That is what happens in other places, not obviously France, where you only have certain designated areas, but most licensees who have their regulars in or people watching, say, the football match on a Wednesday and somebody says: "I would like X cigarettes" and they say: "We do not do them. You need to go round the corner, down the road and that pub there sells them." Do you think that person is coming back? No, they are not. So it is all about business for the vendor machine person – who, there is one on the Island, only one - and the licensee. If people remember it years ago, you would buy your pint and buy a packet of cigarettes.

They have become such a high value good that, it is true, sometimes tempting for staff and the owner or the manager does not want there to be any chance that there is pilfering on the cigarettes because it is a high value good now. This will not put anyone out of business, it will, if it is the 6% of underage who do go in just to go and get the cigarettes, because, as I say, someone is too busy, it stands to reason ... and the advertising is because they are on vending machine, they can be behind the bar. So we are putting nobody out of business and it is a sensible proposition to follow the advertising one that you have just passed.

#### **7.1.5 Senator P.F.C. Ozouf:**

I am sure I am not alone in having received another representation from the industry about tobacco matters. I regularly receive representations from the tobacco lobby and I need to put those representations into context. I am not sure whether or not Deputy Tadier was agreeing with this proposal. I would suggest that he should support it, I know he has his computer in front of him so I would commend him, if I may, to an article in last week's *Economist* on tobacco matters - and for Senator Ferguson who likes schools of economics - there is a Professor from the Paris School of Economics who surveyed exactly what was most effective in reducing tobacco harm and particularly tobacco harm of teenagers. Tobacco bans do help people, it is very clear from the research that they carried out, they do help. The problem with teenagers and young people is that we need a number of suites within our armoury ... I do not believe in prohibition, but I do believe that we should be encouraging people not to take up smoking if we can. The difficulty is that most young people, based upon this research, teenagers start smoking and carry on smoking because, according to this research, they want to lose weight. 46% of teenage girls smoke because they think they are going to be made thinner; 30% of boys do the same. The research also said the real issue is that these teenagers are not overweight, they are of the same weight. I support this issue but we have to do a lot more, this is a whole suite of measures that we need to do in order to prevent people, if we can, from taking up smoking. I do not speak as a prohibitionist but we need to do everything we can. I wholeheartedly, and encourage every other Member, support the principles of these Regulations.

#### **7.1.6 Deputy S. Power:**

Very briefly, 2 questions for the rapporteur, and my phone is off, Sir. The first question is under second paragraph on page 4, it refers to Health Related Behaviour Survey 2010, and another paragraph that refers to county councils. Can the rapporteur confirm to the Assembly that we are largely dealing with tobacco vending machines on the basis of the U.K. experience, and did the department have any information on the extent of the problem here? I am supporting this but sometimes there is a different profile, and the other question I have for the rapporteur is can he confirm that on this law that - and I cannot see it unless I have misread it - machines will be legal in pubs where they are controlled by the bar staff? Thank you.

#### **7.1.7 Deputy G.P. Southern:**

Yes, I have just thought, since we are talking about access to tobacco, that we ought to perhaps look at our French traditions because in France, if you are going to a bar and it is not attached to a tabac, you ask behind the bar for your cigarettes and they say: "*Brune ou blonde*", and you can get them fairly straightforward. Perhaps if that is the tradition we ought to start in our own pubs and bars.

#### **The Bailiff:**

Does any other Member wish to speak on the principles? Then I invite the rapporteur to reply.

#### **7.1.8 The Connétable of St. Peter:**

Once again, I would like to thank all the Members who have prompted me to clarify some points as well. Starting with the Constable of St. Martin, I think as part of the development of the work, the

nigh on 5 years' work in preparing to the point of where we are today with these Regulations, the sole vending machine provider in Jersey was consulted on it. He has been prepared for it and he has not made us aware of any job losses. I am not sure if he is a sole trader in fact or whether he does have additional staff but, certainly, there have been no job losses identified by him to the department as part of the work that has been ongoing. Deputy Baudains mentioned about resources. Is the department underutilised at the moment? No, they are not underutilised but they do have a role going around these premises doing other checks, particularly the alcohol and the licensing of those, and this will be just another part of their job when they are doing their existing visits, and I hope he is reassured by that. Deputy Tadier raised a very good point but the point being the 94% and the 6% is 100% of the gross turnover from the machine. So 94% of the sales from vending machines are from lifelong addicted smokers, 6% are from underage children getting their cigarettes. Those are the 6% that we want to stop from having access to vending machines.

**Deputy M. Tadier:**

Can I just ask the rapporteur for further clarification? It is just that the way it is worded, it says approximately 6% of underage tobacco purchases by 14 to 15 year-olds came from tobacco vending machines. That does not seem to be the same as what the Assistant Minister is saying.

**The Connétable of St. Peter:**

I am just trying to reflect on the actual wording. In any event, whatever the interpretation of those words, it is that 6% that we are trying to capture to protect. That is the most important thrust of why we are doing this piece of work. Deputy Power asked a question about was the survey a U.K.-based survey. No, it was wider afield than that. To do it just in Jersey would have been far too narrow to get meaningful results, so U.K. was part of the field and other areas where vending machines have been taken out of use, to inform us in bringing forward these Regulations. The other question is can machines be somewhere inside where they can be seen by bar staff. No, they cannot be somewhere where people have access to them. They can be behind the bar. They can be underneath the bar and from the advice I was given by the officers when they were coming through for the preparation of this Regulation, was that some of the bar owners said they would like their vending machines under the bar where the money went in the slot by the barman, who took the cigarettes out by the packet and passed them over the counter. As Deputy Martin alluded to, they are high-value products and are easily lost by the bar staff by putting the money where it should not be or putting the cigarettes to where they should not be. But from the information that I have been given during the process of developing these, they are quite keen to keep vending machines, and place them where only the bar staff can access them but they are out of sight to the public. Thank you.

**The Bailiff:**

All those in favour of adopting the principles of this law, kindly show.

**Deputy J.A. Martin:**

Can we have the appel please, Sir?

**The Bailiff:**

The appel is called for then in relation to the principles of Projet 18. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				

Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

**The Bailiff:**

Deputy of St. Peter, do I take it you do not want this matter referred to your panel?

**The Deputy of St. Peter (Chairman, Health, Social Security and Housing Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**

Then do you wish to propose the Articles all together, rapporteur?

**The Connétable of St. Peter:**

Yes, please, Sir.

**The Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the individual Articles? All those in favour of adopting Articles 1 to 6, kindly show. Those against, they are adopted. Do you propose the Bill in Third Reading, Assistant Minister?

**7.2 The Connétable of St. Peter:**

Yes, Sir.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Yes, the Connétable of St. John?

**7.2.1 The Connétable of St. John:**

Yes, and I will just reiterate that in future if Health have something similar to bring forward, try and simplify it and do as much of it as possible through the powers already in the hands of the Minister.

**7.2.2 The Deputy of Trinity:**

Just a quick comment. I thank the Constable for his comments, but also I would like to thank this Assembly because a lot of very good points about smoking, tobacco and also alcohol have been aired this morning, and I think some of it will go into our Tobacco Strategy from 2015 onwards. I am very pleased because it is a very positive stance that we have done to try and prevent the people from smoking tobacco. Finally, I would just like to thank all the officers because despite what the Constable says, it does take time for the officers to come to this stage and I would like to thank them all.

**The Bailiff:**

Does any other Member wish to speak in Third Reading? Do you wish to reply, Assistant Minister?

**7.2.3 The Connétable of St. Peter:**

I think I could not improve on what the Minister has already said, Sir. Thank you.

**The Bailiff:**

Very well. All those in favour of adopting the Bill in Third Reading, kindly show.

**Deputy J.A. Martin:**

Can we have the appel please, Sir?

**The Bailiff:**

The appel is called for in relation to Third Reading. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 36</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator I.J. Gorst				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				

Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

**The Bailiff:**

One matter has been lodged au Greffe, that is the fifth amendment to the Reform of Social Housing. That is Projet 33 lodged by Deputy Le Fondré. Also the Chief Minister has given the required notice that he wishes to make a statement. Do Members agree that this is a convenient moment to take that statement? Chief Minister then, would you like to make the statement?

**STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY**

**8. The Chief Minister will make a statement regarding Jersey and the Royal Navy through an affiliation with Her Majesty’s Ship Iron Duke**

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

As I am sure Members are aware, a special relationship has developed in recent years between Jersey and the Royal Navy through an affiliation with Her Majesty’s Ship Iron Duke. To help this affiliation to thrive and provide maximum benefit for the Royal Navy, H.M.S. Iron Duke and the Island, an Iron Duke auxiliary crew has been formed made up of Islanders. This crew works closely with the ship to raise awareness of the ship’s company’s activities here in Jersey, supporting them as far as we can both in and outside their operational roles.

[15:15]

This has been achieved in many ways, enhancing the welfare of the ship's company while also supporting the Island's industries locally and internationally. Throughout 2013 and in particular through events at the Jersey Boat Show, we are increasing our efforts to benefit the international effectiveness of H.M.S. Iron Duke, her officers and her crew. Members may recall the excellent presentation that senior representatives from the Royal Navy gave us a few weeks ago. We heard in some detail about the importance of the Royal Navy's work across the globe, particularly in patrolling the ocean seas as part of the fight against terrorism and international crime. This weekend, senior Royal Navy personnel will be in Jersey at the Boat Show once again playing an important role in the event. H.M.S. Iron Duke has been undergoing a complete refit and hopes to visit Jersey in the near future. To mark her re-commissioning and after consulting yourself, Sir, the Lieutenant Governor, I am pleased to announce today that we plan to present a one-off donation of £30,000 to the Commanding Officer of H.M.S. Iron Duke on Sunday. This donation on behalf of the Island will be funded from a Treasury underspend and will be used to enhance the welfare of the ship's company and improve their facilities on board ship, for the benefit of the personnel who serve Great Britain. I hope Members will take the opportunity of wishing the company of H.M.S. Iron Duke every possible success in their sea trials following the refit and in the important work they do patrolling some of the most dangerous areas across the globe. We look forward to developing a new strong relationship with this unique vessel and its company in the months and years to come and look forward to welcoming Royal Navy personnel to Jersey this weekend.

**The Bailiff:**

Does any Member wish to ask any questions on that? Yes, the Connétable of St. Lawrence.

**8.1.1 The Connétable of St. Lawrence:**

Paragraph 3 refers to the ship supporting the Island's industries locally and internationally and goes on to mention the Boat Show, but I am not aware of any other way in which it has done this and I would like the Chief Minister to expand on this please.

**Senator I.J. Gorst:**

It is my understanding that when members of either this particular ship or other ships in the Royal Navy, they take part in a number of community events while they are present here. Obviously the Boat Show is the major event and Government and members of the industry can take advantage of their - I am not sure that stationing is the right word - when they are alongside in Jersey and I think that they bring great benefit when they are present.

**8.1.2 The Connétable of St. John:**

I am not opposed to this grant, but I will ask the Minister: for a considerable number of years now we have been trying to get funding for the Sea Cadets and have their new headquarters. This is the way forward for our young people to join the Royal Navy, *et cetera*. It is all well and good giving a one-off grant as we are on this occasion, but I would far prefer the funding to go to our Sea Cadets with their new headquarters and put the money where it should be. That way we would see young people from this Island going on to join the Royal Navy and, therefore, we would have succession planning in place. This is just a one-off and I just have to ask: is it the right way, Minister, to be spending our money?

**Senator I.J. Gorst:**

I believe that it absolutely is the right way as I hopefully explained in my statement. I think there are very good reasons for providing this donation at this point and I believe that we, as a community, can go on and benefit greatly from what I hope will be an enhanced relationship with H.M.S. Iron Duke. With regard to the Sea Cadets, the Connétable is absolutely right and as he knows, I have been a supporter for a number of years of the Sea Cadets, having served on their



management committee and as he also knows from the M.T.F.P. (Medium-Term Financial Plan) debate, the good officers of Property Services are even now working to deliver a new headquarters for the Sea Cadets. So it should not be one or the other; it should be both.

### **8.1.3 Senator S.C. Ferguson:**

When the Minister was replying to the Connétable of St. Lawrence, he did make comments about supporting the local industries but he did not answer the question supporting the Island's industries internationally. I wonder if he would care to finish answering that question.

### **Senator I.J. Gorst:**

Yes, of course. The association that, as I have said, I hope will grow will mean that Jersey is associated with H.M.S. Iron Duke wherever she goes around the world and that will, ultimately, while obviously the number one concern of the ship will be their operational duties and the safeguarding and the patrolling that they do, there will be that association that could be drawn upon more widely in future but will be there nonetheless.

### **8.1.4 Deputy G.P. Southern:**

While I have no objection to the use of this £30,000, I would like to reinforce the question asked by the Constable of St. John about why this spend was not locally? We have got a Minister for Treasury and Resources appealing for projects that he can use for fiscal stimulus on the Island, and yet I understand this is from underspends and those underspends are there sitting there waiting to be spent. It would surely be preferable, while one is doing this sort of magnanimous gesture, that we do something locally as well. Is that not the case?

### **Senator I.J. Gorst:**

As I have indicated, we are working towards a new headquarters for the Jersey Sea Cadets, and that will be local. Of course, encouraging members of the Armed Forces to visit Jersey and members of the Navy to visit Jersey, which I believe that this association will do, will lead to further spending inevitably within our community as well.

### **8.1.5 Deputy M. Tadier:**

In a similar vein to previous questions, it is nice that the Chief Minister has come along and told us that this £30,000 of underspend will be given to such a noble cause. Does he not think it would be preferable if the Assembly were to have endorsed it by way of a vote and a very simple proposition, so that we can all endorse it and show that we decide as an Assembly how this underspend money is spent? Does he think that that is a dangerous precedent now that these underspends can appear, and that other Members who might have quite equally or even more worthy projects would not be able to secure even these very modest funds for their own projects?

### **Senator I.J. Gorst:**

I would say absolutely the reverse. We gave a commitment in this Government to where we could make statements in the Assembly around activity that we were planning. We could simply have made a statement outside of this Assembly notifying this but I felt it was right and respectful, and that the Assembly I hope, which seemed to be showing their support, could show their support as well for this donation and therefore I think this is the right approach to take.

### **8.1.6 Deputy M. Tadier:**

A supplementary; the point I am making is that I think we would have been quite happy if the Minister had told us that the money was going to any other number of charities, or indeed if it was going to the Instrumental Music Service to help provide a larger bursary for those who could not afford to learn the cornet, which they may be able to play with the Jersey Sea Cadets, *et cetera*. So

will the Minister perhaps give consideration about how future underspends will be approved and not simply come to the Assembly not even for rubberstamping but to seek the Assembly's approval for projects so that there can be consensus?

**Senator I.J. Gorst:**

Obviously the use of underspends is determined by I think the Finance Law. It seems as though I cannot win, can I? I come to this Assembly. They are the first Members to know of this donation and I think that is the right and proper approach to take.

**8.1.7 Senator P.F.C. Ozouf:**

I wonder if the Chief Minister would care to remind Members of the bell that exists just outside the door of this Assembly from H.M.S. Jersey, and would he agree that H.M.S. Jersey's replacement was in part made and was in fact H.M.S. Iron Duke and that is why there is the important link with H.M.S. Iron Duke and Jersey? Is he aware that we understand that there are numerous artefacts and references to Jersey in H.M.S. Iron Duke and this will further strengthen that longstanding relationship because of H.M.S. Jersey with Iron Duke, and will he agree that this donation will make a meaningful difference to many people who risk their lives in serving, in some of the issues that he has explained in terms of the most dangerous waters in the world?

**Senator I.J. Gorst:**

Yes, yes and yes.

## **PUBLIC BUSINESS - resumption**

### **9. Jersey Music Service: introduction of "user pays" charges (P.36/2013)**

**The Bailiff:**

A friendly ball from a fellow Minister there. Any other questions? Very well, that brings questions to an end so we move next to Projet 36, Jersey Music Service: introduction of "user pays" charges, lodged by the Minister for Education, Sport and Culture and I will ask the Greffier to read the proposition.

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

Just before we start, can I just declare an interest and depart? I have one member of the family who receives benefit from this service and one member of the family who is employed by it.

**The Bailiff:**

Very well.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to refer to their Act dated 24th June 2003, in which they agreed that no new "user pays" charges should be introduced without the prior approval of the States; and to agree that, in accordance with the proposals of the Comprehensive Spending Review programme, a charging system should be introduced for the tuition and other support provided by the Jersey Music Service, with the level of charges to be set by the Minister for Education, Sport and Culture, as follows - (i) with effect from September 2013, charges to be levied for any new tuition and other support services provided by the Jersey Music Service; (ii) with effect from September 2014, charges to be levied for the existing tuition and other services provided by the Jersey Music Service.

**The Bailiff:**

Yes, I invite the Minister to make the proposition.

### **9.1 The Deputy of St. John (The Minister for Education, Sport and Culture):**

I would like to start this debate by clarifying exactly what this proposition relates to because unfortunately there has been some confusion. Every single schoolchild in Jersey is required to study music as part of the Jersey curriculum. From Key Stage 1 - the start of primary school - they begin to learn music theory including the basics of performing, composing and assessing styles of music. This continues to the end of Key Stage 3 - age 14 - and then and only then does it become an optional choice for students to continue with music at G.C.S.E. (General Certificate of Secondary Education). This proposition has no affect whatsoever on this mandatory part of school education. However, alongside what they do in school, some students decide to take music further and learn to play an instrument. This is their choice. It is not required by the Education Law and is therefore extracurricular and is essentially a hobby, albeit in the opinion of many people - myself included - a valuable one. This is where the Jersey Music Service comes in and where this proposition becomes relevant. The service currently offers free lessons using specialist music teachers. It also organises various orchestras and ensembles so that students can have the experience of playing and performing together. The fixed budget means we can only take a certain number of students, currently about 1,000 in total. That means that every year we turn away approximately 250 new applicants, about half the number that apply, because we simply do not have capacity for all of them. The places we do have are limited to students from state schools, including the fee-paying Victoria and Girls' Colleges and their respective prep schools.

[15:30]

Some students opt to learn with private tutors who may charge anything from £90 to £380 a term for lessons. With the approval of the Assembly today, the service will begin to introduce charges from September 2013. Charging for instrumental tuition has been on the agenda for about 15 years. Indeed, many U.K. education authorities moved from a free service to some form of charging structure during the late 1990s. Here in Jersey, the debate on the future of the service continued through the spending reviews of 2003 and 2006 and culminated in September 2010 when the previous Minister included the introduction of charges for instrument tuition in the C.S.R. (Comprehensive Spending Review) proposals approved by the States in principle during the debate on the 2011 Business Plan. The Education Department's C.S.R. plans later proved to be controversial and were put on hold for review into the next political cycle starting in 2012. At the start of 2012 it became clear that the department's £11.3 million C.S.R. commitment was not going to be possible due to the States' decision to reject grant reductions to the fee-paying sector. The Treasury and the new Council of Ministers agreed a reduced C.S.R. commitment for E.S.C. (Education, Sport and Culture), which was announced to the States in June 2012 by myself. The reduction and a new list of budget savings were confirmed by the Assembly in last year's M.T.F.P. debate. The list included a budget saving of £200,000 by 2014 for the Jersey Music Service and the introduction of new "user pays" charges for instrumental music tuition. So unquestionably, this proposal has its roots in the C.S.R. cut and I make no apology for that. However, sometimes an unpopular and simplistic budget cut can have beneficial consequences if out of necessity it precipitates a rethink and a redesign that results in a service significantly better than the original. Yes, there can be good news alongside the bad and I would not have made that statement that I just made unless there is ample evidence to support what I am now going on to explore with Members. When my political team started to look at the service in detail, we were faced with a budget cut of over a quarter but when we dug deeper, further structural problems became apparent. Not enough budget to reinvest in ageing instruments; unsuitable rehearsal space; a popular but very oversubscribed service and therefore disappointment for many children; no access for new entrants in secondary school; strong teaching of traditional instruments undoubtedly but no service for more

popular mass-appeal instruments like keyboard, guitar and drums. An imbalance was noted of take-up from children in fee-paying as opposed to non-fee-paying schools. Our initial reaction was of course to question whether we were in fact doing the right thing in the first place. However, we had to accept that (a) the States would be highly unlikely to accept a growth bid through the M.T.F.P. to develop a free non-core service and also, (b) the States had already agreed to reduce the E.S.C. budget by £200,000 per annum way back in 2010. So we would have had to have made an equivalent saving in some other probably core service to compensate, and I say “probably core” because the department does not have spare funds. So a rock and a hard place perhaps. Perhaps though we had one solution and that was to redesign the service and introduce limited charges but also to ensure that no child would be denied access to the service due to the charges and that it should cover the budget cut and more, so that with reinvestment the service could be expanded and broadened in appeal. So we think that this has been achieved with this proposition or will be achieved with this proposition, and this is thanks largely to our Head of Service who is highly experienced in this area. We believe that we have turned a straightforward budget cut into a chance to review, refresh and considerably improve the service over time. On the face of it, it seems to be a contradiction that you can improve a service by introducing fees for something that is free. Our Head of Service’s experience and research of music services in the U.K. show that when fees are introduced there is an initial dip in the first year of between 3 and 5 per cent. However, quality music services then flourish and very soon overtake and exceed their original levels of activity. I think it is very wrong that hundreds of children are turned away every year because we do not have the capacity and have to live within a fixed budget. I want this service to grow and improve but to do that we have to give it the flexibility it needs to generate the funds to hire more staff and provide more lessons to more children. The fees have been kept as low as possible, as Members will see, and by no means cover the full cost of providing the service. The department will still be putting more than £500,000 every year into it. The fees we propose at £55 a term plus £18 for instrument hire are lower than almost all areas of the U.K. and certainly much lower than private tuition in Jersey. But it is also important to safeguard access to musical instrument lessons for those children from poorer families, and that is why we have put in place 3 schemes that I believe will provide the safety net we need to help those lower income families and these are: families who receive income support will not have to pay anything; there will be discounts if a family has more than one child learning with the Jersey Music Service; and finally, 100 bursaries for free places will be available to households with an income of under £47,500 - although that will be kept under review - and whose child has shown musical potential. The department has considerable experience of running bursary schemes. For example, we have the same thing in nursery education, and in higher education we have a means-tested scheme, and there are also several bursaries available in higher education. As the report with the proposition explains, no additional staff will be needed to administer these schemes. Besides covering the £200,000 C.S.R. cut, the added flexibility of the fee-charging structure will enable us to expand and expand into new areas of activity. We can currently only offer certain instruments and these tend to be the traditional ones you find in an orchestra, but some children are not interested in learning an oboe or a violin. They would be interested in learning the piano, drums or guitar but these are instruments we cannot currently offer. In future, we could. If we were charging a fee, we would have income that can be used to hire-in extra tutors for guitar or piano, for example, as required. In this way, we meet a demand we currently cannot cater for but much more importantly, we suddenly have the potential to get more and different children involved in music. This has become one of the most significant advantages of the new scheme and it is this element that has won strong support from the Friends of Jersey Music, the parents’ group for the Music Service. The Scrutiny Panel have recognised this as well and I would like to thank them for their engagement with this subject. In their comments and their news release, they have raised excellent points that I will be actively looking at if the States approve this proposition. Flexibility and broader access are key points and also at the moment

there is a slight imbalance in who uses our Music Service. Overall, the States' fee-paying schools, Victoria College Prep, Victoria College, J.C.G. (Jersey College for Girls) Prep and J.C.G. itself receive just over 40 per cent of the Music Service teaching provision collectively but they only make up 13 per cent of the school population. Of course, we need to keep these students. That is very important. But we also need to broaden our service so that we include more students from the States non-fee-paying schools. The main concern I have heard about this proposal is that children will lose out. If their parents have to pay, they simply will not take up the lessons. I do not think parents use the Jersey Music Service simply because it is free. They use it because they recognise the value of music and the benefits it can bring to their children. They use it because it provides excellent opportunities as anyone who witnessed the J.M.S. (Jersey Music Service) Gala Concert at Fort Regent before Easter will bear testament. So to sum up, I would love to continue to provide services for free but those days are gone. We propose to move from a free service to a very heavily subsidised service; a very heavily subsidised service. The appropriate safety nets will be in place and there will be a focus on quality and breadth of service. I believe this is the way forward and will create better access for more young people to a service they should all have the chance to enjoy. Thank you.

**Deputy G.P. Southern:**

Points of clarification, Sir, if I may. The Minister when he was talking about access to piano, drums and guitar lessons used the word "we could" better provide. Did he mean we shall or we will or is it still a "could"?

**The Deputy of St. John:**

We have to bear in mind that we have to save the £200,000 first. The answer to the question is that we will do our absolute utmost to provide those extra services. We believe from the evidence that we have that that should be possible. I cannot absolutely guarantee it but I believe, otherwise I would not be proposing this, that it is highly likely that we will be offering it.

**The Bailiff:**

Is the proposition seconded? [**Seconded**] Deputy Young.

**9.1.1 Deputy J.H. Young:**

I do not think I am conflicted. I do have a member of my family who is a secondary school teacher of music but I think that runs separately from the instrumental service. Music is for life and it is desperately important that those skills of instrumental tuition are developed early during children's early brain development and unfortunately if children miss that opportunity in early years, it is not impossible for them to pick up those skills later on but it is really hard, whereas it comes naturally early. Of course, there is so much here to gain. Music opens up social opportunities unbelievably for people.

[15:45]

It provides them with a means of earning a living. You just have to see buskers on Tube stations. When the chips are down, you can play an instrument, you can always find some way of surviving, but many youngsters can do a lot better than that. They can go to really high success and high places and of course it gives personal fulfilment and self-confidence, and there is a great deal of evidence that musical success knocks-on into other areas of academic skills, and there is a strong correlation between success in music and success generally. One only has to look internationally when you look at a country that most people would not have expected to be outstanding in instrumental music or to have a programme of classical music, Venezuela. Venezuela, who developed a whole programme of social reform around the availability of classical music and instrumental tuition for desperately poor families right across their social world, and those who

have had the privilege to see those days, young people's orchestras at the proms and so on, and hear there the sheer passion and the fire they play. World class: they can achieve world class success. So there are examples like that around the place to follow. Some people will think: "Well, music is a luxury in life. It is an extra. Put it down the priorities." Absolutely not so. For me, there are some personal elements when I heard this proposition. In common with many youngsters, when my own children ... we first came to the Island, they were very young and they went to the local primary school and they were refused access to instrumental lessons. I still feel a bit of resentment about that but that injustice has carried on for - what, that must have been 20, 25, 30 years ago - and I was horrified to see that that practice is still continuing; that we are still rationing the availability of music lessons for young people, for children. Of course I did not know. I was fairly new to the Island. I did not know how the Island works. I did not know you had to have important influential connections or have a family name that you would know in order to get listed on the music. I had no idea. I soon found out. **[Aside]** But anyway, being a very compliant chap, I thought: "Blow this. We will sort this out. I will pay. I will make sure this is ... I will pay." So I bought ... I was able to do that because I had a decent job. Obviously, many people cannot do that but I was able to do it and of course my youngsters, I am proud to say they both benefited enormously in their lives. One played in the National Orchestra. The other one went to university to study music and opened-up a career. Both rejected for the music lessons and I have heard the same story from so many, and I think it is a disgrace that we have allowed this to go on for decades. So imagine my reaction when I first saw this proposition and I thought: "No way, we are not having this 'user pays' in music." This treats it as second class and all the rest of it but then I went to the Minister's presentation, and obviously I heard from him that what his proposal is that he will introduce modest charges and the charges being proposed here are I think about £50 a term. Of course I know very well that is quite a low figure compared with what people pay in the private sector for musical tuition, and why should they not? But of course we need to make sure there is universal access. Then I also heard the Minister say that with these charges, which were very low, he could open up - and he made a declaration and a commitment - universal access to all young children in our schools to do music. For me, that is so important that it is the overriding thing. Also, I noticed as well that there is a commitment too that he will widen the range of access to different types of instruments, so not only traditional classical type instruments but the huge interest that young people have in guitars, keyboards, all these types of things, electronic music and so on. All those sorts of opportunities will be enabled. Of course, we know young people just love music and they are so passionate about it and the peer pressure that they have, they are keen to do this and they are keen to compete. Of course, the Island has a great music tradition and we must nurture it. Just look at the amount of ensembles and different groups, out of all proportion to a community of this size. So I thought: "Well, I have to go with this." I am struggling still on a couple of reservations that I would like to see the Minister be firm on. For example, instruments are expensive and I think I want to see that there is this real commitment to a loan scheme to enable or some scheme to help youngsters to have access to their own instruments, which they do need. Then there is this issue about no charges for those on income support. I am sure that is right but what about those who are at the margin? Surely we should not reject the idea of having some kind of simple discretionary system so that those young people that are caught in the margin between somewhere in that range of income support, perhaps being brought up by parents, single parents perhaps working part-time hours somewhere at the margin, there is some system or whatever. I am not an expert on this, but I know there are people in marginal categories that lose and I do not want to see that happen. I looked, and unfortunately I think for me I will probably have to accept it, I would have liked to have seen something in the proposition that committed the States that as well as introducing charges, we were going to have this service growth, because it is not in there in the proposition, at least I could not see it. But I am prepared, and the Minister in his summing-up, he has already said so, and that is a firm commitment to go with it, so with those reservations, I would support it.

### **9.1.2 Deputy M. Tadier:**

Music is another language, and I think that is where Deputy Young is coming from, and it is important that it be taught from a very young age. I have joked in a slightly esoteric way that it would be interesting in some future utopia - or not utopia, but an alternative future - to imagine a young child might pluck a score of Beethoven or even Robbie Williams - God forbid - off a shelf and just read through the music as might one do through a newspaper or book, and fully understand and then be able to imagine the sounds of the music in one's head, whether or not one knows how to play a guitar or a trumpet or an oboe. I know it is a shame that the Constable of St. Clement is not here today, because at the meeting with the department, he said: "What is an oboe?" and I said to him: "It is like an elbow, but just a couple of letters later on" and not all of us can necessarily tell our oboes from our elbows, but certainly I think whether we play music or not, it is something which we can appreciate either passively or actively if we do play. So I say this partly as an amateur musician who knows the value of music. I also say it as somebody who as a young person had to contribute from my own pocket money and my parents' pocket money to get lessons, which were not afforded through any kind of instrumental service. If I can turn to the Scrutiny element of it, I think first of all we have been working constructively with the Minister on this issue. We acknowledge, notwithstanding our own politics, about the cuts to the departments perhaps and about our own personal views about the importance of music and we have been told that this is not a core service, it is a supplementary service. I personally would like to see that this could be indulged more as a core service, even the playing of instruments and the teaching of it, but I think there still are concerns, certainly from my perspective, if not - and I think possibly - from the Scrutiny perspective. There are still fundamental questions that have to be asked, I think. First of all, let us put this in context. This proposition was lodged on 8th March 2013. I think we have all had lots on our minds, have we not, in the last couple of months? I have certainly been campaigning in the referendum, and I have had to give a lot of my energy, and I know other people have. Notwithstanding that, we have done what scrutiny we can. I am concerned at the moment, and I would like to know more, and this is from a Scrutiny perspective, about the actual business plan, the detailed business plan, which we have not seen, about where this growth is going to come from, because we are being told - and we take all of these points into account from the Minister - that this cut is an opportunity. We know that the current system is not fair. There is a massive waiting list; I think it is 2 to one, or rather, the waiting list is just as long as those who are receiving tuition. That cannot be right, and it also means because it is free on the one hand, if you are not fortunate enough to receive free lessons, you pay a premium outside that, and even if you are not particularly wealthy, you still have to pay that premium. Many parents, and even the children, if they are working part-time jobs, do have to make big sacrifices for that. So that cannot be allowed to continue. It is also not fair, for example, that the private schools of Beaulieu and De La Salle are not opted into this scheme, so that is not right. They need to be able to be brought into that. It is also not right that the other instruments which are non-classical orchestral instruments are excluded, but I think we do need to have something more definite from the Minister, because the thing is that we cannot have it both ways. If we are going to grow the pie and say: "We do not want to have anyone on the waiting list" that will require more tutors, and so they will have to be paid. Now, the idea was by having more people in, we were told, by having more people included in the system, that will provide more money, but the contribution from the States and the cash level is not going to increase. In fact, it will be decreased slightly, or possibly more than slightly, over forthcoming years, so the idea, if the system is increased and more tutors are brought in, that cost is going to finally fall with parents. So whereas it is going to start with £55, if the States, because they are not maintaining a percentage contribution... and as I say, they are maintaining it, is being phased out anyway, if the pie is growing and the cash contribution from the States is not growing and it is not being matched on a percentage basis, that means there is a strong likelihood that the system could become a victim of its own success in the future. Because, if it is fully subscribed and

the States are not paying the same percentages that they were in the past, that means that bill is going to have to be footed by the parents. So that is one area of concern that I still have, that we do not have the detail about how it is going to work out. This morning, in response to Deputy Southern, the Minister has basically told us he hopes that we will soon be able to expand the service, but we have got to make the savings first. Now, my understanding was that the 2 would go hand-in-hand, that we would have a plan to expand the service, and it would not simply be cuts-led, but it seems that we are being told we need to make the savings and then see about how we might be able to get people a few guitar lessons if everything goes to plan. I am concerned, and I want this to be delayed. I do not think that we have had ... we have still got outstanding questions that we need to be answered on a Scrutiny basis, because we want to support this, I want to be able to support it, because I think in the round, even though I am against the cuts ideologically, I think it will make us have a better service, and I want to know how we can achieve those objectives about expanding the service, extending it to the private schools, which are not currently catered for, but making sure that no student is left behind when it comes to learning a musical instrument. But I think we need a bit more detail and I am saying the fact that it was lodged on 8th March and we still have not got all the information we want to from a Scrutiny perspective, I would ask the Minister if he would consider leaving this until the next sitting, because those questions have not been asked. I have asked our Scrutiny Officer about the detailed business plan and he has told me we still have not had those details, although we have had a lot of details from the Minister. So that is what I will be asking.

**Deputy G.P. Southern:**

I think I just heard the previous speaker not quite refer back, but ask for greater Scrutiny involvement under Article 29 or 79 or 72. I do not know if that was the intention, but I think it sounded like it to me and I wonder what he wants to happen.

**The Bailiff:**

I understand that, but perhaps Deputy Tadier ...

**Deputy M. Tadier:**

I would like to. I am in a slightly uneasy position today, because obviously the Chairman of the Committee is not here.

[16:00]

If it comes in this format today, on a personal level I will have to vote against it. I am not satisfied with the level of detail that I feel we have been given. It is not a criticism of the department, I am just saying we have not been given ... I do not feel satisfied with the information that we have been given, and rather than have this go through today with, I suspect, quite a few abstentions and a few concerns from Members, I would ask for this to be deferred for 2 weeks, because I would like to be satisfied with the information about going forward.

**The Bailiff:**

Is this is a matter that has already been referred to Scrutiny or not? There is a Scrutiny report, is there not? Is that not right, it has already been considered by Scrutiny?

**Deputy M. Tadier:**

We have not had the Minister's response on this. It was lodged on 8th March. As far as I understand, we have issued comments on this proposition. Sorry, Sir, and that is why I am asking to move to the next item, not for this to be referred to Scrutiny. It is simply we will move on to the next item on the understanding that the purpose is that we can get that information.



### **The Bailiff:**

I do not think I am willing at this stage to allow that proposition, Deputy, because that prevents debate. We have only had 2 Members speak. The matter has been lodged, so I do not think I can agree to that at this stage. So we carry on. Deputy Southern.

### **9.1.3 Deputy G.P. Southern:**

Yes, I concern myself with the remarks of the speaker before one with his request for universality of access, and he noted very carefully that this proposition, although despite the words of the Minister, who says this is not just about cuts, it is an opportunity to expand, to change, and he used several words. I think I have got most of them, and they are the usual words that one hears from Ministers, and he must have swallowed a thesaurus recently: “Redesign, reform, improve, restructure a flexible service.” Wonderful stuff, but Members in the House will know absolutely that you get what you vote for and it is not what is in the report or what words are issued by the Minister, it is what the proposal says, and the proposal says: “We are going to introduce charges.” Nothing more, nothing less. There is no mention in here of this universal access and moving on to improve properly the service that is delivered. There is an intention, a wish, if you like, or I think as the previous but one speaker said, a hope to improve the service, but that is not what we are voting for. If in a year’s time, 6 months’ time, 2 years’ time we come back and say: “The music service on this Island has gone down the pan and standards have gone through the floor” then the Minister can say: “Well, I tried, but I just could not do it.” We will have absolutely no comeback on it. If, however, this report were to say: “Charges to enable to do this, this and this” which we have heard from today, but which has the word “should” and not “will”, “maybe” and not “ensure”, “try to deliver” and not “deliver”, we have no comeback at all. If it did contain those absolute words and we knew where we were going, then we would have some sort of leverage on the Minister, saying: “You said you would do this. You have not done it. Come on, let us get on with it.” That is the reality, and when asked: “We should” was the expression, and I asked him deliberately: “Did you mean ‘shall’ or ‘will’?” and he said: “No. We will try.” He further then said: “We must get the £200,000 first. We must get that saving first.” So it is already some way down the list, this improvement to the service. It might happen, it might not. So the fact of the matter is if we vote on this proposition today, we are not voting to restructure, reform, make flexible this service in order to improve. We are voting simply to introduce charges, and that is a retrograde step, given the standards that we have established on this Island for musical ability and with all the musical experience that we have had, that we put at risk.

### **9.1.4 The Connétable of St. Martin:**

I was not expecting to speak today, but in the absence of the Chairman of the Scrutiny Panel, Deputy Maçon, and I would just like to thank the committee, the Scrutiny Panel and Deputy Tadier for the work that we have undertaken. I would also like to thank the Minister and his officers for attending to explain to us, and to the Scrutiny Officer for putting the report together - the comments paper together - in such short time. I think we really have to look at the Comprehensive Spending Review and the Medium-Term Financial Plan, because this is what it is all about, and this was approved by this Assembly. There was this reduction that had to be found, and it has to be found from somewhere. This is an issue that has purported benefits and an issue with justifiable questions, and as the comments paper states, it is a conundrum that we have found ourselves in. There is a seesaw of advantages and disadvantages. This consultation has gone back since 2010. Some of the small things, we have heard them from the Minister and other speakers today: disproportionate use of some schools, Victoria College and Jersey College for Girls getting a far better representation for the lessons; Beaulieu and De La Salle not incorporated at all, and I know, as I paid fees for both girls at Beaulieu School. We have got to find, or the Minister has to find, this £200,000, but he is telling us there will be benefits too, and I know this query was how those

benefits will be found, but the Minister and his officers are quite sure that they will find those benefits, more children benefiting, more children taking up music, a wider range of instruments to be available, that some children that would not have had the chance will now do it. We already know that it is massively over-subscribed and we have heard that today, we just cannot find enough places for the children. The Minister has found that income support, there will be availability through income support, people receiving income support, sibling discounts - although they are not much, there is some there - and a bursary, and in time there could be even private bursaries coming in to assist other children. It was approved for introduction over 2 years, arrangements over 2 years for the fees to be increased, so they will not all come in at the end of this year, the main ones will come in for those children next year. It is capped for 3 years, or capped in that we know what the percentage increase is going to be. The charges are far lower than they would be for private lessons. I paid for flute lessons, as I said, and drum lessons for my girls, but also I paid for dancing, ballet dancing, choir, Brownies and Guides, and those are the things I expected, and my wife also helped to run some of those as well, although we were paying. I think we have to remember the wording of the main proposition, and it refers to an Act ... **[Interruption]** I refer to the Act dated 24th June 2003, in that there were certain sections, and I know Deputy Southern just mentioned one part and he kept on about the one part in the proposition, more than one part. You have got that date in 2003 where we have to give prior approval, the States have to give prior approval to ask for fees. In accordance with the proposals of the Comprehensive Spending Review programme that a charging system should be introduced, this is what has been agreed, and that the level of charges are to be set by the Minister and that is what he is trying to do, and as I said, they do come in 2 stages. The taxpayer is still paying £500,000 towards children for music lessons. There might be many parents that do not want their children to have music lessons. They might want them to have ballet lessons, but they will not be paid for that, so we are already subscribing to the children. I am not sure what else the Scrutiny Panel can take on, but I accept from the more experienced Deputy Tadier what he said today, and we might not necessarily agree, but I appreciate his experience on a Scrutiny Panel. The Minister is trying to go forward, he is trying to improve the service, he is trying to offer it to more children and he is still trying to achieve his savings in the Comprehensive Spending Review. So as it stands at the moment, I would be supporting it, but as I say, in the absence of the Chairman of the Scrutiny Panel, I will hear what Members think.

#### **9.1.5 Deputy R.G. Bryans:**

I listened with interest to both Deputy Southern and Deputy Tadier. Deputy Southern seems to relate once again to, sort of, he is worried by the semantics of this proposition, rather than the actual content more than anything else. There is evidence seen and related by the Head of Service as to charges being successfully adopted by Dorset Music Service, so we do know it works: "Music has a power of forming the character and should therefore be introduced into the education of the young." Aristotle said it. Scrutiny posed 4 questions at the top of their comments titled: "Conundrum. Will students miss out? Will this proposal be detrimental? Will this reinforce the perception that the service caters to a wealthy elite? Is it a forerunner to higher charges?" The answers are no, no, no and for the last one, no, but then, to be fair, who knows what the future holds? When Education was presented with the uncomfortable prospect of the C.S.R. cuts, consideration was given to every area of E.S.C., but we also took the opportunity, as has already been stated, to use it as a catalyst for some fresh thinking. As Einstein said: "In the middle of difficulty lies opportunity" so we did some rethinking. We set out to find where the difficulties and opportunities lay. The Head of Music Service saw it as an opportunity to review and re-energise the service. His previous experience had proved that when a music service, by virtue of increased funding, can offer greater access to instruments and more teachers, there follows an increase in students playing a more active role in music. The service is currently over-subscribed. The new methods will alleviate that situation, allowing more students to play instruments. How? More

teachers and a greater breadth of instrument choice. One of the problems Health faces is that occasionally doctors find there is not the wide scope of medical problems for them to learn from. Equally, unless we offer music teachers a greater range of teaching opportunities, we will lose them too. People look for growth. Parents and children will have to make choices. There are a host of extracurricular activities already described by the Connétable of St. Martin in sport, drama, dancing and the arts, but few of them are free, but now the choices will be greater. To remind Members, this is only in relation to extracurricular activities. Music lessons in the curriculum remain free. Jersey Youth Service offers a fantastic resource for free at its Rock School. Greater funding will provide education in more instruments, particularly drums, piano and guitar. These areas have been neglected for far too long and it addresses some of the fears about elitism. Greater funding will provide extra teachers and it will also allow them to grow. At £50 per term, the cost is one of the lowest in the U.K. It equates to £5 a week, less than a packet of cigarettes. Most private tuition is considerably more. We have 3 safety nets so that no child is prevented from accessing the Music Service: one, remission. This means anyone receiving income support will not be charged; for them the service is free. Secondly, sibling discounts: the cost will be substantially reduced for families with more than one child attending the Music Service. Thirdly, a bursary: 100 bursaries will be available for those students who show particular talent, a real incentive for those students who persevere and do well or are gifted and talented. In fact, the student who wrote to Scrutiny would fall into that category. He said: "I have played with J.I.S. (Jersey Instrumental Service) in Fort Regent, at the Bailiff's inauguration ceremony, with the Marines in the Opera House and now with the university band touring Belgium. I have made good friends and overcome many fears with the Jersey Instrumental Service. There were times when I had no self-esteem and wanted to give up, but I persevered and for that I am proud of myself."

[16:15]

Contrary to his fears, he is a prime example of the kind of student who would receive a bursary, and justly so, both talented and gifted. He made friends, gained confidence and is proud of both his own achievements and the service that helped him. His wish is that it continues to flourish, doing the same for others. This proposition will do just that. As the Chairman of the Friends of Jersey Youth Music said, so eloquently he put it: "I want all children in all schools on the Island to have the chance to play music. Even if they are no good, it does not matter. I want them to have the chance to play music, because they will realise how wonderful it is to make a noise on a trumpet or clarinet or just happily to sing. That is one of the great things that do not happen. If the States vote yes to this charging, that is going to expand, because everybody will have a go at it." I could not agree more. I started with a quote, and I will end with a quote from Jimi Hendrix: "Music doesn't lie. If there is something to be changed in the world, then it can only happen through music." I support the proposition. Thank you.

#### **9.1.6 The Deputy of St. Martin:**

Some Members in the Assembly may know that there is a small amount of musical background and history in my family, and I fear that if I did not say a few words today, there may be some senior members of that family who will not be singing my praises when I get home this evening. Every day music gives us pleasure, every day music gives pleasure to the performers, and in 99 per cent of the cases, to the listeners. I reserve that 1 per cent for the parents of children who bring their musical instruments home where they attempt to learn the violin and the trumpet and the oboes in their bedrooms late at night and very early in the morning. But these youngsters need to be encouraged, because we can and do produce world-class performers here in Jersey, and I think most recently popular stars like Nerina Pallot and another young lady who is up and coming and destined to be a superstar by the name of Frankie Davies from my own Parish, who is currently at Liverpool University. In an ideal world, all provisions for musical tuition would be free and we would

encourage all our youngsters at zero cost, but I know only too well the expense of these musical instruments that we have today, and we know that C.S.R. means that we have to save money. However, I am encouraged by the Minister and his words of income support, of bursaries and of other discounts and I would like to assure the Assembly that we are also fortunate in Jersey to have a number of musical charities, one in particular - the John Lobb Trust - which helps those who cannot afford it to pursue careers in music off-Island after they have left the education system in Jersey. If you had to prioritise the new benefits of this proposition, and the fact that a huge increased number of children will be able to learn musical instruments is enough on its own to persuade Members to vote in favour of this proposition, and I would encourage them to do so.

#### **9.1.7 Senator P.F.C. Ozouf:**

I must confess, like the Deputy of St. Martin and the Connétable of St. Martin, I am familiar with the Musical Instrument Service. I did learn to play the violin. However, screeching at the back of the violins in the Jersey Youth Orchestra was not something that I would inflict on any Member, but music did change the course of my life. Music is wonderful and I think the remarks of Deputy Bryan, the Assistant Minister for Education, are absolutely right. The inspiration, the joy that young people and throughout your adult life you get from music does inspire, it does motivate you, it does after a bad day - whether it is Coldplay or Chopin- inspire you and make you more positive. It certainly does make me more positive. That grounding that I had in music, I was not the greatest of violin player, I must admit, but it did give me an understanding of music which gives my appreciation of music a better meaning in my life. So I would like to thank the Minister for Education, Sport and Culture and his Assistant Minister for the work that they have done to deliver effectively what is a C.S.R. saving, and as the Connétable of St. Martin rightly said and reminded us, we have signed-up to M.T.F.P. savings - of which this was one of them - in the M.T.F.P. If any Member wanted to, and it is a difficult refrain to say, it is not a broken record on any of that Chopin or Coldplay, but it is the fact that we have signed-up already to the M.T.F.P. and the opportunity of putting more or less resources into areas was before this Assembly, as we made very clear in the M.T.F.P. so it is very difficult not to support the Minister for Education, Sport and Culture, because effectively the budget has already been cut, although the debate is now ... and that is a difficult issue, because he had to seek this Assembly's approval for the introduction of a new user pays charge. So we have made that decision. If I may also compliment the Scrutiny Panel, I have read their report, I have also seen the research that they carried out on looking at instrumental charges and this whole very issue. I think they have done an excellent piece of work. There is an excellent research paper that has been published by the Scrutiny Panel in evidence, and other people received evidence. So I do not think that Deputy Tadier is right or necessarily fair to suggest that this debate should be halted. You have not allowed that, Sir, but the Minister for Education, Sport and Culture has done a win-win, in my view. Yes, we have to make difficult decisions in terms of savings, but also I would have thought that Deputy Southern and Deputy Tadier would be welcoming the improvement of access of Instrumental Music Service provision to lower-paid families. These are the champions we have often heard that Deputy Tadier and Deputy Southern want to do. The extra 100 bursaries will be made available on this. This is widening the access of the musical service. Certainly that is what I have read from the report, and that surely should be a good thing. Is it not a good thing to charge people from those private schools that can afford and parents that can afford and give a better provision to those parents that cannot? There is an unfairness, it seems. There is not 43 per cent of children in Jersey that are at the private schools. There is clearly an unfairness and there is a lack of access for lower-income families in terms of music, and so I think that the Education Department, when faced with the challenge of having to cut budgets, has done something good. They have relooked at their service, they have directed those resources to where people really need them and I look forward to, unlike Deputy Tadier, seeing the Musical Instrument Service - and I note with interest the support that the proposals by the Minister for Education, Sport

and Culture have had by the representative committee that the Minister referred to - to improving the Musical Instrument Service so that more young people can be inspired by music endeavour in their lives ahead, and I urge Members to support the Minister's proposition.

**Deputy M. Tadier:**

I do not know whether this is a point of order or just a clarification. He said that the previous speaker said that he looked forward, unlike me, to the Minister improving access to provision, something to that effect. Can he clarify that?

**Senator P.F.C. Ozouf:**

I certainly will. I think the Deputy was sceptical that the Minister was going to improve the service, that he did not want us to make a decision. I say make a decision and let the Minister improve the service.

**Deputy M. Tadier:**

Can I clarify in that case, Sir? I look forward to any improvements to the service and to the access and expansion of it that the Minister can bring. I am simply asking for detailed explanation about how those improvements will come about.

**The Bailiff:**

Does any other Member wish to speak? Yes, Deputy Pinel.

**9.1.8 Deputy S. Pinel of St. Clement:**

I have just got a couple of questions for the Minister. My recollection of the Jersey Instrumental Service, through which my daughter benefited, starting with the clarinet, then learning the saxophone, continuing through to grade 8 and participating in the youth orchestra, this is just a wonderful opportunity for young people. Then a loan instrument was provided for a year or 2 before we had to purchase a saxophone at some considerable cost. This allowed her to continue. Can the Minister confirm that the instrument loan for a small charge is indefinite, so that a young person within the Music Service will be able to continue without the substantial outlay of purchasing their own instrument? Secondly, can the Minister explain why the proposition shows the same charges for individual and group tuition? This is not exhibited in the comparable jurisdictions where, understandably, one-to-one tuition is regarded as more expensive.

**9.1.9 Senator F. du H. Le Gresley:**

I feel it is my duty, as the custodian of the Social Security Fund and the taxpayer contribution to the Income Tax Fund, to put a word of warning out to States Members about the granting of concessions to income support households, which is for me a worrying trend, and I will explain why I say this. I have to use 2011 figures, but we have 1,918 households with children comprising 3,178 children, so it is my wish that because income support is an in-work benefit that as many households as possible do their utmost through finding work and increasing their prospects to pull themselves out of being an income support household, and I am sure, I hope, that is an aspiration that all Members would share, because we do not certainly want to develop a culture where it is acceptable to remain on income support through the whole of a working life. I make this word of caution, that as we add more and more incentives perhaps to have additional concessions for people in income support households, and I am aware of a number of other schemes coming to my department, which are also geared at income support households, I do not want to get to a situation where people start to add up what they might be losing, should they work for an extra £50 a week or whatever the offer might be on the table. I understand why the Minister and his department wish to make access available to income support households and I understand that, but I do warn States Members that we have to be very careful that we do not continue to offer extra incentives to income

support households, because it could have a negative effect on their desire to be self-sufficient. I would also have a slight challenge to the household income of less than £47,500 for the bursary scheme. In my opinion, that is a very high level of income. I understand it is based on the current scheme with Jersey College for Girls. I would hardly have thought that that was the right barometer. However, it is well above average earnings and I would have thought that I would have rather seen the bursary scheme set at a lower household income. Having said all that, I am supportive of the main thrust of this proposition, but I hope that Members will accept that I do have to put out these words of warning from time to time. Thank you.

#### **9.1.10 The Connétable of St. Mary:**

Just very briefly, following on from what the Minister for Social Security has just said, recently I was travelling on several flights, one after the other, and I had the “great joy” to see the same film 3 times: “Here comes the Boom.” I would not have seen that otherwise, but there was a great quote in there; I think they said it was from Nietzsche, but it was: “Without music, life would be a mistake” and in many ways, I think that is pretty true of a lot of things. From my point of view, the thing I would like to bring to this debate is reassurance, please, sought from the Minister. My concern is that for the families who are just over income support and the ones which Senator Le Gresley is referring to, who have striven to get off income support by increasing other opportunities, when their children are starting out learning instruments, they will be perhaps in the most difficult financial situation of all, having just come off income support, not entitled perhaps to that aid through the first scheme and probably the child not yet demonstrating the talent that we will be applying to the bursary scheme. I would like to be assured that there will be something to fill in that gap, because I think it is very important, especially in this day and age, there are some children that I have known... and I am very fortunate that my children have attended a state school that has a particularly strong music department, so the curriculum music is absolutely first class, and the support that they have had through the Instrumental Service has also been first class. But I just want to make sure that everything we do that strengthens life for the non-academic child, everything, our whole stream is geared in many ways to exams, exams and moving on to university or whatever.

[16:30]

There are lots of other valid options in life and I just want to make sure we do not perhaps disenfranchise those who are perhaps in the middle. I think the lower incomes will be catered for, the bursaries will come into effect when a certain level of achievement is attained. In the middle, can the Minister please reassure me that this will not be a problem for some families? Thank you.

#### **9.1.11 The Deputy of St. Ouen:**

Just very briefly, maybe the Minister can answer some of these questions when he sums up. First of all, I would just like to remind the Minister that States Members did not reject the reduction in grants to fee-paying schools. They required the Minister to go back and bring more information so that they could properly understand the proposals, and obviously I presume the Minister will be doing that at some point in time. Equally, I would just like to get a better understanding, and I do support obviously the delivery of C.S.R. savings, and equally, the enhancement of the service. I am perhaps slightly interested in how that enhancement happens, but more importantly, how you are going to ensure that it is more inclusive than it has been in the past. I would just like to highlight a number of matters that perhaps the Scrutiny Panel in their report did, and they repeat obviously a comment that the Minister makes that non-fee paying schools are currently unrepresented. It goes on to say: “All schools receive some tuition from the service. However, provision varied considerably” and these are the variations that I think we all need to be aware of, and I want the Minister to explain how he is going to address these matters. It says: “The smallest amount of

teaching provided to a single primary based school was to Springfield, with 75 minutes weekly. The largest amount of teaching provided to a single primary school was the J.C.G. Prep, with 600 minutes weekly.” It goes on to say that with regard to secondary schools: “The smallest amount provided to secondary schools was to Grainville, with 285 minutes per week, and the largest amount of teaching was to J.C.G. in the secondary school with 2,095 minutes a week.” That is a significant difference, which I am encouraged that the Minister is planning to deal with, and not only deal with that inequity, but expand the service. So perhaps when the Minister sums up, he can just elaborate a little on how these matters are going to be addressed, but at the same time and finally explain I believe in his report, under the proposed charges and the financial implications and the extra money, if you like, that is going to be generated from the fees being levied that we talk about an income source in year 1 of £95,000, rising to year 2 to £285,000 and year 3 to £302,000. But I do notice that there is a discussion or there is a line which says: “Removal of colleges’ contributions” which in year 1 is £22,000, which is to be subtracted from the total; £66,000 in year 2 and £66,000 in year 3. So does this mean that the current contribution that the colleges are making towards Jersey Music Centre for obviously what is a significant additional provision is going to be reduced and how will that will that be affected in the inclusivity that he is promoting? Thank you.

#### **9.1.12 Deputy R.G. Le Hérisier:**

Just a few points, and I am indebted to Deputy Reed. There is a block contribution made by the colleges and it will be swept up, so to speak, by the fact that the emphasis will now move to collecting individual payments from the parents, but the Minister will doubtless explain that in more detail. I was very uncertain of this move because obviously, although I would not say I am at the extreme end of the spectrum, obviously there is almost a gospel faith in the notion that there shall never be user charges because they interfere with the principle of universal access to service, and there were some fairly hot and heavy debates within the department about this issue. What partly turned me around was the fact that I felt that the service was stagnating; there was some excellent work being done, but there was a certain social skewing in the way that the service was being taken up by people. We were not, despite excellent work being done in the mainstream curriculum, offering what could be termed equal opportunities to children certainly in some of the non-fee paying schools, and I thought it was about time we started to orient the service much more to these students, and this is the irony. Yes, it is a C.S.R. cut; yes, it goes against the almost gospel faith that there shall not be user charges for anybody; but the trouble is we are going to face this debate more and more as we discuss the whole issue of universal benefits and the whole issue of means testing, and you are seeing it with what was said in the U.K. at the weekend about Iain Duncan Smith saying: “Thou who is rich, please give back your T.V. (television) licence to the Government.” You are going to get much more debate about that. Of course, what has happened is there has been informal rationing and direction of resources. It may not have been explicit but it has been happening. I think one of the benefits where I was, after a great sceptical period, partly persuaded, was that we could grow the service in certain ways. We could bring in people who are not at the moment covered. I do not think it is fair to say, and it was implied in Deputy Reed’s speech, that simply because you have fewer minutes in the school ...

#### **The Bailiff:**

In the Deputy of St. Ouen’s speech.

#### **Deputy R.G. Le Hérisier:**

The Deputy of St. Ouen, Sir, if I may be so humble. He made the point or was implying the point that the fewer minutes you have perhaps the lesser quality. I would recommend, and I am sure he has done it because I know he was enormously conscientious, he go to places like Grainville School

and see the musical evenings and you will be absolutely blown off your feet by students whose background and, quite frankly, whose absence of parental support is rather unfortunate but it is amazing the kind of quality ... and I know Deputy Green of St. Helier is a regular visitor to these concerts and he could attest to what I am saying. It is a service, in my view, we are stagnating. There were groups of people who, despite its apparent universality, were not benefiting from the service in a direct sense and it was about time that the whole thing got looked at. I would like to return to my good friend, the Minister for Social Security. Like him, as I have subscribed to the *Daily Mail*, so I have become harder in my attitude to welfare. But what I would like to say to the Minister, we are talking of £5 a week for one student. We in E.S.C. also give a free active card to people on income support because we are trying to be imaginative, we are telling people: "We are going to help you develop a better lifestyle. We are going to give you access to this and it will move you along in life." We are not just, in a cold way, analysing the financial benefit and adding it to the total. We are saying: "This will give people a chance to jump a few steps up the ladder, to do something with their life" because they may not have had that opportunity or they may not have seen it and there has been an excellent take up. Ditto, I do not think £5 a week is going to bring, much as I share some of Senator Le Gresley's fears about welfare dependency, *et cetera*, the income support system crashing down and hundreds of people knocking on the door of La Motte Street tomorrow saying: "I want this vast range of benefits" to which it is the key. It is not going to happen. I do appreciate his concern but I hope he can sleep well at night without this fear being realised. Deputy Tadier has said: "Where is the business plan?" It is aspirational, to be quite honest, because the department ... and the same with Deputy Southern who has asked me: "What did Aristotle say about user pays?" Quite frankly I do not know. There have been some awfully profound sayings today from the likes of Deputy Bryans but I have not been able to think anything up in that regard. What I would like to tell Deputy Southern and Deputy Tadier is we are, in a sense, experimenting. Not every authority has been prepared to take these steps and he is on Scrutiny, at certain points he can say: "Tell me your measures. Tell me what you intend to do in the first year. I want some indicative information from you about where you intend to go with this programme." Very easy for Scrutiny to do this and we will be pushed to the wall and produce some indicative information. Some of it is aspirational, some of it is, quite frankly, experimental. We want to shift the service in new directions. I would ask people like Deputy Southern and Deputy Tadier, please park some of your views about user pays that its removal will inevitably lead to bad social outcomes. It does not have to work like that. It does not have to work like that. On that basis, I heard the Constable of St. Mary saying she was travelling recently and she heard a song ... [Aside] Yes, I mean I was very pleased to do that because we were all travelling in the Planning van recently, as she knows. Just as we approached the Amaizin! Maze we were able to break out in a variation of Amazing Grace, which I understand was quite ... yes, I was and you supported it. [Laughter] What I am about to say is there is music everywhere in our lives and it enhances its enjoyment.

**Deputy G.P. Southern:**

A point of clarification, if I may. A point of clarification of the previous speaker. He seemed to imply that Scrutiny had not asked for a business case and I understood from Deputy Tadier that they had asked and had not received anything so far. While we are on the subject of singing, is it not time he broke into Bye, Bye, Miss American Pie, the day the music died?

**9.2 Jersey Music Service: introduction of "user pays" charges (P.36/2013) - proposal to refer the matter back**

**9.2.1 Deputy M. Tadier:**

Sir, I am asking if I can move Standing Order 83(1) and propose a reference back on the very basis that this is being sold to us as improving the service. We have heard from the Assistant Minister



that this is aspirational and I think many Members will only vote for this today on the basis that if they know... if they can have some kind of certainty that the service in the improvements that are envisaged can be delivered. We have not had a detailed plan about how that will be delivered or any timescale about how that will be delivered. It is purely aspirational we are told and I, for one, cannot work on the basis of an aspiration when introducing and rescinding previous decisions not to have user pay. I would like to make the reference back on that basis.

**The Bailiff:**

Can I just be absolutely clear because a reference back is only allowed where it is to seek further information or there is an ambiguity or inconsistency in relation to information provided. What is it that you require of the Minister if there is a reference back?

**Deputy M. Tadier:**

I would like to see a detailed business plan about how the service will be expanded to cater for those who currently cannot access the service for the instruments that are not provided that have been mentioned, for those in the private schools such as Beaulieu and De La Salle, which are currently not in the service. Also for timescales, when will the waiting list be reduced? When will all those who want to, who cannot currently access the service, be able to do that guaranteed?

**The Bailiff:**

Very well, I consider that falls within Standing Order 83(1). Is the proposition for a reference back seconded? **[Seconded]** Then does any Member wish to speak on the proposition for a reference back? I do urge Members not to descend too far into the arena because this has been a considerable debate already and the point raised by Deputy Tadier is a very clear and short one.

**9.2.2 The Deputy of St. John:**

I was hoping that you would let me speak just before that was seconded in case the Deputy wished to reverse his ...

**The Bailiff:**

I cannot, Deputy, before he proposes it but you can have a go and see now if you want ...

**The Deputy of St. John:**

Okay, let us have a go now. In my summing-up I did intend to deal with a couple of points from Deputy Tadier and Deputy Southern and then move on to everybody else. I was going to do that right at the start of my summing-up because it would then give them some time to think about it before the vote came, rather than at the end of the summing-up.

[16:45]

Let us just look at the budgets for a moment. After the budget cut of £200,000 there remains approximately £526,000 in the budget. That is enough to pay for all of the core overheads of the service, including any department costs, *et cetera*, their costs of their maintenance of their premises, the cost of maintenance of their current instrument stock. All of the overheads will be covered. Charges for the current services that the Music Service offers will start in September 2014. Let me just repeat that, charges for the current services will start in 2014. Charges for new services will start in September 2013, okay. What this means is that the charges for the current services when they come in 2014 will replace the funding that is being cut and a little bit more. Therefore, I am quite willing to commit that in September 2013 onwards, when the new charges for new services come in, and if there is the demand - and I am assured by the Head of Service that he believes there is pent-up demand for an expansion to the kinds of services, in other words guitar, drums, possibly other keyboard kind of services - then those new income streams will enable the

growth that Members are seeking to be assured about. I will commit from September 2013 in the first year that there will be expansion of services that will be part of the business plan that I think Deputy Tadier is looking for. I think that goes quite a long way towards explaining and setting Members' concerns to rest. I am not sure what other information the Deputies are looking for. I think that is the main one, unless they want to tell me otherwise. I am quite prepared to sit down and let them explain if there is something else they would like to know.

### **9.2.3 Deputy M. Tadier:**

I think this is exactly why the information is being sought. It is not some kind of guessing game that can be played during a debate. The point is the expansion of services still remains vague. We need to know how this is going to be rolled-out, whether everybody on the waiting list will be able to access it within the first week or whether 1 per cent will be told that there is a possibility for guitar lessons now. Also, if the service is growing the supply is essentially growing but the cash value that the States is putting in is going down, that surely means that the cost to parents is going to go up and this is exactly why we need a detailed analysis of what it means for the users. We cannot simply take a punt and hope that it will get better. I do not want to make a second speech but that is the nature of the information.

### **9.2.4 The Deputy of St. John:**

Thank you to the Deputy. I do not know what else I can say other than to commit that we will provide an increasing breadth of service from September 2013 and commit to that and that will certainly be there. As far as universal access is concerned, which is perhaps the other angle that the Deputy is looking for, at the moment the service roundabout this time of year does what is called a road show. It goes round to primary schools and it explains to children what the Music Service is about and offers them the choice to play music on a kind of *ad hoc* basis and to see what it is all about. At the moment we have to be limited because we are limited in budget, we have a fixed budget and we only have in the Service a certain number of teachers, for instance, we might have a teacher that teaches violin. When that teacher's time is completely sold then we cannot continue at the moment to further sell violin classes because we do not have the capacity to do it. We will need to fundamentally change that and the Head of Service is currently looking at how the offer to schoolchildren in the fee-paying and the non-fee-paying sector... that there is a complete change of culture. It will be that a wider range of instruments will be offered and new offerings of instruments, as I have already mentioned, guitars and drums and keyboards, they will be offered from September 2013 to all children, fee-paying and non-fee-paying. Certainly in the first year, even if it means a small budget shortfall, we will commit to offering that universal access and with new instruments as the demand proves that they are necessary. I hope that is the further expansion of commitment that the 2 Deputies are looking for.

### **The Bailiff:**

Does any other Member wish to speak on the reference back? Deputy Southern.

### **9.2.5 Deputy G.P. Southern:**

It does, to a certain extent, change the ground on which we are talking because I deliberately asked him at the very beginning and when he finished his opening speech whether he meant should or will. He carefully said then: "It did mean should, we will try our best". I want to know, what has shifted within this debate today from a definite statement it should, as in aspiration, which has been repeated from Deputy Le Hérisier, to we will do this? What I need to know further to that is how will you do that? It is all very well to make the promise but I think what we need is some meat on those bones, on the bare bones of the promise, say: "And we will do it this way" and it will happen. What is needed, I believe, and that is why the reference back is here, is a third paragraph in here or 1(a) and (b) that says: "And this will be delivered in this way, how and the when, to what, to whom,

how will that take place” because that is what is missing. Without that commitment in that proposition, as I said earlier, this is just a means to raise charges, that is all it is. I see the charges will raise something like £200,000. Is that the logic of what this report says? That is the other question and which is raised. You are aiming for £200,000 to make up ... Yes, that will do.

#### **9.2.6 Deputy G.C.L. Baudains:**

I do agree with the need for reference back because this simply does not make sense to me. We are told that there is a Comprehensive Spending Review or a reduction of around £200,000. The new charges will bring in around £165,000 and there is some extra unquantified saving of £35,000, which sort of balances it all out, both coming to around £200,000. Yet we are told that this reform will enable employment of more staff and buying of new instruments. If there is no movement in the money where is this money coming from to provide this? It is something out of nothing and it seems too good to be true and we know what people say about something that seems too good to be true, it probably is too good to be true. I believe, from what I am reading at the moment, that this is a juggling of numbers that will ultimately lead to less children studying music rather than more. I do need information on this, otherwise I shall have to vote against the main proposition.

#### **9.2.7 Deputy J.A. Martin:**

I will be brief. I do not know if it is a point of order, and this is not what I want to say, but when Deputy Tadier was allowed the reference back he was not offered to continue to speak and would he not ... I do not know if he had finished because he ... the Deputy of St. John has had 2 bites of the cherry when he sat down. That is not what I want to say.

#### **The Bailiff:**

Sorry, Deputy, I am not quite following that. Deputy Tadier did propose the reference back. I thought he had spoken in relation to it and he made the proposition and then it was seconded. I am not quite clear ...

#### **Deputy J.A. Martin:**

He does not get a chance to carry on speaking then to explain more. No, no, it is okay, just sum up. That is fine. I have got my Standing Orders and it is decided on that but I thought ... Anyway, what I wanted to ask and I absolutely ... I think sometimes less is more. If the last Assistant Minister for Education, Sport and Culture had not spoken this may have gone through but we heard aspirational, possible and la, la, la and alarm bells started to ring. I did not speak in the main proposition because I did not know which way it was going to go. But the minute I read in the report on page 3, the third paragraph, that this saving has already been approved by the States but because it is “a new user-pays proposal” it has to come back to the States. Because we all agreed to the Comprehensive Spending Review, apparently we have all agreed to this. We have not because that is why all new user pays comes here. I have been looking at the comments from the Ministers. I have been looking at the proposition. I do not see what Deputy Tadier is asking for, an absolute business case. They have put some figures together that covers the first £200,000, which they need to, a saving but, again, it is all wait and see, inclusion of De La Salle and Beaulieu. As Deputy Baudains has just said, they have a real quick uptake and they may be the parents who can afford it. They may not have the gift but our little Johnny is going to have a violetto lesson and an X oboe lesson and when he brings that saxophone home we are all going to run for the hills but they can afford it. They can afford it, the bursaries are for the people with the talent and there are 100 of them. There is no business case in here except Education are saying: “We need to save this money.” I do not really have a problem and I know user pays is going to come in other areas. I was listening intently in the main debate at what the Minister for Social Security said, not that everyone is going to go running down and saying, as again: “Little Johnny needs to do this and that so I am never going to become unemployed”. But he made the very big point that £47,000 is the

income that they have used. When we say the average income is around £32,000 and that is the average. We have got a lot of things coming and it is not always the income support bracket people, it is people who are on £1,000 or £2,000 more who do fall outside of that and this may be a stretch too far. Where is the business case? As I said, alarm bells rang with Deputy Roy Le Hérisssier's speech because he is the other Assistant Minister for Education, Sport and Culture and it is aspirational and wait and see. Also, Scrutiny can, if they want to, when we have introduced this charge, hold him to account but it is too late. A lot more work needed to be done on this. We had the argument that Health did too much on the smoking regulations this morning, Education, sorry. Even the speech in the reference back debate from the Minister was, again, wait and see. It was what he said he was going to say in his summing-up speech and he hoped to change the 2 Deputies' minds. I think it is probably more than 2 people who are now very uneasy with this proposition. The work, I do not think, has been done, oh, yes, it has been done. Maybe people do not think that you need to put too much in. What have we got here, 5 or 6 pages? The first page is just the proposition. It is not good enough. There is more in the comments from the Council. I really think we do need this reference back and I am not saying that this would be a quick job. It may be a quick job if the information and the work has been done. Bring it back and then it will get passed.

[17:00]

### **9.2.8 Deputy R.G. Le Hérisssier:**

I would like to take up this point that somehow the word "aspirational" is to be equated for Loosey-Goosey thinking; that is not the point at all. We want to increase social inclusion. We want to shift where the money is going at the moment and the starts, as demonstrated on page 7, are quite modest. Yes, I admit some of it is speculative because we cannot apply an iron rod of prediction. We can put in place the right incentives. We can approach jurisdictions where these programmes ... and they are very few where there is a comprehensive attempt to re-orient in a complete way, which we have put forward under legitimate criticism at an earlier point. We can approach jurisdictions who have done that and then, yes, at some point it becomes aspirational. But we are trying to put in the right incentives. We are trying to learn from other jurisdictions, just as the Health Department cannot say, despite the immense evidence or the immense law and the immense set of controls that we voted this morning, they could not put a percentage and say: "The smoking with the under 16s will decline by this particular per cent". It will decline. We are hoping it will be a substantial decline because we have looked at other countries, we have looked at how our health promotion programmes work but we cannot give a percentage. But we are going to put all the energy we can into it. We are going to learn from those other jurisdictions and we are going to try and turn this programme around and that is what we did. Aspiration, Loosey-Goosey thinking, no.

### **9.2.9 Deputy J.H. Young:**

Certainly for me I want to feel confident that these gains are real, that they are really going to be delivered because I am strongly behind the development of this service. I think there are questions and, hopefully, somebody who has not yet spoken because I think we have heard from the Minister and one of the Assistant Ministers, might explain the figures, the numbers that we have got on page 7 in the proposition that seem to be the closest thing to what Deputy Tadier is seeking. There we see some columns of figures that tell us that the charges for instrumental teaching, the purpose of this proposition, are estimated to raise £239,000 in the third year. Then we have a figure, which I do not think anybody has mentioned or explained to us so far, £63,000 for a new income stream, so I do not know what this is. That is added and it gives us additional income of £302,000, which arises from the proposition, which obviously beats the £200,000 saving required for the C.S.R. But then there is another figure underneath it, £66,000 removal of colleges' contribution, which only leaves £10,000 for bursaries and investment fronting into the service. I think that is the closest we have got to a business plan. I am hoping that a Member that has not yet spoken will be able to

explain this because if that was explained I would be happy and there is no need for a reference back. But I really would like to feel that there is some real ability to do as has been promised and full marks to the Minister for making those promises. But I would just like to hear some words that may be a little bit more certain.

**The Bailiff:**

Does any other Member wish to speak on the reference back? Then I invite Deputy Tadier to reply.

**9.2.10 Deputy M. Tadier:**

I think this has been a useful process anyway because, if nothing else, we have got a little bit more firmness from the Minister for Education, Sport and Culture and he intends to expand the service, both in terms of the nature of instruments provided for and those for whom the service caters. One of my areas of concern that still remains and why I am maintaining this reference back is that ultimately it is going to come back to us in this Assembly. First of all, it will come back to the 2 Assistant Ministers from the department who will be having to deal with appeals in the future because the Minister is on record as saying that the intention here is to extend the service from September 2013. When one of our constituents, it could be anyone and no matter who I will class as a States Member, comes to us and says: "My son and my daughter have been refused to get their drum lessons this year because we were told that the reason for the pro-side of these cuts would be that we would expand the service but that is not happening and maybe it is not happening even in 2014. I cannot get my didgeridoo lessons because it is not being extended that far." It will be us who are having to contend the appeals processes with the Assistant Ministers on this aspirational policy that is being brought forward. It may well be that the department cannot provide a business case, I think Deputy Le Hérissier alluded to this, because it is not possible to do a business case until you know exactly what the requirements are and what the uptake is going to be, until it is set up and running. But if that is the case, tell us that, Minister. But I would suggest that there must have been figures at some point that have been punched into a computer model with the various outcomes in order to say how this is going to be funded. We know that £200,000 has to be made straightaway before any money can even be contemplated about being put back into the service. That shortfall will have to be made and that is where the charges will go initially to make up that shortfall, the £200,000. The Minister is shaking his head but it will have to go to that because that is the amount it costs to run the service, some £700,000 and it is being reduced by £200,000. That is primarily where the user pays fees will go to and then after that it is only additional monies that will be put back into the service to expand it and improve it. We need to know exactly how those monies are going to be worked out and allocated. Again, the Assistant Minister told us that Scrutiny can hold us to account. Well, that is exactly what Scrutiny and Back-Benchers are trying to do here. We are saying: "We are happy to support this provided we know that the detail is there" and we want to do that before as well as during the process when it is going forward. The difference here perhaps with the smoking strategy is that we are being sold this on the basis that it will improve the service. The Minister could have come to us and simply said: "Look, you have decided to cut my monies in Assembly. Therefore, let us just approve it and it has to be met by C.S.R." and not even mention the fact and not even dangle that carrot in front of us to say: "But do not worry. The Service will not be harmed and, in fact, it will be improved." The reason he has done that is because he knows that he would have been on a sticky wicket because Members value music no matter which side of the House we are on. It is the same with languages. We want to make sure that these things are protected. I was going to say "at all costs" but certainly protected as far as we can and Members in this Assembly will not accept these C.S.R. cuts if they think for one moment that it is going to harm the services and it is not going to deliver what it says on the tin. We are simply saying, Minister: "We want the information and it can be done." If the information is there, it should be able to be delivered within the space of the next week or 2 so that we can be

assured that this is going to work and that when users of the service come back to us in the future and say: “Look, if it takes a year or 2 for this to work out, that is fine. I do not expect my son to have drum lessons within the next year” but people need to know exactly where they stand and I think that is a good basis on which this Assembly should be doing business. So I maintain the proposition for reference back and I hope that the Minister can give us that information in very short order so we can be back here in 2 weeks or 4 weeks and debate this and pass it unanimously.

**The Bailiff:**

Very well. The matter before the Assembly is a reference back and the appel is called for so if you want to refer back, you vote pour, if you do not, you vote contre and the Greffier will open the voting.

<b>POUR: 13</b>		<b>CONTRE: 28</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator P.F.C. Ozouf		
Connétable of St. Mary		Senator A.J.H. Maclean		
Connétable of St. Ouen		Senator B.I. Le Marquand		
Deputy J.A. Martin (H)		Senator F. du H. Le Gresley		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy of Grouville		Senator L.J. Farnham		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy T.M. Pitman (H)		Connétable of Trinity		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy G.C.L. Baudains (C)		Connétable of St. Peter		
Deputy J.H. Young (B)		Connétable of St. Lawrence		
Deputy of St. Martin		Connétable of St. Martin		
		Connétable of St. Saviour		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy R.J. Rondel (H)		

**9.3 Jersey Music Service: introduction of “user pays” charges (P.36/2013) - resumption**

**The Bailiff:**

Very well. So we return to the debate on the proposition. Does any other Member wish to speak? Very well, then I invite the Minister to reply.

**9.3.1 The Deputy of St. John:**

I think I would like to just refer to Deputy Trader’s final summing-up in his reference back first and I would like to just assure him in the year between September 2013 and September 2014 when the existing charges will come in for the existing service in 2014, if there is demand for an expansion

of the service, then those lessons will be available. I would just like to make that point. So I would like to thank everybody really for speaking. This has been a good debate and I am very encouraged because it is clear to me how much Members around the Assembly do value the Music Service and I think - if you will excuse the pun - that we are all singing off the same hymn sheet. **[Laughter]** Deputy Young said that early access was important and I absolutely agree with him and that is why we are going to redesign the way we present to young children at an early age. There needs to be a culture change within the Music Service which is wider access, wider breadth of instruments, aimed at all areas of music and involvement in music and that will be a culture change. With this fee-paying contribution, or however you would like to call it, the user pays charges., this will drive a change in culture and the Music Service knows this. Our Head of Service has already been through this process on 3 separate occasions, all of them highly successful in other jurisdictions outside of Jersey. There is of course the danger that when these fees are introduced, there will be a small reduction and it is usually between 3 and 5 per cent as there has been in other jurisdictions overseas but the experience shows that providing you concentrate on the quality and providing you expand the breadth of the service and widen the access, that rapidly gets overtaken in year 2 and some services overseas have doubled in size as a result of introducing fees. There is the point that because Jersey's budget restrictions mean that we turn away 50 per cent of children every year that, in fact, we will not even see that 3 or 5 per cent reduction. We will not even see that. We could even see a year one expansion of the service. We could. Let us see. Deputy Young also mentioned the Own Instrument Purchase Scheme. This is one of the items that the Scrutiny Panel came up with. Now some Members have felt: "Well, why have we not responded to the comments and the Scrutiny investigations" that we have in front of us? Well, the answer to that is that we did not get them, I think, until Thursday of last week and that does not give us a lot of time but what I have said, and I am utterly committed to doing with the co-operation of the Scrutiny Panel, is to look at their suggestions in a very favourable light and see if we can accommodate - and I am pretty certain we can - most of their suggestions. I am committed to doing that and if we cannot, for whatever reason, then we will discuss it in great detail with the Scrutiny Panel and I think this Minister's reputation and this Minister's style has already proven to the Scrutiny Panel that he is an extremely co-operative Scrutiny Panel engager. I think this Minister's style has shown that. Let us look at the other question that Deputy Young mentioned which was: "What about the margins just above income support?" In fact, that is a theme that several other people have referred to, one of them being the Minister for Social Security himself. So let me just address that. The bursary scheme is intended to cover those margins but let me just talk about that bursary scheme.

[17:15]

The bursary scheme will be decided upon several different criteria. One of them is quality and how good a child is and how promising a child is at music and the second will be what the household income of that family is and there will be several others. They are covered, I think, in the Scrutiny Panel's comments. I am sure that Members have seen those and if they have not, I would suggest they look at the Scrutiny Panel's comments. So there are a number of different aspects that will be used to judge who has access to the bursary scheme. One of the other things that was said about the bursary scheme was that it is too high at £47,500. I think there is some confusion on what is the average income of £32,000 and what is household income and I hesitate to go back to the debates we had about 3 months ago on the difference between household income and parental income but it falls into the same category. We are using household income here. Household income. So I would not have said that £47,500 is that high if you think of household income but we are going to have to see where the correct income level criteria lies. The reason that we chose £47,500 is that we had a look at the only Music Service Bursary Scheme that we had access to and there is only one and that is the one that is in place at Jersey College for Girls. So that is why we chose £47,500 but we have said on several occasions - and I will say it again now - in one year's time, we will have a lot of

information in front of us and we will have a lot more information to be able to decide whether a £47,500 level is correct or in fact if we need to adjust it one way or the other. The intention is to provide 100 bursaries. Now that is 10 per cent of the total children in the system. That is 10 per cent. If you take the income support on the current system, then it is about a further 7 per cent that will get completely free lessons so we are talking about a total of 17 per cent of all the children in the current service that would be either paying nothing or paying only a small contribution, however we work the bursary scheme. There is still more work to be done. We need to do that work alongside the changes that we are making and we will keep this under constant review and I am sure that the Scrutiny Panel will be very interested to participate with us as we keep it under constant review. Growth: it is certainly intended that Beaulieu and De La Salle will have access to this bursary scheme and the Music Service in general. At the moment, they have not. We intend certainly to extend it to Beaulieu and De La Salle from September 2013 onwards. Deputy Pinel wanted to know about loan instruments. At the moment, under the new scheme, we will be charging £18 per term for the loan of an instrument. That will continue into the future. That is in the figures. The Scrutiny Panel and Deputy Pinel also came up with the question of individual versus group lessons and it is quite true that that seems to be an anomaly. I am going to commit that we will keep this very carefully under review and see if we can address that in the very near future before the scheme comes in September to see what we should do. We might need to refine the scheme in that area and I would thank the Scrutiny Panel for bringing that to our notice. That is something that we have missed or, rather, not so much missed. I am sure it has been thought about by the Head of Service but we have not addressed it at a political level so we will do that before September 2013.

**Deputy G.P. Southern:**

A point of clarification, Sir, if the Minister would give way. I believe the question from Deputy Pinel was for how long would a loan of an instrument last because I think her daughter's experience was a lesson for a year and then they had to buy one.

**The Deputy of St. John:**

No, I think the instrument loan is on a permanent basis.

**Deputy G.P. Southern:**

I think I can see people shaking their heads.

**The Deputy of St. John:**

I stand corrected and I apologise if that is misleading the Assembly. I stand corrected on that. It is available for a year. We will need to look at how we can address that problem in the future. Yes, there is a problem in that case. I think I have addressed the Minister for Social Security's concerns about the question of too much side help for people on household income. I think my Assistant Minister handled that pretty well. I do not think it is a problem. Again, we will keep that under review and see where we go. The Constable of St. Mary wanted some reassurance that the bursary is aimed at the level of household income that she is concerned with. I think I have already addressed that. I am not quite sure what she meant. She is worried about the margins I believe. The bursary is intended to cover the margins because that will be one of the main criteria that we will look at when we are deciding who gets bursaries. Each bursary will be looked at on a one-to-one basis and there will be an appeals scheme for those that feel that they still are due a bursary. The Constable is asking to make a point, Sir. I am prepared to sit down if you want to let her.

**The Connétable of St. Mary:**

It is just really clarification. I know the Minister did address some of what I said when he spoke a few moments ago but he referred to the proposition and to the comments about the bursaries. The



comments have the phrase: “For committed students having potential.” The report says: “Using assessments from the J.M.S.” I am worried about people who have not yet established that they have that level and want to take up an instrument and are marginally outside of the income support scheme. I want assurance because despite what the Minister has already said, the documentation I have been provided with refers to students already displaying talent.

**The Deputy of St. John:**

The level of commitment for students is one of the criteria but it is not the only one and each case will be looked at on its own merits. I cannot say any more than that. The intention is that no child will be precluded for financial reasons. That is the first thing that we start with and we will have to look at each and every case and we will have to try to make sure and ensure that children from households on the margins of the free scheme will have access to bursaries. I cannot really say more than that, I do not think. The Deputy of St. Ouen: “How do we improve inclusivity?” Obviously, this is in the same area as the universal access to the scheme and I have already covered it when I say that the Music Service will have to have a culture change and a redesign on how it presents to children in the non fee paying sector and that is certainly intended. But, again, parental involvement is key so we will have to try to engage actively with parents in the non-fee-paying sector as well. The removal of the college’s contribution of £66,000 per annum is at £22,000 in the first year because we are only talking about one tier. The fee paying sector currently makes a contribution collectively of £66,000 to the Music Service budget. Presumably, those schools then charge on that contribution in part through their fee structure to the parents so they are already, in the current system, paying towards the Music Service. Now we can argue - but it is a different argument - about an askew fee-paying and non-fee-paying spilt between the money that is spent but that is a separate argument and we need to address that as a separate argument. I have already said that we intend to do that but to have to have kept that £66,000 in there and then introduced a charging structure is really tantamount to double charging for those parents and that is why we feel that it is right to remove that if we are moving to a charging structure on a user pays basis. I think that pretty well covers most of the questions that were put to me. I would just like to reiterate that I am very encouraged by the level of interest in the Music Service from all around the Assembly and it will tend to be those that are worried about this are worried because they are music enthusiasts. I absolutely concur with them. I am as well and I do not intend this service to go into a spiral decline. Quite the opposite. I will be doing my utmost to develop the service, to expand it, to make its access available to more children right across the spectrum and I would ask Members to support me in that job and the Music Service who are totally committed and I am very confident that we are going to be able to produce something that we can all be proud of in the future. Thank you.

**Deputy G.P. Southern:**

A point of clarification, Sir? The Minister just referred to the contribution from the fee paying colleges. Is he expecting their fees to go down by the sum that is now going to be coming direct to him?

**The Deputy of St. John:**

Well, let us just say that I am responsible for some of the fee-paying sector and I have to approve their fee increases every year. I cannot really make any comment other than that. I think what the Deputy is alluding to is a rather different political point of a general nature and I do not think it has really got anything to do with the Music Service as such.

**The Deputy of Grouville:**

Could I ask a point of clarification on household income?

**The Bailiff:**

Sorry?

**The Deputy of Grouville:**

On household income on the point that the Minister made.

**The Bailiff:**

Well, if it a genuine point of clarification.

**The Deputy of Grouville:**

Well, I just wanted to understand how this was going to work because I came across one of the most talented children who used this service. He played the trumpet but he attended D'Hautree House School and lived at Les Chenes. How would household income work in cases like that?

**The Deputy of St. John:**

That is quite a difficult one for me to answer because I do not know the circumstances that lie behind that particular person. I would expect that children in the alternative curriculum - if that is what the Deputy is referring to - would have considerable access through the alternative curriculum to things like music tuition. It is a different curriculum. The alternative curriculum is an alternative curriculum and I think that is the only answer of any sense that I can make at this point in time but I am quite prepared to investigate that and get back to the Deputy in due course.

**The Bailiff:**

Very well. So the matter before the Assembly is the proposition of the Minister for Education, Sport and Culture. Do you ask for the appel?

**Deputy G.P. Southern:**

Could we have the appel please, Sir?

**The Bailiff:**

The appel is asked for so I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 31</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Senator A. Breckon		Connétable of St. Mary
Senator P.F.C. Ozouf		Connétable of St. Lawrence		
Senator S.C. Ferguson		Deputy J.A. Martin (H)		
Senator A.J.H. Maclean		Deputy G.P. Southern (H)		
Senator B.I. Le Marquand		Deputy of Grouville		
Senator F. du H. Le Gresley		Deputy M. Tadier (B)		
Senator I.J. Gorst		Deputy T.M. Pitman (H)		
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Connétable of St. Helier		Deputy G.C.L. Baudains (C)		
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of Trinity				

Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

**The Bailiff:**

Very well. Can I just inform Members, before we do rise, that the Minister for Economic Development has lodged a response to the proposition Jersey Innovation Funding?

**Senator P.F. Routier:**

I propose the adjournment, Sir.

**The Bailiff:**

The adjournment is called for then so the Assembly will adjourn and reconvene at 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:30]