

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 29th MARCH 2011

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[9:30]

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

QUESTIONS

1. Written Questions

1.1 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PLANNING PROCESS:

Question

Can the Minister give an assurance that the current planning process will, in the period leading up to the ratification of the new Island Plan, be sensitive to applications that are at the moment being considered in areas such as proposed conservation areas?

Answer

Both the current 2002 Island Plan and the 2009 Draft Island Plan set out planning policy regimes for the management of development affecting Conservation Areas (Policy BE9 in the 2002 Island Plan and Draft Policy HE3 in the Draft Island Plan 2009).

Any application affecting a Conservation Area would fall to be considered in respect of the policy regime applicable at that time. Presently, the 2002 Island Plan remains the primary consideration in the determination of planning applications and thus Policy BE9 would apply.

POLICY BE9 – CONSERVATION AREAS

Conservation Areas will be designated within the Plan period subject to a detailed appraisal of their conservation merits.

Once designated as a Conservation Area, the Planning and Environment Committee will initiate the preparation of Conservation Management Plans for each area to inform their long term conservation and enhancement.

Development within or affecting the setting of a Conservation Area will only be permitted where it would conserve or enhance the architectural or historic character or appearance of the Conservation Area.

Development proposals will be expected to be in accordance with all other principles and policies of the Plan and in particular should:

- respect the historic context in scale, form and layout;
- use materials and colours that are appropriate and sympathetic to the site and its setting;
- protect boundary features such as trees, hedges, walls and railings that contribute to the special character of the area; and
- protect and enhance views into and out of the area.

Developments that are likely to have a harmful impact on the character and appearance of a Conservation Area will not normally be permitted.

There are, however, no Conservation Areas presently designated in the Island.

Work is presently underway, as part of my review of the Historic Environment Protection Regime, to bring forward the first proposed designations, which will focus on St Helier. It is my intention

that areas at St Aubin and Gorey will follow shortly thereafter. It is likely that the first proposed designations will emerge later this year.

Until such time that details of these proposed designations, involving the detailed definition of the proposed areas on maps, they cannot be considered as material to planning applications. It is relevant to note that proposed Conservation Area boundaries will need to be the subject of extensive consultation with all interested parties, including local residents and businesses, prior to designation.

I would seek to offer the assurance, in the meantime, that all development proposals are assessed relative to their impact upon the character of an area, as provided for in the policy regime of the 2002 Island Plan (specifically Policy G2). Thus, the impact of development proposals upon areas of clear architectural and historic character and value, such as Havre des Pas in St Helier, or St Aubin and Gorey, amongst others, will be material to the determination of current planning applications.

1.2 SENATOR B.E. SHENTON OF THE MINISTER FOR SOCIAL SECURITY REGARDING AN INCREASE IN NET REVENUE EXPENDITURE:

Question

In 2005 the Net Revenue Expenditure of the Social Security Department was £82,466,889. The Net Revenue Expenditure Cash limit after the Comprehensive Spending Review for 2011 stands at £175,068,400. Can the Minister explain this £92,601,511 increase in the budget given his assertion that costs are under control?

Answer

It should be noted that all the information in this answer has been collated from States Business Plans and States Budget Reports which are all publicly available.

Each item in the following analysis has been agreed by the States and included within the departmental cash limit for the relevant year. The Department controls its expenditure within these agreed limits.

Eligibility for Social Security benefits is enshrined in legislation. Changes in benefit spend from year to year are directly related to the level of inflation and drivers of the numbers of people needing benefit, such as the ageing demographic and the state of the economy.

	£ Million
2005 Cash limit*	82.7
Transfers from Parishes and inter departmental transfers	34.4
Benefit increases to protect low income groups from the impact of GST	3.1
Temporary increase in benefit budget to protect low income groups from impact of recession	11.2
Temporary increase in benefit budget to provide transitional protection for	3.2

claimants moving from a more generous benefit to Income Support.	
Provision of pension contribution top-ups for lower and middle earners	15.4
Benefit up rates in line with inflation	11.7
Increases to administration and Grants budgets in line with inflation	0.7
Increases in Residential Care funding to take account of ageing population pressures	8.2
Additional funding proposed by Private Members' propositions	5.1
Growth bids proposed by the Council of Ministers	1.3
CSR savings for 2011	-1.9
2011 Cash Limit	175.1

* This analysis is based on movements in the cash limits from year to year. The cash limit approved for 2005 was £ 82.73 million.

Transfers from Parishes and inter departmental transfers £34.4 million

The transfer of budgets from the Parishes and other States departments makes up a considerable proportion of the increase. These transfers do not represent a net increase in States spending, but a movement of budget from one department to another department. These budget transfers total more than £34 million - including net transfers of £23 million from the Housing Department and £10 million from the Parishes.

Benefit increases to protect low income groups from the impact of GST £3.1 million

Additional funding has been provided by the States to protect lower income groups from the impact of GST - this has been achieved through changes to the Income Support system and a separate bonus paid to those who do not qualify for Income Support ("GST Bonus").

An additional £3.5 million (see section below) was provided as result of the proposition of Deputy Le Fondre to increase support to low income families rather than remove GST from food and fuel.

Temporary increase in benefit budget to protect low income groups from impact of recession £11.2 million

In times of recession, tax yield falls and benefit spend increases. In times of economic boom tax yield increases and benefit spend decreases. These economic facts led to the creation of the Stabilisation Fund.

Through the Stabilisation Fund, the States has provided additional temporary support to lower income families affected by the current recession. The integrated Income Support benefit system has made it much easier to identify and monitor these additional costs and to deal with the increased number of claims. Additional money has been required since 2009. This temporary

funding will be withdrawn as the economy moves back into growth. In 2011, some of this temporary funding is being used to provide extra support to jobseekers to secure employment and reduce benefit dependency.

Temporary increase in benefit budget to provide transitional protection for claimants moving from a more generous benefit on to Income Support £3.2 million

As part of the introduction of Income Support, it was agreed politically that households that received less benefit under the new system should receive some protected payments for a limited period to compensate for the loss of their previous benefit. The cost of this protection has reduced steadily since the beginning of Income Support. The original budget in 2008 was £9.7 million and this has now reduced to £3.2 million in 2011. It will be eliminated completely in the coming years.

Provision of pension contribution top-ups for lower and middle earners £15.4 million

The States Grant for supplementation is paid into the Social Security Fund and is used to supplement the contributions made by lower paid workers, to allow them to receive a full pension. The formula driving the exact cost of supplementation is specified in the Social Security law. Changes in the cost of supplementation in a given year will depend on the rise in the value of the pension, the change in the number of lower paid workers and the relative change in the value of their wages.

The Fund is currently receiving slightly more income than it spends in benefits and pensions each year - this is a deliberate policy that was agreed in the late 1990s to build up a surplus to help meet some of the cost of the increasing number of pensioners that will need to be supported in the future. At current contribution rates, the Fund will move into current year deficit within the next five years.

If the value of the grant were to be reduced, there would need to be either a reduction in the value of the state pension or an increase in the rate of contributions.

Benefit up rates in line with inflation £11.7 million

The Department receives an allocation each year in order to uprate benefit levels in line with inflation. For 2006 and 2007 this related to Parish Welfare and Social Security benefits that were replaced by Income Support. In addition to Income Support, the Department continues to provide a number of other benefits (Christmas bonus, TV licence benefit etc) which are uprated on an annual basis.

Increases to administration and Grants budgets in line with inflation £0.7 million

Increases in administration costs and the uplifting of annual grants during this 6 year period have been limited to an increase in £400,000 of staff costs and £300,000 in non-staff costs.

Increases in Residential Care funding to take account of ageing population pressures £8.2 million

The Department has been allocated additional funding in respect of the increasing costs of residential care, based upon cost rises experienced by Parishes, before Income Support was introduced. This cost pressure was a principal driver behind the change in the Parish Rates system. The Social Security Department is now preparing a contributory long-term care benefit which will transfer most of the cost associated with residential care to a ring fenced fund.

Additional funding proposed by Private Members' propositions £5.1 million

Since 2005, the Department has received additional funding as a result of Private Members' propositions. These include winter fuel payments (Senator Shenton), additional support for working aged adults either on the autistic spectrum or with learning disabilities (Deputy Gorst) and additional funding for Income Support and the GST bonus (Deputy le Fondre). In total these initiatives have added just over £5 million to the departmental budget.

Growth bids from the Council of Ministers £1.3 million

Since 2005, the Council of Ministers has supported successful bids for funding in three areas - a childcare support system for parents with less than five years residency, increased work incentives within the Income Support system and additional funding for the Jersey Employment Trust.

CSR savings for 2011 £1.9 million

The 2011 budget includes £1.9 million worth of CSR savings. The major items relate to a reduction in the level of Christmas bonus, reductions in benefit budget due to increased fraud prevention and detection and a freeze in the housing component of Income Support.

Current forecast

As was stated in the Draft Annual Business Plan for 2011, the Social Security Department has refined its forecasts to take account of the impact of the economic downturn.

As a consequence of actual results during the second half of 2010 and their impact on future periods, a revised forecast was reflected in the 2011 Budget agreed by the States at the end of 2010, indicating a reduced estimated spend of £170 million for 2011.

1.3 SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE PLANNING BRIEF FOR A NEW PRIMARY SCHOOL:

Question

Would the Minister advise what progress has been made with drawing up a planning brief for the construction of a new primary school and nursery on Field 327A in St Martin? Does the Minister have full confidence that the "two phase approach", endorsed by the Minister for Treasury and Resources in his written statement to the States on the 6th December 2010, will result in commencement of site preparation and drainage works before the end of this year? Can the Minister confirm that essential repairs to keep the current school buildings "as comfortable as possible" have been, or will be, carried out before the start of the autumn term?

Answer

Good progress is being made by the Department of the Environment on the planning brief, and it is intended the brief will be completed by Easter. The Environment Department will then formally consult with the relevant authorities, including the Parish of St. Martin, prior to forwarding an agreed version of the document to the Property Holdings Department to assist in the preparation of detailed plans for the proposed new school.

In his statement to the States on 6th December 2010 the Treasury and Resources Minister referred to a proposed two-phased approach to St. Martin's School '*which might represent appropriate design works(...), preparation and drainage issues being carried out in 2012, followed by the construction in early 2013*'. Property Holdings is responsible for all States buildings, including St.

Martin's School, and will therefore be responsible for the planning and building of the new school. The main project phases are summarised below –

- Development and approval of the planning brief;
- Preparation of detailed plans for the school building;
- Submission of planning application;
- Submission of application for approval under the building bye-laws;
- Receive final development permission;
- Site preparation, including access and drainage;
- Commencement of main building works.

As full planning approval is required before construction can go ahead, any preliminary works are unlikely to commence on site until 2012 at the earliest, and not in 2011 as indicated by Senator Le Gresley in his question. Property Holdings will assess the position once detailed design work has been completed, as this will help to determine the nature of any preliminary works that could commence in advance of the main contract works.

In response to Senator Le Gresley's third question, I can advise members that Property Holdings will continue to maintain the school buildings in a reasonable condition during the period leading up to the commencement of building works in 2012/13, although my department accepts that there are limits on the level of investment in a school that is approaching replacement. The priority during this period will be to carry out mandatory and cyclical maintenance works, with any essential repairs being undertaken as necessary.

1.4 SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PROSECUTIONS UNDER THE WATER POLLUTION (JERSEY) LAW 2000:

Question

Could the Minister advise how many prosecutions have taken place under the Water Pollution (Jersey) Law 2000 since it came into force? If prosecutions have taken place could he provide brief details of the offences and the penalties incurred?

Answer

Since the enforcement provisions of the Water Pollution (Jersey) Law 2000 came into force in November 2000, there have been twelve successful prosecution cases. Three of these cases involved the prosecution of States Departments.

Of the total of 12 prosecution cases, eight involved the pollution of surface waters or groundwater by oil, with associated fines ranging from £250-£2500.

Two of these prosecutions involved the pollution of surface waters or groundwater by sewage, with associated fines ranging from £1,500-£5,000.

The remaining two prosecutions involved the pollution of surface waters or groundwater by slurry, with associated fines of £200.

The three prosecutions of States Departments resulted in fines of £5,000, £1,500 and £750 respectively.

If the Senator would like more details on these specific prosecution cases, my officers can provide further information on request.

1.5 SENATOR S.C. FERGUSON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING RECYCLED WASTE:

Question

Will the Minister give details of the income and expenditure associated with the various categories of recycled waste, i.e. newspaper, glass, cardboard, cans, plastic etc?

Answer

Recycling expenditure, income and quantities 2010

2010	expenditure	income	tonnes	£/tonne	Notes
Cardboard	£184,243	£ -	3,652	£50.45	Baled and exported through local contractor
Catering Oils	£11,700	£ -	234	£50.00	Collected and exported or used locally through local contractor
Paper	£163,492	£ -	2,647	£61.77	Baled and exported through local contractor
Glass	£ -	£ -	7,190	£ -	Handled through aggregates contractor at no cost to the States
Metal Packaging	£1,319	£ -	39	£33.82	Collected and exported through local contractor
Fridges	£17,510	£ -	(units)2,201	(per unit) £7.96	Degassed by local specialist - 2011 hazardous fridges exported by TTS
TVs/monitors	£117,360	£ -	381	£308.03	TTS package and export to a UK specialist recycler
Other Electricals	£67,176	£19,585	80	£839.70	Local dismantling and export of components, some of which have a value

There are a wide range of options and solutions available for dealing with waste but for the majority of materials, providing the services to deal with them in an environmentally sound way incurs a cost whether it be recycling, composting or energy recovery.

Collection, sorting, storing, processing and in some cases export of materials all incur administrative, manpower, equipment, transport and energy costs. Some materials have a value as recycling markets grow but for most the potential income is significantly less than the expenditure required to prepare and deliver them to the point of sale. This is particularly the case for a small Island community where local options are limited as recycling often relies on economies of scale to be viable.

It was made clear in the Financial Appraisal presented in the Solid Waste Strategy, agreed by the States in 2005, that to reach the original recycling and composting target of 32% would require extra revenue funding. TTS also reports on the cost per tonne of the key recycling streams in the *Annual Performance Report* which is publicly available.

It has been the policy of TTS over the last decade to encourage private enterprise to carry out recycling services and has, for most of the key materials, engaged contractors in this work. Typically the contractual arrangement involves the partner receiving any income from sales of materials and this being used to offset the overall cost charged to the States. Recycling partners are selected through a competitive tendering process to help ensure best value is being obtained, a process which is repeated periodically when a fixed-term comes to an end.

More recently other approaches are being trialled such as a more in-house solution where income generated from recycling projects is being kept within the department as is the case for Waste Electrical and Electronic Equipment. As the figures show the overall costs still significantly outweighs the potential to generate a return.

Another important issue is that a number of waste streams are segregated for recycling as they simply should not be going into an Energy from Waste Plant. Glass and metals add no value to the energy recovery process and TVs, fridges and other electrical often contain hazardous elements so an off-Island specialist recycler is the only real option also incurring costly fees to satisfy the environmental regulator in the country of destination.

The waste management industry has and continues to evolve rapidly. We also face times of austerity so it is important that the solutions employed and associated costs are kept under review. In 2011 TTS will undertake a formal review of the overall Solid Waste Strategy. The Department is faced with a difficult balance to strike between public and political pressure to extend the range and amount of material recycled and a limited and shrinking resource with which to deliver the services.

1.6 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING TIDAL SURGES AND EMERGENCY MEASURES:

Question

On 10th March 2008 Jersey suffered a tidal surge of approximately 5 feet, combined with a 37ft 9in high tide which both caused overtopping of St Helier Harbour well above the land ties, and marina pontoons to rise above their timber pylons/stanchions and the capping on the pylons to be forced off, all this in calm weather. Can the Chief Minister, as Chairman of the Emergencies Council, advise what emergency measures are in place –

1. to cope with a tidal surge of more than 5 feet on a 39/40 ft spring tide with gale force winds from the south or south-west?
2. to deal with a tidal surge along the entire low lying areas of the Island's south coast?

3. to protect the many engineering installations at La Collette, namely the JEC power station, Energy from Waste plant, Fuel farm, light industry buildings, etc?

Would the Chairman state at what height above high water spring tide the ash pits and the storage of asbestos are situated?

Would the Chairman summarise what lessons, if any, have been learnt from the 2008 occurrence?

Answer

At the outset I wish to correct the assertion made by the Deputy of St John that the issue to which he refers took place “in calm water”. Reference to the Meteorological Office will confirm that the Island suffered a significant storm on the day in question.

The Island’s sea defences and harbours were not designed to accommodate a storm of this nature and, as such, damage to public and private property was inevitable.

Following the storm event a de brief was held with all agencies who were involved with managing the situation on the day and the subsequent clean up and repair.

Actions taken to assist in storm event management and specifically along the South Coast have been as follows:

- An early warning system is sent out by the Meteorological Office based on the severity of the incoming storm to all agencies
- Improved Engineering works in the form of slip way raising, greater capacity gullies and the installation of tidal protection boards along the South coast has been instigated
- The setting up of a multi agency group to review, amongst other emergency issues, tidal flooding and to produce a coordinated plan for dealing with this event.
- Transport and Technical Services are currently reviewing all Southerly sea defences and developing plans to take account of future storm events and climate change.

The sea defences around the La Collette area are of sufficient height to protect all the current infrastructure in the area. Sections of the south westerly sea defences will need to be raised when future development of the area is considered.

All of the ash and asbestos storage pits are above the mean high water level and are further protected by the surrounding sea defences which provides protection from tidal surge.

1.7 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING NUCLEAR EMERGENCY MEASURES:

Question

Given our proximity to Flamanville, in the event of a nuclear emergency and given that the trained parish liaison officers were disbanded/subsumed in part into the Honorary Police in 2003/4, will the Chief Minister, in his capacity as Chairman of the Emergencies Council, review this and give details of what training is in place to deal with any significant prolonged emergency?

Answer

The Deputy will be aware that the Emergencies Council is responsible for reviewing the Island's preparedness in the event of a major emergency affecting Jersey.

Working with the Emergency Services, the Honorary Police, States departments, the Parishes and volunteers the Emergency Planning Office co-ordinates regular training exercises which deal with a range of potentially significant emergency scenarios. These exercises are based on those scenarios that are relevant to Jersey and provide an opportunity to test how prepared the Island is for a wide range of risks. An exercise is planned to test generic emergency planning with the specific scenario of a radiation incident.

I can assure the Deputy that the Emergencies Council regularly reviews the emergency planning arrangements ensuring that they are fit for purpose.

1.8 THE DEPUTY OF ST. MARTIN OF THE CHIEF MINISTER REGARDING THE NAPIER TERMS OF REFERENCE:

Question

On 29th March 2010 the Deputy Chief Executive wrote to the former Police Chief Officer inviting him to participate in the Review of the Suspension process for the Chief Officer of the States of Jersey Police and included part (d) of the Terms of Reference, which was before it was later removed. Will the Chief Minister inform Members whether the Chief Police Officer was ever informed that part (d) had been removed, and if not why not?

Answer

The previous Chief Officer of Police was not informed that part (d) had been removed as the Chief Officer agreed to fully participate in the review being undertaken by Mr. Napier.

The reason part (d) was originally inserted was to enable Mr. Napier to have access to the Chief Officer's version of events regarding the suspension process via the Affidavit, had the Chief Officer decided not to participate. The Affidavit was already in the public domain.

1.9 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MIDDLE-GRADE DOCTORS:

Question

- (a) Given that it is now anticipated that an offer will be made to middle-grade doctors by the summer of 2011, can the Minister explain the reasons for the delay in negotiating an acceptable local equivalent to the April 2009 UK SAS New Contract?
- (b) Can the Minister describe the points on which negotiations have been hitherto unsuccessful?
- (c) Does the Minister accept that her Department will have difficulty in attracting suitably qualified doctors to the 10 vacant Middle-grade posts before these negotiations are complete, as any candidate accepting a post will be committing to an uncertain future contract, and if not, why not?

Answer

- (a) Despite taking several years to negotiate, many UK health authorities are still encountering problems with the implementation of the new contract for specified middle-grade doctors.

In common with the approach successfully adopted for its Medical Consultants, HSSD aims to introduce a significantly different local version of the new contract for middle-grade doctors, in order to enhance its ability to attract and retain good quality staff. Local differences will include the incorporation of internal cover arrangements.

Whilst the development of a local version has incurred delays, good progress has been made on the structure of a proposed agreement in partnership with staff and their representatives. The remaining issue to be resolved prior to the commencement of formal negotiations is the checking of the financial model that will determine the costs of any resultant offer or final agreement.

- (b) It is to be expected that changes to contractual arrangements may elicit a variety of views all of which need to be considered. To date a good measure of agreement has already been reached on the main non financial elements. Negotiations (in particular those related to remuneration) are due to start under the auspices of the Local Negotiation Committee. It would be premature to provide details or pre judge the outcome.
- (c) In common with many hospitals in the UK, Jersey has been affected by the restrictions in the employment of middle-grade doctors outside of the European Economic Community and changes in their training and working hours. This has significantly reduced the availability of these doctors, in particular those in the specialities such as emergency medicine. In an effort to improve this situation, the Department implemented a £5,000/annum pay supplement for these doctors in August 2010 which effectively matches the basic rates of pay in the UK, pending the introduction of the proposed new contract.

This interim supplement has helped support the successful recruitment of a number of middle-grade doctors to vacant posts.

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCOME TAX REVENUES:

Question

Further to his response to Question 6121 on 15th March 2011, will the Minister detail the differences between the “financial intermediation businesses” which give rise to the figure of £74 million for tax assessed for the year 2009 in his answer, and the “Financial services sector” used by the Statistics Unit to produce the figure of £809 million profit for 2009 given in the “Survey of Financial Institutions 2009” which render comparison of the two figures “meaningless”?

Can he explain, when my figures included insurance providers which are zero rated and the Statistics Unit’s figures for profits do not, how much tax is produced by tax at 0% which might make a difference?

Does the same argument apply to “financial advisory services” which are not included in the Statistics Unit’s profit figures?

Since the figures for profits and the tax assessed do not scale directly what income tax revenue was produced from the £809 million profits from financial services by sub-sector as follows:

Banking	£518 million
Trust & co admin	£144 million
Fund management	£87 million
Legal	£37 million
Accountancy	£23 million

Will the Minister explain how the figure of £54 million income tax resulting from “all trades other than financial” (and therefore zero rated) is produced?

Answer

Responses have been provided in the order asked. The response is necessarily long since this is a multiple question.

1. The Deputy’s previous question number 6121 attempted to extrapolate an effective rate of tax for financial services companies taxed at the rate of 10% in 2009, from various sources of data. It is important to understand the differences between those sources to understand why an extrapolation would be meaningless. This was attempted in the response to 6121.

The £809 million profits figure published by the Statistics Unit is based on a survey of financial institutions and shows the estimated profits for the 2009 calendar year. Although there is a very good response rate to the survey, there is necessarily an element of extrapolation in these figures. These are not therefore a 100% accurate record of the profits that are subject to tax, although they are a close estimate.

Secondly, the tax figures are based on profits assessed in that year which is not always based on a calendar year as companies have different year ends. There will therefore be a time lag between some of the profits on which tax is assessed in 2009 and those included in the profits published by the Statistics Unit.

Thirdly, the Statistics Unit figures include the total profits for businesses in the sectors stated in the question. Not all of the profits of these businesses are subject to tax at 10% as not all will fall within the narrow definition of the 10% financial services companies for tax purposes. Some are also subject to IBC rates which can be lower than 10% as this regime does not end until 31 December 2011.

For these reasons, trying to compare the profits published by the Statistics Unit and the tax assessed in any particular year is effectively comparing “apples and pears” and so will give a misleading and meaningless result regarding the effective tax rate of financial services companies.

The Deputy’s figures also included tax assessed on sole traders and partnerships, which are subject to tax at personal tax rates. This would also render a calculation of the true effective tax rate from the Deputy’s figures impossible.

2. The Deputy is right to indicate that insurance providers are not included in the Statistic Units profits and effectively not in the tax figures due to them being taxed at 0%. However, the

concept still applies. In order to calculate a meaningful effective tax rate for financial services companies taxed at 10%, the profits of sole traders, partnerships and all companies taxed at 0% should be excluded. Otherwise, comparing those entities' profits with tax levied at 0% or personal tax rates will give rise to a skewed result.

3. The Statistics Unit profit figures do not explicitly include "financial advisory services" although if this activity was carried on by, for example, a bank it would be included. Certain, but not all, companies classed as "financial advisory services" will be subject to tax at 10%. In order to calculate a meaningful effective tax rate for financial services companies taxed at 10%, the profits of all companies taxed at 10% should be included. This is a further indication that trying to extrapolate an effective tax rate from the Statistics Unit profits will not give the full picture.
4. The sector allocations used by the Statistic Unit are not used in the Taxes Office and so it would require a tax payer by tax payer analysis to undertake the analysis requested by the Deputy. I refer the Deputy to the response to question 6164 in which there is further comment on the tax revenues from those entities classified as financial services entities.
5. As clearly stated in the response to the Deputy's earlier question 6121, the figures quoted by him for 'company income tax' included the income tax assessed on all businesses carrying on a trade in Jersey – not just for companies. Businesses may carry on a trade through partnerships and as sole traders, the profits of which are taxed at personal tax rates.

The figures for profits published by the Statistics Unit represent the profits made by those businesses during the calendar year. However, the final tax assessment for any business in the year of assessment 2009 can be affected by a number of adjustments – for instance losses from another year.

As a result, it is not possible to match profits made in 2009 with the tax assessed for year of assessment 2009. There are too many other variables to be calculated before taxes are levied on profits in any given year.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING FINANCE SECTOR PROFITS:

Question

The Minister in his response to Question 6121 on 15th March stated that an apparent effective rate of tax from finance sector profits of less than 10% was "not considered to be caused by tax avoidance activity". Will the Minister now give accurate figures for the profits made by "financial intermediation businesses" along with the income tax paid on these profits and the effective rate these revenues represent?

He stated that the Tax Office "would challenge such (tax avoidance) activity if identified". Does the Minister accept that tax avoidance is legal and explain to members under what circumstances such avoidance activities by a financial institution would be challenged?

Answer

It will require substantial research and much more time to answer the questions the Deputy asks about the figures for profits and effective rates for the financial intermediation sector for the years

2001 to 2009. There are two aspects to these numbers – that relating to IBCs (International Business Companies) and that relating to non-IBCs. The profits for the latter category are being extracted from our database but will take time to obtain. This information will be provided as soon as possible. The profit figures for IBCs will require a manual search of all of the taxpayers' files. There are approximately 170 taxpayers in this sector and to review their files over a 10 year period would take a significant amount of time. Given that this regime is now coming to an end, it is questionable whether this is an appropriate use of officer time. This part of the information will therefore not be provided unless the Deputy can demonstrate that the information is relevant and necessary.

Tax avoidance, in contrast to tax evasion, is legal. However tax avoidance can be considered to be unacceptable and so subject to challenge where a taxpayer seeks to use the tax law to get a tax advantage that was not intended. This might happen for example where a financial institution seeks to shift profits from an activity which is subject to tax at 10% to one which is subject to tax at 0%, but does so in a wholly artificial and contrived way. It might fit within the tax law but is not a commercial transaction and only in place to reduce the tax charge.

The Income Tax (Jersey) Law has a provision at Article 134A which allows the Comptroller to challenge any transaction by a Jersey taxpayer if it is entered with the purpose, or has as one of its main purpose, the avoidance of Jersey income tax. Professional tax advisors regularly approach the Comptroller for tax rulings and confirmations of the tax treatment of, for example, new company structures, re-structuring or other tax planning schemes. If the Comptroller considers that the structure, re-structuring or other tax planning scheme is an avoidance transaction on which he would invoke Article 134A he would advise them accordingly. This is often sufficient for the advisor to seek an alternative tax planning scheme. This deterrent effect is unquantifiable. But it does exist and remains very important in deterring individuals and companies from avoiding or reducing their liability to Jersey tax. The Comptroller does not keep a central data base of such tax rulings, all such rulings being kept in the individual file concerned once the ruling is made and the case settled. Article 134A and such rulings apply to a financial institution as they do to all other taxpayers.

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PUBLIC SECTOR WAGE FREEZE:

Question

Further to his response to Question 6120 on 15th March in which he stated that “although company profits have fallen, absolute levels of wages and salaries have not been reduced by the effect of the downturn...” does the Minister accept that the imposition of a wage freeze on public sector workers in 2009 was not reflected in private sector salaries and had a negative impact on the local retail economy and on public sector morale?

Does the Minister accept that the payment of over £58 million in bonuses in the finance sector in 2009 renders the option of a 2-year wage freeze in 2012 and 2013 as proposed in the Tribal Report on public sector terms and conditions totally unacceptable?

Will the Minister rule out the possibility of a public sector wage freeze in 2012/13?

Answer

No it is not accepted that a wage freeze was not reflected in private sector salaries in 2009. The Chamber of Commerce surveys for that period show that 60% of their members intended to freeze

or reduce wages. The retail sector did go through a difficult period in 2009 but to attribute that solely to public sector pay policy is ignoring the many factors that contributed to the fall in retail sales, not least the general impact of the global recession on the local economy. The Stabilisation Fund was used to support the economy in general, including retail, during the downturn in a timely, targeted and temporary manner as advised by the FPP – public sector pay policy is neither temporary nor targeted and is not an effective way to try and support the economy.

The Minister can see no reason why trends in private sector pay in 2009, should be a consideration for future pay trends in the public sector in 2012 and 2013.

The Minister will not rule out the possibility of a public sector wage freeze in 2012/13. Detailed proposals to deliver the £14 million savings target on terms and conditions are currently being developed for discussions with staff and unions later this year.

1.13 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WORKING HOURS OF MIDDLE-GRADE DOCTORS:

Question

Will the Minister refer to her answer to Question 6123 on 15th March and confirm the arrangements for work on a rota for middle-grade doctors? Could the Minister advise whether the Middle-Grade doctors in Ophthalmology undertake 'on call' work?

In all the specialties where middle-grade doctors undertake "38.5 normal working week plus on-call duties 1 week in 2 weeks" or "40 normal working week plus on-call duties 1 week in 4 weeks" or "40 normal working week plus on-call duties on a 1 in 5 rota" etc. what is the maximum number of hours on call a middle-grade doctor may undertake per week when all team members are present, and what is the maximum number of hours on call a middle-grade doctor may undertake per week when there is staff absence due to sickness, annual or study leave?

In what circumstances, in each specialty listed in the reply, are locum doctors appointed to cover staff absence, and in what circumstances, in each specialty, are middle-grade doctors contracted to cover staff absence?

What, in each specialty listed in the reply, are the arrangements for day time rest after a night on call?

Answer

Different medical specialities have different levels of demand across any given day and therefore it is not possible to provide fixed answers relating to maximum and minimum hours per week as these will be subject to variation.

Middle-grade doctors who participate in the provision of out of hours' services are either resident on-call (i.e. in the hospital) or perform their on-call duties from home (non-resident). Resident doctors tend to work in hard pressed specialties and work full shift patterns, with a maximum 13 hours on duty followed by an 11 hour period off duty, during their on-call week. Specialties operating a resident full shift system are General Medicine, Intensive Care and Emergency Medicine.

Non-resident on-call is appropriate for specialties which are less hard-pressed and afford the doctors substantial rest periods during the out-of-hours shift. Typically, the doctors would cover their normal working day duties but may also provide on-call cover after 5pm or at weekends. Total 'actual hours on duty' could reach 100 hours per week when doctors are rostered to cover the weekend however, on average non-resident doctors would expect their 'actual hours of work' to range between 40 and 60 hours per week dependent on the whether they are rostered for on-call at weekends.

There is a clear distinction to be made between 'actual hours of duty' and 'actual hours of work'.

General Medicine middle-grades participate in a week of nights every eight weeks, totalling 91 hours during that week. In other weeks the hours are significantly less and would bring their average hours below 51 per week over the eight week cycle.

This is typical of the working arrangements for doctors across the UK when it is anticipated that for at least half of the on-call shift, the doctor will be inactive and resting.

All middle-grade doctor working arrangements include one half-day off duty per week to compensate for high frequency on-call commitments.

Most middle-grade doctors are contracted to provide prospective cover for planned absence (annual and study leave), meaning doctors cover each other out of hours to maintain 24-7 service provision. The exceptions are Obstetrics & Gynaecology and Paediatrics, where gaps in out of hours' cover due to planned absence are provided by agency locums.

Middle-grade doctors are not contracted to prospectively cover for unplanned absence (e.g. sickness) but can be asked if they would be willing to cover colleagues in unforeseen circumstances for additional remuneration. Doctors agree to provide additional cover on a voluntary basis, appreciating the need to provide 24-7 cover and continuity of care for our patients.

Middle-grade doctors in Ophthalmology do participate in on-call rotas and are rostered to backfill and cover Consultants who are absent on planned leave.

1.14 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING VACANCIES FOR MIDDLE-GRADE DOCTORS:

Question

Given that Health and Social Services has several vacancies for middle-grade doctors, will the Minister state which of these vacancies are at present filled by locum doctors?

Will the Minister explain in detail the process of employing locums?

- a) Are posts advertised, or are agencies used?
- b) In each department, who is responsible for selecting candidates?
- c) How are the competencies of candidates assessed?
- d) In what circumstances are interviews held?

- e) What references are sought and who assesses these references?
- f) How does the new locum screening system operate?
- g) What is involved in the induction process of the successful candidate, who plans this and who undertakes it?
- h) How is the performance of locum doctors appraised once they have started work?
- i) Who is responsible for appraisal?
- j) Who is responsible for modifying the locum's job plan in the event that he / she proves not to have the expected competencies?

Answer

The number of vacant middle-grade posts currently filled by locums is 6. Please note, as previously stated the number of vacancies and number of locums is subject to variation depending on current and on-going recruitment processes.

- a. When the need for a locum arises, the timescale and urgency of the request determines the recruitment process and whether it can be advertised in the medical journals, or whether cover would be sought via the internal bank or locum agencies.

Typically, internal and bank cover is sought in the first instance. For longer term locums, post are advertised in the British Medical Journal, but may be placed with locum agencies if appointments are not made via the advertisement or there is an immediate need to arrange suitable medical cover.

- b. The Lead Consultant and at least one other of their Consultant colleagues are responsible for selecting candidates. The States' Medical Staffing team ensure all employment documents and pre-employment checks are up to date and complaint before sending CVs to the Consultant's for short listing.
- c. Competencies are assessed through Person Specifications and Competency documents. Newly appointed locum doctors are assessed on arrival by lead clinicians to establish their level of competence and the boundaries of their current practise.
- d. Interviews are held if posts have been advertised in the medical journals. Locums provided via agency will undergo a telephone interview if time permits. For locums required immediately, this may not always be possible and assessments are made on the information contained within the CV and references.
- e. A minimum of two references are obtained for each candidate, one of which must be provided by their current or most recent employer. These references are assessed by Consultants in the relevant department. In specialties with more than one consultant, they all would be sent CV's and references for assessment.

- f. A revised process for appointing locum doctors covering the points detailed in this response was introduced in March 2009. Verita reviewed the effectiveness of this process in December 2010 and noted that the Department was achieving full compliance.
 - g. On their first day and before they commence clinical duties, locum doctors report to Medical Staffing for ID checks. During this meeting Medical Staffing go through the first part of the induction checklist with them. The Locum doctor undergoes a departmental induction with the Lead Consultant/designated Consultant, who completes and signs the checklist before returning it to Medical Staffing.
- HSSD is also currently trialling an on-line induction process that is gaining national recognition.
- h. Ongoing assessment and appraisal regarding the performance and capability of locum doctors rests with the Lead Clinician in each specialty. Any areas for concern are raised with the Medical Director and Medical Staffing Manager.
 - i. An appraisal/assessment form is sent to the consultant after the doctor has completed the locum appointment requesting details of performance and confirmation of whether they are suitable to be re-engaged in the future.
 - j. Lead Clinicians, with the support from operational management and the medical staffing team are responsible for modifying the locum's job plan in the event the doctor does not to have the expected competencies in specific clinical areas.

1.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE HEALTH BENEFITS OF MILK:

Question

Would the Minister inform members what evidence she has, other than one paragraph of a DEFRA report of 2005, to support the opinion of the then Medical Officer of Health (MOH) quoted in the 2011 Business Plan debate that there are “no health benefits from primary schoolchildren receiving school milk”?

Can the Minister confirm that officers at the Health Promotion Unit worked with Jersey Dairy to design the cartons extolling the virtues of milk to school children with messages such as “ it helps build strong bones, is good for our teeth, gives you energy, contains vitamins and minerals and is part of a healthy diet”?

Could she state how these activities are consistent with the views of the former Medical Officer of Health which the Minister quoted on 15th September 2010 when she spoke against the continuation of funding for free school milk for primary children?

Could she also inform members what evidence she has to support her contention that drinking low fat milk is linked to obesity in children?

Answer

Evidence to support the stance that the provision of school milk is not necessary on health grounds includes the 2010 UK National Diet and Nutrition Survey¹. This survey confirms that calcium intake is above the recommended nutritional intake in the primary school age group. It also shows that calcium intake in all age groups appears higher than the previous surveys, yet milk consumption has decreased. This suggests that children are achieving their recommended intake of calcium from sources other than milk. Given that there is no reason to suppose that local children's diets are different in any significant way, this survey shows that the rationale for providing free school milk in order to reduce the risk of calcium deficiency is redundant.

The Health Promotion Unit worked with Jersey Dairy as part of its Healthy Schools Programme to produce designs on milk cartons that promoted healthy eating messages to primary school aged children. This is entirely consistent with the views expressed in the 2011 Business Plan debate. Milk can be an important part of a child's balanced diet, it is preferable to "fizzy" drinks and it does have nutritional value, but that in itself does not create a convincingly strong public health case for free provision in schools.

Free school milk was introduced specifically to prevent malnourishment during the food shortages that followed the Second World War but it is no longer required for the prevention of malnutrition or calcium deficiencies.

Given that local survey data confirms that a substantial proportion of Jersey children do not manage to eat '5-a-day' (fruit or vegetables) on a regular basis, as is also the case in the UK, and given the significant evidence of the health benefits of '5-a-day' any public subsidy would be better targeted at free school fruit rather than free school milk.

The reference to the calorific value of milk made on 15th of September was not intended to relate to low fat milk. HSSD is not aware of any evidence relating to obesity to and the consumption of low fat milk.

¹ The National Diet and Nutrition Survey (NDNS) is carried out every five years with young people age 4-18 years and is acknowledged as the most comprehensive summary of the dietary habits and nutritional status of schools children and adolescents in the UK.

1.16 SENATOR S.C. FERGUSON OF THE CHIEF MINISTER REGARDING EMPLOYMENT CONTRACTS:

Question

Please provide the following details for the period from 1 January 2010 to-date:

1. The number of "interim" employees in each department broken down by division?
2. The total costs for each "interim" including salary, expenses and other disbursements?
3. The period of time each "interim" has been employed?

Answer

In order to accurately answer this question a considerable amount of work will need to be undertaken across States departments and it is not possible to provide an answer in the timescale.

However, I have asked officers to commence the necessary work to answer the question and aim to provide a detailed answer for States Members at the States Sitting scheduled for 5th April 2011.

1.17 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING VOLUNTARY REDUNDANCY AND VOLUNTARY EARLY RETIREMENT PACKAGES GRANTED TO MEDICAL STAFF:

Question

Would the Minister state whether any professional body registered Medical, Nursing or PAM (Profession Allied to Medicine) staff have been (or will be) granted Voluntary Redundancy (VR) or Voluntary Early Retirement (VER) in the past 12 months or next 6 months and, if so, please list the qualification, post held, years of service for which VR/VER was paid and indicate the number of years remaining to normal retirement age of each post holder?

Answer

All staff groups with the exception of those employed as nurses and doctors were invited to apply for VR or VER

No-one employed as a nurse or doctor has therefore been (or will be) granted Voluntary Redundancy or Voluntary Early Retirement in the past 12 months or next 6 months.

Three requests were received from Professionals Allied to Medicine (Physiotherapy) and have been granted Voluntary Redundancy or Voluntary Early Retirement in the past 12 months. In addition a Project Manager who is also a qualified mental health nurse applied for, and was granted, VR.

None are planned for the forthcoming six months and no further applications have been received from other professionally registered practitioners.

Information relating to years of services cannot be released into public domain. Releasing it would enable VR and VER payments amounts to be readily calculated in breach the postholders' right to privacy

Employed in Profession Allied to Medicine

Post Held (qualification)	VR/ VER	Years remaining to normal retirement age (65)
Physiotherapist Senior I (physiotherapist)	VR	13
Physiotherapist Senior II (physiotherapist)	VR	4
Physiotherapist (physiotherapist)	VER	10

Employed in management capacity

Project Manager (Registered Mental Health nurse)	VR	7
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1.18 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING HOSPITAL STAFFING:

Question

Would the Minister please provide the outstanding information arising from Question 6145 and related supplementaries on 15th March 2011 regarding staffing at the Hospital and provide full details of where exactly the £600,000 savings have been made (as requested by Deputy Higgins in section 5 of Question 6082 on 1st March 2011) and state whether these are in addition to the CSR savings required to be made by all Departments?

Answer

Outstanding information in relation to Question 6145

Details of non-clinical staff and contractors engaged on an interim or temporary basis by HSSD are listed below. For commercial reasons this excludes a number of contractors engaged in work that is subject to a live negotiation process. Once this negotiation is concluded HSSD will provide the information to all States members.

Supplementary information in relation to Question 6145

HSSD can confirm that there is no administrative manager for the Emergency Department.

Information relating to Question 6082

As outlined in the answer to Question 6082 on 1st March, in early 2010 some areas of hospital services including those relating to rostering and utilisation of nursing staff in the medical wards, the utilisation of agency/locum doctors and estate and facilities were predicted to overspend by £964,000 by year end. The Managing Director assertively managed this problem and helped deliver a £51,000 underspend, a turn around of just over £1 million not £600,000.

This turnaround was achieved in 2010 and does not contribute to HSSD's CSR savings targets which relate to 2011 – 2013.

It is important to note, that whilst efficiencies were achieved in 2010 there are on-going cost pressures in the hospital relating to increases in demand and workforce issues.

Job Title	Contract rate	Start	End	Duration	Funding	2010	Invoices to end Feb 2011
NON STATES OF JERSEY STAFF - AGENCY- PAID BY HSSD							
Clinical coding	£400 per day	Nov-10	Dec-10	4 weeks	Established post	9,600.00	
Clinical coding	£400 per day	Nov-11	Nov-11	3 weeks	Established post	5,200.00	
Clinical coding	£400 per day	Jan-11	Feb-11	7 weeks	Established post		14,000.00
Clinical coding	£400 per day	Jan-11	Feb-11	4 weeks	Established post		8,000.00
Cost accountant	£600 per day	Nov-10	Nov-10	3 days	Established post	2,100.00	
Cost accountant	£600 per day	Nov-10	Nov-10	3 days	Established post	1,800.00	
Acting Head Health Protection	£760 per session	Dec-10		8 sessions	Established post		6,080.00
KPMG contract negotiation	£1,004 per day			16 days	KPMG funding		
Supporting ICR negotiations	£1,004 per day			9 days	ICR Project		
Community Lead Procurement	£604 per day	Dec-10	Jun-11	6 months	CSR		13,280.00
Project Manager Procurement	£725 per day	Jan-11	Jun-11	6 months	CSR		5,437.50
UK Commissioning Procurement	£930 per day	Dec-10	Apr-11	4 months	CSR	21,044.24	18,693.45
Facilities & Catering Procurement	£704 per day	Feb-11	May-11	3 months	CSR		
Supplies Procurement	£700 per day	Feb-11	Aug-11	6 months	CSR		
HR Lead Procurement	£704 per day	Feb-11	May-11	3 months	CSR		
Commercial Manager	£850 per day	Feb-11	Nov-11	9 months	B/F underspend		
						39,744.24	65,490.95
NON STATES OF JERSEY STAFF - AGENCY - PAID BY OTHER STATES DEPARTMENTS							
Head of Procurement HSSD	£1,004 per day	Oct-10	Apr-11	6 months			
CSR Lead HSSD	£760 per day	Nov-10		120 days			
Interim Director HR HSSD	£960 per day	May-10	Mar-11	11 months			
Notes:							
1. Contract staff details have been extracted from HRIS and their cost details extracted from payroll ;							
2. Consultancy expenditure e.g. KPMG and Verita, does not represent staff expenditure and has been excluded							
being archived							

1.19 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PAY OF THE DIRECTOR OF SOCIAL SERVICES:

Question

Would the Minister advise whether the remuneration of the Director of Social Services has now been agreed and, if so give details of the whole remuneration/benefits package and, if not, please identify the cause of the delay?

Answer

The total remuneration for the Managing Director of Community and Social Services has been agreed at £140,000 per year. The postholder will not receive a pension contribution or expenses. The holiday entitlement and relocation allowance are as per States standard arrangements.

The salary, which has been benchmarked against the UK, is commensurate with equivalent posts and is appropriate to the scope and responsibility of the role.

1.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE ROLE OF THE HEALTH PROTECTION UNIT:

Question

Will the Minister:

1. Set out the role of the Health Protection Unit with respect to statutory nuisance and advise members for each year since the Statutory Nuisances (Jersey) Law 1999 came into force:
 - 1.1 the number and nature of the complaints it has received;
 - 1.2 the number of abatement notices it has issued;
 - 1.3 the number of prosecutions it has embarked upon; and
 - 1.4 the number and nature of convictions it has obtained and the penalties meted out for each offence?
- 2 State what she considers the benefits of this legislation?
- 3 State what she considers to be the weaknesses or disadvantages of the legislation?
- 4 State the number of officers engaged in enforcing this legislation and the amount of time they spend upon it?

Answer

The role of Health Protection in relation to statutory nuisance

The Officers from the Health Protection Service regulate in accordance with Statutory Nuisances (Jersey) Law 1999, one of a number of pieces of legislation designed to protect public health and well-being and ensure health equality. The regulatory role involves conducting investigations, either in response to complaints or as part of ongoing monitoring activities and seeking

resolution/action in order to stop an existing nuisance or prevent the occurrence of a potential nuisance.

The Law is wide ranging and includes, but is not limited to, emissions such as smoke, light, dust or smell; noise from buildings and vehicles or machines in the street; domestic water supplies that are liable to contamination; foul water sources; animals kept in such a way as to be a nuisance or health risk and overcrowding or poor sanitary conditions in structures used for human habitation. (See appendix 1 for details).

Number and nature of complaints received

Between 2008 and 2010, Officers from the Community Health and Public Protection Team have been engaged in approximately 3,600 site visits or meetings a year relating to existing or potential sources of statutory nuisances. These can be in response to complaints received or related to proactive prevention. The nature of these varies considerably but includes odour and noise nuisance; pest control; infectious diseases; smoking and insanitary housing conditions

It should be noted that some investigations and enquiries are undertaken but the event may not actually be a statutory nuisance. Officers have to assess each complaint on its merit and make use of extensive guidance to determine what falls within the definition of statutory nuisance.

When investigating complaints there is an inherent responsibility to collect robust and comprehensive evidence, this can lead to long and protracted cases potentially taking many months. The time spent on each visit or case also varies substantially with a full housing inspection taking many hours but a barking dog taking significantly less.

Statutory nuisance abatement notice served and prosecutions embarked on

Enforcement work is a mixture of advice, education and where necessary the use of legal instruments. The first legal remedy is the serving of an abatement notice requiring prevention or recurrence of a Statutory Nuisance. This formalises a time frame in which to stop and/or prevent the Statutory Nuisance.

Year	Number of Statutory Nuisance Abatement notices served
2002	15
2003	5
2004	3
2005	1
2006	4
2007	8
2008	12
2009	5
2010	4

Health Protection has not, as yet, been forced to take a Statutory Nuisance abatement notice recipient to the Royal Court for non-compliance. Where abatement notices have been served they have either been complied with or the case has developed, leading to the withdrawal of the abatement notice. Therefore there have been no “convictions”, as this is a judgement of the Royal Court.

Benefits of the legislation

The issues dealt with under the Statutory Nuisances (Jersey) Law 1999 are key health determinants. They impact across all work public health work undertaken to address health inequalities and protect the public, including vulnerable people, from matters that are prejudicial to their health or wellbeing and or cause nuisance and distress in their lives.

Officers are often an individual’s or a family’s last hope of changing or preventing unreasonable behaviour inflicted on them by others. Without the Statutory Nuisances (Jersey) Law 1999 there would not be a States body to assist. The law is currently the only means used to protect the health and well being of tenants in private rented accommodation and is also a critical to mediating and resolving disputes between neighbours. Disputes that can blight people’s lives.

The Statutory Nuisance Law not only provides a legal remedy to protect the public but it is also both scaleable and proportionate. Those who cause a problem are given the opportunity to stop without further consequences but, if they choose not to, there are legal measures available.

Weaknesses or disadvantages of the legislation

It is important to avoid, wherever possible, cross over and /or duplication in a regulatory regime. The introduction of the waste management licensing process by the Planning and Environment Department provides a means to ensure waste is carried and disposed of in a safe way. The waste law contains specific remedies to protect human health and the environment, whilst also having the remit to prevent an operation from causing nuisance to a third party. This in part negates the need

to apply Statutory Nuisance provisions to an operation that holds a Waste Management Licence. Therefore there may be grounds to amend the Statutory Nuisances (Jersey) Law 1999 where a Waste Management Licence has been issued.

State the number of officers engaged in enforcing this legislation and the amount of time they spend upon it?

The Statutory Nuisances Law is one of many pieces of legislation regulated by Environmental Health Officers. None of the Officers' time is dedicated solely to Statutory Nuisance therefore it is not possible to provide a breakdown on time spend specifically on one piece of legislation. Officers are also engaged in other initiatives which protect health and proactively prevent nuisances occurring in the first instance, for example: consulting on planning applications, licence applications and entertainment permits. (See appendix 2 for a breakdown of health protection activity)

The structure of the Environmental health team is currently subject to review.

Appendix 1: Statutory Nuisances (Jersey) Law 1999 Article 2

Matters constituting statutory nuisances

(1) Subject to paragraphs (2) and (3), the following matters constitute "statutory nuisances" for the purposes of this Law -

- (a) any premises in such a state as to be prejudicial to health or a nuisance;*
- (b) smoke emitted from premises so as to be prejudicial to health or a nuisance;*
- (c) fumes or gas emitted from premises so as to be prejudicial to health or a nuisance;*
- (d) light energy emitted from premises so as to be prejudicial to health or a nuisance*
- (e) any dust, steam, smell, or other effluvia arising on or emanating from industrial, agricultural, trade or business premises or resulting from processes conducted on such premises and being prejudicial to health or a nuisance;*
- (f) any accumulation or deposit which is prejudicial to health or a nuisance;*
- (g) any animal, bird, insect, reptile or fish kept in such a place or manner as to be prejudicial to health or a nuisance;*
- (h) noise emitted from premises so as to be prejudicial to health or a nuisance;*
- (j) noise emitted from or caused by a vehicle, machinery or equipment in a street so as to be prejudicial to health or a nuisance;*
- (k) any well, tank, cistern, water-butt or other water supply howsoever constructed which is used for the supply of water for domestic purposes which is so placed, constructed or kept or maintained as to render the water therein liable to contamination prejudicial to health;*
- (l) any pond, pool, ditch, gutter or watercourse which is so foul or in such a state as to be prejudicial to health or a nuisance;*

- (m) *any tent, van, shed or similar structure used for human habitation which is in such a state, or so overcrowded, as to be prejudicial to the health of the inmates, or the use of which, by reason of the absence of proper sanitary accommodation or otherwise, gives rise, whether on the site or on other land, to a nuisance or to conditions prejudicial to health;*
- (n) *any other matter constituting a statutory nuisance by virtue of Regulations made under Article 3.*
- (2) *Sub-paragraph (c) of paragraph (1) does not apply in relation to premises other than private dwellings.*
- (3) *Sub-paragraph (h) of paragraph (1) does not apply to noise caused by aircraft other than model aircraft.*
- (4) *Sub-paragraph (j) of paragraph (1) does not apply to noise made by -*
 - (a) *traffic;*
 - (b) *any naval, military or air force of the Crown; or*
 - (c) *a political demonstration or a demonstration supporting or opposing a cause or campaign.*

Appendix 2: Health Protection Activity

Public Protection Team (1.6 FTE Environmental Health Officer, 2 FTE Health Protection Technicians)

- Alcohol licensing and places of refreshment
- Food complaints/hazard warnings
- Food hygiene inspections
- Food labelling
- Infectious disease control
- Nuisances originating from food premises e.g. noise/odours
- Port health
- Sampling (food & milk)
- Sanitary accommodation standards
- Swimming pool inspections
- Unfit Food
- Community Health
- Planning Consultation

Community Health Team (3 FTE Environmental Health Officers, 3 FTE Health Protection Technicians)

- Air quality
- Contaminated land
- Drainage
- Entertainment licensing
- Exhumations
- Filthy and verminous premises

- Health based environmental monitoring (heavy metals, radioactivity, air quality) e.g. taking samples of milk, seaweed, fish and shellfish for radioactivity uptake.
- Housing disrepair and unfitnes
- Noise (domestic premises and commercial non food premises)
- Nuisances (domestic and commercial non food premises)
- Priority re-housing on health grounds
- Radon and radiation
- Staff accommodation and lodging houses
- Tobacco control legislation
- EIA & Planning Consultation

Registration and Inspection Team duties:

- Applications for housing on health grounds
- Inspection and registration of care homes
- Inspection and registration of Yellow Fever centres
- Registration of healthcare professionals
- Tattooing and skin piercing registration

1.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE NEW TOWN PARK:

Question

Can the Minister point to any consultation documents or design brief in the last decade which has suggested that the new town park should be fenced off and, if not, can he explain why he is minded to approve railings on the perimeter?

Answer

The Town Park project has been the subject to much informative and useful consultation over the past few years. However it has only been with the crystallisation of those ideas that a formal planning application was submitted indicating the proposed design of the park. .

The design of the Park as submitted and approved includes fencing proposed by the applicant around the children's play areas and practice areas which extended along the north and south sides of the Gas Place part of the site. Therefore 50% of the site was proposed to be fenced in the original park design. It is only the north and south sides of the Talman site that remain open, however the park designer, Burns and Nice feels that the north and south sides of the Tallman site need to have a sense of enclosure. Added to this the consultation response from the Police was clear that there was a strong recommendation that the perimeter of the park be defined by some type of low fencing or hedging. (Consultation response attached)

When the original design was being considered, the roads around the site, (particularly Oxford Road), were for access only. The Parish of St Helier Roads Committee decided only last month to open Oxford Road to through traffic. In these circumstances there is a need to do everything possible to protect children in the park. Hedging alone is unlikely to provide a safe solution as hedging is likely to be permeable. .

I have however asked TTS and Nice Burns to bring forward a range of other options and will continue to examine these in conjunction with the town representatives. It is important to note that

the park designers support low railings topped with finials on the north and south boundaries of the Talman site.

Not Protectively Marked

Your ref: PP/2010/1289

Our ref: 2010/JRH/081

Direct line:01534 612345

States of Jersey Police

Making Jersey Safer



Kelly Whitehead
Assistant Senior Planner
Development Control
Planning and Environment Department
States of Jersey
South Hill
St Helier
JE2 4US



SITE SURVEY – MILLENNIUM TOWN PARK, ST HELIER

Dear Kelly

I am writing to you in regard to the letter (Application Number RM/2010/1815) sent by Alice Tostevin regarding the proposed Millennium Town Park (PP/2010/1289) located at Gas Place, St Helier. I have now compiled a brief report which I hope will be of use to you.

General observations

Local information –

The proposed Millennium Town Park is located within the parish of St Helier, in the urban quarter known as 'Town Centre North'. The town centre shops and offices are within a five minute walk south of the site. Historically the site was occupied by a gas plant, which closed in 1991. Since then the site has been used for public and commuter parking and is therefore predominantly surfaced in asphalt. The proposed Millennium Town Park is encompassed by L'Avenue Et Dolmen Du Pres Des Lumieres, Oxford Road, Common Lane, Bath Street, Robin Place, Tunnell Street, and the Gas Place Car Park.

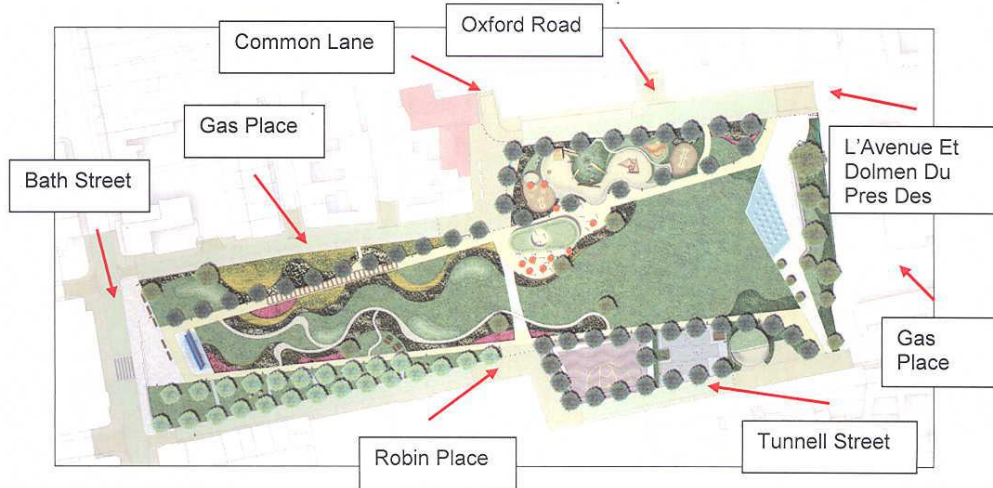
I have studied both the Millennium Town Park St Helier Design Statement (Referred to in this document as TPDS), and also the Millennium Town Park Supplementary Design Statement (Referred to in this document as TPSDS). I have established that there are several concerns regarding the site, due to both its location and also the open access which is available to the site. I have provided a crime statistics analysis for the area, which highlights the particular issues which the area faces. I would like to elaborate on all of these points, in order that a mutual agreement can be made to solve these problems. I have stated the issues and the resulting recommendations in separate chapters later in this document.

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ACTING CHIEF OFFICER: DAVID WARCUP QPM MBA ACTING DEPUTY CHIEF OFFICER: BARRY TAYLOR

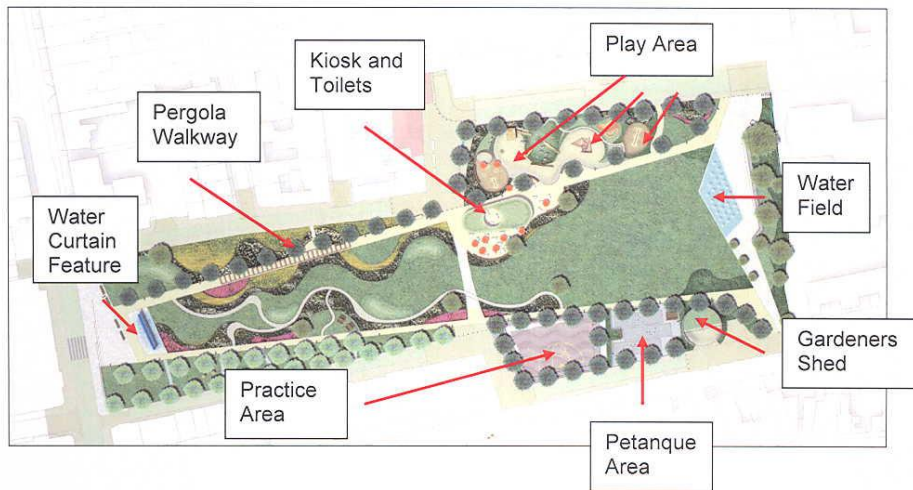


Overall design and layout of site – The site is basically laid out over a 21,900 meter square area, with a perimeter of approximately 800 metres. The planned entrances shown on the site plans are located all around the proposed Park. The main featured entrances are at the West end at Bath Street, at the North opposite Common Lane, at the South at the corner of Robin Place and Tunnell Street, at the North East at L'Avenue Et Dolmen Du Pres Des Lumieres, and at the opposite side of that entrance to the North West at Tunnel Street.

Site plan for the Millennium Town Park



Location of Vulnerable Areas of the Millennium Town Park



VULNERABLE AREAS

1. Kiosk and toilets at the North of the site, opposite the Le Seeleur building.
2. Play Area at the North entrance to the site, opposite Common Lane.
3. Water Curtain feature at the West end of the Park at the Bath Street entrance.
4. Water Field at the East end of the Park.
5. Gardeners Store located at South East end of the Park.
6. Practice Area located at the South East end of the Park.
7. Petanque Area located at the South East end of the Park.
8. Pergola Walkway at the North West end of the Park.
9. Perimeter of the Park.

With all of the following recommendations, I would emphasize that certain principles should be considered. These are as follows:-

Crime Prevention Through Environmental Design, where consideration is given to the crime analysis statistics which I have provided, to pinpoint areas of the Park which require attention; **defensible space**, where visible borders provide both protection and control to negate any intermediate space or "no mans land", and give a sense of ownership; **surveillance**, where CCTV should be viewed live by the States of Jersey Police; **crime features**, where for example control of the perimeter, entrances and exits would negate potential problems from anti social behaviour; and also **target hardening**, where Secured By Design standard doors and windows would be vital to protect your building.

Also, the "Safer Places" initiative should be considered, which clearly defines the importance of safety and security as part of the 'sustainable' agenda. The hyperlink for this document is www.communities.gov.uk which leads to "Safer Places – The Planning System In Crime Prevention". The Safer Places document also lists seven attributes that should be incorporated when creating what should be a safe and secure place.

I have summarised these attributes as follows:-

- Access and movement
- Structure
- Surveillance
- Ownership
- Physical protection
- Activity
- Maintenance and management

ACCESS

- Well defined routes
- Public open spaces
- Entrances allow for easy convenient movement not compromising security

STRUCTURE

Places are laid out so crime is discouraged so that different uses do not cause conflict

SURVEILLANCE

- Places where all public and accessible places are overlooked (Including CCTV)
- Looks to achieve active frontages
- Use of gables and windows
- Use of correct type of planting
- Good, well designed white lighting

Not Protectively Marked

OWNERSHIP

- Places that promote a sense of ownership and territorial responsibility and community
- Often called territoriality or defensible space

Defensible space is:-

1. Fully private – Within the shell of the building
2. Fully public – Highways
3. Intermediate space – Neither public nor private. Problem of ownership and maintenance
4. Parking in curtilage
5. Co positioning of sites – Impact factors

PHYSICAL PROTECTION

- Secured By Design

ACTIVITY

- A level of human activity appropriate to the location, creating a level of safety

MANAGEMENT AND MAINTENANCE

- Places that are designed with management and maintenance in mind to discourage crime in the present and future
- Keeping places tidy and graffiti free
- Rapid removal of signal crimes
- Broken windows syndrome

The “Safer Places” document uses Secured By Design principles. The Police Secured By Design initiative should be considered when deciding how the area should be used, and how the buildings should be constructed, at the planning stage. This will ensure that a strong resilience to crime is built in at the start of the project. The link to the website for further information is www.securedbydesign.com. These categories consist of the following:-

- Good standard of security
- Design features enabling natural surveillance
- Adequate lighting of common areas
- Ownership
- Control of access
- Landscaping

Crime Pattern Analysis

A crime pattern analysis has been generated for the area surrounding the Millennium Town Park site, for the period of 01st January 2010 to 31st December 2010. In all, the States of Jersey Police have been involved in the area a total of 249 times to date for the year. It can be seen from these figures that the main problems in the area are public order and drunkenness, followed by nuisance and anti social acts, larceny, common assaults, and general assistance by Police. The majority of these incidents take place in Bath Street. I have included a chart with these statistics for your information.

Whilst the police are allowed to share some crime details with the States Departments, they are not normally at liberty to share the same with other bodies or members of the public.

Not Protectively Marked

This is done on the strict understanding that these crime statistics will not be used other than for assessing the crime risk in the development area, they will not be used as a reflection on the area or its occupants and will not be put into the public domain nor passed to anyone else not working on the planning of this development. They remain the copyright of the Chief Officer of the States of Jersey Police. If you wish to do anything else with these crime statistics, then permission of the Chief Officer must be first sought.

Significant findings – 3 main priorities.

1) Fencing and Gating – Perimeter Security

The Design Statement for the Millennium Town Park states that there is no provision for fencing or gating (TPDS Part 5.2 – Accessible Design) – “The Millennium Town Park provides unobstructed access for all users. New paving to all areas will result in a continuous smooth and even surface. All areas are designed to be convenient and welcoming with no barriers to access, in order to enable their independent use without undue effort, separation or special treatment”.

“Safer Places” and “Secured By Design” principles and research have shown that there has to be some form of “ownership” or demarcation around any used area. The reason for this is to establish rules of use and to prevent anti social behaviour from occurring. The current site plans show the Park to be completely open and accessible from all points. The concern for this is that there are no implied guidelines for use of the Park. This means that it could be accessible by motorised vehicles, pedal cycles and also skateboarders throughout the area, as there would be no hindrance to cycling or skateboarding throughout the Park.

2) CCTV

There is only a brief mention of the requirement for CCTV in the Supplementary Design Statement (TPSDS Part 3.1 – Design Development). This part of the Statement is listed under “Provision for a Safe and Secure Environment for All”, stating “The structures should include appropriate levels of CCTV and artificial lighting provision”. There is also a brief mention in the Design Statement (TPDS Part 4.2 – Refreshed Brief) – stating “To include appropriate levels of CCTV provision within the Park and its adjacent streets”. The CCTV coverage for the entire Millennium Town Park site needs to be considered in detail, as this covered area requires real-time formal surveillance, being classed as a “Crowded Place”. In the unlikely event that CCTV is not considered at present for the Town Park, I recommend that ducting be installed at the outset. This would ensure that provision is made for any future implementation of CCTV, and the construction work that would be required to provide for this and any other requirements.

All relevant agencies need to be included in these discussions to formulate a viable plan to establish States of Jersey Police monitoring of the Park. Regarding locations and coverage required of CCTV cameras – There should be an operational requirement which would probably be that all public areas are covered by CCTV and that the size of images from some of the cameras is able to be used to identify offenders by facial features and all the images need to be able to be used for evidential purposes.

This will assist companies tendering for what equipment needs to be put where, to obtain the best operational requirement. Because of different sizes of cameras and lenses every situation is site specific and specific to the equipment used, also each firm uses different equipment and lenses, so only they can specifically say where

CCTV cameras should go. The Home Office has brought out a document "CCTV Operational Requirements Manual" that is available from web site: <http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/55-06 - CCTV Operational Re2.pdf?view=Standard&pubID=453534>

If CCTV covers areas to which the public have access then there is the need to seek the advice of the Data Protection Commissioner as to registering and then there are rules of storage, producing images for Court purposes, warning signs that CCTV is operational, etc, etc.

The Data Protection Commissioner is easily found on the web at: www.dataprotection.gov.je, or otherwise, the Data Protection Commissioner, Emma Martins, can be contacted on Tel 01534 441064.

There is also a helpline telephone number so advice can be given over the phone. Often dome styles of cameras are preferable to the shoe box type. This is because with the dome style, cameras offenders are unable to tell which way the cameras are pointing, whereas with the shoe box type they are able to see which way the cameras are pointing and thus exploit their blind spot areas.

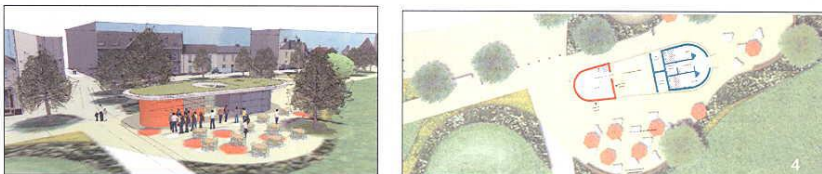
3) Anti Social Behaviour Mitigation

The Millennium Town Park is located in the centre of St Helier, in a heavily populated area, on a busy thoroughfare. As a result of this, careful consideration needs to be given to the possibility of anti social behaviour occurring in the Park. This may take the form of malicious damage, drunkenness, annoyance of other users by cycling or skating inside the Park, littering, and other anti social acts.

The "Safer Places" document which has been previously been referred to in this report gives examples of how anti social behaviour can be mitigated. Secured By Design principles such as using good standards of security, design features enabling natural surveillance, adequate lighting of common areas, ownership, control of access and landscaping, can also be employed to mitigate this problem. I have summarised a list of recommendations at the end of this report, which give suggestions as to how these problems may be addressed. These recommendations will highlight the concerns for each of the vulnerable areas listed and give examples of how each problem may be addressed.

Recommendations

1. Kiosk and toilets at the North of the site, opposite the Le Seeleur building.



- The kiosk and integral toilets are located at the North of the Park, comprising of a kiosk, public toilets and also community storage. The concerns for this area are for security and anti social crime. There will be furniture outside the kiosk in an Al Fresco area. The kiosk will be transparent with frameless glass and there will be glass windbreaks. There will be a secured storage area for outside furniture in the centre of the building. I would recommend the following considerations to be made:-

Not Protectively Marked

- Secure locking systems for the shell of the building, including the main doors, the sliding doors and the kiosk hatches, to prevent unauthorised entry.
- Laminated glass for the main building windows and the glass partitions, to prevent injury from accident or flying glass.
- External seating to be either anchored or removable and secured as stated in the TPSDS inside the kiosk each night in the central storage area, to prevent theft or malicious damage.
- Overhead hovering plane / roof – Climbing aids such as gutters and facades should be reviewed to prevent people climbing onto the roof causing malicious damage, or injuring themselves.
- Dusk to dawn or Passive Infra Red lighting should be considered to deter persons congregating under the sheltered open space beneath the overhead hovering plane / roof at night. This would mitigate anti social behaviour. I recommend that all dusk to dawn lighting should be three metres high, not built into the pavement. This would reduce the possibility of any damage being done to the lighting units. This should be considered throughout the Park.
- Public toilets should be well lit and consideration should be made to mitigate anti social behaviour such as drug use in the cubicles, by limiting the size of the cubicles, motion sensitive lighting, etc.

2. Play Area at the North entrance to the site, opposite Common Lane.



- The Toddlers play area and the 4 – 11 age group play areas are to be located by the North entrance, adjacent to the kiosk. The TPDS has made reference to providing a low fence & gate to enclose the toddlers play area. I would recommend the following considerations to be made:-
 - Dusk to dawn lighting should be installed in the play areas. This would deter anti social behaviour at night, such as malicious damage, drug taking and drunkenness. The choice of play equipment should be considered in these areas, to prevent malicious damage to items such as the suggested jungle climbers and wooden spring animals. Areas such as the suggested sand pit could also be tampered with, with potential for injury for the designated users.

3. Water Curtain feature at the West end of the Park at the Bath Street entrance.



- The TPDS has already mentioned that there will be low voltage LED illumination and timers used to illuminate this feature. Also mentioned is that there will be no standing water at this feature, as there will be a dry deck. I would recommend the following consideration to be made:-

- Dusk to dawn lighting should be installed in the surrounding area. This would deter anti social behaviour at night, such as malicious damage, drug taking and drunkenness.
- Access to manhole covers should be restricted by simple locking systems to prevent unauthorised access.

4. Water Field at the East end of the Park.



- The Water Field is proposed to be located at the East of the Park. Due to the nature of this feature, the area would be heavily used by children in the summer months. At present there is no provision for any fencing or gating around the Park, which would facilitate the area being used by cyclists as a "desire line" or short cut, between L'Avenue Et Dolmen Du Pres Des Lumieres and Tunnell Street. The area could also be used by skateboarders. I would recommend the following considerations to be made:-

- Dusk to dawn lighting should be installed in the surrounding area. This would deter anti social behaviour at night, such as malicious damage, drug taking and drunkenness.
- Low fencing and gates along with staggered barriers should be considered in order to create a separate Park area where cycling and skateboarding should be prohibited. This would reduce the possibility of people being struck or confronted by unexpected wheeled traffic in

the Park. It must be stated that there is already provision for skateboarders at the Harbour area of St Helier.

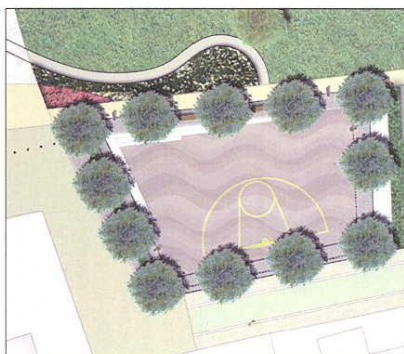
- Access to manhole covers should be restricted by simple locking systems to prevent unauthorised access.

5. Gardeners Store located at South East end of the Park.



- The Gardeners Store is to be located in the South East of the Park. This building is to contain Gardeners machinery and equipment and is not accessible by the public. The TPSDS has mentioned that there will be Passive Infra Red lighting installed in the interior of the Gardeners Store enclosure. I would recommend the following considerations to be made:-
 - Security topping for the Gardeners Store wall and gate. This would deter unauthorised access to the area and prevent anti social activities such as larceny, malicious damage and covert drug taking.
 - I would recommend that the building be security alarmed. Even if there is Passive Infra Red lighting to be installed, this would not be seen from outside of the enclosure, and would not alert the responsible authorities of any unauthorised entrance to the building.
 - If there are any skylights to be constructed as part of the building roof, these are to be barred from within, or made secure, to prevent unauthorised entry
 - Placement of any climbing aids, such as nearby trees, should be considered, to prevent unauthorised access to the enclosure.

6. Practice Area located at the South East end of the Park.



- The Practice Area is to be located in the South East of the Park. The practice area would be designed using an acrylic sports surfacing course, a visually unobtrusive fence along its south, east and west sides and a half court with hoop and goal. Steps

going up from the practise area to the central lawn would provide informal seating to watch activities and is envisaged to be used by skateboarders. The area would be equipped with functional lighting to allow usage during the hours of darkness. It is proposed in the TPDS that the facility would not be closed when out of use, and that adjustable light levels would act as a means of controlling and restricting the night time "opening times". I would recommend the following considerations to be made:-

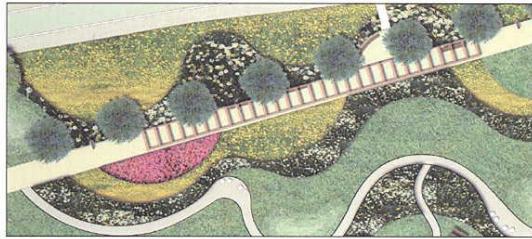
- **The entire Practice Area should be fenced and gated, including the North side, with either 3.6 metre high or 2.75 high welded mesh fencing. Chain link fencing should not be used, as it is susceptible to malicious damage. This would protect both the rest of the Park, and also passing traffic, from any objects coming from that area. Adjustable light levels would have no effect on controlling and restricting the night time "opening times". The Practice Area should be locked at night to prevent anti social behaviour such as malicious damage, drug taking or noisy congregations of people late at night.**
- **Dusk to dawn lighting should be installed in the area to deter anti social behaviour at night, such as malicious damage, drug taking and drunkenness.**
- **If skateboarding is also to be allowed in this area, then I recommend that the area be constructed to specifically cater for this. If there is no consideration for this use, then there will be considerable damage done to the steps and flooring of the Practice Area, from the impact of the skateboards.**

7. Petanque Area located at the South East end of the Park.



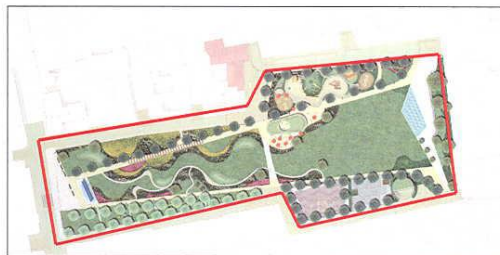
- **The Petanque Area is to be located in the South East of the Park, just to the East of the Practice Area. Seating areas with tables and a green shrub border will surround the facility. Adjustable light levels will provide lighting for competitions and games during the hours of darkness. I would recommend the following consideration to be made:-**
 - **Dusk to dawn lighting should be installed in the surrounding area. This would deter anti social behaviour at night, such as malicious damage, drug taking and drunkenness.**

8. Pergola Walkway at the North West end of the Park.



- The proposed Pergola structure is to be of a light weight design. It is planned to be constructed along the northern linear footpath north of the central gardens. The structure would act as a trellis for climbing plants and provide shade. Seating overlooking the gardens is proposed for the shaded areas underneath the Pergola. The structure could be of a cantilevered design with structural piers located along the back of the path. This avoids any piers along the front of the pergola ensuring an uninterrupted visual connection to the gardens. Lighting would be incorporated into the structure. I would recommend the following considerations to be made:-
 - I would recommend that the structure of the Pergola be made of a sturdy framework. This will help to negate any possibility of people causing damage to it, or climbing on the frame and injuring themselves.
 - Consideration could be given to prickly climbing plants being used on the Pergola framework. This will help to negate the possibility of people climbing on the frame and causing damage or injuring themselves. I have listed some recommended prickly plants at the end of this report, for use as both climbing and hedge plants. Hedge plants should only be allowed to grow to a height of approximately one metre to prevent concealment. Any foliage on trees should not be allowed to grow below two metres, also to prevent concealment.
 - Any street furniture in the area should have the capability of being anchored to the ground. This would help to negate the possibility of the street furniture being removed or damaged.
 - Dusk to dawn lighting should be installed in the surrounding area. This would deter anti social behaviour at night, such as malicious damage, drug taking and drunkenness.

9. Perimeter of the Park.



- The proposed Millennium Town Park does not have any consideration for fences or gates. The reason given is that the idea is to extend the feeling of the Park into a pedestrian friendly surrounding streetscape. There is also a suggestion that this would create an accessible environment for all users, and for creating a "shared space" road environment that has a pedestrian and cycle "dominance" around the

Park. There would be approximately seven locations where rising bollards would be placed for traffic mitigation, placed at the main entrances to the Park. I would recommend the following considerations to be made:-

- I would strongly recommend that consideration be given to low fencing or hedging being placed around the perimeter of the Park. This would create an informal boundary around the location, and would create the feeling that the Park is a defensible space, where visible borders provide both protection and control to negate any intermediate space, and give a sense of ownership. The Park could then be locked at night to prevent anti social behaviour and youths congregating and causing unnecessary disturbance.
- Staggered barriers during the day and also gating at night would also provide an informal rule setting, to help to deter cyclists from using the interior as a short cut, instead of using the proposed cycle route along Bath Street, Gas Place and Oxford Road. This would reduce the possibility of pedestrians being injured or confronted by speeding cyclists.
- Consideration should be given to the requirement or need for rising bollards. Unless these bollards have been tested to Publicly Available Specification (PAS) 68: 2007 published by the British Standards Institute (BSI), then they will not be effective for hostile vehicle mitigation. If these bollards are to be used for that purpose, then PAS 69:2006 would provide guidance for the selection, installation and use of these security barriers. In any case, without the provision for any fencing or gating around the perimeter of the proposed Park, these rising bollards would not be effective.
- Traffic calming measures should be considered for the road areas by all of the main entrances to the Park. This will help to slow traffic down and prevent injuries to users of the Park.
- Consideration should be given to the type of litter bins placed in the area. The Park would be classified as a "Crowded Place" as it would be used by a sizeable percentage of the population in St Helier. I would recommend that either bomb proof litter bins are specified, or that hoop frame and transparent bags are used. This would improve the security of the area, and help reduce any concern from bomb threats.
- There is a concern regarding pedal cycle crime in Jersey. I would strongly recommend that "M" frame or similar bike stands are considered for this area, instead of the proposed Sheffield "U" shape stands. I am in the process of rolling out a Bike Crime Initiative in St Helier, where this is one of the key proposals. "M" frame or similar bike stands provide a much more secure locking station to secure pedal cycles. If these were to be installed, it would greatly assist in reducing the number of pedal cycles stolen, and would help to increase the number of people willing to cycle to St Helier and park their pedal cycles securely.
- As stated in the Pergola Walkway section, hedge plants should only be allowed to grow to a height of approximately one metre to prevent concealment. Any foliage on trees should not be allowed to grow below two metres, also to prevent concealment. This would restrict anti social behaviour and access in the relevant areas.
- I believe that the Park should be included in the Policing of the Parks legislation. If this is not done, then the States of Jersey Police would not be able to deal effectively with any offences committed within the Park area. Signage should then be prominently displayed to deter anti social behaviour.
- I would suggest that a Park Keeper should be considered for this Park, due to the location of the proposed Park, and the amount of anticipated

activity within it. This would provide an additional control within the Park area and help to reduce the possibility of anti social behaviour. As an example, the Howard Davis Park already has a Park Keeper, who contributes greatly to the safety and harmony of the Park.

Disclaimer

Where recommendation is made for physical security measures, products should be of a good quality, and where applicable, comply with current British Standards. A specialist-qualified contractor should install this equipment. Similarly, there is a need to ensure that all legislation is adhered to in respect of Listed Buildings, Conservation areas and Tree Preservation, Fire Regulations, Planning Regulations and Building Regulations. Advice should be sought by specialists on those aspects prior to any work being carried out.

The States of Jersey Police does not take any responsibility for any advice given. Any information given is free of charge and without the intention of forming a contract. The States of Jersey Police does not endorse any particular security products and any literature enclosed in this report should be considered merely as examples, and not as a particular products endorsement. All recommendations have been made with a view to being appropriate, realistic and also cost-effective. There would be a small financial expenditure to carry out some of these suggestions, but it is considered that the benefits far outweigh the initial expenditure outlay. The purpose of this report is to provide advice and information to help ensure the safety and well being of the population of Jersey.

Appendix of Photos

Site plan for the Millennium Town Park

Location of Vulnerable Areas of the Millennium Town Park

Kiosk and toilets at the North of the site, opposite the Le Seeleur building.

Play Area at the North entrance to the site, opposite Common Lane.

Water Curtain feature at the West end of the Park at the Bath Street entrance.

Water Field at the East end of the Park.

Gardeners Store located at South East end of the Park.

Practice Area located at the South East end of the Park.

Petanque Area located at the South East end of the Park.

Pergola Walkway at the North West end of the Park.

Perimeter of the Park.

List of recommended prickly plants

Plants. The careful choice of plants, with suitable qualities can, where appropriate, be used to enhance physical protection. The use of thorny, dense growing shrubs planted around the perimeter of grounds and against suitable parts of buildings can be used to deter unwelcome visitors. Strategic planting can encourage callers to enter via a particular entrance or make access to a particular part of the property more difficult. Listed below are twelve examples of such shrubs. They have been chosen not only for their extremely defensive qualities but their colour, fragrance and ability to grow in most soil types. Regional variations in climate may affect which shrubs can be used, however as an option they are both functional & aesthetic.

Berberis Ottawensis Superba.

Use this as a hedge or individual shrub. Deciduous barbed plant with beautiful purple foliage. Yellow flowers in spring (1.5 - 2.0m), Allow two plants per metre.

Hippophae Rhamnoides.

Sea Blackthorn grows in any soil and is wind resistant. It bears silver foliage and excellent thorns. This large shrub provides superb cover. Plant in groups of three to obtain berries.

Crataegus Monogyna.

Common Hawthorn. This forms an impenetrable thorny hedge, attaining only the height of your choice. Fast growing, a wonderful sight in May & June with fragrant flowers. Red haws in autumn. Plant in a row four to one metre.

Berberis Julianae.

Prickly yellow, early flowering species. Evergreen with shiny dark leaves (1.25-2.0m)

Ulex Europaeus.

Common Gorse. Viciously spiny. Flowers March to May. (1.25 - 1.75m)

Rosa Fruhlings Gold - Yellow.

Fragrant old fashioned Rose. Densely prickly for hedges or individual shrubs (2.0 - 3.0m)

Berberis Gagnepainii.

A small dense prickly evergreen suitable for a low hedge - impenetrable (Allow 2 plants per metre)

Pyracantha.

A climbing evergreen with yellow, red & orange berries with white flowers in May on thorny branches. Very useful on fences and walls (3.0 - 5.0m)

Rosa Rugosa Rubra Crimson.

Fragrant old fashioned rose. Densely prickly for hedges or individual shrubs (2.0m)

Berberis Stenophylla.

Use as a hedge or a shrub. Graceful evergreen with long arching prickly branches. Masses of yellow flowers in spring. (1.25 - 2.0m) Allow two plants per metre.

Mahonia Bealiei Winter Sun.

Prickly evergreen with yellow fragrant flowers in winter (1.25 - 1.75)

Rosa Blanc Double de Coubert - White.

Fragrant old fashioned Rose. Densely prickly for hedges or individual shrubs. (2.0m)

Yours sincerely



Jeremy House
Detective Constable
Crime Reduction Officer

	BATH STREET	GAS PLACE	LAVENUE ET DOLMEN DU PRE DES LUMIERES	ROBIN PLACE	Grand Total
Arson / Fires		1			1
Assault (Common)	18			1	19
Assault (G & C)	6		1		7
Burglary	1				1
Document Offence		1			1
Domestic Incident	2		2		4
Drink / Drive Offence	3				3
Driving Complaint	2				2
Drugs	2				2
Fraud	3				3
General Assistance	17	5	2		24
Intruders / Alarm	9				9
Larceny	22	7	10		39
Licensing	6				6
Lost & Found	1	1			2
Mal Damage (Other)	6				6
Mal Damage (Vehicles)	2	7	1		10
Mental Health	1				1
Missing / Lost Persons	1				1
Nuisance / Antisocial	32	4	2		38
Other Crime	2				2
Other Incident / Offence	5	3			8
Public Order / Drunkenness	41	4			45
RTC (Damage Only)	3	1		1	5
RTC (Hit & Run)		2			2
RTC (Injury)	1		1		2
TADA	1	1			2
Traffic (Other)	1				1
Welfare Check	3				3
Grand Total	191	37	19	2	249

1.22 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING AN AREA PLAN FOR FIVE OAKS:

Question

Will the Minister be developing an area plan for the Five Oaks area covering matters such as retention of countryside or 'green field' sites and the provision of community facilities for groups such as old and young people?

Answer

My intention with regard to the preparation of a local development plan for the Five Oaks area is set out in the 2009 Draft Island Plan at Proposal 13, and is unchanged in the revised draft Island Plan being lodged today.

Proposal 13: Local Development Plan

The Minister for Planning and Environment will develop a planning framework in the form of a Local Development Plan for Five Oaks to guide its future development and enhancement.

This will be adopted as supplementary planning guidance to be approved by the Minister for Planning and Environment.

The Minister will review the requirement for and ability to undertake other Local Development Plans during the Plan period.

I consider that there is a legitimate need to look at the planning issues in this area, with the local community and other stakeholders, to develop and adopt plans, policies and proposals to guide its

future development and to identify, influence and secure any interventions necessary to improve the local community infrastructure.

Where any such resultant proposals are consistent with the Island Plan that is current at the time, it would be my intention to adopt an emergent local development plan for Five Oaks as supplementary planning guidance.

It would not be my intention to review matters such as the definition of the Built-up Area or Green Zone boundaries around Five Oaks as part of any local development plan as these are properly dealt with by the Island Plan. Should proposals emerge, however, which are inconsistent with the Island Plan current at the time, they would require the consideration of the States as a draft revision to the Island Plan, and be subject to the due process of scrutiny and independent examination, as prescribed by planning legislation.

Progression of the local development plan for Five Oaks will be dependent upon the availability of resources within the Department for the Environment.

1.23 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE REASONS WHY INDIA DID NOT SIGN THE T.I.E.A:

Question

What were the precise reasons given by the Government of India for not signing the Tax Information Exchange Agreement?

Answer

The issues that prevented the signing of a Tax Information Exchange Agreement (TIEA) with the Government of India in New Delhi on the 18th March 2011 arose from differences discovered between the TIEA we had negotiated and those that India had recently signed with other jurisdictions.

Because of the need for the representatives of the Indian Ministry of Finance and the Jersey delegation to clear points of detail with other relevant parties there was insufficient time available to resolve the issues concerned before the Treasury and Resources Minister had to leave New Delhi. We expect the issues to be resolved in early course. The TIEA will then be able to be signed and in due course it will be presented to the States for ratification. Only when the TIEA has been ratified by both parties will it come into force.

1.24 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING FLY-TIPPING:

Question

What is the department's policy in regard to fly-tipping and how successfully has it been applied?

Answer

“Fly-tipping” is the dumping of wastes at locations and sites which are not designed or authorised to take them. It is antisocial behaviour which can harm the environment and potentially cause pollution.

The Department of the Environment is responsible for enforcing two Laws which prohibit fly-tipping activities and their potential consequences as appropriate*. Complaints are received either into the Planning Enforcement Team or the Environmental Protection Team and following the initial investigations appropriate action is determined from the seriousness of the offence. The factors which are considered include the types of wastes being fly-tipped, the environmental impact, the risk that they may pose to the environment (for example pollution), the offenders circumstances (for example whether they are a householder or a business trying to save time and money by engaging in fly-tipping), the intent, the attitude of the offender, any previous history and the deterrent effect that taking any more formal action (including prosecution in the courts) may have.

Where complaints are received and the culprit is known then persuasive action and education can often be taken to resolve issues and ensure wastes are appropriately disposed of. The Department has successfully resolved incidents in this way, such as householders dumping garden refuse over their boundary fence onto public land and businesses in the deposit and burial of wastes on private land.

In cases where the offending party cannot be identified, the Department works in conjunction with the landowners, the Parishes and Transport & Technical Services to ensure that fly-tipped wastes are cleared up and disposed of properly.

Since 2008 there have been three investigations through the Planning Enforcement Team all of which have been resolved without the need for any formal action. A fourth investigation remains ongoing. Also since 2008 there have been three investigations through the Environmental Protection Team as follows;

1. Waste asbestos was tipped, no offender was identified and the waste was removed for proper disposal by TTS from public land.
2. Waste was tipped, no offenders was identified and the landowner where was advised of correct disposal routes via TTS sites as opposed to landowners method of burning fly-tipped wastes.
3. Waste was tipped and the offender was identified and advised of correct disposal routes.

The Transport & Technical Services operate sites for the disposal and recycling of household wastes at Bellozanne and for commercial waste at Bellozanne and at La Collette so there is no excuse for fly-tipping wastes.

** It is an offence to fly-tip wastes in contravention of the Planning and Building (Jersey) Law 2002. Under Article 105 of the Law, a person shall not without lawful authority place rubbish on land, whether private land, land used by the public or land covered by water.*

It is an offence to fly-tip wastes in contravention of the Waste Management (Jersey) Law 2005. Under Article 23 of the above Law, a person who causes or knowingly permits the deposit or disposal of controlled waste on any land commits an offence, unless it is carried on in accordance with a waste management licence that is issued under the Law or is otherwise exempt from the requirement. In addition a person who deposits or disposes of controlled waste in a manner that is likely to cause pollution commits an offence.

1.25 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PRINTING COSTS:

Question

How are States printing costs controlled and what costs savings, if any, have been achieved in the last year by Central Procurement in regard to printing?

Answer

The cost of printing has, up to now, been managed by departments. The Corporate Procurement Department recognised that centralised control of buying printing equipment and software would be more economical.

Procurement has surveyed departments' use of print equipment and developed a centralised Managed Print Service which is due to roll out within the next 3 months.

This new system will mean fewer printers, reduced maintenance costs and one contract to provide all equipment. Clear policies have been agreed on double-sided and colour printing and all printers will be linked to the central computer network, enabling closer monitoring of their use.

The process of moving from a system managed by departments to a centrally controlled one has taken time to formulate but is now nearing completion. Once the new system is up and running it will save an estimated £256,000 per year.

1.26 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PROSECUTION GUIDELINE DOCUMENTS:

Question

In his answer to Written Question 6131 on March 15th 2011, the Minister referred to three documents:

1. Enforcement & Prosecution Policy;
2. Guidance for the Implementation of the Enforcement & Prosecution Policy;
3. Code on the Decision to Prosecute.

He also stated that the guidelines were originally drafted in 2001 updated to reflect changes in departmental structure in 2004.

Notwithstanding the fact that a further update has taken place in April and May 2010, which update is currently awaiting approval by the Attorney General, will the Minister make the above three documents as at 2004 available to members, or give a reference where they may be found, as members need to see the documents in order to understand the investigatory process vis-à-vis the pollution incident at La Collette in and around April 2009?

Answer

As correctly mentioned, the three documents relating to Environmental Protection's enforcement and prosecution policy have been updated. The updates largely reflect the change to Ministerial Government and the change from 'Water Resources' to 'Environmental Protection' (that currently comprises of the Water Resources Section, Waste Regulation and Agricultural Inspection). The 2010 documents are therefore, in essence, similar to the 2001 and 2004 versions.

The updated 2010 documents were forwarded to the Environment Scrutiny Panel as part of the written submission by Environmental Protection to the Panel's ongoing review into 'Protecting our

Marine Environment - Monitoring and Regulation of Coastal Waters' (see Section 1.3: Enforcement by Environmental Protection) .

The public link to these documents can be found on the Scrutiny Panels web site at:

<http://www.scrutiny.gov.je/submissions.asp?reviewid=166>

1.27 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE LIABILITY OF STATES DEPARTMENTS:

Question

Will the Chief Minister advise members if there is a policy concerning the liability of States departments towards citizens of the Island, when services delivered by them cause damage or personal harm in some way, and there is actionable negligence involved?

Answer

States Departments have a duty of care to citizens accessing the services the States provides as well as to the employees that provide them.

The States of Jersey therefore has a public liability insurance policy which covers its legal liability that includes actionable negligence, for bodily injury or damage to third party property arising out of its business, whether arising out of its general operations, the supply of products or the provision of services.

1.28 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING LAND MAINTAINED BY THE TRANSPORT AND TECHNICAL SERVICES DEPARTMENT:

Question

Can the Minister provide members with a map showing all the small pockets of land maintained by Transport and Technical Services, whether directly or indirectly, throughout the Island, and advise whether steps are being taken to rationalise this effort?

Answer

The areas of land maintained by the Transport and Technical Services Department can be found listed in Appendix A.

The Department continually looks to deliver best value throughout all its land maintenance activities. Future work may include looking at route optimisation across the Island, rationalising non-core services and amalgamating the grounds maintenance services carried out by different sections within the Department, which could lead to even greater efficiencies and savings.

Appendix A

Shown below are the areas of land maintained by the Transport and Technical Service Department. Currently the department is unable to produce a map highlighting all the areas of land maintained by the Department

Location	Description	Parish
Grouville Hill	Verge	Grouville
Princess Tower Road	Verge	Grouville
Long Beach Car Park	Trees and verges	Grouville
Grouville	School grounds and playing fields	Grouville
Grouville F.C	Playing field	Grouville
Gorey Village	Estate maintenance	Grouville
Grouville Arsenal	Estate maintenance	Grouville
Field G724 Le Pre de la Reine SSI	Conservation area	Grouville
La Rivage PS, New Road	Pumping Station/Grounds Maintenance	Grouville
Golf Lane PS, Golf Lane	Pumping Station/Grounds Maintenance	Grouville
Links Estate PS, La Rue a Don	Pumping Station/Grounds Maintenance	Grouville
Grouville PS, La Rue De Grouville	Pumping Station/Grounds Maintenance	Grouville
Fauvic PS, La Rue Du Marais a La Cocque	Pumping Station/Grounds Maintenance	Grouville
Le Hurel PS, La Grande Route Des Sablons	Pumping Station/Grounds Maintenance	Grouville
La Rocque Toilets PS, La Rocque Harbour	Pumping Station/Grounds Maintenance	Grouville
La Rue Du Pont PS, Rue Du Pont	Pumping Station/Grounds Maintenance	Grouville
Beach Road	Car Park/Maintenance	Grouville
Gorey Common	Car Park/Maintenance	Grouville
Gorey Village, Coast Road Lay-by	Car Park/Maintenance	Grouville
La Parcage, La Rue Hilgrove, Gorey Village	Car Park/Maintenance	Grouville
La Rocque Harbour	Car Park/Maintenance	Grouville
Ville es Renauds	Car Park/Maintenance	Grouville
Seymour Tower	Car Park/Maintenance	Grouville
Pont du Val	Grass and garden	St Brelade
Corbiere Walks	Walks and gardens	St Brelade
La Route de Noirmont	Verge and garden	St Brelade
La Haule Hill	Trees and verge	St Brelade
Rear of Parish Hall	Gardens	St Brelade
Opp Mont Nicolle junction	Trees	St Brelade
Sir Winston Churchill Memorial Park	Park	St Brelade
Red Houses	Tubs	St Brelade
La Route Orange	Path, hedges and trees	St Brelade

St Aubins Car Park	Gardens	St Brelade
La Haule Car Park	Gardens	St Brelade
Ouaisne Car Park	Garden	St Brelade
St Brelades Bay Car Park	Garden	St Brelade
Mont Nicolle	School grounds and playing fields	St Brelade
La Moye	School grounds	St Brelade
Les Quennevais School	School grounds	St Brelade
St Brelade F C	Playing field	St Brelade
Airport P.F	Playing field	St Brelade
Les Quennevais P.F	Sports facilities	St Brelade
Les Creux Bowling	Bowling Greens and surrounds	St Brelade
Don Farm Rental	Estate maintenance	St Brelade
Le Bel D'enton	Estate maintenance	St Brelade
Don Close	Estate maintenance	St Brelade
Woodlands Estate	Estate maintenance	St Brelade
Clos De Noirmont	Estate maintenance	St Brelade
Don Farm Owner Occupied	Estate maintenance	St Brelade
Clos Orange	Estate maintenance	St Brelade
Parq Du Pont Marquet	Estate maintenance	St Brelade
Don Farm Road And Clos Carrel	Estate maintenance	St Brelade
Clos De Sables & Quennevais Park	Estate maintenance	St Brelade
La Moye headland	Conservation area	St Brelade
Field B424 La Lande des Congres SSI	Conservation area	St Brelade
Les Creux Millennium Country Park	Conservation area	St Brelade
La Pulente to Le Bray Dunes PSSSI	Conservation area	St Brelade
Laandedu Ouest Headland SSI	Conservation area	St Brelade
Le Cotil du Grouin	Conservation area	St Brelade
Noirmont Headland	Conservation area	St Brelade
Joyce Trent Park – Beauport Headland Nature Reserve	Conservation area	St Brelade
Le Mont Chardon SSI	Conservation area	St Brelade
Les Blanches Banques and Noir Cotil SSI	Conservation area	St Brelade
Fields B600 and B601 La Fosse au Vee	Conservation area	St Brelade
Corbiere Headland SSI	Conservation area	St Brelade

L' Oeillere Point Footpath	Conservation area	St Brelade
Fields B563, B564 (Part), B565 and B568 La Moye	Conservation area	St Brelade
La Rosiere Headland	Conservation area	St Brelade
Les Leaux Teulees (Creepy Valley) and Field B65 SSI	Conservation area	St Brelade
Field B614 Ouaisne SSI	Conservation area	St Brelade
Field B574 Les Creux Millenium Park	Conservation area	St Brelade
Portelet Headland SSI	Conservation area	St Brelade
Les Creux Agricultural Land	Conservation area	St Brelade
Le Grouin Headland Nature Reserve	Conservation area	St Brelade
Portelet Bay Steps (Opposite Old Portelet Inn)	Conservation area	St Brelade
Vue du Phare Access Road and Land	Conservation area	St Brelade
Land Southwest of Les Ormes	Conservation area	St Brelade
Les Ormes PS, La Rue Carree	Pumping Station/Grounds Maintenance	St Brelade
Mont Nicolle PS, Le Mont Nicolle	Pumping Station/Grounds Maintenance	St Brelade
Elizabeth Ave. PS, Elizabeth Avenue	Pumping Station/Grounds Maintenance	St Brelade
Field 206 PS, La Route Orange	Pumping Station/Grounds Maintenance	St Brelade
Route Orange PS, La Route Orange	Pumping Station/Grounds Maintenance	St Brelade
La Pulente PS, La Route De La Pulente	Pumping Station/Grounds Maintenance	St Brelade
Atlantic PS, La Rue De La Sergente	Pumping Station/Grounds Maintenance	St Brelade
Corbiere PS, La Rue Du Grouet	Pumping Station/Grounds Maintenance	St Brelade
Les Fourneaux PS, La Rue De La Corbiere	Pumping Station/Grounds Maintenance	St Brelade
Route Du Sud PS, Route Du Sud	Pumping Station/Grounds Maintenance	St Brelade
Wayside Slip PS, Le Mont Gras D'Eau	Pumping Station/Grounds Maintenance	St Brelade
St Brelade's 1 PS, Le Mont Sohier	Pumping Station/Grounds Maintenance	St Brelade
St Brelade's 2 PS, La Rue De La Valeuse	Pumping Station/Grounds Maintenance	St Brelade
Petit Port PS, Petit Port Slipway	Pumping Station/Grounds Maintenance	St Brelade
Ouaisne PS, Ouaisne Car Park	Pumping Station/Grounds Maintenance	St Brelade
Les Ruisseaux PS, Ouaisne Common	Pumping Station/Grounds Maintenance	St Brelade
Beauport PS, Beauport Common Car Park	Pumping Station/Grounds Maintenance	St Brelade
Portelet 1 PS, La Route De Noirmont	Pumping Station/Grounds Maintenance	St Brelade
Portelet 2 PS, La Route De Noirmont	Pumping Station/Grounds Maintenance	St Brelade
Beauport	Car Park/Maintenance	St Brelade
Blanches Banques East	Car Park/Maintenance	St Brelade

Blanches Banques West	Car Park/Maintenance	St Brelade
La Cimetiere	Car Park/Maintenance	St Brelade
Corbiere, near the lighthouse keepers cottage	Car Park/Maintenance	St Brelade
La Carriere	Car Park/Maintenance	St Brelade
La Pulente, Sand Dunes	Car Park/Maintenance	St Brelade
La Pulente, Slip	Car Park/Maintenance	St Brelade
Le Boulevard, St Aubin	Car Park/Maintenance	St Brelade
Le Braye	Car Park/Maintenance	St Brelade
Les Mielles	Car Park/Maintenance	St Brelade
Midbay	Car Park/Maintenance	St Brelade
Noirmont	Car Park/Maintenance	St Brelade
Ouaisne	Car Park/Maintenance	St Brelade
Parish Hall, far rear	Car Park/Maintenance	St Brelade
Pont Marquet Country Park	Car Park/Maintenance	St Brelade
Red Houses, Lower level	Car Park/Maintenance	St Brelade
Red Houses, Upper level	Car Park/Maintenance	St Brelade
St Brelades Church, top of slip	Car Park/Maintenance	St Brelade
Tams, St Brelades Bay	Car Park/Maintenance	St Brelade
Woodford	Car Park/Maintenance	St Brelade
Pont Marquet, East	Car Park/Maintenance	St Brelade
La Rosiere car park, Corbiere	Car Park/Maintenance	St Brelade
La Grande Route de la Cote (La Hocq area)	Verge, Trees	St Clement
Green Island	Open area	St Clement
Rue de Jambart	Trees, verge and planter	St Clement
La Bourg	Gardens	St Clement
La Grande Route de la Cote (La Mare area)	Verge	St Clement
St Clem. Coast Rd Car Park	Verge	St Clement
Samares School	School grounds	St Clement
St. Clement	School grounds and playing fields	St Clement
Le Rocquier	School grounds and playing fields	St Clement
St Clements F.C	Playing field	St Clement
F.B Fields	Sports facilities	St Clement
Le Squez	Estate maintenance	St Clement

Summerfield	Estate maintenance	St Clement
Princess Place	Estate maintenance	St Clement
Le Bourg PS, La Grande Route De La Cote	Pumping Station/Grounds Maintenance	St Clement
Le Rocquier PS, Le Rocquier School	Pumping Station/Grounds Maintenance	St Clement
Pontac PS, Rue Du Jambart	Pumping Station/Grounds Maintenance	St Clement
Le Hocq PS, La Grande Route De La Cote	Pumping Station/Grounds Maintenance	St Clement
Le Hocq Lane PS, Broadlands	Pumping Station/Grounds Maintenance	St Clement
Samares Marsh PS, Le Marais	Pumping Station/Grounds Maintenance	St Clement
Maupertuis PS, Rue Du Maupertuis	Pumping Station/Grounds Maintenance	St Clement
FB Fields PS, Plat Douet Road	Pumping Station/Grounds Maintenance	St Clement
Green Island	Car Park/Maintenance	St Clement
La Mare Common	Car Park/Maintenance	St Clement
Le Hocq	Car Park/Maintenance	St Clement
Old Greve d'Azette Station site	Car Park/Maintenance	St Clement
Le Hocq Slip, tarmac area at top	Car Park/Maintenance	St Clement
La Rocquier Impounding Area	Grounds Maintenance	St Clement
Kenneth Faucon Scout Hall Impounding Area	Grounds Maintenance	St Clement
La Blinerie Impounding Area	Grounds Maintenance	St Clement
Grenville Street	Trees	St Helier
Phillips Street	Trees	St Helier
Union Street	Trees	St Helier
Bath Street	Trees	St Helier
Sand Street	Trees	St Helier
Esplanade	Trees	St Helier
Broad Street	Trees	St Helier
York Street	Trees	St Helier
La Rue le Masurier	Trees	St Helier
Clarke Avenue and Queens Road	Trees and garden	St Helier
La Collette (Fuel Farm area)	Verges and gardens	St Helier
South Hill area	Verges and gardens	St Helier
Bingham Gardens	Gardens and conservation area	St Helier
Royal Square	Trees	St Helier
Esplanade and underpass area	Gardens	St Helier

Robin Hood	Garden	St Helier
Queens Road	Roundabout	St Helier
Warwick Farm	Plant Nursery	St Helier
La Route es Nouaux	Verges and trees	St Helier
Liberation Square	Garden	St Helier
West Park area	Planters, tubs and roundabout	St Helier
La Rue le Masurier	Verges and trees	St Helier
Green Street area	Roundabout, verges and gardens	St Helier
First Tower Car Park	Gardens	St Helier
Sand Street Car Park	Garden	St Helier
Pier Road Car Park	Garden	St Helier
Green Street Car Park	Garden	St Helier
Snow Hill Car Park	Garden	St Helier
Route De Fort Car Park	Garden	St Helier
Grainville	School grounds and playing fields	St Helier
Janvrin	School grounds	St Helier
D'auvergne	School grounds and playing fields	St Helier
Mont A' Labbe	School grounds	St Helier
St. James	School grounds	St Helier
Springfield School	School grounds	St Helier
First Tower	School grounds	St Helier
La Motte Centre	Garden	St Helier
Haute Vallee	School grounds and playing fields	St Helier
Victoria College	School grounds and playing fields	St Helier
Victoria College Prep	School grounds	St Helier
Beaulieu Convent	Playing surface	St Helier
Springfield	Playing field and gardens	St Helier
Clos St Andre	Estate maintenance	St Helier
Jardin Des Carreaux	Estate maintenance	St Helier
Pomme D'or Farm	Estate maintenance	St Helier
Oak Tree Gardens 1	Estate maintenance	St Helier
Jack Counter Close	Estate maintenance	St Helier
Hampshire Gardens	Estate maintenance	St Helier

Clos De La Ville	Estate maintenance	St Helier
Vincent Court	Estate maintenance	St Helier
Anne Place Mews	Estate maintenance	St Helier
Beren Gaed	Estate maintenance	St Helier
St Mary's Court	Estate maintenance	St Helier
Brighton Close	Estate maintenance	St Helier
Clearview Place	Estate maintenance	St Helier
Clos Du Fort	Estate maintenance	St Helier
Maesteg House	Estate maintenance	St Helier
De Quetteville Court	Estate maintenance	St Helier
Haut Du Mont	Estate maintenance	St Helier
Faux Bie Terrace	Estate maintenance	St Helier
Journeaux Court	Estate maintenance	St Helier
Kew Gardens	Estate maintenance	St Helier
Maison Du Theatre	Estate maintenance	St Helier
Robin Hood Flats	Estate maintenance	St Helier
Lord Coutanche Court	Estate maintenance	St Helier
37 Midvale Rd	Estate maintenance	St Helier
Normandy Cottages	Estate maintenance	St Helier
Osbourne Court	Estate maintenance	St Helier
10, Raleigh Ave	Estate maintenance	St Helier
St Simon's Court	Estate maintenance	St Helier
Liberation Court	Estate maintenance	St Helier
Town Mills	Estate maintenance	St Helier
29 Columbus Street	Estate maintenance	St Helier
Keith Baal Gardens	Estate maintenance	St Helier
The Cedars	Estate maintenance	St Helier
King George Iv Homes	Gardens	St Helier
Clos De Mont Sejour	Estate maintenance	St Helier
Maritime House	Gardens	St Helier
Police H.Q	Gardens	St Helier
Harbour Area	Planters, tubs and hanging baskets	St Helier
States Analyst	Garden	St Helier

Employment & Social Security	Garden	St Helier
Cavern PS, Snow Hill Car Park	Pumping Station/Grounds Maintenance	St Helier
La Collette Marina PS, La Route Du Veule	Pumping Station/Grounds Maintenance	St Helier
La Collette Power Station PS, JEC	Pumping Station/Grounds Maintenance	St Helier
La Collette Waste Site PS, Reclamation Site	Pumping Station/Grounds Maintenance	St Helier
Victoria Pier PS, Victoria Pier	Pumping Station/Grounds Maintenance	St Helier
West of Albert PS, Freight Yard	Pumping Station/Grounds Maintenance	St Helier
Elizabeth Terminal PS, Elizabeth Terminal	Pumping Station/Grounds Maintenance	St Helier
Weighbridge PS, Liberation Square	Pumping Station/Grounds Maintenance	St Helier
Underpass PS, La Route De La Liberation	Pumping Station/Grounds Maintenance	St Helier
Coal Yard PS, Bellozanne Valley	Pumping Station/Grounds Maintenance	St Helier
First Tower PS, Victoria Avenue	Pumping Station/Grounds Maintenance	St Helier
Elizabeth Lane	Car Park/Maintenance	St Helier
Esplanade	Car Park/Maintenance	St Helier
First Tower	Car Park/Maintenance	St Helier
Fort Regent, inc access roads and south and east ditches within ramparts	Car Park/Maintenance	St Helier
Ann Place	Car Park/Maintenance	St Helier
Green Street	Car Park/Maintenance	St Helier
Hue Street	Car Park/Maintenance	St Helier
Charles Street	Car Park/Maintenance	St Helier
La Collette, Phase 1 reclamation	Car Park/Maintenance	St Helier
La Plage Hotel, near	Car Park/Maintenance	St Helier
La Route du Fort, Cleveland Road	Car Park/Maintenance	St Helier
Midvale Road	Car Park/Maintenance	St Helier
Minden Place	Car Park/Maintenance	St Helier
Patriotic Street	Car Park/Maintenance	St Helier
Pier Road car park, exc levels 13,14,and15	Car Park/Maintenance	St Helier
Sand Street	Car Park/Maintenance	St Helier
Snow Hill	Car Park/Maintenance	St Helier
Victoria Ave lay-bys 1-6	Car Park/Maintenance	St Helier
La Fregate	Car Park/Maintenance	St Helier
Rossmore Impounding Area (Vallee des Vaux)	Grounds Maintenance	St Helier

Victoria Avenue /La Route de la Haule	Gardens	St Helier, St Lawrence, St Peter, St B
La Route des Issues	Verges	St John
Mont Mado	Verges	St John
La Route du Nord	Verges	St John
Parish Church area	Gardens	St John
La Rue de la Mare Ballam	Verge	St John
St. John	School grounds	St John
St Johns F.C	Playing field	St John
Sorel Point Headland and Upper Car Park	Conservation area	St John
Field J25 Sorel Point	Conservation area	St John
La Perruque Land and Car Park (46)	Conservation area	St John
Fremont Headland (North of Field J638)	Conservation area	St John
Rue Des Buttes PS, Rue Des Buttes	Pumping Station/Grounds Maintenance	St John
Route du Nord	Car Park/Maintenance	St John
Sorel	Car Park/Maintenance	St John
Le Douet PS, Le Canibut	Pumping Station/Grounds Maintenance	St John
Les Fontaines PS, Route Du Nord	Pumping Station/ Grounds Maintenance	St John
St John PS, Rue Des Buttes	Pumping Station/Grounds Maintenance	St John
Bonne Nuit PTP, Les Charrieres De Bonne Nuit	Pumping Station/Grounds Maintenance	St John
Mont Mado PS, La Route Du Mont Mado	Pumping Station/Grounds Maintenance	St John
Chestnut Grove PS, La Route Du Mont Mado	Pumping Station/Grounds Maintenance	St John
Thistlegrove PS, La Rue De La Scelletterie	Pumping Station/Grounds Maintenance	St John
La Grande Route de St Laurent	Verge	St Lawrence
Coronation Park	Park	St Lawrence
Bel Royal	School grounds and playing fields	St Lawrence
St. Lawrence	School grounds and playing fields	St Lawrence
St Lawrence F.C.	Playing field	St Lawrence
St Lawrence Arsenal	Estate maintenance	St Lawrence
Bel Royal, Victoria House	Car Park/Maintenance	St Lawrence
la Perquage	Car Park/Maintenance	St Lawrence
Millbrook, Coronation Gardens	Car Park/Maintenance	St Lawrence
Victoria Avenue, lay by 7	Car Park/Maintenance	St Lawrence

Rivage PS, Rue Des Varvots	Pumping Station/ Grounds Maintenance	St Lawrence
Coronation Park PS, La Route De St Aubin	Pumping Station/ Grounds Maintenance	St Lawrence
Le Mont Gabard	Planters	St Martin
St Martins Arsenal	Verge	St Martin
Gorey Gardens	Garden	St Martin
Devon Gardens	Garden	St Martin
Castle Green	Grass and Gardens	St Martin
Gorey Coach Park and WC area	Planters and Tubs	St Martin
Gorey Village Car Park	Garden	St Martin
St. Martin	School grounds and playing fields	St Martin
St Martin's Arsenal	Estate maintenance	St Martin
Haut De La Garenne	Gardens	St Martin
Aviemore Respite	Gardens	St Martin
Navigational Site	Site maintenance	St Martin
Archirondel Car Park (51) and Land	Conservation area	St Martin
St Catherine Woods Walk	Conservation area	St Martin
Rozel 1 PS, La Brecque Du Sud	Pumping Station/Grounds Maintenance	St Martin
Rozel 2 PS, La Vallee De Rozel	Pumping Station/Grounds Maintenance	St Martin
Rozel 3 PS, La Vallee De Rozel	Pumping Station/Grounds Maintenance	St Martin
Rozel 4 PS, La Rue De La Pallotterie	Pumping Station/Grounds Maintenance	St Martin
St Martin PS, La Rue Des Vaux De L'Eglise	Pumping Station/Grounds Maintenance	St Martin
Archirondel Toilets PS, Archirondel Car Park	Pumping Station/Grounds Maintenance	St Martin
Archirondel PS, La Route De La Cote	Pumping Station/Grounds Maintenance	St Martin
Anneport Toilets PS, La Route D'Anneport	Pumping Station/Grounds Maintenance	St Martin
Anneport PS, La Route D'Anneport	Pumping Station/Grounds Maintenance	St Martin
Gorey Pier PS, Gorey Pier	Pumping Station/Grounds Maintenance	St Martin
Faldouet PS, La Rue D'Aval	Pumping Station/Grounds Maintenance	St Martin
Maufant PS, La Rue Potirons	Pumping Station/Grounds Maintenance	St Martin
Archirondel, café	Car Park/Maintenance	St Martin
Bel Val	Car Park/Maintenance	St Martin
Gorey Harbour slip, adjacent	Car Park/Maintenance	St Martin
Gorey Hill, north side	Car Park/Maintenance	St Martin
Gorey Promenade, adj to east of public garden	Car Park/Maintenance	St Martin

Gorey slip, promenade north	Car Park/Maintenance	St Martin
La Crete, quarry	Car Park/Maintenance	St Martin
La Rue de la Haye	Car Park/Maintenance	St Martin
Pine Walk	Car Park/Maintenance	St Martin
St Catherines Bay, near Martello Tower	Car Park/Maintenance	St Martin
St Catherines Breakwater, top of and adj sea walls	Car Park/Maintenance	St Martin
Welcome Inn, north east of slipway	Car Park/Maintenance	St Martin
Le Rondel / Mont des Landes, Impounding Pond	Grounds Maintenance	St Martin
Maufant Village	Estate maintenance	St Martin and St Saviour
La Verte Rue	Verge	St Mary
St. Mary	School grounds and playing fields	St Mary
St Marys F.C.	Playing field	St Mary
Crabbe Range & Archery Field	Open space	St Mary
St Mary's Arsenal	Estate maintenance	St Mary
Castel de Lecq & Fields My108 My109 My110 & My115	Conservation area	St Mary
Les Creux Recreational Land	Conservation area	St Mary
Le Rondin PS, Le Mont De Ste Marie	Pumping Station/Grounds Maintenance	St Mary
St Mary PS, La Route De Ste Marie	Pumping Station/Grounds Maintenance	St Mary
La Frontiere PS, La Rue De La Frontiere	Pumping Station/Grounds Maintenance	St Mary
Les Chasses / The Elms Impounding Area	Ground Maintenance	St Mary
La Rue de la Croix	Verge	St Ouen
Les Landes	School grounds and playing fields	St Ouen
Navigational Site	Site maintenance	St Ouen
La Mielle de Morville Nature Reserve	Conservation area	St Ouen
Le Petit Plemont (Piece Michel)	Conservation area	St Ouen
Becquet de Mielle and Plot 113	Conservation area	St Ouen
Les Landes Headland SSI	Conservation area	St Ouen
Fields O948, O949 and O950 Les Landes	Conservation area	St Ouen
Field O387 (Part) Greve de Lecq	Conservation area	St Ouen
La Pierre Butee Car Park 41 and Land (Secrets)	Conservation area	St Ouen
Les Landes de Grosnez (Bal Tabarin)	Conservation area	St Ouen
Frances Le Sueur Centre and Field O1570	Conservation area	St Ouen
Field O1342 St Ouen Bridle Path	Conservation area	St Ouen

Plemont PS, Rue De Petit Plemont	Pumping Station/Grounds Maintenance	St Ouen
Portinfer PS, Route Du Plemont	Pumping Station/Grounds Maintenance	St Ouen
Milano PS, La Verte Rue	Pumping Station/Grounds Maintenance	St Ouen
L'Etacq PS, Le Chemin De La Brecquette	Pumping Station/Grounds Maintenance	St Ouen
Les Laveurs PS, Les Laveurs Slip Car Park	Pumping Station/Grounds Maintenance	St Ouen
Bas Du Marais PS, Le Mont Pinel	Pumping Station/Grounds Maintenance	St Ouen
St Ouen PS, La Route Du Marais	Pumping Station/Grounds Maintenance	St Ouen
Les Augerez PS, La Ruelle Du Coin	Pumping Station/Grounds Maintenance	St Ouen
Greve De Lecq 1 PS, La Greve De Lecq	Pumping Station/Grounds Maintenance	St Ouen
Greve De Lecq 2 PS, Le Mont De La Greve De Lecq	Pumping Station/Grounds Maintenance	St Ouen
Greve de Lecq, Martello Tower	Car Park/Maintenance	St Ouen
Greve de Lecq, near old harbour	Car Park/Maintenance	St Ouen
Grosnez	Car Park/Maintenance	St Ouen
Les Laveurs Slipway	Car Park/Maintenance	St Ouen
Mont Huelin Quarry	Car Park/Maintenance	St Ouen
La Route de la Haule	Verge	St Peter
La Grand Route des Augerez	Verges	St Peter
St Peters Bars	Verge	St Peter
La Grande Route de St Pierre	Kerb area and verge	St Peter
Beaumont Hill	Verges	St Peter
Perquage	Path, trees and verges	St Peter
L,Avenue de la Commune	Cycle Track, roundabout and verges	St Peter
La Grande Route de St Pierre	Verge	St Peter
St. Peter	School grounds and playing fields	St Peter
St Peters F.C	Playing field	St Peter
Hockey Club	Playing field	St Peter
First Tower F.C.	Playing field	St Peter
La Grand Piece	Estate maintenance	St Peter
St Peter's Arsenal	Estate maintenance	St Peter
St Peter's School Estate	Estate maintenance	St Peter
Clos Saut Falluet	Estate maintenance	St Peter
Le Port Land	Conservation area	St Peter
Field P246 Le Port & Airport Non-Directional Beacon	Conservation area	St Peter

Le Bray Sand Dunes (North)	Conservation area	St Peter
La Route Du Port PS, Rue De La Mer	Pumping Station/Grounds Maintenance	St Peter
St Peter's Arsenal PS, Rue Du Saut Falluet	Pumping Station/Grounds Maintenance	St Peter
Airport Road PS, L'Avenue De La Reine Elizabeth II	Pumping Station/Grounds Maintenance	St Peter
Beaumont, Gunsite	Car Park/Maintenance	St Peter
Goose Green	Car Park/Maintenance	St Peter
Sands Disco	Car Park/Maintenance	St Peter
St Peter's Parish Hall Car Park	Car Park/Maintenance	St Peter
The unnamed road that runs between the Gunsite slipway and La Route de la Haule	Car Park/Maintenance	St Peter
Airport Impounding Area	Grounds Maintenance	St Peter
La Route des Quennevais	Cycle Track, verges	St Peter and St Brelade
La Grande Route de St Martin	Verge	St Saviour
La Route de la Hougue Bie	Verge	St Saviour
Georgetown	Planter	St Saviour
Rue des Pres Industrial Site	Verges and trees	St Saviour
Rue des Pres	Verges	St Saviour
Howard Davis Park	Park	St Saviour
Wellington Road	Trees, hedges and verges	St Saviour
Bagatelle Road	Trees and verge	St Saviour
Oakfield P.F.	Playing Field	St Saviour
Hautlieu	School grounds	St Saviour
Plat Douet	School grounds and playing fields	St Saviour
D' Hautree	Playing field and grounds	St Saviour
Grands Vaux	School grounds	St Saviour
St. Saviour	School grounds and playing fields	St Saviour
St. Lukes	School grounds	St Saviour
Girls College Prep	School grounds	St Saviour
F. C. J. Primary School	Playing field	St Saviour
St Michaels Prep School	Playing field	St Saviour
De La Salle Primary School	Playing field	St Saviour
St Saviours F.C.	Playing field	St Saviour
I.J.B	Playing field	St Saviour

Granville P.F	Sports facilities	St Saviour
Clos Gosset	Estate maintenance	St Saviour
Les Cinq Chenes	Estate maintenance	St Saviour
Gordon Le Breton Close	Estate maintenance	St Saviour
Pre De Talbot	Estate maintenance	St Saviour
Grasett Park	Estate maintenance	St Saviour
Belvoir Court	Estate maintenance	St Saviour
The Ferns	Estate maintenance	St Saviour
Les Ronces	Estate maintenance	St Saviour
Le Geyt	Estate maintenance	St Saviour
Sherland Close	Estate maintenance	St Saviour
Cottage Homes	Gardens	St Saviour
Heathfield Children's Home	Gardens	St Saviour
Greenfields	Gardens	St Saviour
St Saviour's Hospital PS	Pumping Station/Grounds Maintenance	St Saviour
La Hambye PS, Le Vaux	Pumping Station/Grounds Maintenance	St Saviour
Five Oaks PS, Princes Tower Road	Pumping Station/Grounds Maintenance	St Saviour
Paul Mill PS, Les Ruettes	Pumping Station/Grounds Maintenance	St Saviour
Rue a La Dame PS, Grands Vaux	Pumping Station/Grounds Maintenance	St Saviour
Petit Ponterrin PS, Petit Ponterrin	Pumping Station/Grounds Maintenance	St Saviour
Rue Des Pres PS, La Rue Sinnatt	Pumping Station/Grounds Maintenance	St Saviour
Bashfords PS, La Rue Des Pres	Pumping Station/Grounds Maintenance	St Saviour
Le Dicq PS, La Greve D'Azette	Pumping Station/Grounds Maintenance	St Saviour
Baudrette Brook PS, La Greve D'Azette	Pumping Station/Grounds Maintenance	St Saviour
Fountain lane PS, Fountain Lane	Pumping Station/Grounds Maintenance	St Saviour
Georgetown, la Route du Fort	Car Park / Maintenance	St Saviour
Grand Vaux, Impounding Area	Grounds Maintenance	St Saviour
Government House, Impounding Area	Grounds Maintenance	St Saviour
Fountain Lane, Impounding Area	Grounds Maintenance	St Saviour
Bouley Bay	Viewing area/hard surface	Trinity
La Rue de La Maitrierie	Verge	Trinity
La Route de Maufant	Verge	Trinity
Le Chemin d'Olivet	Verge	Trinity

Trinity	School grounds and playing fields	Trinity
Trinity F.C	Playing field	Trinity
Le Reste du Cotil des Vaux (Egypt) PSSI	Conservation area	Trinity
White Rock Land and Car Park	Conservation area	Trinity
Egypt Wooded Cotil	Conservation area	Trinity
Le Petit Pre Nature Reserve	Conservation area	Trinity
Trinity No. 1 PS, La Rue De La Monnaie	Pumping Station/Grounds Maintenance	Trinity
La Chasse PS, La Profonde Rue	Pumping Station/Grounds Maintenance	Trinity
Zoo PS, Rue De La Piece Mauger	Pumping Station/Grounds Maintenance	Trinity
Rue De Dielament PS, Le Maistre Brothers	Pumping Station/Grounds Maintenance	Trinity
Rue Du Travers PS, La Rue Du Travers	Pumping Station/Grounds Maintenance	Trinity
Howard Davis Farm PS, La Route De La Trinite	Pumping Station/Grounds Maintenance	Trinity
Ville es Norman PS, Rue Bechet	Pumping Station/Grounds Maintenance	Trinity
Mont Pellier PS, La Rue Du Hurel	Pumping Station/Grounds Maintenance	Trinity
Le Hurel Trinity PS, La Rue Du Hurel	Pumping Station/Grounds Maintenance	Trinity
Becquet Vincent PS, La Rue De La Garenne	Pumping Station/Grounds Maintenance	Trinity
Victoria Village PS, La Clos Vert	Pumping Station/Grounds Maintenance	Trinity
Bouley bay, Waters Edge Hotel	Car Park/Maintenance	Trinity
Bechet es cats, la Rue des Platons	Car Park/Maintenance	Trinity
Various Roadsides	Branchage - approximately 21 miles	Various
Various coastal footpaths	Footpaths	Various
Various coastal bridal paths	Bridal paths	Various

2. Oral Questions

The Bailiff:

Deputy P.V.F. Le Claire of St. Helier:

Sir, with the request of the Minister for Treasury and Resources, I have been requested to defer this for his answer on the 5th so if I may do that, please.

The Bailiff:

So you want to defer that one to the 5th?

Deputy P.V.F. Le Claire:

Yes, please, Sir.

2.1 Senator F. du H. Le Gresley of the Minister for Planning and Environment regarding the development on the former holiday village site at Portelet Bay:

Does the Minister consider that the fact that a developer has won national awards such as Large Development of the Year, Best Architecture - Multiple Units, Best House and Best Interior Layout should influence any assessment of the impact on our coastline of the current development of 46 apartments and 7 houses on the former holiday village site at Portelet Bay?

Senator F.E. Cohen (The Minister for Planning and Environment):

Prior to my appointment, a scheme to replace the old unsightly holiday camp had been approved and was ready to start. I felt the scheme could be improved upon and urged the appointment of a leading contemporary architect combining the finest landscaping, art and architecture. The applicant commissioned Sir Richard MacCormac as architect, Robert Townshend as landscape architect and Wendy Ramshaw CBE as artist. Sir Richard is a former President of the R.I.B.A. (Royal Institute of British Architects), is the architect of the renowned Ruskin Library and of Quadrangle Oxford University and at a local level, the much-admired Jersey Archive. While I wish it were otherwise, I never had the option of returning Portelet to nature. I chose to seek to deliver a piece of bold post-modernist architecture of the highest quality instead of the approved already inferior design. Portelet, despite the fact that it is still far from complete, has already won 6 major national architectural and design awards and one major international architectural award, and I expect many more to come. We have short memories and many of us have forgotten the appearance of Portelet when the old hideous holiday camp was in situ. Importantly, the MacCormac scheme delivers a reduction in floor space over the old holiday camp of 15 per cent. At Planning, we are used to criticism during the construction phase of significant buildings. There was criticism of the new El Tico when it was shrouded in scaffolding but as soon as the building was unveiled, Islanders delighted in its design. We endured criticism of the Ogier building when shrouded in scaffolding, and it is a now much admired environmental exemplar and a finalist in a major R.I.B.A. award. The present scaffolding at Portelet gives the appearance of a single construction twice the mass of the actual buildings. The architecture cannot even be seen. The Townshend landscaping has not even begun and the Ramshaw gates are not in situ. I urge critics to wait until they see the completed scheme.

2.1.1 Senator F. du H. Le Gresley:

A supplementary please. In 2009, Sky Travel included Portelet Bay in its list of top 10 most beautiful beaches in the world, the only European beach to make that list. Does the Minister agree that by approving this development on the Portelet Headland, he has failed in his responsibilities as Minister for Environment to protect this unique area of natural beauty?

Senator F.E. Cohen:

No, I most certainly do not. To reiterate, a consent had been given a long time before my appointment as Minister. It was ready to start. The scheme, I believe, was an inferior scheme and the current scheme by Sir Richard MacCormac is very much better.

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

Notwithstanding the apparent excellence of the architect, could the Minister say how his department assesses impact on the coastline of developments that are placed around the coast?

Senator F.E. Cohen:

We assess the impact with the greatest care. However, in the case of Portelet, to reiterate yet again, we were not in a position of being able to reassess whether or not a consent should or should not be given. A consent was in place and the developer was ready to start.

2.1.3 Deputy R.G. Le Hérissier:

Was the consent given for a particular height?

Senator F.E. Cohen:

The consent was given for a particular series of buildings. That would have included buildings of a particular height and, to point to the particular issue of height in relation to Portelet, I would stress that the curvilinear houses behind the scheme are nothing to do with the MacCormac scheme and pre-date my appointment.

[9:45]

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

Notwithstanding the merits of the scheme, in these days of high local unemployment, will the Minister consult with the Minister for Economic Development to ascertain the source of the workforce, which is to work on the Portelet scheme to ensure that it is local workers and not imported workers?

The Bailiff:

I am sorry, Deputy, I think that is too far off the original question. **[Aside]** Deputy Le Fondré.

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

The Minister has stated that obviously there was an existing consent in place when he, as it were, inherited the permission and I have become aware of some details of that scheme. Would the Minister be prepared to perhaps circulate to Members some photographs of the previous scheme and the current scheme in order for them to assess the impact?

Senator F.E. Cohen:

I am more than happy to distribute photographs of Portelet with the original holiday camp, which of course is most unsightly, the previous scheme and the latest scheme by Sir Richard MacCormac. However, it is all rather too late because the Sir Richard MacCormac scheme is under construction and will be completed, I assume, later this year.

2.1.6 Deputy M. Tadier of St. Brelade:

In his impressive opening monologue, the Minister remarkably failed to answer the question that was put to him, so I will ask it again, which is essentially does the fact that a developer who has been awarded certain national awards, should that influence any assessment of the impact on our coastline of these proposed apartments and houses?

Senator F.E. Cohen:

I am sorry if Members thought that I had not answered the question. I thought that I had made it clear that the awards are the result of the architecture. They were not the cause of the consent.

The Bailiff:

Very well. Do you wish the final question, Senator Le Gresley?

2.1.7 Senator F. du H. Le Gresley:

Yes, Sir. Can the Minister give us any reassurance that with the new Island Plan, developments of this scale on our coastline will never be allowed again?

Senator F.E. Cohen:

I think I know what the Senator is getting at, and I need to be very careful in this particular area. All I can say is that much of the coastline is included in the new Island Plan as a new national park, but of course it is up to Members of this House whether they wish to approve or not the proposals of the Island Plan.

2.2 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the supply of census information to the United Kingdom Government or the European Union:

Will the Chief Minister advise whether there is any legal requirement for Jersey to supply aggregated or non-aggregated census information to the United Kingdom Government or the European Union and if so, will he explain what information is supplied, for what purposes and under what legal requirement? If there is no current requirement, would he give an undertaking that no information will be given without the consent of this Assembly?

Senator T.A. Le Sueur (The Chief Minister):

There is no legal requirement for Jersey to supply either aggregated or non-aggregated census information to either the U.K. (United Kingdom) Government or the E.U. (European Union) and no information would be given without the consent of the Assembly.

2.3 Deputy D.J.A. Wimberley of St. Mary of the Minister for Planning and Environment regarding the cost of railings and a wall around the new Town Park:

Can the Minister advise how much railings and a wall around the new Town Park will be likely to cost, why this is better than a hedge, whether there has been any consultation on this matter and if so give details? Will he indicate what support there is for this idea in the planning application and plans for the park drawn up by Burns and Nice?

Senator F.E. Cohen (The Minister for Planning and Environment):

The planning application submitted by T.T.S. (Transport and Technical Services) already included containment railings or fencing on the north and south side of the Gas Place elements of the Town Park and some of it is quite high. Containment in this area is necessary as this is the location of the children's play area, the ball and pétanque courts and the workmen's building. The only area of debate is the Talman area. My concern with this area is that now the roads are to be maintained in use, the park must be contained to protect children. Therefore on determination, as a holding measure only, I conditioned the consent requiring the establishment of railings on this area. Hedging alone was considered but it would be permeable and unlikely to provide the necessary safety. A meeting was held this morning with the Parish representatives and the Minister for Transport and Technical Services and we decided to progress low railings and hedging on the north side of the whole of the park.

2.3.1 The Deputy of St. Mary:

I would like a supplementary about the issue of the petition which has been raised, and I just want the Minister to confirm that he does not regard the petition as a full form of public consultation?

Senator F.E. Cohen:

The petition is signed by approximately 300 Islanders who are mostly residents of the nearby area. It is a significant matter. However I think matters are really running ahead of the petition and the decision this morning, in principle, was for low railings all around the park which would be largely subsumed by hedging so there would be hedging behind the railings. This is the way forward and we are progressing that as of this moment.

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

I would just like to ask the Minister has he ever tried being dragged through a hedge backwards or forwards? They can be quite resilient. Does he not think that with a bit of invention, a hedge could be sufficient, with due respect?

Senator F.E. Cohen:

I have been dragged through many hedges. [Laughter] [Aside] There is one option that perhaps would better suit the Deputy and that was considered this morning, and that is that we would erect simple fencing that would be in the centre of hedging so would act as a barrier. However the view

is that that would be very difficult to erect and that there would be problems and ongoing running costs in relation to maintaining the hedge. So the conventional model of low elegant railings with hedging behind was chosen as the preferred option.

2.3.3 Deputy P.J. Rondel of St. John:

Historically, we had railings around the park opposite the hospital all the way down to the monument. These were removed. We have children's play areas and the like within that area on a ring road. Given that the Minister is proposing to put railings on a new park, which at the moment is not even completed, does the Minister think, yes, he is jumping the gun by even proposing railings until we realise whether or not a problem exists, and therefore he will be spending public money that may not be necessary?

Senator F.E. Cohen:

I cannot help thinking we are making a bit of a mountain out of a molehill over these railings. The issue is that we need to contain the area. It is rather like applying the rules of building a new house to an old house and saying: "Why do I need to have fire doors in a new house when an old house does not have one?" The reality is modern safety standards require some containment in the area. What we need to do is to balance that requirement with cost and ensure that we deliver the most cost-effective solution to ensure that children are not able to run into the road and be injured.

2.3.4 Deputy A.E. Jeune of St. Brelade:

Following on from what the Deputy of St. John said, if we are taking railings away from some places, why we are putting them back? Why we have to have both a hedge and railings I do not understand. Perhaps the Minister can give us more logic on that. Also who is going to pay for this please?

Senator F.E. Cohen:

As I have already explained, the proposals included high railings or fencing on the Gas Place site anyway so it is only the Talman site that we are talking about. The Talman site requires some form of boundary to ensure that children cannot run into the road. At one stage, there was a suggestion of closing-off the road. The road is now going to continue to be maintained and traffic will continue to run through. There simply needs to be a barrier. It is pretty simple logic and there would be an opportunity of delivering that through hedging alone but the view of the Planning Department is that that would not provide the necessary safety protection and some form of railing barrier is required, albeit low. We are not talking about something that is more than 3 or 4 feet tall so it is not going to be a significant impact on the visual take of the park.

Deputy A.E. Jeune:

Please, Sir, I did not get the answer to who is going to pay for it?

Senator F.E. Cohen:

It will come out of the budget that T.T.S. administer in relation to the Town Park - the taxpayer. **[Laughter]** If the Deputy would like some idea of cost, the cost of traditional 4 foot 6 high railings around the Talman area would have been around £100,000. I think that we can deliver for significantly less than that by modifying the design and using soft steel.

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

Would the Minister not agree that he is coming at this from a totally fundamentally flawed argument? The small road that is used as a rat run was always going to be closed. Again T.T.S. and the Minister for Planning and Environment have bowed to big businesses that use it as a rat run to get to one supermarket, in particular. Can you go back and rethink this? It is again big business over the residents around the local area and we want the road closed and we want a park for

everybody in there, not for people to use it as a rat run. I do not care how many hedges and railings you put up. If you do not close that road, you are going to have accidents.

Senator F.E. Cohen:

I take the blame for lots of things that are not my fault [**Laughter**] and in this case I can assure the Deputy that the closing or otherwise of the road is not my fault and has nothing to do with me. I am more than happy to convey her concern about the closing of the road to the appropriate department, but I am afraid I cannot participate in providing a solution.

2.3.6 Deputy M. Tadier:

The question relates to fencing in general not just the one area by the children's park. Can the Minister advise what consideration has been given to whether a fence is needed at all or any kind of railing and whether the idea was considered just to have a completely open park which would be completely accessible to everybody at all times of day and why that is not considered desirable?

Senator F.E. Cohen:

We continue to make heavy weather over this. I have already explained that the position is that the park would not be safe without some form of barrier and the barrier at the very least needs to be some form of hedging. It simply cannot be open to allow children to run from the park into the road. We all know the consequences.

2.3.7 Deputy M. Tadier:

If I can have a quick supplementary. It is simply to do with access. Of course there can be different forms of fencing, there can be hedges, but the question is are the fences there to keep people out or are they to keep people in?

Senator F.E. Cohen:

The fences - and they are not fences they are railings - are to stop children running from in the park to outside the park into the road.

The Bailiff:

Deputy Hilton, I gather you have had your light on for a while. I am sorry. Do you want to ask a question?

Deputy J.A. Hilton of St. Helier:

My question was asked by Deputy Martin so I will not mention the road again.

The Bailiff:

Okay. The final question, the Deputy of St. Mary.

2.3.8 The Deputy of St. Mary:

Cost is the issue here I think. Can the Minister confirm that this additional expense of rail plus hedge is due to leaving the road on the north side of Talman open? That is the first point. Can he also confirm that the traffic proposals for the south side of the park are that the road running along the Talman part of the park will be closed so can he tell Members what the safety concerns are in that regard? And I suppose finally ...

The Bailiff:

I think there are 2 questions already Deputy. I think that is probably ...

The Deputy of St. Mary:

Okay, well I was going to ask whether he has ever experienced a barberry hedge. It is quite unnecessary to have railings as well.

Senator F.E. Cohen:

I am beginning to wish the Deputy had stayed in Liverpool with his glasses. [Laughter] The road situation does not help, there is no question about that, and I think regardless of whether the road was used part of the time or all of the time, if it is going to be used any of the time, we need to protect children. What we will now seek to do is to deliver the minimum in terms of a rail barrier at the minimum cost that is aesthetically acceptable for the area as determined at the meeting this morning.

2.4 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding a recent search of a property in St. Ouen:

Will the Minister inform Members of the circumstances that led to the recent abortive search of a property in St. Ouen? Is he satisfied that the appropriate steps were taken to allay a sense of grievance and given the difficulty in identifying addresses, particularly in rural Parishes, is the Minister of the view that before States Police execute searches, they should liaise with a Chef de Police of the relevant Parish.

[10:00]

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

If I answer the question, I need to make it clear that the fact that the police may obtain a search warrant in relation to open premises does not imply anything adverse to the occupant of those premises. The police obtained a warrant to search premises and, in fact, searched the premises which they always intended to search. However, the description of the premises searched was wrong on the warrant because the police wrongly assumed that the premises, which they searched and always wanted to search, were attached to a nearby property. The police have apologised for the error and if a claim for compensation is made, then this will be dealt with in the usual way. That claim would of course have arisen in any event even if the warrant had not been inaccurate. It is my view that the police, when obtaining a warrant and when executing a warrant, should always ensure that the description of the premises is accurate. Where necessary, they should check with local knowledge such as the Chef de Police or the Duty Centenier in a particular Parish. The matter is now subject to a disciplinary complaint made by the occupant, which is now being investigated and this limits how much more I can properly say.

2.4.1 The Deputy of St. Martin:

The question was in 3 parts. Can I just ask a little bit about the second part and that is what was done to defuse the situation because I can inform the Minister that at around 8.15 a.m. that morning, I did contact the States Police to inform them that a mistake had been made and I did suggest that they took steps to allay a sense of grievance. The Minister has now said an apology has been given. Will the Minister just fully inform Members when that apology was given?

Senator B.I. Le Marquand:

I do not know the answer to that question although I did notice in a local newspaper that it was printed there that the police had apologised. It was confirmed to me by senior police officers yesterday that an apology had been given, but I cannot say precisely who made that apology and in what form that was made.

2.4.2 Senator S.C. Ferguson:

Does the Minister not think that the old method of initiating a search by using a local Centenier is to be preferred since you start with the local knowledge inherent in that particular Centenier?

Senator B.I. Le Marquand:

No, I do not think that is always necessary because there will be premises which are well known to the police. They may have been observing them for some time. I cannot say therefore that it is always necessary to have contact with a local Centenier for these purposes.

2.4.3 Senator S.C. Ferguson:

No, I am referring to the practice whereby the local Centenier was in fact the search warrant?

Senator B.I. Le Marquand:

This is going into esoteric areas but my understanding of the law - I see the Attorney General is not here to confirm this but probably will be in fact glad to not be here to be asked this question - but the power of a search of a Centenier was always limited. It was not an unlimited search. My understanding is that the search was for stolen goods effectively. I note a former Centenier, who is nodding in my direction. If so, it could not have covered this type of situation where specific statutory powers have been created in order to enable a search warrant to be obtained. It was clearly not thought by the States at the time that the powers of the Centenier should be extended in this way but it was necessary for a formal warrant to be obtained through the Bailiff as is required by statute.

2.4.4 The Deputy of St. John:

I can confirm what the Minister has said. Anything to do with drugs, *et cetera*, a Centenier or the police had to get a warrant. Will the Minister explain when he said "compensation will be dealt with in the usual way"; can he tell us what "the usual way" is, please?

Senator B.I. Le Marquand:

The usual way is that first of all somebody makes a claim for compensation. Depending upon the value of that claim, it may be referred on to the States insurers because there is an insurance issue here. If it is a very small claim below the amount of the excess, then of course it may be dealt with directly by the police, but the first step is for the person to make a claim and then that claim would be considered either through the States insurers or directly by the States Police themselves. That is the normal practice.

2.4.5 The Deputy of St. John:

Would the Minister accept therefore that if it was dealt with by the police themselves on a small claim, where the cut-off is between small and large, and also that it will be the taxpayer at the end of the day that will pick up the bill?

Senator B.I. Le Marquand:

Yes, that is right. I did try to hint in my previous answer that of course there were circumstances in which the police would make a search covered by a search warrant, and in so doing would do damage to premises and that that might lead to a claim in itself and that, in this particular case, it was not the defective nature of the details on the warrant which made any difference to the situation.

2.4.6 Deputy M. Tadier:

A concern has been expressed that in this particular case, the owner would never have known that his property had been searched had he not come back and found the police in the act of searching it and may have thought that his property had been vandalised. What is the process for informing a property owner once his or her property has been searched correctly or incorrectly? Would they normally be informed or would they just have to presume that their property maybe had been vandalised?

Senator B.I. Le Marquand:

I do not know exactly what the precise rules are followed by the police on this but my view would be most certainly that the owner of premises should be informed that they had been searched, particularly if the process of searching had potentially done any damage to the premises. I would expect that would be the normal rule although I am not able to confirm that it is because I have not been briefed in that area.

2.4.7 Deputy M. Tadier:

A supplementary, Sir. Is the Minister content in this situation that the police would have informed the individual had they not been caught in the act so to speak?

Senator B.I. Le Marquand:

For the reasons I have said, I would expect them to do so. I will certainly take up that issue with the senior management to ensure that that is standard practice.

2.4.8 The Deputy of St. Martin:

I think we all accept that mistakes can happen and they do occur, but I think what we ought to do is take steps to ensure they do not occur again. One or 2 questions have been asked involving the role of the Centenier. It is one of those things that I do feel very strongly about. Would the Minister not consider a greater way of ensuring greater co-operation between the Honorary Police and the States Police that when searches are undertaken, particularly in country Parishes, that the Chefs de Police are informed before those searches are carried out?

Senator B.I. Le Marquand:

It is my view that that would not always be necessary, but there are many cases in which that would be highly desirable. That also is the view of the current leadership of the States of Jersey Police because we discussed that yesterday, and I will go back to them a second time and have further discussions with them to ensure that such mistakes as this of description are not made again.

2.5 The Deputy of St. John of the Minister for Health and Social Services regarding the reinstatement of the Reciprocal Health Agreement with the United Kingdom:

Following a statement in December 2010 by the Chief Minister that the Reciprocal Health Agreement would be reinstated by the end of 2010, and another statement in February 2011 by the Minister for Health and Social Services that it would be in place by the end of March 2011, when is the agreement to be signed?

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

I expect to conclude the new Reciprocal Health Agreement with the U.K. in the next few weeks. This timing was confirmed by Earl Howe, who is the Parliamentary Under Secretary of State at the Department of Health who stated in Parliament on 7th February that the U.K. expects to finalise an agreement with Jersey in the first quarter of 2011. The first parliamentary quarter ends on 5th April and both the U.K. and ourselves wish to conclude the agreement by then.

2.5.1 The Deputy of St. John:

I am very disappointed in the Minister's reply. Given now twice we have been told that it would be done by a certain date and it would appear that it is going to fall over and the reply we get "in the next few weeks". This is totally unacceptable. We were told that meetings were going to be held at a recent visit to the U.K. by our Minister to meet her counterpart over there and things would happen then. They did not and yet we are still getting today "in a few weeks' time". That is totally unacceptable. We need clarity so people can get on with their lives. Will the Minister please give us a date when this is going to happen?

The Deputy of Trinity:

I totally agree with the Deputy that I wish I could sign it as soon as I can, but my officers within the department, as well as the Chief Minister's officers, have been working hard to put this agreement together. I understand it is with Anne Milton who is the Parliamentary Under Secretary of State Department of Health, and I hope we will be signing it within the next few weeks. As I said, the parliamentary session finishes on 5th April and that is a couple of weeks away.

2.5.2 The Deputy of St. Martin:

I think we all know now that this is going to be signed but can I ask the Minister what will happen in the interim period? I think we are all agreed now that there is going to be this agreement signed. If someone has a problem in the U.K., will they be covered now or will they only be covered once the agreement has been signed?

The Deputy of Trinity:

Up until the signing of the agreement, the arrangements stand as they are, that if you need urgent treatment in A. and E. (Accident and Emergency), then that is covered. If you need more acute treatments, unless you were previously employed in the U.K. unfortunately you will have to pay for that.

2.5.3 Deputy M.R. Higgins:

Can the Minister explain the reasons for the delay and can she confirm that the agreement will not lead to any funding benefit to either party, i.e. each side will cover the costs incurred by their citizens in each jurisdiction?

The Deputy of Trinity:

Yes, this is a new agreement and it is the same as the Isle of Man agreement, and Jersey residents will be treated as if they are U.K. residents and *vice versa*. Why it has taken so long is that the Department of Health has to go through a formal consultation and those devolved administrations with Scotland, Wales and Northern Ireland.

2.5.4 Deputy R.G. Le Hérisier:

Notwithstanding the excellent health which the Minister appears to possess after her break, could she confirm that the scope will be precisely the scope of the past agreement and that, for example, if someone requires a very long hospitalisation in the U.K. that this will indeed be part of the agreement?

The Deputy of Trinity:

Yes, it is as if a U.K. resident is a U.K. resident and *vice versa*. The only difference in this new Reciprocal Health Agreement is that it does not cover the costs if you need to be repatriated in the event an Islander is taken ill in the U.K. and is unable to return to Jersey on a conventional flight or by sea. So therefore travel insurance, which is probably good common sense anyhow because it will not cover costs of losing your bags, *et cetera*, will still be needed in some cases.

2.5.5 The Deputy of St. John:

Is the Minister aware that many people cannot get insurance and, given her last reply, it means that people who are seriously ill and cannot travel by scheduled aircraft will have to pick up large bills in chartering a private aircraft or find other means of getting back to Jersey at great expense when people are seriously ill, and does she think this is really acceptable?

The Deputy of Trinity:

This is a new Health Reciprocal Agreement, the same as the Isle of Man. We have been without one for a couple of years and I quite agree it has been totally unsatisfactory, and we are now very close to signing and I think that is a really good point.

[10:15]

I know a lot of Islanders have contacted me asking about reciprocal health, especially with families in the U.K. who wish to come and see their families there. It was not right but this agreement will go a long way to making sure that residents who go to the U.K. will not have to pay for any treatments.

2.5.6 The Deputy of St. John:

A follow-up if I may. Is the hiccup being caused by her department, the Chief Minister's Department or in the U.K.?

The Deputy of Trinity:

He seems to want to blame everybody. This takes time and, as I have said, it goes not only with the Department of Health but it goes with other devolved governments. This is not just with the U.K. It is including Scotland, Wales and Northern Ireland and so their consultation has to go out to those devolved governments and, like with any government, it does take time.

2.6 Deputy K.C. Lewis of St. Saviour of the Minister for Treasury and Resources regarding the future of the former d'Hautrée School site:

Following the submission of yet more planning applications for large developments in the Parish of St. Saviour, will the Minister advise whether there are plans to sell the former d'Hautrée School site as a site for housing?

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

The former d'Hautrée School site was identified as a site to be released for residential development, which supported the business case for the construction of Haute Valleé School. It was included in the 2010 Property Plan for disposal but withdrawn pending a review of the Education, Sport and Culture estate, which is yet to be concluded. In general, disposal proceeds from sites identified as surplus to requirement are an important source of funding for reinvestment in new schools and other essential capital projects approved by the States in the Annual Business Plan.

2.6.1 Deputy K.C. Lewis:

With the new St. Saviour village on St. Saviour's Hill, Chasse Brunet and Patier Road, more developments potentially at Longueville, the former dairy site at Five Oaks and a potential day centre on field 528 opposite St. Saviour's Parish School, if there are any more serious developments in the Parish, it will be absolute gridlock. Does the Minister not agree?

The Connétable of St. Peter:

Certainly I am very much aware of the Parish Deputy's concerns about the level of development in St. Saviour but that is not a matter for the Minister for Treasury and Resources. That is a matter for the Minister for Planning and Environment. Certainly one would need to consider any redevelopment for the former d'Hautrée School site and, I would suggest, must include steps to improve the road access network in that area of St. Saviour. That is normally done by the Roads Engineers of Transport and Technical Services in concert with the Planning Officers responsible for any sort of development in that area.

2.6.2 Deputy G.P. Southern:

Is this a continuation of the policy of selling off any sites to developers rather than using those sites for social rental housing, which is a proven need and does this not run contrary to the thrust of the new Island Plan, which is about to come before the States?

The Connétable of St. Peter:

There are several questions in that. I will try and remember them all. I may need to come back to the Deputy but certainly I do not believe it is running contrary to the Island Plan. We are redeveloping existing, what one could term, “brownfield” sites. But certainly with regard to social housing, the Minister for Planning and Environment has made it very clear that he is looking for the States to provide an additional 150 social rental units for the population of Jersey on top of an initial 12.5 per cent of affordable housing on any development which the States does, and I think the Deputy’s first question was about selling-off to private developers. Certainly without going into the debate we had a couple of weeks ago, the intent is that the S.o.J.D.C. (States of Jersey Development Company) would divert on behalf of the States and that would not have been done by private developers. Hopefully I have covered all the Deputy’s questions.

2.6.3 Senator J.L. Perchard:

The Assistant Minister mentioned brownfield sites in St. Saviour. Could the Assistant Minister inform the Assembly if there are any plans to resurrect the now decaying St. Saviour’s Hospital buildings?

The Connétable of St. Peter:

Yes, I can confirm that we are looking at St. Saviour’s Hospital buildings among several other large property assets which are now redundant. St. Saviour’s Hospital is still partly in use by Health and Social Services and until such time as enough capital has been released to develop new facilities for them up at the Overdale-type of development, there is nothing more we can do at St. Saviour’s Hospital, not until we can get Health and Social Services to release that site. Certainly we are focused in Property Holdings and in Treasury to move that forward, and Health and Social Services are equally motivated to move that forward as well. It will be a matter of time but that certainly is quite high on the progress chart.

2.6.4 Senator J.L. Perchard:

A supplementary if I may. Would the Assistant Minister join me in saying that we must develop all brownfield sites in St. Saviour before looking to develop further green fields?

The Connétable of St. Peter:

That sounds a bit of a challenge to me. I think I would hesitate looking across at the St. Saviour Deputies on the other side of the Chamber to say we must develop all brownfield sites in St. Saviour. I would say I believe that we should develop brownfield sites in preference to any greenfield sites, wherever they may be.

2.6.5 Deputy R.G. Le Hérisier:

Would the Assistant Minister give us the details of the review being carried out of the educational estate? Who is carrying out this review and when will it be completed?

The Connétable of St. Peter:

The Minister for Education, Sport and Culture is looking at that with a panel of other people working with him. That is being handled very much by E.S.C. (Education, Sport and Culture). I believe they are hoping to deliver that later on this year is my expectation - and I see the Minister for E.S.C. nodding at me so hopefully that is correct.

2.6.6 Deputy T.A. Vallois of St. Saviour:

Considering that consent was given when d’Hautrée was moved to Haute Vallée 13 years ago, does the Minister not consider due to the significant development, particularly in St. Saviour since then, that a full assessment of the area should be carried out before any decision is made and, along with T.T.S., endeavour to carry out a full and complete traffic impact assessment before going forward?

The Connétable of St. Peter:

Yes, I do agree with the Deputy. Any large planning proposal must go in front of the Roads Engineers at T.T.S. and must also go through the officers of Planning, and they will require full assessments of that. As part of the normal planning process of any development within a Parish, the Parish officers are always a consultee for input into any concerns they have with that development. So the Parish will have at all times the opportunity throughout the planning process to raise their concerns and to have them answered by either T.T.S. or the Minister for Planning and Environment.

2.6.7 Deputy J.A. Hilton:

Is the Assistant Minister able to tell the Assembly whether any consideration has been given to States-owned sites delivering first homebuyer or social rented housing?

The Connétable of St. Peter:

I can confirm we are looking at States-owned sites to live in both social rental and first-time housing or affordable housing. Certainly there is a commitment to deliver a significant amount of residential, both to first time buyers, affordable housing and social rental.

2.6.8 Deputy R.G. Le Hérisier:

I think the Assistant Minister has touched on it. Will the Assistant Minister undertake to consult the Parish Constable and Parish Deputies before any potential sale of the site?

The Connétable of St. Peter:

As always, I look forward to engaging with the Constable of St. Saviour and his Deputies on any matters.

2.7 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the sources of tax included in the sum of £54 million for 2009 income tax from all trades other than financial intermediation:

Will the Minister provide a breakdown of the sources of tax included in the sum of £54 million for 2009 income tax from all trades other than financial intermediation as mentioned in his written response to Question 6121 on 15th March 2011?

Deputy E.J. Noel of St. Lawrence (The Assistant Minister for Treasury and Resources - rapporteur):

I think this may have been more suitable as a written question but as the Deputy has asked for it to be read out, this is a detailed breakdown of the £54 million by sector.

The Bailiff:

How long is this going to take?

Deputy E.J. Noel:

About 90 seconds, Sir, hopefully.

The Bailiff:

Alright.

Deputy E.J. Noel:

Agriculture and Horticulture, £2.9 million; Fishing, £0.2 million; Manufacturing, £0.3 million; Construction and Quarrying, £7.4 million; Wholesale and Retail, £3.4 million; Hotels and Restaurants £2.8 million; Transport and Communications, £4.5 million; Real Estate Fee Income, £0.3 million; Health and Social Work, £4.1 million; other business services, £16.4 million; other

community services, £12.3 million. These are rounded-up figures and yes if the Deputy does add them up, they come to £54.6 million. I trust that this is acceptable.

2.7.1 Deputy G.P. Southern:

Does the Assistant Minister consider that it would be useful to maintain this list of where we are getting our sources of income from in the light of the change from a single tax rate of 20 per cent to a tax rate of 0 per cent and 10 per cent and, in particular, can he state how a tax rate of 0 per cent is producing £54 million from all services other than financial intermediation?

Deputy E.J. Noel:

I think all valuable statistics are worth collecting. In terms of Deputy Southern's last point, I am afraid that he continually does not understand that business tax comes from partnerships, from sole traders and from some corporations that have 'Schedule A' income, and we will be collecting tax from those businesses and therefore we will continue to have this stream of income.

2.7.2 Deputy M.R. Higgins:

After hearing the Assistant Minister saying it is valuable keeping all this data, I am most surprised looking at the answer to written question 10 from Deputy Southern. Basically, when you read this thing, they say they cannot collect all the information or they do not have it. It is clear as mud, so would the Assistant Minister give an undertaking that they will provide clear data as to where the revenue of the States is coming from?

Deputy E.J. Noel:

We will provide the data that our systems allow us to do so. Some data is easier to collect than others. We have a bespoke computerised system and it is not always easy to extract data from that system in the numerous ways that Members seem to want it.

2.7.3 Deputy M.R. Higgins:

Supplementary, Sir. If it is so difficult because the systems are not there, is this not an essential activity of Government to know where their income is coming so they can prioritise where it is going to be spent and so should they not get their systems in order?

Deputy E.J. Noel:

We do know where our income comes from. What we do not know is necessarily all the different permutations of the detailed breakdowns that Members want.

The Bailiff:

The final question, Deputy Southern. I am sorry, Deputy of St. John, have you got your light on?

2.7.4 The Deputy of St. John:

Yes, please. I have heard this word used a number of times now, usually on the television when I am looking at some futuristic building programme, a bespoke computer system. Will the Assistant Minister please give details of what he means by a "bespoke computer system" and who operates it and who can get the information from it?

Deputy E.J. Noel:

We have had this system for a number of years now. It is a JD Edwards system. It is well known. It is bespoke, in fact, because it has been tailored to this Island and our requirements. Extracting data from it outside the normal activities is not a straightforward task.

2.7.5 The Deputy of St. John:

Can I put a supplementary on that? Given that it is a JD Edwards system and it was put in many years ago now, being in the House at the time and it was problematic then, is the Assistant Minister agreeing that it is still problematic now all these years later and is it time it was changed?

Deputy E.J. Noel:

No, I am not. All I am saying is that Members ask for data in different formats outside the normal requirements.

2.7.6 Deputy G.P. Southern:

I have got 2: I will try and wrap them in one. Can the Minister state what proportion of this £54 million comes from local shareholders and confirm that non-local shareholders are not being charged tax on the dividends they receive from their companies? Will he confirm whether or not the estimates of £54 million and £74 million are to be maintained in 2010 and 2011? Are they going to be roughly the same?

Deputy E.J. Noel:

The Deputy knows full well the Zero/Ten system. Those shareholders who live outside the Island do not pay tax in Jersey. They pay tax in their home jurisdictions. As for estimates, they are exactly that; they are estimates. As we have new information, those estimates may well change.

[10:30]

2.7.7 Deputy S. Power of St. Brelade:

Could the Assistant Minister circulate those figures in writing to States Members? Would that be a problem?

Deputy E.J. Noel:

They are already on Hansard but I am more than willing to forward those figures on to Members.

The Bailiff:

Yes, I must confess, it seemed the question was on the face of it more appropriate for a written question.

Deputy G.P. Southern:

I have got 2 written questions in here. They contain 3 sides of writing, none of them an answer.

2.8 Senator S.C. Ferguson of the Attorney General regarding contempt of the States Assembly:

If an officer employed by the States when discussing a problem with a member of the public tells that person not to contact any politicians about the problem, is that officer guilty of contempt of the Assembly?

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

In my opinion, the answer to the question is no. As far as I am aware, there is no offence in Jersey law of contempt of the States Assembly as such. The concept of contempt of a Legislative Assembly is a complex one and it would take more time if it had been available to research and to consider adequately the question of whether or not the States Assembly ever had and if so retains a penal jurisdiction over non-Members. To the extent the States of Jersey Law 2005 deals with any matters, which in other jurisdictions might be considered such a contempt, then jurisdiction to deal with such an offence is given to the court. However, even if the States Assembly could exercise a penal jurisdiction over non-Members (about which I have doubts), I think it is highly unlikely that the action suggested in the absence of anything else could amount to contempt. Even if it existed,

contempt of the States Assembly, in my opinion, could, absent a statutory provision be no wider than conduct which obstructs or impedes either the Assembly in the performance of its functions or its Members in the performance of their duties in the Assembly. The conduct referred to would not in my view be sufficient.

2.8.1 Senator S.C. Ferguson:

If such a situation presented itself, what is the appropriate action? What remedies are available?

The Attorney General:

That is a difficult question to answer. By “remedies available”, I take the question to refer to remedies by the Assembly as opposed to in other circumstances?

Senator S.C. Ferguson:

Sorry, no, remedies by the appropriate politician or member of the public?

The Attorney General:

I think an answer to that question must inevitably depend almost entirely on the facts of any specific case and the justification for comments, and I have not considered what the answer to that question might be. In general terms however, it might be theoretically possible to suggest, I suppose, that there is a breach of the Code of Conduct issued by the Human Resources Department, which applies to all public servants. There may be a breach of contract involved, depending upon the terms of contract, but it seems to me more likely that the appropriate remedy is via the Minister responsible for the particular department.

Senator S.C. Ferguson:

I thank the Attorney General for his answers.

2.9 Deputy R.G. Le Hérisier of the Chief Minister regarding the salary of the incumbent Director of Social Services:

In the light of the statement on 15th March 2011 by the Assistant Minister for Health and Social Services that the salary of the incumbent director of Social Services was still under negotiation, would the Minister confirm whether this reflects States Human Resources policy and, given the absence of a cap on the ‘Grade A’ pay scale, would the Minister outline the factors that determine a final pay offer?

Senator T.A. Le Sueur (The Chief Minister):

Yes, I can confirm that the reason for the delay in confirming the salary for the post in question was because of issues of States Human Resources policy. There are a number of factors that may determine a final pay offer in a recruitment situation. In the vast majority of cases, this is simply a matter of offering a salary consistent with the evaluated grade for the post, but in a small minority of cases, when dealing with very hard to fill jobs it is sometimes necessary to offer a salary in excess of the evaluated grade rate in order to appoint a good candidate. This is often particularly necessary where the market rates proposed in either Jersey or the U.K. exceed the normal States salaries.

2.9.1 Deputy R.G. Le Hérisier:

Would the Chief Minister confirm then that there was an offer made but it was not acceptable and then this rather bizarre spectacle occurred of ongoing negotiations once indeed the job offer had been made?

Senator T.A. Le Sueur:

It may appear to be a bizarre spectacle but first one has to acknowledge the fact that that particular role was a difficult one to fill, and it then had to be re-evaluated in the light of the concerns of not filling it properly. That has now been done and it now follows the proper procedures.

2.9.2 Senator S.C. Ferguson:

In light of the C. and A.G.'s (Comptroller and Auditor General) report, it appears that salaries are being determined before a job has been evaluated. Can the Chief Minister assure us that this practice will be stopped?

Senator T.A. Le Sueur:

The Comptroller and Auditor General identified one particular area of concern but, in general, he said very clearly that policies and practices were adhered to.

2.9.3 Deputy C.H. Egré of St. Peter:

The Chief Minister indicated that this particular post was hard to fill. Could he indicate how many applicants put their name forward for this post?

Senator T.A. Le Sueur:

That is what I was talking about in general terms about a States pay policy for hard-to-fill jobs. I was not necessarily referring to this particular job in that policy. It relates not only to health professionals but any professional where you have perhaps requirements for specialist legal or accountant skills as well as medical skills.

2.9.4 The Deputy of St. Peter:

Supplementary. Could the Chief Minister indicate how many people applied for this particular job?

Senator T.A. Le Sueur:

No, I am afraid I could not because the recruitment process was carried out by the Health and Social Services Department in accordance with the general policies of the Human Resources Committee, with the exception that we have already discussed, but actual recruitment processes, it would be a matter for that Minister.

2.9.5 Deputy R.G. Le Hérisier:

I think we are quite frankly - maybe for our own failings - in a state of confusion. I wonder if the Chief Minister could outline did he say that this post was not attractive even if it was pegged at Jersey and U.K. scales and then it had to be re-evaluated presumably to make it more attractive? Why was it not attractive even if it was pegged at U.K. scales, and one would have thought would have attracted people at that particular level?

Senator T.A. Le Sueur:

I cannot assess why people do or do not choose to apply for a particular job at a particular level but clearly if they do not then there must be a good reason. It may be because of the salary scale. It may be because of the working conditions or it may be because of other factors. The fact is that one needed this post; this is a very important post to fill. One needs to achieve that and if one cannot do that by any other means, then one has to look at re-evaluating the criteria for that post.

2.10 Deputy T.M. Pitman of the Minister for Home Affairs regarding the publication of the response of the former Chief Officer of the States of Jersey Police to the Wiltshire Report:

Will the Minister confirm whether he was ever advised by the Chief Minister that the former Chief Officer of the States of Jersey Police had requested on 3rd April 2010 that his response to the Wiltshire Report should be published?

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

I have checked my own files and incoming emails, and the Chief Minister's Department has done the same, and I am confident that I had not seen this letter before a copy was provided to me on 25th March of this year. Furthermore, I was surprised by the contents of the letter when I saw it, and although I believed that I may have had some conversation with the Chief Minister about a representation having been made to him by the former Chief Officer at about that time, I am confident that the relevant sentence was not mentioned to me. However, on 2nd August 2010 in the last paragraph of my letter to the former Chief Officer's representative, the former Constable of Gloucestershire, I wrote: "My position is that the statements of witnesses will not generally be going into the public domain but if [and then I name the former Chief Officer] were to ask me to put redacted versions of his statements into the public domain, then I may well agree to this. I would be grateful to you if you could discuss this point with him." I received a reply to that letter dated 15th August 2010, the relevant paragraph of which starts: "Concerning your last paragraph and your proposed position, if [and then the name of the individual former officer] has a view, he will make it known to you." So I myself raised this very same issue in August but never received any response in relation to my inquiry. However, I have recently, on 25th March of this year, written again to the former Chief Officer asking him to tell me precisely what it is that he is now asking me to do.

2.10.1 Deputy T.M. Pitman:

Supplementary, Sir. I thank the Minister for his answer. However, if we can stick with 3rd April, given that Mr. Power could not ask the Minister for Home Affairs direct due to the Minister's stated wish to remain independent, is it not reasonable to think that any request or suggestion about publication of his defence made to the Chief Minister would have been passed on as a matter of course and, with due respect, does the Minister not concede that this really is not acceptable or fair to Mr. Power?

Senator B.I. Le Marquand:

I do have to agree that the ... well he has just been named ...

The Bailiff:

The former Chief Officer is how he should be referred to.

Senator B.I. Le Marquand:

I do not agree that the former Chief Officer could not have written to me directly about this matter. There was quite a lot of correspondence floating around at that time in relation to other matters and I have also looked at that to make sure it was not raised in those, which it was not. However, I would have expected the Chief Minister to have passed on to me any representations, which were being made to him, which clearly were matters which I should consider.

2.10.2 The Deputy of St. Martin:

Will the Minister not accept that it might have been wiser and fairer all round that before he initially published the redacted version way back last July that he had contacted the Chef de Police or the suspended police officer informing him of his actions so that there could have been a joint publication of the Chief Officer's redacted version and also the Minister for Home Affairs'? So in other words, they could have gone out in tandem rather than one side of the argument put forward without the other side having the opportunity to put their case forward.

Senator B.I. Le Marquand:

No, I do not agree with that. Ironically, I was not aware until this letter was sent to me recently that the former Chief Officer was aware of my intentions as early as April 2010. He therefore had ample opportunities to contact me directly to make requests in relation to this. I took the view that

because this was an independent report, which had given full weight to what had been said by the former Chief Officer and which at times indeed quoted what he was saying, that it was perfectly reasonable that this go out in the way that it did. Subsequently when representations were made to me in this Assembly I wrote, as I have indicated, in August 2010 to ask the former Chief Officer what he wanted me to do and he never told me and he still has not told me to this day.

2.10.3 The Deputy of St. Martin:

Can I have a supplementary? I think that the Minister is forgetting that the suspension was a neutral act so therefore the Minister still had a responsibility for the former Chief Officer who had retired at the end of June so, by mentioning it in August, the suspended Chief Officer was no longer a police officer. Does he not accept that his actions were incorrect? He should have informed the Chief Officer before the publication of the redacted form of the complaint so the Chief Officer could have put his side of the story along with the Minister's. By saying it was done in August, it was too late because the Chief Minister had retired.

Senator B.I. Le Marquand:

But we now know that he knew what I was proposing to do as early as April 2010. I also further made my intentions clear in this Assembly at a date I believe in late June or early July as to what I was about to do. There was no matter of surprise here as indeed the letter of April indicates most clearly.

2.10.4 Deputy T.M. Pitman:

I would and I hope this is not too wide of the mark. I am sure you will cut me off at the knees if I have strayed too far. But given that in a sadly related case yesterday in the court an individual who was instrumental in setting up a blog side to rubbish the former Chief Officer of Police was fined just £400 for making death threats on the grounds that they believed that it was a first offence, an out of character offence - when the Data Protection Commissioner has, I am made aware, a file the size of the telephone directory on this individual's actions - is the Minister at all worried about public concern that within this case of the suspension, Haut de la Garenne, that justice is not operating as consistently as we would all wish?

[10:45]

The Bailiff:

I have to say Deputy that is a long way off the original question.

Deputy T.M. Pitman:

It was worth a try, Sir.

Senator B.I. Le Marquand:

I am afraid that I was not going to be able to be very helpful here because I am completely unaware of the particular case to which the Deputy is referring.

The Bailiff:

Very well, we will leave that one for another time.

Deputy T.M. Pitman:

Next week.

2.11 Senator J.L. Perchard of the Minister for Planning and Environment regarding planning applications for Field 528, St. Saviour:

Will the Minister confirm that the process he will follow should an application to relocate the Good Companions Club to Field 528 be submitted to his department will be the same as is currently applied to all applications to build in the Green and Countryside Zones? Before the Minister answers, I think it would be appropriate for me to point out to Members that I have just recently found out that I have technically an interest in that field as a business of which I have a financial interest in leases Field 528. I can assure Members that my interest in this field is not financial in any way. My interest is that I seek to protect this wonderful landmark parcel of agricultural land from development; no more, no less.

Senator F.E. Cohen (The Minister for Planning and Environment):

I confirm that the conventional planning process will apply to any application on the site in line with any other application in the Green Zone or Countryside Zone. Officers have already provided pre-application advice explaining that the current Countryside Zone designation limits the development opportunities and that if a planning application were to be submitted, it would be likely to be considered a departure from the Island Plan and a public inquiry may be called. Subsequent to a public inquiry, the Minister at the time would receive a report from the Inspector prior to determining the application. I cannot at this stage provide further comment as I must not obviously predetermine an application. It should be noted that the new Island Plan proposes the site be designated within the Green Zone.

2.11.1 Senator J.L. Perchard:

Just a supplementary, Sir, if I may. The Minister informed the Assembly just now that there had been very limited pre-application advice given by his department. The Rotary Club of Jersey wrote to Islanders and certainly its members on 18th March saying it is to apply for planning permission to build a new Rotary Community Centre on Field 528. Will the Minister advise the Assembly what, if any, personal involvement has he had in giving formal or informal advice to the Rotary Club of Jersey?

Senator F.E. Cohen:

I have been involved in giving pre-application advice. However pre-application advice is always on the basis that it is without prejudice, and of course all applications must follow the normal procedure, and the potential applicant has clearly been informed that should an application be forthcoming, that the probability is that a public inquiry will be called.

2.11.2 Senator J.L. Perchard:

I feel that I must press the Minister to just put the record straight. Has he been involved in any way in giving formal or informal advice to the Rotary Club of Jersey over this application?

Senator F.E. Cohen:

I have already said, yes I have. However, pre-application advice is on the basis that it is without prejudice and the applicant has been clearly informed that should they come forward with an application at any stage, that such an application is likely to require a public inquiry. I do not think I need to explain further.

2.11.3 Deputy J.A. Hilton:

The Minister has just confirmed that he has been involved in pre-application advice to Rotary who do a fantastic job, and I know that they have been looking for a very, very long time to find a suitable site. Is the Minister able to inform Members whether either himself or the department has given pre-application advice on the Samarès Nursery site at St. Clement please?

The Bailiff:

I am not sure that arises out of the question but anyway.

Senator F.E. Cohen:

I am not sure of the answer. I would assume that at some point there must have been discussions with officers of the Planning Department. Whether that would constitute pre-application advice or not, I do not know. I think Members are aware that pre-application advice occurs on the vast majority of large schemes anyway and it is just a part of the process. There is no obligation on the part of the department to follow through in relation to advice that has been given at the pre-application stage, and it is always made clearly on the understanding that the Minister may or may not have regard to that pre-application advice at the point of determination of the application.

2.11.4 Deputy J.A. Hilton:

Supplementary, Sir. Would the Minister not agree that the Samarès Nursery site in St. Clement is eminently suited to this development?

The Bailiff:

I am sorry, Deputy, you are getting too far off the subject now. Members are straining at the leash this morning I can see in terms of relevance. So Senator Perchard, do you wish to ask the final question?

2.11.5 Senator J.L. Perchard:

Yes, one final question. While there are brownfield sites that could be developed for such a very good cause as a new community centre for the Rotary Club of Jersey, is the Minister aware that should Field 528 in St. Saviour be rezoned for development that most Islanders will lose complete confidence in the planning process?

Senator F.E. Cohen:

I am not quite sure what the purpose of the last supplementary was. I have made it very clear that if there were to be an application, that the application more than likely would require a public inquiry. There will be an open process in relation to that public inquiry. Members are aware now of how a public inquiry operates and of course the right decision for the Island will be made at that time, but I do not want at this stage to be seen to pre-determine an application or to bind a future Minister for Planning and Environment.

2.12 Deputy T.M. Pitman of the Minister for Treasury and Resources regarding the tax requirement for 1(1)(k) category residents:

Will the Minister state what the increase in revenue would be if the tax requirement for the present number of 1(1)(k) category residents was increased to a minimum of £200,000 per annum and advise what hard evidence, if any, he has to indicate that tax breaks for the most wealthy benefit the rest of the Island's taxpayers?

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

This point has been rehearsed time and time again. If I may remind the Deputy that existing 1(1)(k)s either pay tax on all of their taxable income at 20 per cent if they arrived in Jersey before 2005 or at 20, 10 and 1 per cent rates for those who arrived post-2005. Some do in fact pay significantly in excess of £200,000 per year, but to insist that each of these taxpayers does so is simply not appropriate. In some instances, this would result in a tax bill of more than their income and, in many cases, an extremely high effective rate of tax. It would make Jersey uncompetitive and encourage people to leave. Changes of this nature to our tax policy would give a clear indication of instability and discourage new entrants. It would reduce rather than increase tax revenues. This is based on a detailed and thorough review and independent advice. I would suggest to the Deputy that the hard evidence of the benefit of providing tax breaks, as he put it, for the most wealthy is the £13.5 million of direct tax they contribute to our coffers each year, and this

is from a small population of about 130 people. Let us put that in context. That is equivalent to almost 1 per cent on G.S.T. (Goods and Services Tax) if they were to disappear. So that excludes the £50 million to £70 million that it is estimated that they contribute to the economy through their spending, their investment and their charitable activities. I for one welcome their very valuable contribution to our economy and believe that the Deputy is in a very small minority in this Assembly, and in the Island, in being unable or simply unwilling to share that view.

2.12.1 Deputy T.M. Pitman:

So no evidence then? Could perhaps the Assistant Minister explain that given that the award-winning economist Ha-Joon Chang highlights that since pro-rich reforms really began in the 1980s according to World Bank data, the world economy used to grow in per capita terms of over 3 per cent between the 1960s and the 1970s and has been growing at the rate of 1.4 per cent per year - that is 1980 to 2009. Thus despite giving the rich a bigger slice of the pie globally to create more wealth, this in fact has not happened and it is not only morally bankrupt but is redundant and demonstrably so, and is he willing to lead the way in overturning this redundant thinking?

Deputy E.J. Noel:

The Deputy and I are at different ends of the political spectrum. These very valuable 130 individuals and their families contribute £13.5 million to our taxes each year. On top of that, they contribute a further £50 million to £70 million in investment, charitable donations and their spending within the economy. I for one welcome them and I wish we had 130 more.
[Approbation]

2.12.2 The Deputy of St. Mary:

Yes, notwithstanding the wonderful rhetoric of the Assistant Minister, I remember quite clearly some months ago the Minister on the same line of questioning promising a cost benefit analysis of what 1(1)(k)s contributed to the economy and the damage that they might do in various ways. I will not spell those out because he is surely aware of these things, but I remember him promising that this study would be done and I wonder if he could tell us where it is.

Deputy E.J. Noel:

I have already given the benefits. I would like to turn the question around. What are the costs? In my opinion, there are no costs. These individuals do no harm. They do not send their children to States schools. They do not partake of our health service. They have private health insurance. They do not claim income support. They do not drain on our economy. They are givers to our economy, not takers.

2.12.3 The Deputy of St. Mary:

May I ask a supplementary? It is that very answer which shows why a cost benefits analysis is necessary and will the Assistant Minister undertake to look at the question of possible harm as well as possible benefits?

Deputy E.J. Noel:

I repeat, I have given the benefits. I can see no harm.

2.12.4 Deputy M.R. Higgins:

Judging by the lack of information the Assistant Minister has given regarding sources of income derived from companies, both through financial intermediation and otherwise, what confidence can Members take in his estimate of £50 million to £70 million being generated by these people in the economy? They have not got the figures and unless he is prepared to detail those figures, no one is going to believe a word he says. Is that not true?

Deputy E.J. Noel:

Whether people believe me in this Chamber is up to them. All I can say is that that figure has been independently verified and has come from external policies to the Island.

2.12.5 Deputy S. Pitman of St. Helier:

I am a middle-income earner and I would like to ask the Assistant Minister, if I increase my donations to charities, would my tax decrease?

Deputy E.J. Noel:

No, but I am sure those charities will accept your money.

2.12.6 Senator T.J. Le Main:

Having been very involved with decision-making in regard to 1(1)(k)s over 11 years, will the Assistant Minister confirm that 1(1)(k)s generally give millions and millions of pounds to local charities, including one 1(1)(k) who gives £1 million a year at Christmas to old age pensioners? **[Approbation]** Will he personally now stand up and confirm and thank all those multi-millionaires who come in, who provide employment, provide huge sums of money which I know of to local charities and say what a great benefit and asset they are to the people of Jersey? I know that the elderly people value that very much.

Deputy E.J. Noel:

I think the good Senator has done it for me.

2.12.7 Deputy G.P. Southern:

The Assistant Minister stated very firmly that his figure of £50 million to £70 million of revenue generated by 1(1)(k)s had been externally verified. Who made that estimate and who is he saying verified it?

Deputy E.J. Noel:

Without naming the firm, it was a London-based firm of lawyers. They undertook independent research and reported directly to the Director of Tax Policy.

2.12.8 Deputy G.P. Southern:

Will the Assistant Minister permit the tax agent that he just mentioned to release that information to the House?

Deputy E.J. Noel:

I will speak to the Director of Tax Policy to see if under the contract that we have with that legal firm whether or not we are allowed to issue that information on at all.

[11:00]

2.12.9 Deputy T.M. Pitman:

In asking my question, I should point out that I welcome 1(1)(k)s and the £13.5 million. I just would like the rest of it, please. But given that Deputy Southern has highlighted in the past how generally personal taxation has rocketed in contrast to the contributions of business and companies, *et cetera*, could the Assistant Minister clarify how his department feels that asking individuals to pay 50 per cent less than they were a decade and a half ago is compatible to the Council of Ministers' stated commitment to a fairer and more equal society?

Deputy E.J. Noel:

Having a fair and equal society is not all about tax. These individuals come here and bring their families and their wealth and it is to the benefit of this Island. I am going to repeat it again. They give us £13.5 million a year. That is equivalent to 1 per cent G.S.T. I welcome these 130 individuals and I wish we had 130 more. **[Approbation]**

2.13 The Deputy of St. John of the Minister for Economic Development regarding increases in the cost for stationing boats:

Can the Minister advise why the cost has risen from outer harbours like Rozel and Bonne Nuit to station boats on the quays from 85 pence per square metre in 2009 to £3.25 in 2010-2011 plus G.S.T.?

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

The question is somewhat misleading, as the questioner knows. It seeks to compare the old lowest winter rate of 85 pence with the new highest summer rate of £3.25. For a much fairer comparison, the Deputy could have compared the 2 summer rates. The old rate was in fact £2.08 with the new rate of £3.25. As the Deputy of St. John knows from personal experience, charges in outlying harbours are very cheap at an average of £10 per month. It is not right, especially in the current economic climate, that ordinary taxpayers should effectively subsidise boat owners. We are therefore applying more of a user-pays approach following discussions and agreement with yacht club and boat owner associations. Although the increased charges may appear high in percentage terms, they are applied to a historically low charge. By way of example, the 20 per cent increase at the old harbour for a 6-metre boat will only cost the boat owner an extra 6 pence per day.

2.13.1 The Deputy of St. John:

Let me declare an interest. I have no boat in the outer harbours because I know that Members know I have a boat but that is in town. Given that boats are stored in Rozel Harbour on the highway and charges are being made, who receives the revenue, the department, the States or the Parish?

Senator A.J.H. Maclean:

As far as storage charges are concerned on the quayside, the Harbours Department receives the fees from such activities. I should point out to Members that the outlying harbours are somewhat of a problematic issue. They are in fact loss-making, which is the purpose for increasing both mooring and quayside charges in this way.

2.13.2 The Deputy of St. John:

The Minister has not answered the question I asked about the boats being parked on the highway, like at Rozel. Who receives the money, the Parish, the States or his department and what rights have they got to put a charge on the public highway?

Senator A.J.H. Maclean:

I am referring to charges which are in the domain of the Harbours Department, which are the quayside. As far as I am concerned, the quayside is charged by the Harbours Department. The revenues go to the Harbours Department. If boats are being parked, as the Deputy is alluding to, illegally elsewhere, that is another matter. If he would like to provide some evidence and some detail, then I am happy to investigate.

2.13.3 Senator T.J. Le Main:

Is the Minister going to make complaint against the Deputy of St. John for again having misleading questions?

Senator A.J.H. Maclean:

I think that I have made my point when I answered the question. The Deputy will seek to exploit whatever opportunity he can and I do not necessarily blame him for that. I was just merely correcting the issue.

2.13.4 Deputy S. Power:

The Minister has stated on a number of occasions, both this morning and at previous meetings, about harbours that are outside the town area. On what basis does the Harbours Department determine that a harbour is loss-making, and would he not agree that there is a need on the Island for affordable access to the sea?

Senator A.J.H. Maclean:

The Deputy is absolutely right with regard to affordable access to the sea. I can give him an answer in 2 parts. First of all from a revenue income and expenditure perspective, the outlying harbours are losing something like £64,000 per year. On top of that, there is the matter of capital replacements. The Deputy I am sure is aware of the significant expenditure due, for example, at St. Aubin in excess of £1 million. We did a business case for that. The payback period was in excess of 37 years. These are the challenges the department is facing and has to fund one way or another, but it is a wider issue than just for the Harbours Department. It is an issue for the States as a whole to consider replacement and maintenance of essential infrastructure.

2.13.5 The Deputy of St. John:

Yes, given that the Senator thinks I was being disingenuous in my question, I was not at all. It was information I had received from a boat owner. Given that boats in fact are stored on the highway at Rozel and are charged by the Harbours and Airports Department for storage on that highway, who gets the revenue, the Parish, the States or Jersey Harbours, and if it is Jersey Harbours where in law does it say they can charge for boats stationary on a highway?

Senator A.J.H. Maclean:

I think the first thing that we need to do here is establish the actual facts as opposed to potentially hearsay. I have said to the Deputy that I will establish indeed if boats are being parked on the highways, where whatever revenue is being raised is going and the rationale behind it. I am happy to circulate that to the Deputy and Members if they so wish.

2.13.6 The Deputy of St. John:

Is the Minister saying that my facts are incorrect or has he not sent his officers down to check that boats are parked on the highway at Rozel on the roadway up to the café, and therefore if that is the case, he is answering questions or his officers are giving him “duff” information and is that acceptable to give to this House?

Senator A.J.H. Maclean:

Indeed, I have given no, as the Deputy would describe it - I am not sure it is parliamentary language - “duff” information. I am merely stating that if indeed the Deputy has raised a valid concern, we will verify that and provide the appropriate information. I think that is a quite correct way of answering the question. I am not seeking to give him misinformation at all.

2.14 The Deputy of St. Martin of the Minister for Education, Sport and Culture regarding primary school catchment areas:

Will the Minister inform Members why parents who have siblings in a primary school have precedence over parents whose children either live in the catchment area or in the Parish who often have to pass their Parish school to take their children to schools outside the catchment area or Parish?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

We aim to do our best for the child and their family although there are times when numbers of places in some of our primary schools can be a limiting factor. In general, children who live in a school catchment area will be given priority when determining the allocation of places. However,

we recognise that it would be impractical for parents to take their children to 2 or more different primary schools at the same time every day. So if a parent with one child already in compulsory education moves home and locates to another catchment area, priority is given for their siblings to have access to the same school. Finally, as catchment areas for primary and secondary schools do not necessarily take into account Parish boundaries, there may also be occasions when children could be required to attend a school outside of their Parish.

2.14.1 The Deputy of St. Martin:

I do not know if the Minister is aware but of the 28 places allocated to St. Martin, 14 are going to siblings. Will the Minister agree that the current policy of siblings first is eroding the Parish links and the best way to ease that problem is to change the criteria whereby children living in the Parish or catchment have first priority and siblings second? We know at some time or other, there is going to have to be a change and some people will be affected, but if that change is effected now it will obviously save problems in the future.

The Deputy of St. Ouen:

I disagree. It is a bit of a chicken and egg situation because, as I said in my answer, children who live in a school catchment area will be given priority. The only issue is that if parents move out of the catchment area, it is only right that their other children are able to accompany or attend the school of their first child.

2.14.2 The Deputy of St. John:

Given the Minister and his department have signed up to, shall we say, the green revolution or eco-friendly, can it be right for parents to travel from Gorey to St. John or St. Mary or St. Ouen, or wherever it may be, so that their children can go to this other school because of the sibling policy, given that gallons and gallons of diesel, petrol, whatever they are driving in their Chelsea tractors can be burnt and does that stand-up with his green credentials?

The Deputy of St. Ouen:

I hope my green credentials are the same as the Deputy of St. John's. Indeed we do try and accommodate children who live in a catchment area within the schools. However, we do recognise, as I said before, that if a child starts at a school and the parents for whatever reason - and there are many - move out of that catchment area, their other children have the opportunity attend the school of their first child. It is all for continuity purposes and I still support that view.

2.14.3 Senator F. du H. Le Gresley:

Would the Minister agree if the Deputy of St. Martin is particularly referring to his Parish school, that part of the problem of the siblings being allowed places in the school is because it has a nursery school attached whereas I believe nearby Parishes, in particular Trinity, does not have that and therefore there is an increased demand to use St. Martin's Primary School?

The Deputy of St. Ouen:

I would agree with the Senator that not all of our primary schools have nursery schools. However, allocation to nursery schools does not necessarily mean that those children move through into the reception classes because we acknowledge that it would be unfair and unjust because of the fact that not all primary schools have a nursery school. I think that St. Martin's is in a particular position where it is close to a number of other large development areas and there are pressures on the school that go beyond what we would normally class as a rural primary school.

2.14.4 The Deputy of St. Martin:

In the criteria for allocation, having a special reason for wishing to attend a specific school is listed in third position. Will the Minister inform Members why that criteria is not made known on the

application form so that parents could make their reasons known at the time of applying for a school and not learn about it when they have been refused a place at the school of their choice?

The Deputy of St. Ouen:

I am struggling to understand the Deputy's concerns because my information is that we are very clear about the criteria that we use to determine allocation of places in our schools. Also we make parents well aware that they are able to use an appeal system if they disagree with the decisions made by my department. So unless the Deputy can provide me with actual evidence that this is not the case, I struggle to understand what I could be doing in addition to what I am already doing.

2.14.5 The Deputy of St. Martin:

I have come prepared with the evidence so maybe will the Minister accept the evidence that there is nowhere on the application for parents to list their special or specific choice for a school?

[11:15]

The Deputy of St. Ouen:

I would absolutely accept any evidence and, in fact, I am really disappointed with the Deputy that he chooses, rather than come to me immediately with the information at hand that this issue can be addressed in the most appropriate manner, that he chooses to use this public forum to promote a particular issue.

2.15 Deputy R.G. Le Hérissier of the Minister for Planning and Environment regarding the modification of a listed building:

What latitude, if any, exists to modify a listed building such as Sion Chapel given proposals for alternative uses?

Senator F.E. Cohen (The Minister for Planning and Environment):

For some years, I have endeavoured to assist the church officers in providing a solution to Sion. We need to balance conserving and restoring the most important easternmost buildings with a practical understanding of the changes necessary to the western range of buildings. This balance will provide the financial sustainability to maintain the historically important church. This could mean that the western buildings may be lost and the area redeveloped. I have stressed to the church officers that I will take a flexible approach to planning issues in order to deliver a financially viable solution. Part of the problem from the perspective of the local church officers is that it would seem that a large part of any funds realised for a partial sale would revert back to the Methodist Church's central fund and may not be hypothecated for the maintenance of Sion. I am more than happy to engage further with the church officers at short notice and am anxious to deliver a workable and viable solution.

2.15.1 Deputy R.G. Le Hérissier:

It is pleasing, as with fencing, that the Minister is not wedded to one particular view. Would the Minister accept that, for example, the provision of a floor within the church would make it much more acceptable to alternative ideas and, indeed, there has been, I understand, an approach, for example, from a body wishing to develop a community organisation within the church?

Senator F.E. Cohen:

A practical solution to the church is something that I am very keen to deliver, as I have already explained. It is perfectly possible that a structure that does not affect the existing church can be built within the church and that could provide a perfectly acceptable and usable space and a solution from the planning perspective.

2.15.2 Senator J.L. Perchard:

The Minister said that there is priority to conserving and restoring those buildings on the Historic Buildings Register such as Sion Chapel. Does the same policy apply to the almost identical chapel on Route de Trodez, St. Ouen and how many chapels does the Minister wish to conserve and restore and how many green fields does he propose to build on?

Senator F.E. Cohen:

The Senator is being rather naughty. He knows perfectly well that I have no intention of building on green fields and indeed the Island Plan that has been placed in his hands - and I hope will be a cure for any insomnia that he may suffer from - is based around enshrining the protection of the countryside for the next 10 years. As far as the Methodist Churches are concerned, I believe that there are 15 properties. It would clearly be preferable to preserve all 15 although I think in practical terms that is unlikely. One of the problems is the central pooling of funds and a mechanism needs to be designed to enable the Methodist Church as a whole to apply whatever funds are received from the sale of disused buildings and use those for the maintenance in perpetuity of the remaining buildings.

2.15.3 The Deputy of St. John:

I am concerned that the Minister is putting so much emphasis on funding if something is sold. That should not come into it in my book. That said, being the Chairman of St. John's working party, the Parish are concerned that we could finish up with derelict building in our Parish if planning and others take forever to come up with a reasonable solution to this. Will the Minister give us an indication when something sensible will come from his department in relation to historic buildings that things can move forward, not only in St. John but in other areas and I am thinking of up in the north of town with another big building that has been in headlines recently.

Senator F.E. Cohen:

The Deputy seems to seek to blame the Planning Department for the lack of the opportunity from the owners of a building or the potential developers of a building to come forward with proposals. If the owners or potential developers of any building, whether it be a listed building or any other building, wish to obtain pre-application advice in relation to that building, I am more than happy to assist in providing that pre-application advice within the constraints that I have outlined in a previous answer.

2.15.4 The Deputy of St. John:

The Minister did not pass any comment re. the funding because is it within his brief to find out what properties are worth and whether or not the money should be reinvested in that particular site because to me I do not believe it is in his brief.

Senator F.E. Cohen:

The Deputy clearly did not understand the point I was making, which was that for the church at Sion to be retained in part, there will need to be a provision of funding for its maintenance. The idea was that the enabling development of the western end of the site could provide that funding, but there are structural problems within the Methodist Church in relation to hypothecating the receipt of those funds.

2.15.5 Deputy R.G. Le Hérissier:

Yes, to confirm, if there were to be a resolution or a mutually acceptable resolution to the funding problems or the building, for example, were to be leased rather than purchased outright, can the Minister confirm that if there were to be proposals, which sympathetically kept the outer fabric of the church, he would look at a proposal, for example, which entailed, for example, the insertion of a floor, which would make the revamping of that building so much easier and perhaps acceptable to community groups?

Senator F.E. Cohen:

The Deputy is an Executive Member of the National Trust. The National Trust has fought long and hard for the preservation of many buildings, and I am sure that he is proposing something that will greatly complement and assist the building and its long-term survival. I am more than happy to look at his suggestion, in fact, go even further and to say that within the constraints of the planning application process, I would initially offer pre-application support to such a suggestion.

2.16 Deputy G.P. Southern of the Chief Minister regarding discussions with pupils of F.C.J. Primary School regarding school milk:

Will the Chief Minister inform Members what he said to the pupils of FCJ Primary School when he met them to explain his decision to stop the funding for their school milk?

Senator T.A. Le Sueur (The Chief Minister):

The report in the *Jersey Evening Post* on 8th March 2011 is an accurate report on my visit to the pupils at FCJ. In that report, I was correctly quoted as explaining to pupils that, in the States, we often had to make difficult decisions which did not please everyone but the States made a democratic choice.

2.16.1 Deputy G.P. Southern:

In explaining the difficulties of making the decision, did the Chief Minister point out that what he chose to spend his money on rather than school milk was £400,000 to Jersey Finance to increase their activities which could have paid for school milk for 3 years?

Senator T.A. Le Sueur:

What I pointed out to them - and remember they were 4 or 5 year-olds - was that the States acted as a democracy - although I tried to use a simpler word than “democracy” - and that that it was a majority of States Members who decided, not myself.

2.16.2 The Deputy of St. John:

Given that, can the Minister confirm that various States departments receive milk on a daily basis and does his department or the Treasury Department pick up the bill for all this milk that is delivered to States departments and, if so, would that money not be better spent on giving it to our children?

The Bailiff:

I am not entirely sure what to make of the question. Anyway, Chief Minister, it is to do with milk, I suppose.

Senator T.A. Le Sueur:

It is to do with milk. I have no idea what arrangements departments make in respect of milk for their departments. That is to me effectively a separate matter.

2.16.3 Deputy G.P. Southern:

Did the Minister, in addition, talk about the positive contribution that milk makes to a balanced diet and point out that milk was an improvement on coming to school with a bag of crisps and a can of coke?

Senator T.A. Le Sueur:

This sounds like a promotion or rehearsal for a forthcoming proposition from the Deputy on reinstatement of milk, but I did discuss with the children the benefits of a balanced healthy diet and I did ascertain that the majority of the pupils in that class did have milk before they came to school

in terms of their porridge or cereal or other breakfast meal. So I have no doubt that they do have the relevant intake of calcium which they need and they have it in an appropriate way.

2.16.4 Deputy G.P. Southern:

A supplementary if I may, Sir, since the Chief Minister has strayed on to the grounds. Is the Chief Minister confident that a reaction similar to the opinion that he got that the majority of the students had already had some milk that day would be found in all of the schools, particularly in the towns?

Senator T.A. Le Sueur:

I have no idea. I was reporting on what discussions I had with the pupils at FCJ Primary School.

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

The Bailiff:

Very well then that concludes Questions on Notice. We come then to Questions to Ministers Without Notice and the first period is to the Minister for Housing.

3.1 Senator F. du H. Le Gresley:

Does the Minister propose to increase rents in 2012 and if he does, will he be liaising with the Minister for Social Security before he does so?

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

We will be reviewing our rents as part of the transformation programme. Whether that will translate into an increase or not, I do not know at the moment but naturally, in reviewing that, I will consult the Minister for Social Security and other interested parties.

3.1.1 Senator F. du H. Le Gresley:

A supplementary on that one. Does the Minister believe that the present system of keeping States rents at some 90 per cent below market or perhaps lower than market is a form of rent control, and does he propose to look at rent control in the private sector as well as the States sector?

Deputy A.K.F. Green:

I think the whole issue of rents does require looking at and not least the system that we have for supporting people with their rents in the private sector. That needs to be looked at. The whole system needs to be reviewed and I am not sure whether increases will bring about the desired effect in terms of income. So I think the whole thing needs to be looked at, and I am keeping my mind open on that but it is a stream of work that I am currently undertaking.

3.2 Deputy G.P. Southern:

If I may, a point of clarification from the Minister. The Minister has said that he will be looking at rents in the transformation programme. My understanding is the transformation programme will be a White Paper some time later this year and no decisions will be made about what is happening with that for at least 2 years. In the meantime, is he going to be putting up his rents outside of the transformation programme, which is a far longer time scale? Is that what the Minister is saying? Is he saying he is not going to put up the rents until the transformation programme has been signed-off?

The Bailiff:

Deputy, I am counting that as your question.

Deputy G.P. Southern:

No, Sir, it is a point of clarification.

The Bailiff:

No, it is a question. It is question time.

Deputy A.K.F. Green:

No, I am not saying that. What I am saying is that obviously rent review will be part of the transformation programme. We will be looking at it in the short term. What is clear to me in my short time in office is that the current system is unsustainable and this is a personal view, not the view of the department, I have to add, and I am not sure that we have done the best by people in the private rental sector, inasmuch as I think that we may have inflated rents rather than supporting people that we need to support with the current system. So it needs to be looked at. It will be part of the transformation programme. Whether I will do something in the interim will depend on what I find.

The Bailiff:

Do you want your supplementary, then?

3.2.1 Deputy G.P. Southern:

Does the Minister for Housing see any signs of recovery in the housing market which might enable him to sell off any more of his social rented stock in order to carry on with the planned projected maintenance and refurbishment schemes that he has in-plan?

Deputy A.K.F. Green:

Regretfully, I do not see any signs in that inasmuch as we will be able to sell off more houses to enable us to get on with the work. I think we will hopefully see an upturn fairly soon but at the moment there is no evidence to support that. But I do need to find other ways of getting the work done, but £45 million of outstanding work or £47 million depending on who you speak to, we need to get that. I can say that Clos Gosset will be starting at the end of April.

[11:30]

So we are undertaking it. Pomme d'Or Farm will happen later on this year; as people know, something I have a particular interest in. But in sale of houses generally as a policy, it is not something I subscribe to but I accept that we have to be pragmatic, we have to realign our stock and we have to find the money from various different sources to carry out the work, so that we can be proud of the accommodation that we give our social housing sector.

3.3 Deputy K.C. Lewis:

In recent times, Housing have moved many of their tenants away from oil-fired central heating to electrical central heating. Many seniors reported to me that their electricity bills have increased dramatically and in some cases more than doubled. Is the Minister aware and will he undertake to investigate?

Deputy A.K.F. Green:

I have already heard these concerns. I am told that sometimes people are not comparing like with like and they are forgetting that, for example, the massive costs in oil and gas that other consumers are having to put up with. The thing that I am advised is that electrical heating needs to be undertaken with significant improvements in installation. If you get that right then the overall costs are reduced. That said, I have not seen the evidence to support that. So I have a meeting with the Managing Director of the J.E.C. (Jersey Electricity Company) planned for next week, when I can start to look into this.

3.4 The Deputy of St. Mary:

I just want to start by saying that the current population policy is to increase the population of the Island by 150 households every year. I just want to ask the Minister whether his job of providing

sufficient housing on a very small land mass, in the light of an ever-increasing population, is basically an impossible task and how he relishes running to a standstill when he is a marathon runner. Will he be pressing in the Council of Ministers for a more sensible approach?

Deputy A.K.F. Green:

That is quite a wide question to which I am going to give a concise answer to say that this is another stream of work that I am looking at at the moment. People will know that I have only had the post a short while. The danger is - and I will come to the point in a minute - if I try to do everything I will achieve nothing. So I am going to concentrate on the transformation programme particularly. I will be reviewing the policy in terms of migration. We have a migration policy debate coming up. There is lots of work to be done there. So the answer is; I am keeping my options open for what is best for the Island.

3.5 Senator T.J. Le Main:

Will the Minister be placing amendments to the Island Plan on sites, such as Samarès Nurseries and Le Quesne's Nurseries in St. Clement, to enable his department to develop and provide affordable and social rented homes for the elderly, for which they - the Housing Department - are in desperate need and in fact a much-increasing need to have local people in affordable rental homes?

Deputy A.K.F. Green:

I have received the Draft Island Plan today. I will be looking at it. Whether I will be bringing amendments to it, I do not know yet. But what I will say is that there are a vast numbers of sites that we can develop today if we can find the money without asking the Minister for Planning and Environment to find more. So I am keeping my options open on the St. Clement one. I want to get on with the job, but we need to find the money to do it. The sites exist. The Senator knows we need the money to do the job.

3.5.1 Senator T.J. Le Main:

Could I ask; in response to that question, will the Minister confirm that these sites could be developed right away by funding which could be had as a private company of the Housing Department and if the Housing Department was allowed to borrow money against these sites? The other site he is talking about, of course, is different. This is a totally new concept.

Deputy A.K.F. Green:

The Senator is right. If we had the funding we could do it. That is what the transformation programme will be exploring.

3.6 Deputy M.R. Higgins:

Is the Minister happy with the performance of housing trusts, such as Brunel Management who threaten their tenants with eviction without following procedures which incorporate natural justice or Voisin-Hunter who, in one case, will not ensure their tenants have clean, as opposed to dirty, tap water?

Deputy A.K.F. Green:

I cannot be happy at all with what the Deputy describes. If he brings the individual cases to me I will deal with it. His question in response to housing trusts; housing trusts make a valuable contribution to this Island, without which our social housing sector would be far worse off. I think we should acknowledge that. That said, I think part of the transformation programme is to regulate housing trusts and to regulate housing, because we are not much better. We have 20 per cent of our own accommodation we should be ashamed of. So we need regulation, but a regulation should apply to all social housing providers.

3.7 Deputy J.A. Martin:

Mine was along the lines of Senator Le Main. I am quite disappointed to hear the new Minister for Housing, who is not going to fight his corner because of Samarès. But the question is; he also said the money ... we would have money, could have money to develop and he needs to find another funding stream. How far along the line is he? Has he considered bringing back the States Loan Scheme, even if it is in a different guise, because this will help and it will enable people to buy and developments to continue very quickly?

Deputy A.K.F. Green:

I was a recipient of the supplementary States Loan Scheme, so I know how good it can be. I think last year only one States loan was made. That is not surprising when you consider, and I cannot remember the figure, but it is something like £140,000 is the maximum loan, which is going to go nowhere. I do want to look at this. I have a view and I am quite happy to share it with Members - although I have to say it is my own view, it is uninformed, I have not discussed it with anyone - that tying-up millions of pounds of States money is not something that would work today. However, we could look at whether we could support people in terms of guaranteeing interest rates above a certain level. In other words, the banks have comfort knowing that if they support somebody that, if interest rates rise, that then we will be able to help them. But it is just an idea, something I am exploring. So the quick answer to the Deputy is; yes I am going to explore States Loans.

3.8 Deputy A.E. Jeune:

Would the Minister please confirm that any of the sites he is looking to build on do not include green fields?

Deputy A.K.F. Green:

Absolutely.

3.9 Deputy S. Pitman:

Just to carry on from what Deputy Higgins was talking about. I would just like to ask the Minister where his department is in regulating housing trusts, because we have had a talk about it and nothing has seemingly been done. I brought a case to him. He is aware that a trust... there is serious damp problems with some of their housing. We know that if ... some of these people need protecting and that is through regulations.

Deputy A.K.F. Green:

As I said before, the regulation of all social housing, in my view, will be part of the transformation programme. I am not just talking about it. I met with all the chairs of the Housing Associations, including a couple of the smaller ones, recently and they very kindly sent their Chief Executive over from the U.K. in one of the charities. We had a very frank and useful discussion the Friday before last, when I laid out the requirements, as I see it, in the transformation programme and in the regulation. Regulations should apply to all social housing. If there are individual cases, certainly the good Deputy has brought me a couple of cases which I have helped deal with, if there are individual cases where there are problems, bring them to me and I will deal with them on an individual basis.

3.9.1 Deputy S. Pitman:

Supplementary, please? In the interim before this transformation programme is complete and the regulations are finalised, and the Minister is aware of one particular trust which has serious damp issues, what preliminary measures can he take or will he take to alleviate his problem?

Deputy A.K.F. Green:

I can only say that on each individual case, I will do what I can. Members must bring them to the department and to me and we will investigate them and take whatever action is needed.

3.10 Deputy P.V.F. Le Claire:

Would the Minister agree that there is just not enough social housing provision at the moment within the States remit to house people in Jersey? The housing waiting list that has been published on the website recently is a great advance. I thank him for that. But I would like to also put out this morning, if I can, 10 people or at least 3 families on that list are deemed to be homeless. There is nothing the Department for Housing can do because it does not have any stock. The housing trusts should be investing more in new housing provision and it is just not happening.

Deputy A.K.F. Green:

To take the latter point first, that will be part of again my transformation programme, that there are surpluses being built-up by trusts. We will be looking for appropriate reinvestment. In terms of the current waiting lists they are unacceptable. We do not have enough social housing. We need to do something about that. I am working on it.

3.11 Deputy R.G. Le Hérisier:

Could the Minister tell us what has been the most surprising thing he has found since he became Minister?

Deputy A.K.F. Green:

That you cannot do anything right. No. I think the breadth of the job, in as much as I naively thought it was only about social housing, the role is much, much wider, including migration. I am enjoying the role terrifically. I am going to absolutely prioritise my workstream. I have about 6 or 7 months left. If I try and do everything I will achieve nothing. I will try and bring this transformation programme to a point where it is ready to go after the next Assembly has been elected.

3.12 Deputy A.T. Dupré of St. Clement:

Will the Minister just agree that once you have your new sites at Le Squez and the ones opposite the Co-op, it will make a big difference to your waiting list?

Deputy A.K.F. Green:

Yes, particularly Salisbury Crescent (opposite the Co-op) will make a difference, because what that will do is allow us to move people who want to move. We are not forcing people to move. People who want to downsize, who want to be in town. That will enable us to offer much needed suitable family accommodation as people move along through the system. We have about 34 new units from memory coming on line fairly soon and that will help. Le Squez will help as well. So it is not all negative, but there is a lot of work to do.

4. Questions to Ministers without notice - The Chief Minister

The Bailiff:

Very well. That brings questions to the Minister for Housing to an end. So we come to the second period, which is questions to the Chief Minister. Deputy Trevor Pitman?

4.1 Deputy T.M. Pitman:

I thank the Chief Minister for his answer regarding payments outside of contract with early termination of contract; £255,000 shared between 6 people. Could the Chief Minister clarify how these payments are agreed and under what format?

Senator T.A. Le Sueur (The Chief Minister):

The Deputy is talking about individual cases. The general policies are laid down by whatever is in the contractual arrangements or by what it states in Employment Board policy. There is, for

example, a policy on voluntary early retirement and other matters such as that. Departments follow that policy and would have to notify and get acceptance from the States Employment Board for the exceptions to that policy.

4.1.1 Deputy T.M. Pitman:

Supplementary, Sir? Could the Chief Minister just clarify whether that £255,000 includes any chief officers of departments, please?

Senator T.A. Le Sueur:

I do not believe it does, but I cannot be certain.

4.2 The Deputy of St. Martin:

Yesterday there was a joint media statement by the Chief of the States Police and Her Majesty's Attorney General of Jersey. I will just read the first paragraph: "We are very pleased that a certain gentleman and 5 other men who conspired to smuggle cannabis with a street value of more than £1 million into Jersey are to remain in prison and serve out their sentences for their crimes." Is the Chief Minister also pleased with that news and will he be making that fact known, maybe in writing to the States Police and to the Attorney General?

Senator T.A. Le Sueur:

I am sure we are all pleased to know that the appeal was unsuccessful and that justice has been done and been seen to be done. I can certainly make those feelings known to the police and the Attorney General, but I do not believe that would be necessary. I believe they are perfectly well aware of the situation.

4.3 Senator J.L. Perchard:

On 12th October last year the Minister for Planning and Environment advised the Assembly that the Chief Minister had referred to the police for investigation allegations made by a Member of the States of historical planning corruption on a grand scale.

[11:45]

Therefore, as nearly 6 months have passed since the allegation was made and nearly 6 months since the referral, is the Chief Minister able to provide an update on the investigation or at least advise Members if the inquiry is ongoing?

Senator T.A. Le Sueur:

I share the concerns of the Senator that some of these investigations seem to take an inordinate length of time and do not seem to show much sign of progress. All I can say in this particular case is that I am aware that the matter is still ongoing. I do not have an update, because I do not get an update from the police until their inquiries are complete.

4.3.1 Senator J.L. Perchard:

Just a supplementary if I may? Will the Chief Minister agree to make a statement to the House once the investigation has been concluded?

Senator T.A. Le Sueur:

If it is possible to do so within the confines of legal requirements I will do so. If, of course, any such conclusion is linked to possible prosecution then it would not be possible to make a statement until such time as the matter has been resolved.

4.4 Senator F. du H. Le Gresley:

Could the Chief Minister provide Members with an update on progress with drawing-up terms of reference for a Committee of Inquiry to investigate historical child abuse?

Senator T.A. Le Sueur:

I am pleased to do that. I have been discussing that with officers. We have been engaged in trying to draw-up terms of reference. I am hopeful that those can be drafted next week in order that I can discuss them with Senator Le Gresley and other people who are interested before finalising them and bringing them back to the House for approval, together with the ongoing details of how that might be implemented.

4.4.1 Senator F. du H. Le Gresley:

Could I have just a supplementary on that, Sir? Could the Chief Minister confirm that he has had discussions with the Minister for Treasury and Resources and identified a source of funding for the Committee of Inquiry?

Senator T.A. Le Sueur:

The matter of funding for this Committee of Inquiry is a matter of concern to myself, the Minister for Treasury and Resources and, I believe, the Public Health Committee. The proposition in its original form indicated a cost of £500,000 and it was that proposition which the States agreed to. I have very grave doubts that the review could be properly carried out for a sum of that nature. One of the aspects which you have to consider in terms of reference is the financial implications of that. I think we have 2 clear messages from the States. Unfortunately they conflict with one another. We want a wide-ranging inquiry, but we also do not want to incur the costs. We have to try and resolve that decision, of course, with discussion on the terms of reference.

4.5 The Deputy of St. John:

Firstly, can I give the condolences to the French family who lost somebody in the accident with Condor yesterday? **[Approbation]** Given the accident yesterday, can the Minister update the House exactly where the accident happened, whether it was in Jersey territorial waters, international waters or French waters? If in Jersey waters, it has been reported that the investigation can be undertaken by the French. If that is the case, can he give the reasons why, please?

Senator T.A. Le Sueur:

The accident took place in French waters. It will be investigated by the French authorities in conjunction with the Bermudan authorities, because the boat is a Bermuda-registered boat and with the assistance of the Jersey Police. I would add my condolences. I would reiterate that expressed by the Deputy of St. John and also add that this gave a good example of the way in which the Channel Islands Coastguard is working extremely well with the French authorities and the U.K. authorities in maritime activities. It is unfortunate that the co-operation had to be put to the test in this sort of way, but I am very pleased that it was very well co-ordinated between the different parties concerned.

4.5.1 The Deputy of St. John:

Will the Minister instruct the Minister with responsibility for harbours and airport to bring a statement to the House in due course on the incident, please?

Senator T.A. Le Sueur:

I think it is going to be a matter for the Minister concerned to decide whether there is information of relevance to bring to the States in due course. The matter has been widely reported and indeed a media release has been issued by the appropriate authorities. If there is anything useful that can be added by a Ministerial Statement I am sure the Minister concerned will do that.

The Deputy of St. John:

On a point of interest for the Minister, some of the statements that were issued yesterday are not correct and they need to be correct if the department is making statements to the media. Therefore, that is why I am asking if a statement could be made in the House. Thank you.

4.6 Deputy G.P. Southern:

The Chief Minister was reported in a Scrutiny Panel as stating that the existence of income support as a safety net may discourage people from saving. Does the Chief Minister not accept that the disincentive to save is created by the punitive 20 per cent deemed interest that is supposed to be obtained from any savings in income support?

Senator T.A. Le Sueur:

I was not addressing the Scrutiny Panel in terms of income support specifically so much as the need to encourage savings generally. In that context, I pointed out a variety of reasons why it is less likely that savings are occurring to such an extent at the current time, including the unfavourable interest rates and rates received on investments, but also the effect that a benefit system may, in some cases, discourage savings.

4.6.1 Deputy G.P. Southern:

Supplementary, Sir? Does the Minister accept that a 20 per cent rate on deemed income from savings is punitive and would discourage the elderly from saving?

Senator T.A. Le Sueur:

No. One has to look at the whole system. The Deputy quotes one figure in isolation. He needs to look at the whole arrangement; matters such as the disregards and other interplays with other benefits before making statements of that nature.

4.7 Deputy M.R. Higgins:

Following on from the Deputy of St. Martin's question and the Chief Minister's response, does the Chief Minister believe that so far as police investigations are concerned, or generally, that the ends justify the means?

Senator T.A. Le Sueur:

I believe that the police are not above the law. I am sure that the Minister for Home Affairs will be ensuring that the inquiry currently being carried out by an independent group is clearly seen through and the outcomes implemented.

4.8 Deputy A.E. Jeune:

Would the Chief Minister advise, please, whether there is something, for example a clause, in States' policies which excludes information related to clinical staff being provided when questions are asked of such positions, for example question 18 of the written questions today excludes information related to clinical staff who may be employed under interim agency or any other such type? Thank you.

Senator T.A. Le Sueur:

I am reluctant to answer a question like that with any degree of categorical nature because it is outside my immediate sphere of knowledge. I can look into this and respond to the Deputy if she would like to give me a written or an oral question. I cannot at this stage immediately look at the answer and give any such advice to her which I could justify.

4.9 Deputy J.A. Martin:

From what I can only describe as the debacle of the States of Jersey Development Company last week, can the Chief Minister, in particular, assure the House when he is telling us that a proposition

is completely time sensitive that he is absolutely sure. In hindsight, would he not have been better to adjourn for 2 weeks and he would not be in the predicament that he is in today? Thank you.

Senator T.A. Le Sueur:

We all make decisions in this House on the basis of what we believe to be the right thing to do. I do not think I would change the way I act. I am not particularly happy with the situation, but we are where we are.

4.9.1 Deputy J.A. Martin:

Sorry, the question was about the accuracy of the ... the Chief Minister told us 2 weeks ago it was absolutely time sensitive that it had to be debated and then we all got an email to say he had it wrong. Now I do not know who was advising him, but will he look into it and make sure that they do not make such statements again?

Senator T.A. Le Sueur:

I apologised at the time or as soon as I realised that that statement was wrong. I did make the apology. I do not believe that was the crux of the issue which caused the confusion. It was, in my view - and it is in my view - important that the new arrangements for S.o.J.D.C. are implemented as soon as possible, because we are all for some time of the view that the current arrangements are unsatisfactory.

4.10 The Deputy of St. Mary:

Can I take the Chief Minister back to the Committee of Inquiry? He mentioned the terms of reference several times in his reply to Senator Le Gresley, but he did not refer to the form the inquiry might take. Can the Chief Minister confirm that all ways of carrying out the necessary work are being fully looked at? Can he also tell Members what has been done to involve all stakeholders in this process?

Senator T.A. Le Sueur:

I agree that as well as the terms of reference we will need to look at the form the inquiry might take. I do believe, however, it is important to establish the terms of reference first, because that will determine to some extent the form that the inquiry will take. I am well aware of the need to obtain the views of a wide variety of people, including those who have suffered abuse during that situation and recognising that they come from a variety of sources and are not represented by a single body, that would be one matter which we will need to discuss with the other States Members in how that can best be achieved to give a balanced outcome.

4.11 Deputy P.V.F. Le Claire:

I am sure the Chief Minister and all Members will join with me in commending your message of condolence and sympathy to the people of Japan last week. In regards to that, and not wishing to detract from it, there are some concerns about the management of this ongoing disaster in terms of how it is affecting not only products but also people that have left the country and are entering into other countries that are radioactive. Would the Chief Minister undertake to conduct a report to present to Members, so the public can have their fears allayed in regards to incidents that might occur or may involve these sorts of issues and people in Jersey? Because Flamanville certainly is within the same sort of distance as Tokushima was to the people that have been evacuated.

Senator T.A. Le Sueur:

I appreciate the concerns which the Deputy has expressed, and which I know other people also share. I can advise the Deputy that there are ongoing monitoring arrangements in Jersey and the other Channel Islands with a body called Rimnet, which is a radioactivity monitoring network. They do have an ongoing programme constantly monitoring the levels of radioactivity for that sort of thing.

The Bailiff:

I am afraid that brings questions to the Chief Minister to an end. There are no matters under J.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

Under K, Statements on Matters of Official Responsibility. First of all the Assistant Minister to the Chief Minister will make a statement regarding the Draft Control of Housing and Work (Jersey) Law and the Draft Register of Names and Addresses (Jersey) Law. Assistant Minister?

5. Senator P.F. Routier, Assistant Minister to the Chief Minister - statement regarding the Draft Control of Housing and Work (Jersey) Law 201- and the Draft Register of Names and Addresses (Jersey) Law 201-

5.1 Senator P.F. Routier (Assistant Chief Minister):

As we move toward a debate on new laws to manage immigration and for public authorities to share name and address data, it is important that recent misconceptions are laid to rest and concerns allayed. This is why today I want to explain why the new proposed system will be more effective and cheaper, and that an identity card is not planned. As far as the general public are concerned they will have an updated social security card, which will also show their residential status. They will use this card only when they start new work or purchase or lease property. At no other time will they be required to produce or carry their card. A photograph is not being proposed, because most Islanders already have photographic identification to use alongside the card. It is not felt necessary to create another type, especially bearing in mind the risks this could bring; for example, around identity theft. The updated social security card will avoid the need to apply for housing consent and will mean employers can be certain about their ability to take on a new recruit. This is why these simple cards will reduce costs and improve compliance. The new rules will also be more effective and cheaper for other reasons; for example, name and address data will be shared between public authorities for statutory purposes and collection methods will be combined.

[12:00]

For example, income tax, manpower and social security returns will be combined and the change of address notification provided to different departments can be also combined. There will also be simpler rules and less red tape for businesses; for example applications will no longer be needed to recruit staff who are entitled. To support this, a replacement I.T. (information technology) system will be needed. It is estimated that this will cost £565,000, but we believe we can reduce these costs. This system will replace the existing Population Office I.T. systems, which are over 12 years old, and will also provide a platform for online service to Islanders in the future. In addition, the annual costs of administering the outdated 1949 Housing Law and the 1973 Regulation of Undertakings and Development Law will be reduced by £33,000. So if we continue with the existing legislation we will be continuing with the existing costs and savings and improvements will not be delivered. This is an opportunity to have a modern set of rules by which Islanders, governments and business can work together and also achieve a financial saving. If any Member wants to discuss these important proposals with me or our officers, please do not hesitate to ask.

The Bailiff:

Very well. Members have up to 10 minutes to ask questions. Deputy Martin?

5.1.1 Deputy J.A. Martin:

I would like to thank the Assistant Minister; he did meet with me and his officers. I had a few concerns. Overall I am now quite supportive. I just have one observation; in the first line, again, of the statement: "New laws to manage immigration." We have got exactly what is on the tin, Control

of Housing and Work (Jersey) Law. Would the Assistant Minister not agree that this is what we have? We are changing something, it will not manage immigration into Jersey.

Senator P.F. Routier:

The title of the law has been changed from what people were expecting a migration law to control, as the Deputy has quite rightly said. The information that we will receive from this new system will enable us to control the level of population to whatever the States decided. If the States decide that they want a migration ... whatever policy they want, whatever number of people they feel should be in the Island; this legislation will help to achieve that. The tap can be turned on and off by this legislation.

5.1.2 Deputy A.E. Jeune:

Could the Assistant Minister advise whether he has considered the use of smart cards, which could facilitate other departments such as the Health Department as to a person's entitlement to free hospital treatment, their blood type, their allergies, specific medical or health issues, *et cetera*? If he has, why has it not been progressed and if he has not, would he?

Senator P.F. Routier:

The type of card that we are proposing within this legislation suits the needs of this legislation only. There are obviously possibilities to do other things, but we have not looked at taking it to wider purposes, as far as the Deputy is suggesting. But there is the possibility within the legislation to bring regulations to this House to assist with health screening. For instance, any public authority which wants to come to this House with regulations to do something else can achieve that by bringing something to this House. But for the purposes of this legislation it has been kept as simple as we possibly could do.

5.1.3 Deputy G.P. Southern:

On that very point, the Minister said this card will not be required on any other occasion apart from housing and work. But there are regulations enabled in this law to allow any Minister to bring to the House a request to use this card or this register for another purpose. Are we not in danger of doing the worse possible case, which is having a simple law initially but one which is subject to mission creep, as every Minister says: "Oh, I could use this for another purpose" and just bolting-on secondary legislation on to what is basically a simple system to do 2 things?

Senator P.F. Routier:

I think what we need to focus on is the purpose of the law that will be coming forward. What we are trying to achieve is a simple system, which will control the housing and work, and also bring forward the registration of names and addresses. We have designed it in that way, so that it is as simple as it possibly can be. The worry that the Deputy has about mission creep; it will be a conscious decision for this House each time any Minister wants to bring anything forward. The House will then say yay or nay to whether they approve of that or not. As far as this legislation is concerned the information that would be on the card will achieve what we need it to.

5.1.4 Deputy G.P. Southern:

If I may, a supplementary, Sir? Following on from the particular case that was just referred to by a previous questioner about entitlement to free treatment at the hospital, if there is any advantage to be gained by the use of this card then surely we have a big security risk if anybody finds somebody else's card and can attain that benefit using somebody else's card with no photo on it, it is not very secure. Can the Minister reassure us that that sort of thing will not be allowed to happen?

Senator P.F. Routier:

The worry that the Deputy has is one of the exact reasons why we are keeping this as tight as we possibly can. We are not extending it to those purposes. I think Members need to just focus on

how simple and tight we are keeping this. As the Deputy says, there is a regulation which would allow further enhancements at a later stage, but for our purposes we are not going there at the present time.

5.1.5 Deputy T.A. Vallois:

There are members of the public that are extremely concerned that this will cost a significant amount of money at a time when we should be saving. Although the Assistant Minister tries to reassure in the statement it only gives me reason to ask that he provides a cost benefit analysis as to how much it is currently costing to run these 2 laws separately by 3 departments and how much it will cost if it is introduced.

Senator P.F. Routier:

Yes, I am very happy to do that. We have obviously done that work. The current legislation, the Housing Law and the Regulation of Undertakings and Development costs £814,000 a year to administer. What we are proposing is that it will cost £781,000 to run, but there will be some fees charged for various things, which are going to be consulted upon with the business community, which will reduce that charge to the States. The Treasury are asking us that there be a full cost recovery basis, so we will need to look at how those charges are made. When you compare to what we currently have, when people want to transact on a house they have to pay a fee for housing consent and there are various fees for hawkers' licences and all that. So all of that is being reviewed and is going to be consulted on, but on the basis we are aiming for a full cost recovery of the costs.

5.1.6 Senator F. du H. Le Gresley:

The Assistant Minister has been trying to allay concerns, he says in his statement. In particular I would like to draw to the fact that the photograph is not being proposed. So I would ask the Assistant Minister why it says on page 12 of the introduction to the law: "A regulation-making power permits the States to include the holder's photograph on the card." Surely if any member of the public read that, their fears would not be allayed?

Senator P.F. Routier:

The Senator is quite right. The reason that is in the report is because there are different views out there. The Social Survey that was carried out a year or so ago asked us a question about whether people would be happy with having a photograph on a card and the Island was split; it was about 50:50 whether people would like a photograph on it. It was felt that when we were drawing-up the legislation that it would be possible to have a photograph put on, but for our purposes what we are saying is we do not need a photograph. When somebody has a simple social security card they would use their ordinary identification, e.g. their passport, in conjunction with the information which is on the social security card. That is the reason it is in the report.

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

I did attend the presentation offered by the Assistant Minister and I was very grateful for that. However, in that presentation part of the failings of the current system is that there are not enough compliance officers going around enforcing and checking and making sure that the regulations work. Can the Minister give the assurance that, in the figures he has given to the Assembly, he will readdress this, by factoring-in more compliance officers? Because otherwise the regulations as proposed will not be as effective as the Assistant Minister is promoting.

Senator P.F. Routier:

Yes, certainly. There are 2 mechanisms for compliance in this new system. There are obviously the individuals - manpower - going around checking things. I have to say, the enhancements there are going to be with pulling together all the information from the various departments through the housing, social security and tax sources, because it is combined manpower returns, the compliance

is going to be a lot, lot easier than what we currently have, because they are all different pieces of collecting of information. But now with all the consolidation of all that information the compliance is going to be a lot, lot tougher. But if we are going to be looking at employing more staff for compliance... well, that is a matter we shall have to put into the Business Plan to see if the States are prepared to give more resources to that. As I say, the compliance is going to be a lot tighter with the combining of all the information.

5.1.8 Senator S.C. Ferguson:

The Minister stated that it was a means of controlling immigration. Is this absolutely realistic? Surely the only way to control immigration is through border controls?

Senator P.F. Routier:

I honestly cannot recall saying it would be controlling immigration. This is controlling access to work and access to housing. If I did say it, I do apologise, but I cannot recall having said that. We all know that border controls for British citizens and E.U. nationals... it is not possible coming into Jersey. So people can come to the Island, but the tried and tested way of attempting to control our population is through our existing housing legislation and Regulation of Undertakings and Development. This is going to be replaced by a lot tighter and a lot more stringent legislation through the control of housing and by way of legislation.

The Bailiff:

Very well. I am afraid the time has run out, so that brings questions to the Assistant Minister to an end. We come next to a statement which the Chairman of Health, Social Security and Housing Scrutiny Panel will make regarding the income support benefit review. Chairman, just before you make it, the Greffier has advised that there was an issue over whether you had the consent of your panel that is required by Standing Orders. Has that now been granted?

6. The Chairman of the Health, Social Security and Housing - statement regarding the Income Support Benefits Review

Deputy G.P. Southern

Consent has been granted, yes.

Connétable D.W. Mezbourian of St. Lawrence:

May I just tell the House that it was not a consensus; I have dissented from the chairman making this statement.

The Bailiff:

So, chairman, the statement?

6.1 Deputy G.P. Southern (Chairman of the Health, Social Security and Housing Scrutiny Panel):

I do not know whether Members have had time to read the latest report; I suspect not. But I wish to take the opportunity to illustrate a number of the points made in S.R.3/2011 - Review of Benefit Levels - by reference to one of the hypothetical case studies. If Members find the whole report tough going, and it is a bit tough, then may I recommend that they read the case studies, which clearly set out the issues involved in what is inevitably a complex piece of work. I wish to take you though the case study of Marie. Marie is 26 and rents a one bedroom flat. Her basic needs are covered by the basic components of income support ...

Senator P.F. Routier:

Is this public information all ready? I have read it ...

The Bailiff:

No. The Chairman is making a statement about the fact that ...

Senator P.F. Routier:

I have read the report and I ...

The Bailiff:

The Chairman is perfectly entitled to make a statement. Ministers do it regularly when they are announcing something. [Laughter]

[12:15]

Deputy G.P. Southern:

Thank you, I am very grateful for that intervention. Her basic needs are covered by the basic components of income support that total £140.70 per week. Until recently Marie was sofa-surfing, which is sleeping on a friend's couch, and had been for 2 months. Despite looking for accommodation which was affordable, she had been unable to find anything suitable. During this time her weekly income support to meet her basic needs was £92.12 as a non-householder. This points to the lack of affordable social rental housing with occurs in the Island now. As a single, fit and healthy young person with no special needs, Marie is not eligible for States Housing, despite being a low earner. She is therefore one of the 30 per cent of all income support claimants who rent in the private sector. After 2 months of searching she is lucky to have found a one-bedroom flat at the fair rent level of £152.53 per week. Her rent, therefore, in this case, is fully covered by the accommodation component of her income support, but it points to certain defects in the housing waiting list. When we add together her basic and rent components, we found that the rent constitutes over half of her overall income support level. Her total maximum income support is £293.23 per week or £15,000 annually. Marie finds full time work, 37.5 hours at the minimum wage of £6.20 per hour. She therefore earns a gross weekly wage of £232.50 which is £218.55 net after social security contributions. Her earnings are topped-up by income support to the amount of £113.04 a week. This points to the dominance of the rental component and how the combination with the low minimum wage produces high dependency on income support. Marie's employer asked her to increase her hours to 40 hours a week, an additional 2.5 hours a week. Her gross earnings rise to £248, her take home pay to £233. Her income support, however, falls to £101. This means that the extra wages of £15.50 only give rise to a net increase in income of £2.56. Her additional hours had a real hourly rate of just £1.02 as she faced an effective deduction rate from social security contributions and income support withdrawal of 83 per cent for every pound of additional earnings. Marie worries about being made redundant, but realises that if she were she would only be £40.92 worse off, if she were unemployed. She works out that she would just be able to manage on £293 a week she would get even if she were unemployed. But what this points to is that income support earnings disregards and tapers give poor incentives to work. Some weeks later it is pointed out to Marie that if she continues to work for 40 hours a week her gross earnings over the year will rise to £12,900 and that this is above the tax threshold of £12,650. By working the additional 2.5 hours a week, she has made herself eligible to pay tax. She is £133 better off a year, but is now liable to pay tax at the marginal rate of 27 per cent on £250 of her earnings, an additional tax bill of £67.50. Here is a serious defect, I believe, in that there is an overlap between income tax thresholds and income support thresholds it is possible to receive money and to pay. That is an inefficient method. Does Marie's income from income support mean that she is in relative poverty? The after-housing cost relative income low income threshold for Marie, taken from the Jersey Income Distribution Survey 2009/10 data is £210. If she continues to work for 40 hours a week her net income after she pays her rent will be £181.62 leaving her substantially below the low income threshold. It may well be that income support levels are in fact set too low. I believe this report is thorough and comprehensive. It should form the basis for a much improved

and better focused social policy strategy over the coming decade. I hope that the Minister for Social Security will accept it as an accurate and positive contribution to future decision making on low incomes. I would like to take this opportunity to thank all those who have contributed in any way to this report, especially the members of my panel and the officers concerned for their dedicated efforts. Thank you.

The Bailiff:

Very well. Then there is an opportunity for questions. Deputy Gorst?

6.1.1 Deputy I.J. Gorst of St. Clement:

The chairman in his report's foreword talks about inherent structural faults in income support. This is in direct contradiction to a written submission to his panel by the Citizens Advice Bureau which says this: "We remain fully supportive of the concept of a universal means tested benefit and believe that the income support scheme requires tweaking rather than wholesale reform." Therefore, could the chairman justify his statement in light of this clear evidence from a respected non-partisan and local organisation?

Deputy G.P. Southern:

I believe the statement he is making came from the previous chief of Citizens Advice Bureau and I believe that when the current chief reads the report he will start to understand what I refer to as basic structural defects. I really would like not to be commented at from across the Chambers, as often happens.

The Bailiff:

Senator Le Main, would you please ... no, no, do not interrupt the speaker.

Deputy G.P. Southern:

The Senator can believe what he believes and I will believe what I believe. The new chief of C.A.B. (Citizens Advice Bureau) will become aware of what I refer to as serious defects in the structure and the interaction with other social and taxation policies, which mean that income support, while a move in the right direction in unifying all benefits and centralising the administration is good, then in fact we have not got it right and we have got it far from right at the moment. It needs a thorough overhaul.

6.1.2 Deputy I.J. Gorst:

Would he admit that his comments are quite discourteous to the previous head of the Citizens Advice Bureau? I understand that the submission was presented on behalf of the Citizens Advice Bureau as a whole and it was the combined contribution of the Bureau and not just an individual's comments. He says, and I am pleased that he admits that there are structural problems with income support ... we will see from his statement that at least the first 3 points are in relation to housing and not necessarily directly ... he can lay at the door of income support. He knows that work is going on in this regard. He then says that an individual would be £2,000 better off working and yet his conclusion is that the work and disregards are not working. I am afraid he cannot have it both ways. The evidence he is presenting is not backed by fact.

The Bailiff:

What is the question, Deputy?

Deputy I.J. Gorst:

I am asking him why he believes he can have it both ways? Why is it that he is saying one thing but the evidence he is presenting is something else?

Deputy G.P. Southern:

I certainly meant no offence to anyone at C.A.B. by my remarks, and that certainly was not my intention. However, I believe that the figures we have produced point clearly to what is effectively very low incentives to either find work or to increase working hours within the system. The disregard and tapers are such that people end up working effectively for a pound an hour. Those incentives must be improved if we are really going to achieve what the Minister says he wishes to achieve, which is to get people back to work. Those incentives, as he admits himself, require improvement, otherwise we will not be dealing with an in-work benefit that incentivises work and we should do.

6.1.3 Deputy A.E. Jeune:

Can the chairman please explain why he expects the hardworking taxpayer of the Island to pay more to allow the unemployed benefit levels to grow to 60 per cent of median income without such persons doing a stitch of work, as identified in Chapter 12 of his report, Finding 6, and why does his report not include results from the major public survey his panel conducted last year? How much time and money was spent on this? Why have these results not been given in the report? Thank you.

Deputy G.P. Southern:

That was a worthy effort. **[Laughter]** The first statement was about asking hardworking families to pay more tax. This report does no such thing. It says that those hardworking families may well, at this very minute, be being made redundant and need to be supported properly. What it does say - and here we go again, still hearing comments - is that we should not take the cheap and easy option of cutting the level of benefits at this time, because the level of benefits are already shown to be possibly less than adequate to support people properly. I forget the second half of the monologue, but if the Deputy would like to repeat the question I will give it a ...

The Bailiff:

I think it was quite a long question. I think other Members wish to ask questions as well, Deputy, so if you do not mind we will move on.

6.1.4 The Connétable of St. Lawrence:

I sense that Members are somewhat bemused at the statement that the chairman has made today, simply by reading a large tract from the report and I wonder whether he will tell the House what value he thinks he has added to the report by making a statement in this form?

Deputy G.P. Southern:

I believe that Scrutiny has a duty to draw on every occasion they can... to draw attention to the essential facts that are contained in reports in order that they are not misinterpreted and not used for other means or not spun by Ministers when they respond to particular points that are being made. I believe this report is accurate and contains lots, as the Minister himself points out, that he says is merely finessing the system. In that case, I hope to see that the recommendations it puts forward are brought forward by that Minister in short notice.

6.1.5 Deputy M.R. Higgins:

It may have been partly answered, but my question is; I have just read the Minister's press release on the panel's report, which to my mind looks pretty wishy-washy, and I would like to ask the chairman's view of the Minister's response to his report. What does he think of his comments in relation to the report?

Deputy G.P. Southern:

I think I may well have already given a part answer to that, but the Minister refers to a mere finessing of the current system. Therefore, what I believe are substantial recommendations, if he regards them as just finessing I think there would not be a problem in a positive response from the

Minister when he finally gets to mull over and fully consider his response that many of these recommendations will be accepted.

6.1.6 Deputy R.G. Le Hérissier:

One of the attentions in the design of a welfare system is providing enough for people less well-off so they can have an adequate life, but not providing enough so that they are disincentivised from working, and this is addressed. Surely the logic of the statement or the case study presented by the chairman is that the gap should be wider, which seems a rather strange outcome. Secondly, could the chairman speak on whether the panel looked at the whole issue? I have no problem with proper welfare entitlements. What I do have problems with is when welfare systems tip into welfare dependency. Did the panel look at this issue and what solutions did they come up with in the Jersey context?

Deputy G.P. Southern:

As the Deputy full well knows, it is not the role of the Scrutiny to come up with alternative policies. That is a nightmare. So [Aside] ... if the Deputy would not mind. We do in fact examine the concept of a benefits trap. Where we are focused and what seems to be there is that by rolling in the rental element into the welfare element, what we have is a tremendous stretch into salaries and incomes which appear to be far too high. Yet still in receipt of income support.

[12:30]

In fact, it is possible under our system to be receiving income support with one hand and paying income tax with the other. Now that, I believe, needs restructuring in order to remove that inefficiency from what we are doing. We should not be sitting here paying out money on the one hand, and taking it in with the other, that is obviously inefficient and that needs, I believe, a quite rapid look at in order to sort that out. Yes, so we have examined the possibility of a benefits trap, it is caused by this lumping together ...

The Bailiff:

A concise answer please, Chairman.

Deputy G.P. Southern:

We believe that under the transformation plan that we keep hearing from the Housing Department we will see, I think, within the 2 years, I hope, a removal of that.

Deputy R.G. Le Hérissier:

The welfare dependency issue.

Deputy G.P. Southern:

It depends on the incentives and the tapers that are built-in to ensure that people are substantially better off in work. What it points out to, also, is that with the minimum wage set as it is, if that does not go up then the Income Support bill does go up, that we, in fact, are subsidising it. One of the considerations we must take into consideration is we are subsidising the minimum wage.

The Bailiff:

Senator Perchard, can I ask not to have derogatory comments about other speakers. This is not the way we run this Assembly.

6.1.7 Senator F. du .H. Le Gresley:

I would like to congratulate the chairman on his report, I have read the whole of it. But, unfortunately in his statement he has chosen to use this case study where there is an error. In paragraph 4 he refers to the 83 per cent for every pound of additional earnings; that figure should

be 77 per cent, does he agree? Because the Social Security Income Support Scheme ignores the 6 per cent social security? So therefore that figure should be 77 per cent.

Deputy G.P. Southern:

I will certainly go back and check those figures with the Senator and if we have made that mistake, I apologise.

The Bailiff:

Very well, that brings questions to the chairman to an end.

PUBLIC BUSINESS

The Bailiff:

So then we move on to Public Business. Now, if Members agree, I wonder whether it would be helpful just to see where we are on Projet 32; that is the States of Jersey Development Company so that Members know what the position is on that. Members will recall it was referred for the chairman of the relevant Scrutiny Panel to consider whether she wished the matter to have it referred to the panel. Senator Ferguson, has the panel decided?

Senator S.C. Ferguson:

The panel has decided to review it. In view of the fact that I will probably be called as a witness and am, therefore, totally conflicted, Deputy Le Fondré will be chairing the panel and I would refer you to him for any information.

The Bailiff:

Deputy, is that right, the matter is to be referred to the Scrutiny Panel?

Deputy J.A.N. Le Fondré:

Yes, Members will hopefully be aware that I sent a note around over the weekend giving advance warning of that.

The Bailiff:

What date do you wish to come back on then?

Deputy J.A.N. Le Fondré:

Essentially, we would like to resume the debate on 7th June, which is in accordance with Standing Order 79, part 5.

The Bailiff:

Very well, then the only matter for the Assembly is to decide when debate should be resumed and the proposal is 7th June, do Members agree to that? Very well then, so then that matter comes out of the Order Paper today and will be listed for 7th June.

7. Assistant Ministers: appointment by the States (P.6/2011)

The Bailiff:

So then we revert to Public Business and the first item is Projet 6, Assistant Ministers: appointment by the States lodged by the Deputy of St. John and I will ask the Greffier to read the proposition.

Senator A.J.H. Maclean:

If I may, just before we start public business there are just a couple of points I would like to raise, if I may, if I can take this opportunity to remind Members that there is a presentation at lunchtime of the work of Skills Jersey at the Ulysses Room at the museum. Many Members have said they are

coming, to which I thank them, but any who have not, it is still available and there is lunch available as well during the presentation, so I would remind Members that is on today. If I could also just clarify another point in relation to questions earlier on today. The Deputy of St. John was, I am sure, inadvertently misleading the House when he suggested that boats were being parked on public roads. I have checked; it is not the case' they are parked purely on Harbour's land. If, indeed, the Deputy does have any evidence to the contrary I would be happy to receive that but, as it stands at the moment, boats are not parked on public highways.

The Deputy of St. John:

On that issue, if I may pass a comment? No way did I want to mislead the House, there is a road that runs down to the Hungry Man, I think the café at the end, which is a public highway, the vehicles go up and down it and boats are parked on it. Whether it is owned by Harbours or the Parish or whoever else, it is a public highway.

The Bailiff:

No doubt you will refer the Minister to that. So, if the Greffier would read the proposition, Projet 6.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Privileges and Procedures Committee to review the current method of appointment and dismissal of Assistant Ministers and to bring forward to the Assembly for approval no later than the end of June 2011 appropriate amendments to legislation to provide that all Assistant Ministers will be elected to office by the Assembly and no longer simply appointed to office by a Minister with the prior consent of the Chief Minister.

The Deputy of St. John:

In the next 6 or 7 minutes I will not get my speech all done and I just wonder if it is right to start something and have to come back and finish it after lunch, unless there is anything else we can do in the interim.

The Bailiff:

Unfortunately I could not ... I did look at the Order Paper I did not see any 5 minute ...

The Deputy of St. John:

That is right.

Deputy M.R. Higgins:

Can I propose the adjournment then in that case?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the adjournment is proposed. Do Members wish to adjourn? Yes, then I take it that Members wish to adjourn so we will reconvene at 2.15 p.m. when the Deputy of St. John will make his proposition.

[12:36]

LUNCHEON ADJOURNMENT

[14:15]

PUBLIC BUSINESS - resumption

The Bailiff:

Very, well I think we are now quorate, so I call upon the Deputy of St. John to make his proposition.

7.1 The Deputy of St. John:

After making my proposition can I say, yet again, I am not in receipt of any comments from the Chief Minister's Department although I have just had passed to me, just before lunch, a comment which a fellow Minister had been given. But given it was only issued on the 28th, my mail, if it was sent to my home address, I would have not received it until lunchtime today. It is totally inappropriate for comments to come from the Chief Minister's office, yet again, on the day of the debate and for certain Members not to be in possession of it, including myself. That shows the contempt in which the Chief Minister's office holds Back-Benchers. So in asking P.P.C. (Privileges and Procedures Committee) to review the procedures on the method of appointing and the dismissal of Assistant Ministers, I do not do this lightly, but given the debunkle over the last few weeks and months, with the dismissal of a Deputy from 2 Ministries and the appointment of a Minister for Planning and Environment as Minister for Foreign Affairs to stand in for the Chief Minister, all this without reference to the general membership of this House. At no time over the first sittings did the Minister notify Members of the appointment and that cannot be right. It cannot be right. Likewise, the Minister for Treasury and Resources, who dismissed his Assistant without a word to Members and then had the nerve to take a Scrutiny Panel member of good standing ... in fact, was sitting on 2 of the finest panels without first inquiring from the chair if removing a panel member would cause any problems. Time is required to find replacements on panels and this, in fact, left a panel inquorate and the other needing to find additional help midway through a review. That is not acceptable and a way must be found to have a seamless transfer. I believe P.P.C. should review procedures on how Assistant Ministers could be elected, not appointed, as is the current practise. It must be remembered all positions - whether it be Scrutiny Panel members, chairs of P.P.C. and P.P.C. members, chairs of panels, members of P.A.C. (Public Accounts Committee), Ministers, the Chief Minister - are all elected and face the rigours of this Chamber. Yet, as I will call it, lackey Assistant Ministers can walk in off the street and be appointed Assistant Ministers **[Members Oh!]** - I will withdraw that remark; it is registered - without having credentials. They will have no credentials. Once again, that cannot be right. We have just got to look at the recent visit to India and the Middle East with our new Assistant Minister for Foreign Affairs. He goes on one of these Middle East trips, he represents us in one area, i.e. India, but I am given to understand he was not part of the delegation that went on into the Middle East and those areas. Why not? If the position had been put to this Chamber in the first place the rigours of the Chamber in questioning would have brought out, possibly, a number of other areas ... to find out whether or not that is the correct person to be holding a job as the Assistant Minister for Foreign Affairs. I have got a great deal of respect for the Senator, the holder of that office, but at the same time it is important that this House has some input into what is going on. I think the Chief Minister is very discourteous to his fellow Members in what he is doing. Moving on from there. I recall that one of the Deputies of St. Clement, standing in this Chamber on 19th January and telling us how her interview for the job of Assistant Minister for Education, Sport and Culture was a chat on the telephone with the Minister for 45 minutes. Now, where is the rigour in that? Given each time the Minister for Education, Sport and Culture, telephones me, he can talk for 45 minutes before allowing me to speak. **[Laughter]** So if that is an interview, we definitely need this Chamber to make sure we have a round peg in a round hole. Further to that, P.P.C. need to look at putting in place a procedure where any new Member will do at least a period of X number of months within Scrutiny before being permitted to stand for the chair of a panel, or Assistant Minister or Minister. This might be a step too far, but it should be tested within P.P.C. Thinking back to what happened in Guernsey several years ago, several votes of no confidence in their Ministers; in fact 3 Chief Ministers, were held in as many months. The way things are going, I know we have only got 9 months left of this Parliament, we could see a number of ... we were very close to it earlier this year, a number of votes of no confidence coming in for our Chief Minister and who knows,

possibly, who might follow him after. We do not want to send out the wrong message and ask P.P.C. to accept the challenge, and it is a challenge, and return by June with an acceptable way forward because I believe Assistant Ministers should have some rigour, some way that they come before this Chamber, if they are standing for Assistant Minister, stand up, give us the reasons they are willing to take a job on and be questioned, similar to a chairman or a Minister of a department or the Chief Minister. We all have to put up with a quarter-hour questioning from our colleagues as to the reasons and our ability to do any specific job. If the P.P.C. come back and say it is not workable, there must be a way that all candidates who are being proposed for Assistant Minister come before this Assembly and are given the rigours of the Assembly, not have these people come off the street and all of a sudden they are lauding it over the public, they are lauding it over the public and their fellow colleagues in the House. I can hear laughter from a current Assistant Minister who, once again, was just given the job as he walked into the House. He is not above ...

Deputy E.J. Noel:

Will the Deputy give way?

The Deputy of St. John:

No, I will not. **[Laughter]** The Assistant Ministers are not above this Chamber and they should respect each and every one of us, as I respect each and every one of them, although they have not been elected. **[Members: Oh!]** Although they have not been elected to their office they are given this golden spoon to allow themselves to ... no, silver spoon, I will not take comments from the floor, but if it was a silver spoon; that is slightly different. A golden spoon they have, because they have a golden opportunity here to do something right and on many occasions it is not the case. They are just doing what they are told to do by their Minister. I think it is totally wrong. I can quite easily confirm what I have said because I have seen an Assistant Minister with his BlackBerry, being instructed how to vote from across the Chamber. After having told me in the Members' Room, 2 minutes before he was supporting a certain proposition and then his BlackBerry went off when he sat down and he voted the other way and from across the Chamber that is what happens. I think somehow that BlackBerries should be removed from the Chamber in total, because I think it is totally wrong that we should be getting these messages across the floor, mine is a WhiteBerry. I will prove it to all of you, it is white it is not black. But that said, I think I have said sufficient. I am hoping that common sense will prevail but given that they are ... in fact I should be asking for the Assistant Ministers to retire from the Chamber because they would be conflicted. **[Laughter]** As they are conflicted they should not be permitted to vote. I ask that you instruct them to retire from the Chamber while we discuss this, given they are not elected Members. Thank you. I make the proposition.

The Bailiff:

Well, that is an interesting request, Deputy, but I am quite content they can remain. Is the proposition seconded? **[Seconded]** Does any Member wish to speak?

7.1.1 Deputy M. Tadier:

First of all, I think it has to be said that I have sympathy with the Deputy of St. John and his cause here. He has highlighted, I think, something that is an important issue; that it is clearly important about who our Assistant Ministers are in the Chamber. I think there is an issue, as well, with the fact that we are limited to whom we can choose, there are 53 Members. But, of course, in the absence of any party political system, or any other way of choosing Assistant Ministers then clearly loyalty has to be one of the key tests. Are you going to be loyal to the aims and objectives, ultimately, of what the Council of Ministers are trying to do? That is not a criticism, that is simply how it must work in politics. But clearly there is an issue here because we do not have a party political system. The Government does not have an ideological mandate or policy direction which has been given a mandate by the people. I think these, in some ways, are the issues which are,

perhaps, somewhere at the back of the Deputy of St. John's mind, or certainly they should be, because we have a very strange and contrived system in Jersey, albeit one which can work. I do have a particular issue with this proposition however. If I am to be even-minded and even-handed about it, it is that it basically asks the Privileges and Procedures Committee to review the current method of appointing and dismissing Assistant Ministers. That is very reasonable. I think that is something we cannot argue with. That is a very reasonable request but the trouble is it then goes on to dictate what the results of the review should be. So it says basically that once P.P.C. have reviewed it they must come out, presumably with findings to back this up, and bring forward appropriate amendments to legislation to provide that all Assistant Ministers will be elected to office by the Assembly and no longer simply appointed. So we already have the Deputy of St. John, with his conclusion, trying to tie the hands of P.P.C. which are, it has to be said, as independent as they can be, which are made up by, you know, an array of political leanings and different individuals with their own opinions. So, first of all, I do not see how that can work, it is really a non-starter from that perspective. If it had simply been for P.P.C. to have a look at this and to come forward with recommendations, and even to consider the option of asking Assistant Ministers to be appointed by the Assembly, then I certainly could support that. I do not think I can confine myself, if I am to maintain my ... well, I think, my intellectual rigour, perhaps, integrity to be able to support this. Nonetheless, there are still a couple more points that need to be addressed. I do not necessarily think that Assistant Ministers, across the board, should always be appointed by the Assembly, but there has been a contradiction pointed out to me that Scrutiny chairmen, of course, are appointed by the Assembly, that Scrutiny Panel members are appointed by the Assembly. Now, if there is to be a parallel made, I think that is one way an analogy can be made because, clearly, one could argue as the chairman of Scrutiny one simply chooses those Members who have a particular interest or they have particular skills in that area. It would not be unreasonable to apply the same rule to this Scrutiny chairman, chairpeople, in order to be able to pick their team, so to speak. This is not what currently happens and I would like to know what the answer is to that. Why do we have 2 different sets of rules? Of course, in reality, it might be argued that whoever is chosen for Scrutiny, because of the numbers involved, that whoever is put forward by the chair of that particular committee, or that particular panel, that they will always be adopted, but that is not necessarily always the case and it is not always the case for when the Chief Minister chooses his Ministers. I think a distinction also needs to be made between Assistant Ministers in a pure and simple form and Assistant Minister with special responsibility. I think the area which has really got Members' backs up, and I think the Deputy of St. John is aware of this, is when, essentially, a new post is created or something that seems to be an entirely new post, as we have seen with Senator Cohen who has been appointed as the Assistant Minister with special responsibility for foreign affairs or international affairs, words to that effect.

[14:30]

Which, to all intents and purposes, we have created the post of Minister for Foreign Affairs, whether we like it or not. That is what we have done and that is his specific role even though it does currently come under the responsibility of the Chief Minister. This Assembly has had no say in that at all. This Assembly may want to endorse that decision. We may not agree that we need a Minister for Foreign Affairs; we may think that we already have a Bailiff, as Head of State; we have the Chief Minister who is our political leader. You know we have got Minister for Treasury and Resources, who is also very adept and who is very capable of going off to different parts of the world and representing Jersey, which he seems to do with the requisite fervour and ability, but now we have also got a Minister for Foreign Affairs... sorry he is not Minister for Foreign Affairs, he is an Assistant Minister with special responsibility. It is these grey areas which are in issue, and he is going off to India to represent Jersey. I am not saying that neither of them should be going, or that both of them should not go together but there is clearly a difference here, I think, between simply appointing an Assistant Minister to help out in the department, to learn the ropes and perhaps bring a fresh perspective and to challenge the Minister, than somebody who has, essentially, got their

own role. We have seen the same at Economic Development where we have seen our very own Minister come through a similar way he, himself, had a special responsibility. If we had the same case in the Department of Education, a very big department, questions have been raised as to maybe that Education should be separated from Sport and Culture, for example. Education is very important; perceivably in a different culture, different jurisdiction, you have a Minister who is solely in charge of education. If the current Minister decided he wanted to appoint an Assistant Minister with special responsibility just for education; that is a massive role. It is probably something that he would not do and it is probably something that should always fall to the Minister, but that would be massive. I would be very uncomfortable about that being done simply by an appointment, by one individual out of 53, let alone the public not being able to have a say in the matter. We, as States Members, do not have a say in the issue. So, clearly, there is something that needs to be looked at here. I think it does, probably, need to be looked at by P.P.C. I do have grave misgivings about the actual wording here and the fact that it appears that P.P.C. has had their hands tied from the outset. What I would ask, perhaps, is that the Deputy bring this back in a different format or that, certainly, P.P.C. take on board the comments that come out during this debate and look at it, irrespective of what the result is today because it is an area which, I think, needs to be looked at. Just to sum up, I do not think it is correct, as the comment from the Council of Ministers states, that this needs to be looked at holistically, to do with the whole system of Ministerial government. I think it is quite correct if we see that there is an issue, which is inconsistent that needs a bit more research, it is quite valid for P.P.C., or anybody that chooses to look at it, to single-out those issues and to make the system better even if it does appear piecemeal, because that is how we flag-up issues as they come up. So, I do certainly welcome this proposition, the underlying purpose of this proposition, and I hope that we can achieve some consistency.

7.1.2 The Connétable of St. Peter:

As a conflicted Member talking on this proposition, being Assistant Minister for Treasury and Resources, I think I have a lot of sympathy with the Deputy of St. John and his motivation for bringing this proposition insomuch that as the chairman of the Environment Scrutiny Panel, which I was a member of previously, I was very much aware of the difficulties that it was going to create only having a 3-member panel. I think that brings into a bigger question, not so much about people being appointed Assistant Ministers but about the people that are in this Chamber who do not fully take part in the many different roles as are required to make this States Chamber function properly. My concerns with the proposition, though, remain very much as the previous speaker, I will be somewhat briefer. The second request I am entirely happy with, however, if I read on, it says: "It is to instruct and to bring back measures", so therefore, unfortunately, while I agree with the intent I cannot go with the full content of the proposition. Certainly, going back some time, I think it was Senator Routier brought forward the proposition for extending Ministries towards the end of last year, and I very much supported that to enable more people to be engaged in the process of government and to understand fully what was going on, perhaps more behind the scenes, as one would say, rather than within this Chamber. It is a shame that that did not get through because it would have given more Members the opportunity to be participative in government itself. But having said that, that battle has been had and lost and we are where we are now. I just want to pick up a couple of comments of the Deputy of St. John on the proposition; he mentioned about 45 minutes interview by telephone. I think that is probably a lot more than somebody would get standing in the Chamber here being assessed by the Members around here. But one thing I do strongly agree with him, I have no problem, whatsoever, personally in coming to this Chamber if I am being proposed an Assistant Minister to put forward why I am prepared to accept that role and the reasons why I think I would be the right person for that job. I do not think that is something that we should throw away. I think there is some strength in that argument and I say that particularly with my current role in Treasury and Resources, insomuch that I do have a property background, so that seems to fit somewhat within the Property Holdings portfolio and the requirements of the job there. Also, within H.R. (human resources), where I was recruitment and

selection trained for the States of Jersey, so I knew the role from within the Executive. Unfortunately, I think, and I am not putting this at the feet of the Deputy of St. John, but I do feel this debate is going to become motivated about getting one's politically-aligned people inside the Government rather than getting the right people in to do the job, which we must be doing for the people of Jersey. Thank you very much.

7.1.3 Deputy K.C. Lewis:

I, like many of my fellow Members, were quite shocked when the previous Assistant Minister for Treasury and Resources was asked to stand down. However, at the end of the day it is the prerogative of the Minister because the buck stops with the Minister. The Minister is responsible, both morally and legally, being a corporation sole. I do have some sympathy with the Deputy of St. John having lost an important member of his Scrutiny Panel, but I myself did 3 years on Scrutiny, Economic Development with the Constable of St. Brelade, prior to becoming an Assistant Minister and I feel that this is the correct way to go, 3 years in Scrutiny and then possibly move on. That is not always the way it seems in the States but there we are. I regret that I will not be supporting this proposition.

7.1.4 Deputy T.M. Pitman:

The Constable of St. Peter, I think, touched on the really important issue here; it should be about getting the right people into the job. But when I read this proposition I really wanted to give the proposer a great big cuddle because I thought: "How sweet", 17 years in the House, is it? He has still got that sweetness and naivety which I thought only Deputy Southern still possessed [**Laughter**] that he thinks bringing something forward, just because it is common sense and workable that it is going to get through. Sorry, but I think the proposer ... I will be supporting him but I think he has got slightly less chance than a cat in a very hot place. I hope I am wrong. This proposal, for all the objections that we are going to hear, would improve, in my view, the functioning of Ministerial government because it would ensure that appointments were made on the basis of ability, knowledge and an interest in that particular field that the person, whether it is a he or she, is going to be appointed to, rather than ... and I was hoping to follow directly after the proposer because you might have used up your quota of telling people off by then. I thought he was a bit harsh on the guild of bag carriers, really, you know, it was a bit ... There are some very good Assistant Ministers. I would like to say they are all good but I am sure they will not be offended if I say I do not think they are. That is okay. I find it a bit bizarre that we do not have a consistent process in place for this appointment because we do not. Now, I have just spent ... I come from an educational background, now I was told it is an insurmountable barrier, it is such a problem that I was an education professional. Yet, evidently it is not a problem for my good friend, the Minister for Home Affairs to have been a former magistrate. So, you know, it is one or the other but it cannot be both, I am afraid. So let us have a bit of integrity in this. I believe that if I was being put forward as an Assistant Minister then I should be, as the Constable of St. Peter rightly said, quite willing to come and stand here, like Ministers do, and be grilled on why I think I should have that job, why I think I am up to that job and what my particular interest in having that job is. That seems to me, a much better process of getting the right people for the job, but I come back to the sweet and cuddly naivety of the proposer. We know that Assistant Ministers, generally... I am afraid with this system of government that we have, which is deeply flawed, has nothing to do with getting the best person for the job. It is, as most of the public who I speak to think, and most Members I speak to think, it is just about ensuring that people vote the right way, that is how it works. Anyone just has to look at it here and we do see this ludicrous system of BlackBerry messages telling people how to vote, and that is quite embarrassing in a modern democracy. I would be quite happy to come and be put forward and go up against any other candidates and then let the people in the House decide. I would probably still lose, but then that says something about the makeup of the Government, not about my ability. But for next time I am quite happy to offer the challenge; I will stand here and I am quite happy that I would be able to

make a greater case for my knowledge about the Education Department than the Minister, and both of you are bag carriers put together. I am absolutely going to support this proposition because it is entirely right.

The Bailiff:

Deputy, you thought you would be ticked off and you are because I do not think it is right to refer to other Members as bag carriers.

Deputy T.M. Pitman:

I take it back.

The Bailiff:

You withdraw that, yes.

7.1.5 Senator T.J. Le Main:

I am not going to be supporting this proposition. I believe that a Minister must be allowed to choose those who can and are able to work with him or her as the Minister. I have, over the years, held several presidencies and I have always handpicked my committee of members who I knew I could work with, who I knew that could assist me in various aspects of the business because I well remember Deputy Crespel, for instance, had a finance background. He was a very valuable member of the Housing Committee and could assist me, not only when I was the president of the Housing Committee but also the president of Sports, Leisure and Recreation and Fort Regent Development Committee and he assisted greatly. I remember having Deputy Harry Baudains, Deputy Henry Coutanche and very, very valuable Members like that I managed to convince to work with me, and we were very successful in promoting the policies that this House was, quite rightly, wanting with us. Only recently, after being the Minister for Housing, I hand-chose 2 very, very able Assistant Ministers. The first one, of course, was Deputy Hilton who I particularly chose for her will to work and understand ordinary people and the tenancy side of issues. It was a great team and similarly with Deputy Power when he was with me, we both had various qualities in being able to drive the business forward. This will not work if this Assembly is given the right of placing someone who a Minister is unable to work with. It is just like if I was the Minister of whatever thing and somebody put Deputy Southern with me. Now can you imagine this Assembly putting Deputy Southern working with Terry Le Main; we would not last. I believe we would not last 5 minutes. It will just not work. As I say, the Minister must be able, and the chairman or chairpeople, chairlady of Scrutiny and other panels, they must be able to choose the people that know they are going to work with them, blend in with them. Over the years I have seen many committees virtually fall apart because Members of this Assembly when they were elected and placed on those committees, Members of this Assembly that just did not blend in with the committee and it has caused complete chaos. I can think of many other Ministers.

[14:45]

I can think of the Minister for Planning and Environment, how he has gelled-in a team of members that he felt could assist him in the Planning Applications Committee. He chose those Members and he has chosen other members within this department to assist him because he had total faith with them. This is a half-baked idea that just will not work. It has got to be left to the person that has the responsibility to this Assembly, has the responsibility to the public to be able to work and work with that person that he or she appoints. I will not support this, in any way shape or form. I believe this is another way of the minority in this Assembly trying to get hold of everything that is going on, and it is absolutely some of the issues coming out from this minority in this Assembly that are causing chaos and extreme worry; extreme worry. I mean I have only got to listen to some of the appointments that have been made or want to be made and this Assembly knows better than anybody else, we are coming to a point that I do not believe that we are going to have the right sort

of people applying for jobs and positions in Jersey and to assist with the interference of some of the Members. I will oppose this.

7.1.6 Deputy G.P. Southern:

Yes, and it is always a pleasure to rise to my feet after Senator Le Main who refers to the people who might support this proposition as the minority. Whereas, in fact, if he does a quick headcount, he will know that those who are non-Ministers and non-Assistant Minister still remain the majority. He also calls this idea “half-baked” and for once I think I might agree with him. It is a half-baked idea that is proposed to be given to P.P.C. to fully bake it; prove it and bake it. So let us see, that is all it does, it is all it does. It does not institute anything straightaway tomorrow. It says: “Go away with this idea, cook it properly and come back with something that you think is workable.” I believe that is absolutely the right way to proceed. But I must take issue with the proposer of this proposition who was suggesting that anyone can fall into the Chamber off the street and be appointed an Assistant Minister. That is absolutely, of course, incorrect. They all have to be fully paid-up Members of the T.M.G. and the T.M.G., of course, is the Union of Tea Makers and Gofers. Oh, some fell on stony ground. The important thing is that just like a Minister who has to come into the States and make a speech and say why they should be appointed, the Assistant Minister should have a similar process. This Chamber has to have faith in Assistant Ministers as well because it may well be, like today, they will be deputising for their Minister, either in the Chamber or elsewhere so this Chamber must have faith. So the opportunity to come into the States and give a little speech extolling the virtues and the skills that they bring to the role in order that we, the rest of the Chamber, should have faith in them is an absolutely appropriate way to proceed. In particular, it is important because of the risk. I will put it no stronger than that, the potential that anyone could look at the process as it sits now and say: “There is a bit of cronyism going on here.” That does not matter whether the phone call is a 45 minute phone call or a 30 second phone call. The fact is there is the potential of the appearance, the risk or the chance of cronyism going on and people merely picking their friends; it should not be allowed to happen. This Chamber should retain as much control as it can over our procedures and it seems to me entirely appropriate that we should refer this to P.P.C. to go away and come back with a workable scheme that gives power to this Assembly.

7.1.7 Deputy J.A. Martin:

I think it is unfortunate that the proposer has brought a, what I can support, proposition and practically destroyed it in the speech that he made, and some of the speeches that have followed. Assistant Ministers in this House whether or not ... why they were elected, or selected - that is the word - “selected” would still probably vote with the Council because of their political beliefs anyway. They are basically conservative with a small “c”. If you read their manifestos you know where and when and whom they would be supporting. So I do not say that Assistant Ministers are always voting with their Minister, they are voting with their political beliefs, which I have no problem with at all. I, as an Assistant Minister, wish this debate had not got into the personalities because I do believe we need to be elected by this House. If you turn to page 55 of the process of selection and appointments of Ministers, committees and panels, you have got a whole section there, not one mention of Assistant Ministers, not one mention. That is how important a job this is. It really is silly. We just had, you know, a barnstorming speech from Senator Le Main who does not even know the rules. We must be allowed to pick our own panels, Scrutiny; well, no, it does not work like that. If someone wants to put forward a name for another person on the Scrutiny and on P.P.C. and it happened last time, it goes to a ballot and this House elects the person they want. Now, if it is an Assistant Minister, and I think all Assistant Ministers can be held to account, it might be 5 minutes, it might be the same. Again, Senator Le Main said: “Oh, we cannot have people who cannot work with people.” Well, recall last time the Chief Minister got 8 out of 9 of his Ministers through: 8 out of 9. So you are going to have the Minister proposing one or 2 Assistant Ministers and then there could be someone proposed against them, Oh my God, I mean

that will bring this Island to its knees, will it not? It will bring this House to its knees. Someone has got to stand here for a few minutes and explain their policies, why they want the job and their capabilities, 5 minutes and then it goes to a vote. I bet you 9 times out of 10 the Minister will get the original one or 2 that they proposed, they will. But, again, they will not always. What is the dream team? I mean Senator Le Main has said he could never work with Deputy Southern. The other way around Deputy Southern would always be willing to work with Senator Le Main. I mean, our team on Health **[Laughter]** - he said that, I do not know if it is right - our team on Health. If somebody outside was picking names out of a hat, would anybody put the Deputy of Trinity, Deputy Noel and I together? But we work quite well because of the differences. We have a round table discussion but I do not have a mandate from this House, and I do answer questions for the Minister. I do stand in and so do the other Assistant Ministers. I want to know where in this process I stand. I do not know. It does not even say... it does happen that Assistant Ministers are picked before Scrutiny Panels, which are given all this importance in the House but, hang on a minute, before you have got...: "Well, do you really want that job because I was going to ask you to be my Assistant Minister?" It is too 'cosy club' for anybody out there. It is not about who you know, who you went to school with, it is about having very important jobs, answering ... if you are an Assistant Minister worth your salt today, you really cannot support this. I mean I have to laugh at the comments, and I do sympathise with the Deputy of St. John in the third paragraph, when they are obviously going to do something, they note there are flaws: "Assistant Ministers are just one area that needs to be reviewed and the Council hopes that any proposals to change the current Ministerial system could be brought to the States Assembly as a comprehensive package rather than in this piecemeal effect." Well, by whom and when and where is it? Where is the work being done? It is not being done and I am an Assistant Minister, and if anyone should be in the know, I should be because apparently I know a lot more than anyone else, even Back-Benchers. It is not being done. It is another excuse. In fact, I think if they do come back it will be to strengthen using who you can have and basically it will be that the Chief Minister will be selected and nobody will have a say. Well, it would have to be voted through obviously, but, again, it depends on your politics, who would be Chief Minister and who could he hire and fire? Would we get a say in anything. I think it would go the other way more than bringing it back to the people in the House. I am sorry, as I say, I am glad the Deputy brought it. I wish he would have had done his speech earlier and he might not have upset so many people and got personal, but the actual wording about bringing it back to the States, P.P.C. looking at it, does not, to me ... I mean I am on P.P.C., all it is saying is create a mechanism where the States will have a say in electing Assistant Ministers. I think that is fair, they are not even in Standing Orders, as I say it is done, phone calls around, it might be 45 minutes, it might be expressions of interest and it will not be, as Senator Le Main has said, always the best person for the job because how do we know. I really mean no offence, how do we know a newly elected Deputy, Senator, what their policies are? All right, you have read their manifesto but until you grill them here, how do we know, how do the public know? So there should be one rule for all of us and Senator Le Main has got it wrong, Scrutiny can have anybody forced on them and I know in the past a Housing Committee got someone forced on them and he said it was unable to work. Well I think people are bigger than that. I think that that is the thing missing in this House; it needs much more cross-representation in the House. When I was offered an Assistant Minister's job, not on where I am now, I turned it down because I had been offered this one and I put forward a name, which was not accepted, but they would have done a brilliant job. They would have been better in the tent than they are outside, I can assure you, definitely. But there we are, this House never ever got to choose on it and suddenly we have somebody else in the job. I am not saying that person has not done a good job. I do not really know their politics but we are where we are. I think this is a very good proposition, and just going back to the piecemeal... when, where and whatever, do not forget who started this. It was always being mooted that we should have a mechanism for Assistant Ministers but not even in the process when the Chief Minister stood up and said: "Suddenly it has all changed, move over, one of the Assistant Ministers has gone, I am needing a new Minister for Foreign Affairs", because there was nothing, there was

no coming over the horizon, we were not thinking about it, we had never discussed it. All of a sudden we had this new post and an Assistant Minister for Foreign Affairs and he is out of the Island a lot, that is all I will say. Thank you.

7.1.8 Deputy P.V.F. Le Claire:

We have, obviously got a problem whether or not people are brave enough to call a spade a spade, as the Deputy of St. John has done today. I know it has upset a lot of people. In fact I think he has taken my crown for upsetting as many Members in one go as possible, as I tend to have held that crown for some time. Recently, I have brought propositions to try to curtail, in some respects, the ability of Ministers to appoint people without recourse to the States and we have seen recently with the shadow Harbours and Airport Board that the Minister kindly agreed to bring the terms of reference back, which I think was a step in the right direction. I congratulate him for that, recognising that, perhaps following other role models, appointing people is not necessarily the best thing to do. I find it quite interesting that there is this argument about us and them and I remember going to the former Bailiff and saying to him on one occasion: "It is the establishment and the would-be establishment." The argument is about who has power, and we all stand for elections to deliver what we believe the Island should be doing. Unfortunately, many of us, no matter how many votes we receive in the Island and no matter how popular we are with the electorate we are very unable, in many respects, to deliver upon those promises. Clothier recommended that all candidates have a manifesto. If we had manifestos then we would not need suggestions like the Constable of St. Peter standing up and trying to figure out which way he leans on which subject. We would know quite clearly, or at least the electorate would know quite clearly come the re-election process, as to whether or not the people that said one thing, did one thing, or whether they said one thing and did another because they were suddenly Assistant Ministers. So I think there is a problem, but I think there is always going to be a problem with a system that is basically divisory in a non-political sense, in the non-party political atmosphere that we have in Jersey, the Ministerial government is adversarial. I would have played it a different way. I would have taken on board into my wing of government everybody that was against me. Therefore, when it came to the votes I would have hopefully convinced those people that were against me we are doing the right thing.

[15:00]

I would not have had to worry about the opposition because they would all be on the other side anyway, it would be all my friends that were in the opposition so the numbers games would not matter. We would also be able to get people to come along. But it is ridiculous to think that if we had, for example, next time around, the position of Minister for Social Security, much along the lines of what Senator Le Main said. I just cannot see the current Minister for Social Security and the would-be Minister for Social Security delivering in the same way because there are some fundamental political differences in people's beliefs, I am sorry to say. It is not derogatory to any sense, to the left or to the right, but the vast majority of Members in here have a business background, are conservative in their manner and their politics, there is nothing against that. Unfortunately, they see a way of doing things that does not always match with the socialist leanings of the other Members. It is just a fact of life, we have got to live with the fact that some people do not agree with us politically. Unfortunately, I think the system that we have got is going to continue to cause us trouble. I really do think that we need to not only look at this Assistant Minister thing but I think we need to look at the whole Ministerial form of government in the round again. I cannot see this helping, although I am going to give support to the Deputy of St. John because I think it needs, if nothing else, to be raised to such a level that we do not dismiss it. Senator Le Main said that he, in the olden days, formed a good team around him and he worked well with them. He forgot that he had to get rid of Deputy Ozouf at the time and sometimes when you pull people on you do have to get rid of them, and that is not a pleasant thing to do. That is not a pleasant thing to happen to somebody. I think it would be far better for us to consider how we best utilise the abilities of Members in delivering the policies that need delivering. At the moment

there are too many policies under the umbrellas of too few people, and political lead on subjects is not occurring, officers do not have the lead they require because the Ministers are too stretched in certain circumstances and their Assistant Ministers, most of which have no responsibilities or budgets and are not accountable to the Government or the electorate for what they do... and most of them do not do anything anyway in regards to responsibilities. Well, I do not mean to say they do not do anything, I mean to say that they do not ... I will clarify that, they do not have responsibility, necessarily, for that function; that function rests with the Minister. That is not to say they do not work hard, they work extremely hard. Assistant Ministers work very hard. I can say that because I have seen them working hard, I know they do. You cannot deny that they do work hard and I am not trying to upset them, even though I think I might have just inadvertently done so, as I am trying to back out of the room. My point is that we have always been, of late, at each other and it is very uncomfortable, it has been mentioned on several occasions, it is not productive. I think we need to look at things and consider things. I was speaking, recently, to an officer, we were talking about the position in relation to one of the - I will not say which officer or which policy - one particular policy that was going nowhere and it was floundering in the wilderness, and it was much the same with the tobacco strategy when I was on the Health Committee. It was the next item on the agenda, turn the page, we have discussed that one, right, what is next? Former Senator Shenton gave me lead responsibility on the committee, Senator Le Main was there, it was not until they appointed me that I was able to take the officers in the direction the officers wanted to go, and I was willing to go in that direction as well. The officers were able to deliver what they knew they wanted to deliver in their expertise and in their field but they had a political person that they could champion their cause and take the flak for at elections if it did not go right. I think that we need to look at that. How can we engage more Members in this Assembly in helping to deliver the policies which are floundering in the wilderness? We have got air quality strategies, energy strategies, this, that and other strategies, all floundering, doing nothing. We have got expertise in this Assembly, like the Deputy of St. Peter, experts in emergency council management, why is he not on the Emergency Council Ministry, why is he not in the team? Why is he not there? It is like having a crack shot and not taking him to Bisley because he might hit the target. I will give them prior notice; I am going to be relodging my next proposition. We can look at the business of today so I will be withdrawing that in due course. Let us get down to the brass tacks though; we have political differences but we have all the same aim, I believe. Maybe we need a written constitution in this Island to point to where we need to go, for the better of everybody, not to rule by fear, as some would have us say: "Oh, extreme worry, it is chaos, the world is falling down, the sky is falling. We are going to have to elect an Assistant Minister, the sky is falling on my head, it might be Deputy Southern." I would say we need to work together, we need to look at how we can address the system and we need to stop pulling it apart.

7.1.9 Connétable P.F.M. Hanning of St. Saviour:

I would just make one point on this; I was puzzled that the Deputy of St. John has brought this proposition because he is, I know, a very strong believer in accountability; he believes in holding Ministers to account. At the moment Ministers are responsible for their departments, there is no way out, they are accountable. This, however, gives Ministers an easy out. If an Assistant Minister is imposed by the choice of the House they can always say: "It is not my fault, the decision was taken, this Assistant Minister was responsible and the House chose him, therefore I cannot be held to account." If the proposer wants to hold Ministers to account they must not be given this easy way out, yet this is just providing a line of escape.

7.1.10 Connétable M.K. Jackson of St. Brelade:

I think the Deputy of St. John hankers after the past in that he wants to go back to the committee system whereby Members were elected by the States. Clearly we have moved on from that. We had Clothier 10 years ago and it is quite interesting, as in chapter 4 of his report, he does refer to instances in the committee system of there being obstructive behaviour by one or more members

within the committee and that committee members were voting against their presence in the States. I think quite frankly if we were to go down the route suggested we would be in exactly that same position and I cannot see any advantage in that whatsoever. I move on to chapter 5 in the report where Clothier suggests that they recommend that: "The political direction of each department should be the responsibility of a Minister and one or 2 other Members and a small team should work together to produce the policies for their departments." That is clearly the way we have gone and I am not saying that things should not evolve. I think that people should have Scrutiny experience; I see nothing wrong with that but it has to be the best man for the job. I would also suggest that in my particular case I think working with my present Assistant Minister with experience under the tutelage, I have to say, of Deputy Southern in previous years has enabled us to work together and I would suggest that he challenges the department in much the way Scrutiny does, if there are any decisions to be made. I welcome his input, as I am sure many of my Ministerial colleagues do to their Assistants. I think the Deputy has made his personal point and I can see that he has had issues over the loss of an available Member who is Scrutiny team, but perhaps he will realise that there is not really much mileage in following this any further, and I would urge him to withdraw the proposition.

7.1.11 The Deputy of St. Martin:

I think as much as was right for Deputy Tadier, I think to point out the issue about the way in which the particular proposition is drafted, I think it is quite a simple proposition where it is either you agree that Assistant Ministers should be elected or you do not. If you agree they should be you will vote in support for the Deputy of St. John; if you do not agree you will obviously oppose it. I think it is quite simple because personally I would write it with stops; if there had been a full stop in the second line after the word "Assistant Ministers" this issue would not have come in. Really what we are talking about, do we want Assistant Ministers elected to their positions or not? I do not have a problem with it at all. I do believe they should be. I think Deputy Martin quite rightly pointed out that P.P.C. members are elected, the Scrutiny members are elected, Ministers are elected and it seems a complete anomaly that Assistant Ministers are not. In many ways I think Assistant Ministers would have a lot more esteem. They would feel that they had the confidence of the House, and I would say, contrary to what the Constable of St. Saviour was saying, that he would have the confidence of the House knowing that that is the person. Generally speaking the Minister, as indeed we know with the Chief Minister and those at Scrutiny likewise, those people who come forward, chairman or what not, come forward with their favourite choice and generally speaking they are supported. There are the odd exceptions. I think we are making a mountain out of a molehill for the odd exception and really I think, again, it gives the Assistant Ministers that esteem to feeling that they have the confidence of the House behind them. Again, I think the Deputy of St. John did mention about the lateness of the comments, and I am disappointed that the States did agree to my proposition not that long ago and here we have it, just within a matter of weeks of the proposition being approved, we have the comments dated 28th March when a proposition was properly lodged by the Deputy of St. John on 19th January. I think it does not do much at all for the House, indeed for the Council of Ministers. It is a shame and I hope this will be the last time we will have the comments coming in so late. But those who had an opportunity of reading them, I would ask that they look to the last paragraph of the comments and it says: "There is no guarantee that a Minister's favoured appointee is chosen as Assistant Minister; it could weaken their working relationship and unduly impact on the work of a department. Having been appointed by the States, Ministers should instead be able to determine the makeup of their own Ministerial team and decide who they think has the experience, strengths and skills needed to serve as an Assistant Minister." What I am saying is put it to the test. In fact the Chief Minister puts forward his team so why should not the Minister put forward his team? Again, I think really it weakens the argument, and I think if the Ministers have the confidence in the person they are proposing that person will generally get elected. Again, I would ask those Members of the House, certainly those Ministers and those Assistant Ministers, to support what the Deputy of St. John is asking for. If you agree

that everyone should be elected, and of course they could be elected by the House and of course by the same token they could be de-elected or disposed of by the House. The House should retain its authority, not individual Ministers appointing who they wish without any say to the House. I think if we want to strengthen this House I would ask Members to give their support to the Deputy of St. John.

7.1.12 Senator F. du H. Le Gresley:

I think the most convincing argument that I have heard this afternoon came from Deputy Martin about Standing Orders and the requirement for panel members to be nominated and chosen by the States. As a newer Member in the States, it does seem to me rather perverse that an Assistant Minister who, in my opinion, can on occasions have considerable power is not actually selected by the Members of this House. There is a definite discrepancy there which the Deputy of St. John's proposition would remedy. When I joined the States I was asked by the chairman of the Planning Applications Panel if I would like to go on his panel and I said at that time that I did not think I was ready to join any panels, I did not know how the States operated, *et cetera*. But I have always retained that interest in the planning process and I have used my time, between being asked to research how the department operates, I have spent some time up there; for my sins I have read the Island Plan - the old one - and I have also attended the P.A.P. (Planning Applications Panel) meetings. But what surprised me, and this is where I am coming back to, was that although I had been asked, and although I later accepted earlier this year, you will find in your pigeonholes now that there is a proposition to appoint me to that panel. After doing my research and preparing for this role I discover that I have to have the approval of this Assembly. I have no problem with that and I will be happy to, if I am needed to, tell you why I think I will be very good on the panel. But that is not the point; the point is that if it is a requirement for panels it should be a requirement for Assistant Ministers. The only problem I foresee with this, and there may be other problems, but the one I foresee is when we have a brand new Assembly, we have new Members in the States who have not been in the States before, who have known skills perhaps but are not obviously familiar with the process.

[15:15]

If we have an election and we have a sitting Member who the rest of the colleagues know very well and know their abilities that new Member will be at a disadvantage when it comes to an election, and I think that is the only area where I would say we could have a difficulty with this proposal. But on the whole I think the point is that, which was made very well by Deputy Martin, if we do it for panels we have to do it for Assistant Ministers. Thank you.

7.1.13 The Deputy of St. Peter:

As one of the more recently appointed Assistant Ministers I would have been more than happy to have had the authority for that position given by this Assembly. I, perhaps unlike some of my colleagues in the Assembly, still have faith in what goes on in this room. I believe that we are quite a good decision-making body. I think if a Minister puts forward his case for a particular Assistant Minister then it is bound that the States should have the ability to endorse that assessment. I have to say in the past I would have been more than happy to have challenged positions both on Home Affairs and Harbours and Airport and either been elected or non-elected on merit. Equally I am as happy now to serve as an Assistant Minister for Planning with responsibility, I might add, for planning; I am about to get full delegated power so it is a position of responsibility. I would have preferred to have had the endorsement of this House in taking up that particular post and I think that says the way I am going to vote.

The Bailiff:

Before the next speaker, it has been drawn to my attention that in the gallery is Mr. Nate Ussary, who is a leading member of the U.K.'s Organising Committee of the President's International

Prayer Breakfast in Washington D.C. and he has come to watch us today. [Approbation] Does any other Member wish to speak?

7.1.14 Senator T.A. Le Sueur:

I have got a fair amount of sympathy with the ideas behind the proposals from the Deputy of St. John, and it is just a shame that he did not word it in a rather better way because I think there is a need to review the activities of Assistant Ministers, just as there is the need to review the Ministerial system in general and indeed maybe our whole organisational structure. We have had the new arrangements getting on for 6 years now and it is appropriate that we do, from time to time, have a review. But that review needs to look at things in the round and it needs to be reviewed without any foregone conclusions as to the answer, and that is one of the difficulties in this proposition because it not only asks for a review but it says what the answer should be and that is really not a sensible way to go forward. Various Members have commented about the sort of person who might be an appropriate Assistant Minister, and that is going to be a matter, at the current time just as much as in the future, for individual Ministers to have different views. But there is an important distinction to be drawn, which I think some Members are failing to draw, between the role of a Minister, which is a legal responsibility as a corporation sole, and the role of a committee or a panel where the majority of you can prevail. In the case of a Minister, while he would clearly take note if his Assistant Minister had a different point of view, it is the Minister and only the Minister who has that legal responsibility. When a Minister delegates some of his authority to an Assistant Minister he does so in the full knowledge of what he is doing and what an Assistant Minister might do. Therefore the Minister has to have absolute confidence in his Assistant Minister to the extent that he delegates that power. If he or she does not have confidence that that delegation is satisfactory the Minister will not delegate the power but will keep it to himself, and that will mean that far from achieving the greater inclusivity, which Senator Breckon hoped to achieve last year in his proposition, would have a narrowing of the situation where you might see Ministers keeping more responsibility for themselves because they do not have the confidence to delegate to a person who is not the person of their choice. For that reason I think it would be pretty dangerous to provide a solution here before P.P.C. have reviewed the problem. I have no difficulty with the review of the system and indeed, despite comments to the contrary by a couple of people, that is underway. I was discussing this last week with the Chairmen's Committee because I believe that a review is necessary. The P.A.C.'s recent report has indicated that there are items for consideration but we should look at those with an open mind and say: "Well what is the best answer?" There have been odd comments which really I think in the context of this debate are probably irrelevant, and I would say that we did agree the comments of the Council of Ministers on Thursday afternoon. They were signed-off and approved to be sent to the Greffier on Friday morning; I am not sure when Ministers got them, and if they did not get them it was not because of the fault in the system because they were sent out at the due time. But be that as it may they are fairly simple comments to a fairly simple proposition. I think that is probably enough to say, but merely to summarise that what the Minister needs may well be an Assistant Minister with a different point of view but, nonetheless, someone in whom that Minister has absolute confidence and without that confidence, which can only come from a Minister appointing the person himself or herself, we weaken that system. For the reasons I have just said this proposition, well-meaning thought it is, simply I cannot support.

7.1.15 Deputy S. Power:

I will be fairly brief. When I first read the Deputy of St. John's proposition I felt that it was largely coming from his own experience on his Environment Panel and the loss of a member and I think it also relates, the knock-on effect of that, to the appointment of the Assistant Minister for International Relations, who is the Minister for Planning and Environment, and I think that is where this proposition evolved from. I think it is unfortunate that some sweeping statements have been made about the qualities of individual Assistant Ministers. I think it is unfair to brand and to

generalise unfairly about the quality of the work and the role that the Assistant Minister plays. I suppose I am in an invidious position that I was picked as an Assistant Minister, I did that job for some time, where my Minister delegated quite a lot of responsibility to me and then I was in the fortunate position to pick an Assistant Minister, so I suppose I can see it from both ends. I do have to say to Members that a lot of the work that is done by Assistant Ministers is unseen. It is unseen and in some ways they are unsung and they do not get credit for what they do. An awful lot of the work that they do is behind the scenes; they do a lot of what I would call grunt work, the GI troop work and they do not get recognition for that. It always seems to me to be that it is the Minister that is always out there in front of the cameras, the media - the *J.E.P. (Jersey Evening Post)* and the BBC - and he gets or she gets more praise than the Assistant Minister who sometimes does that work. I would like to say to the Deputy of St. John and indeed to Deputy Trevor Pitman, and to a certain extent to Deputy Paul Le Claire, that some of the statements that were made in this Chamber this afternoon are factually incorrect and unfair. Indeed I would say to the Deputy of St. John that if he looks at the track record of the Constable of St. John, as an Assistant Minister, he will find that the Constable of St. John is a very independent Assistant Minister and indeed a very independent voter and has very strong views in his role as Assistant Minister. Many a time he disagreed with me on certain things and I find that that was refreshing and he never was sent - I can say that and I hope the Constable of St. John will nod in agreement - a BlackBerry message from me to tell him to vote in a certain way because I know what he would have told me to do, which is: "Go away, do not try and influence me." That is certainly my experience of how the role of the Assistant Minister works. I hope when the Deputy of St. John is summarising that, apart from the appointment of the Constable of St. Peter and the appointment of the Minister for Planning and Environment as an Assistant Minister, he tells us what else he thinks is wrong with the role of the Assistant Minister. I picked up on what Deputy Le Claire said; I did not agree with some of what he said but I did agree with this, that there are many, many pieces of work that needs to be done in this Chamber that are not being done, and the constant message I get out in west is best is that we spend endless hours debating about ourselves and this is another one this afternoon. **[Approbation]** If we spent less time discussing the composition of this Assembly, the structure of Ministerial government, the role of Scrutiny and all the other things that the Deputy of St. Mary expertly referred to a couple of weeks ago in his fantastic research on the Electoral Commission, we would get a lot more work done in this Assembly. Again I would say in this Assembly it is the principle before the personality and we need to remind ourselves that we are elected by the Islanders of this Island to represent them in here and sometimes we are almost subsumed with our own importance and I think that is wrong. I would say to anyone that we need to spend more time getting on with the jobs and the decisions we have to make, rather than discussing ourselves. I have to say to the Deputy of St. John - my chairman now on the Environment Panel - that I will not be supporting him on this. I feel that the structure of the appointment process for the role of Assistant Minister is not perfect but I do feel it can be fine-tuned without us adopting this. I think it is unfortunate that a number of statements were made today about the quality of the candidates who are Assistant Ministers, the work they do and indeed whether it was intentional or unintentional the aspersions carried and directed at the role of the Assistant Minister. Thank you.

7.1.16 Deputy R.C. Duhamel of St. Saviour:

Having listened to the comments of the Chief Minister I think there are ways to square the circle so that Assistant Ministers, in fact all of us, can support the Deputy of St. John in his proposition. At the moment the system that we have got is that the Minister recommends his choice of Assistant Minister or makes a recommendation as to somebody who he would like to appoint but that can only be put into effect if he has the prior consent of the Chief Minister. We do have a vetting process in place at the moment. I think we could quite easily, as part of this review, set up a new system perhaps whereby the prior consent of this House must be called for in order to agree with the proposal for an appointment of an Assistant Minister by a Minister. I think if we did that, rather than go the whole hog and to suggest that we set up some kind of complicated system whereby

people on the floor of the House suggest alternative Assistant Ministers, who might or might not kind of get on with the particular Minister, and clearly that would not be right under the system of Ministerial government that we have got. I think it would necessarily be right for this House to endorse the suggestion of a Minister alongside the Chief Minister's endorsement. I think if that were to be and I think it can be done; I have looked at the law and I do not think there is anything that could not be put in to bring that to effect, then squaring the circle becomes possible. All Members of this House would have the certainty that they could, if you like, hold the Minister to account in terms of his appointment. We would be able to make the Assistant Ministers dance for their appointments and to tell Members of this House why they should be appointed or they have the trust of the Minister in having their names put forward. I think we are picking up on the point made by Deputy Le Claire; we would all be seen to be marching in step, which clearly is something that we should all be trying to support. I think on that basis I think this proposition is supportable, and on a closing note, I have not sent messages on a BlackBerry because I sent mine back.

[15:30]

7.1.17 The Deputy of St. Ouen:

I feel I must respond to the comments made by the Deputy of St. John earlier, and I would first of all like to confirm that I have had, on occasion, to speak to the Deputy on the phone. However, my recollection is that it was he who spoke for most of the time. **[Laughter]** I would also like to put on record that although I have interviewed every potential candidate that has put their name forward for the position of Assistant Minister, I have never interviewed the Deputy of St. John for the position as he has never declared an interest. I think there are a number of bigger issues that we tend to ignore and it seems that a lot of people choose to direct their attention to a Ministerial government and, indeed, the Council of Ministers and individual Ministers, but we know that we are ultimately accountable for our actions. We know that there are processes in place that we can be properly held to account. I think it is quite right that a Minister should be able to determine who his Assistants Ministers are. Also, we have recently agreed new procedures; that the Minister has to explain why he has selected the particular Assistant Minister for the role, another check and balance. The one thing that seems to have been ignored by many of the speakers today, including the Deputy of St. John who happens to be a member of the Chairmen's Committee, that there are concerns about Ministerial government and indeed the function and effectiveness of Scrutiny, which seems to be absolutely silent for most of the time when we are in this Chamber. I think it is important that if we are to have an effective form of government that Scrutiny is strengthened. I am extremely disappointed that although we hear many comments about the fact that Assistant Ministers should be elected by this House, that States Members can choose to opt out of the Scrutiny function, of participating in Scrutiny Panels, and therefore I think it is absolutely right that the Council of Ministers have said the time is right to consider changes and review how a Ministerial government operates. I do ask that the Privileges and Procedures Committee will look at this particular area. If it means that at the end of it that we should have a process that requires Assistant Ministers to be elected, so be it but let us do it in a properly informed and constructive manner rather than tending always to focus on only one part of our government, which we are all part of. Thank you.

7.1.18 Senator B.I. Le Marquand:

There is undoubtedly now a need for a review of the Ministerial government system, but it needs to be done properly. Some people would like to move towards a more centralised system with a Chief Minister who would have power to appoint and fire his Ministers. Other people would like to move in the opposite direction to a situation where there are more people working alongside individual Ministers. There are tensions in both directions but the Public Accounts Committee recently came out in favour of the more centralised approach. I am not expressing a view at this stage, although if I had to express a view I think I am probably more of a decentraliser than a centraliser on these sorts of issues. But the fact is that we need to have this looked at properly, not on an *ad hoc* basis.

I am also utterly confused as to how to make sense of this proposition in the light of the decisions that were made 2 weeks ago. I would remind Members of this Assembly that 2 weeks ago, on the amendment of the Deputy of St. Mary, we agreed ... I voted against this because I felt it unnecessarily complicated matters but we agreed that these sorts of issues, issues in relation to Ministerial government, would go to an Electoral Commission. What are we doing now? Are we going back on that or are we deciding or no, until such time as this body meets and makes its decisions, we can carry on doing little variations as we like? I think this is an inconsistent approach. I believe, notwithstanding the votes last week, that the Chief Minister is planning, and I think he hinted at this himself, shortly to bring some form of proposition to the States to suggest that indeed we ought to have a thorough-going review of these kind of issues; the nature of Ministerial government, how Ministers are appointed, Assistant Ministers and so on, as a separate issue to the electoral issues and that, if he does, I will welcome. Having said those things there are issues which arise from time to time and I would like to distinguish, in terms of what the Deputy of St. John has been saying, between 2 types of things. There are, I think, structural-type issues; the decision to, as it were, appoint my colleague to the right, Senator Cohen, in a new role could be viewed as a structural issue. It changed the structure, if you like, of the way in which the Chief Minister's Department was run, and I can understand if Members wanted to have some sort of say in relation to that sort of issue as a separate concept to the individual post-holder. But, nevertheless, I will not be able to support this because this is once again an entirely piecemeal approach. It is yet another task to be thrown into the workload of P.P.C., which seems to be sometimes treated in this House as the cure-all for all ills: "Let us kick it into touch in the P.P.C." and the committee has now been asked to come up with proposals. I think we need to have a much more wide-ranging review, a thorough-going review and until then we should stop fiddling around with the system.

7.1.19 The Deputy of St. Mary:

I was not going to speak until that intervention from the Minister for Home Affairs, so if you are in a blaming mood you can blame him and not me. Just a few points arising from what he said; he said that we had decided 2 weeks ago, in the debate on the Electoral Commission, to include issues around Ministerial government in the work of the Electoral Commission; that is not quite what we agreed and I apologise if I am misrepresenting what he said. What we agreed, to be quite clear, was that we were going to ask the Electoral Commission to include in their work the aspect of how you relate, how voters vote; where they put their cross, to in some way have an effect on who is in the Government, who the Ministers are. How that could be done is an open question. The Electoral Commission will put that out as something that people can talk to them about; members of the public, Members of the States can suggest ways of the public having a real say in who the Government is. Effectively the Government of the Island is the Ministers and the Ministerial team. That was what that amendment was about and we voted for it and the Minister for Home Affairs voted against that. The reason I clarify that is because the point that follows that he then made does not then stack-up. He said: "Why are we going there now with this proposition?" This would be a stopgap, this would be addressing the issue of who should appoint Assistant Ministers; should it be the States on the recommendation of a Minister but contestable or should it be the Minister having the sole power to appoint his or her Assistant Ministers with only the Chief Minister having a say in the matter? We have gone over that; people have made their points and I have no doubt the proposer will sum up on that. But the issue of the public having a say and the Electoral Commission asking the public and asking for consultation on how the public would have an issue, that is going to be reported on at the end of the year after this year, the end of 2012 at the earliest, so please, let us not use that as a debating point in considering this proposition. What the Senator is talking about is a year and three-quarters away so we can put that to one side really. The Deputy of St. John is trying to improve matters, in his view, immediately. The final point I want to make is about piecemeal approach. We have heard this twice now; we have heard this from the Chief Minister and we have heard this from the Minister for Home Affairs: piecemeal approach; I have

heard that somewhere before. I have heard that in connection with electoral reform, have I not? Is that not what we have been doing for the last 1½ years; ticking off little incremental changes, some of which have unexpected and unintended consequences and then we go back and have another look, piecemeal reform? That is what we did then and I did not hear those 2 gentlemen complaining at that time. I just wanted to make those few comments.

7.1.20 Deputy I.J. Gorst:

I am prompted to rise after the Deputy of St. Mary has spoken, and far be it for me to defend my colleague who spoke prior to the Deputy of St. Mary but I think the Deputy of St. Mary made his point for him. The Electoral Commission proposition was amended for those very purposes and may well look at parts of the Ministerial system, and you cannot extract them out and suggest that that is not now what that amended proposition is proposing. As for timescale, the Deputy of St. John is proposing a review as well, so there is not necessarily immediacy about this. I would have thought that it is better to consider these issues in the round, and we are in danger of once again doing a little bit here and a little bit there and that does not seem appropriate. If we are to change the way that the public has influence over the Ministerial system surely this should be part of that. It makes no sense at all to me to make a decision now, to have a review, deciding what that review's outcome should be prior to P.P.C. having considered it; it seems to be completely the wrong way round and I, for one, cannot support it. Thank you.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Deputy of St. John to reply.

7.1.21 The Deputy of St. John:

Before I start making love to the Assistant Ministers I think Members should ... I have got to read this out; at question time a written question by Deputy Le Claire, way back in May 2007 and the question read: "Would the Chief Minister outline the formal process which currently exists between the States of Jersey, Her Majesty's Attorney General and Her Majesty's Government relating to negotiations on matters of jurisdiction, constitution or constitutional relationships?" The answer is: "I interpret the matter of jurisdiction, constitution or constitutional relationships to mean issues relating to the external relations of Jersey in respect of the United Kingdom or any other state. Article 18 of the States of Jersey Law 2005 states that a function of the Council of Ministers includes discussing and agreeing their common policy regarding external relations. Furthermore, the Article provides that the function of the Chief Minister includes conducting external relations in accordance with the common policy agreed by the Council of Ministers. However, this responsibility is always carried out within the authority of the States of Jersey, for example, in implementing a policy agreed as part of the States Strategic Plan or in following adoptions of the proposition in the States, the advice of Her Majesty's Attorney General and guidance of the Bailiff will be sought where appropriate. Following the agreement of a policy position by the States or by Ministers, the process for communications with Her Majesty's Government is either directly via Ministerial correspondence or through official correspondence by the Bailiff's Chambers after discussion with the Attorney General." I must raise concerns and I wonder whether or not the Chief Minister, in appointing an Assistant Minister, is overstepping his mark and he is working outside of the States of Jersey Law in what he has done. I do not know, I think I will have to follow that up in due course, but it is of concern.

[15:45]

Another issue that Members might like to take into account; we have heard the Assistant Minister for Planning saying he was taking over a certain issue, but did we not also get told some time ago that Deputy Duhamel had been delegated full responsibility for the Environment. These are issues which do concern me and should concern all of us. Things are happening, shall we say, outside of the box. I am not going to go over all of the comments of various Members; in particular I have got

to pick one or 2 out in isolation, in particular a former Minister for Housing, Senator Le Main, in what he said was totally incorrect. The members of my Scrutiny Panel and all Scrutiny Panels are elected by this Chamber and that is in Standing Orders. Contrary to his belief, for a man who has been in this House 30-plus years, he should know the procedures that happen. Further to that, he said that we were in the minority in the House and that was picked up by **[Interruption]** ... I am not giving way to the former Minister, Sir. It appears that the former Minister, although having been 5½ years in the new Ministerial system, unlike myself only a couple of years and a few months, is not *au fait* with how this House operates, which is of concern, given that he has held high office for so long. Given that he held high office for so long, if he can treat the Members with contempt, because that is what he is doing by not knowing how the House works, it is a real worry. I know he has said he is not going to vote for me as it is anyway but that is irrelevant. I am not having a go at the Members who cannot have a go at me *per se* but I must also take issue with the Minister for Home Affairs, who is also not going to be supporting me. This House agreed to a review, yes, but that, as has been said by the Deputy of St. Mary, is not going to happen for a couple of years yet. Yet, at the Council of Ministers last week, a joint meeting of the Chairmen's Committee and the Council of Ministers, the Chief Minister himself was already trying to find ways of having the review split into 2 areas. That concerns me given this House have agreed that we will have a review, they say it was going to be split into 2 areas but it appears that the Council of Ministers, yet again, want to go off and ride their own horse in a different direction to this Chamber. I do not think there is a great deal more I am going to say. I would like to thank all those people who have supported me, now that I have got to make love to the Assistant Ministers ...

The Bailiff:

Deputy, I do not think that is appropriate. **[Laughter]**

The Deputy of St. John:

I have got to redress the balance and kiss and make up, and all that goes with it in redressing the balance. I am pretty sure I am not going to win this debate, given comments passed by a number of Members. I have got about 8 or 9 ticks here, plus myself is 10. I would say I will probably get 35 to 40 per cent if I am lucky but I might be able to convince one or 2 in the next couple of minutes today; politics, what it says, what is said. I am not going to talk for long, Constable; I am sure you will want me to wrap it up pretty soon and I am not going to talk for long. But if I have stood on anybody's toes and I am sure I have, just take it, it is Rondel from St. John. Do what is right. Vote with your conscience. Do not worry too much about the contents of my speech, think of what we want to do; we want to do what is right for the Island and doing what is right for the Island is making sure we put the checks and balances in place for our children and checks and balances, we need to do something about the Assistant Ministers. I will apologise, Deputy. As I say, if I have stood on anyone's toes I am awfully, awfully sorry but just think of our children and put something in place that will help them. Thank you. I make the proposition and I call for the appel.

The Bailiff:

The appel is called for then in relation to ...

Connétable G.F. Butcher of St. John:

Sir, could I just ask for a point of order? I wonder if Deputy Green's BlackBerry has broken down, I have not had instructions yet. **[Laughter]**

The Bailiff:

The appel is called for then. I invite Members to return to their seats for the vote on the proposition of the Deputy of St. John and the Greffier will open the voting.

POUR: 16		CONTRE: 32		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		

Senator F. du H. Le Gresley		Senator P.F. Routier		
Connétable of St. Helier		Senator T.J. Le Main		
Deputy R.C. Duhamel (S)		Senator B.E. Shenton		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.A. Martin (H)		Senator S.C. Ferguson		
Deputy G.P. Southern (H)		Senator A.J.H. Maclean		
Deputy of Grouville		Senator B.I. Le Marquand		
Deputy of St. Peter		Connétable of St. Ouen		
Deputy P.V.F. Le Claire (H)		Connétable of Trinity		
Deputy S. Pitman (H)		Connétable of Grouville		
Deputy of St. John		Connétable of St. Brelade		
Deputy of St. Mary		Connétable of St. Martin		
Deputy T.M. Pitman (H)		Connétable of St. John		
Deputy T.A. Vallois (S)		Connétable of St. Saviour		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Deputy of St. John:

I would like to thank the thinking Members who voted in favour but I am disappointed that my Constable did not support me.

8. Salaries over £100,000: notification to States Assembly (P.30/2011)

The Bailiff:

Very well. We come now then to the next matter which is Projet 30 - Salaries over £100,000: Notification to States Assembly - lodged by Deputy Le Hérisssier. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the States Employment Board on each occasion on which it is proposed to recruit a public employee to a post which attracts a basic remuneration of £100,000 or more per annum, or which costs the States that sum if the appointment is to be made through an agency or other external body, to present a report to the States Assembly at least 15 days before any recruitment process is initiated, setting out details of the need for the post, a summary of the duties to be performed and the proposed level of remuneration.

8.1 Deputy R.G. Le Hérisier:

First of all, before I start, I would like to thank the people who brought amendments; I think they will enhance the debate. They may even bring it to a premature end, who knows? I would like to thank Deputy Le Claire who almost became a one-man research officer over the weekend and brought various things to my attention, some of which I had seen and some of which I had not seen, so I would like to thank him for that burrowing. The background to this is the increasing concern and indeed despair which I suppose was encapsulated in last night's editorial about what people see as the never-ending spiral of public service pay. Of course the issues were encapsulated in the hospital manager's salary offer, which was worth every penny at £319,000 and similarly became worth every penny at £219,000. We have had very worrying half-admissions today about the Director of Social Service's job and how that is being handled, which has enabled me to update this peroration, which I shall update as it proceeds. I think the other issue of course is the increasing emphasis put by the Council upon cutbacks, upon economies and the perception very widely held among the public that these are not extending to the upper echelons of the public service. That is really making people really angry and of course the odd thing about this particular case is because it is all coinciding with the impact of '20 means 20.' Middle Jersey is also feeling the anger so you are getting the creation of some fairly angry alliances of people out there who just do not believe we are handling the situation well. Maybe it has all become exaggerated, maybe we have got the wrong end of the stick; some of us, I do not doubt that. The other issue, and it goes throughout a lot of writing about senior civil servants and quango people's pay, is this whole issue which was alluded to in the P.A.C. report, both at the political level in Jersey, but for the purposes of this debate perhaps more at the senior Civil Service level, the lack of proper performance management and of accountability. I shall come back to that because unless these pieces are in place with a senior pay system, the senior pay system is a very hollow affair. The other thing I would mention and I will mention it perhaps in response as I go through the Comptroller and Auditor General's findings or the main findings, is of course I am not referring only to Chief Officers' salaries, his report does that. I am referring to other positions like Director of Tax Affairs, Director of International Finance, that have occurred in rather large numbers in the last few years, many of which are concentrated in the Chief Minister's office, so I think we have got to bear that in mind. I am also referring to that strange animal which has appeared recently but not as recently as we thought. We thought it had appeared with the hospital manager's position but the whole issue of contract for service/using agencies and that is dealt with at some length in the C.A.G.'s report, for those of you who have managed to look at it. It is dealt with because this is the big case study that he uses, which he believes is an exception in any case and therefore not the rule. That is another thing; if you will recall a lot of the debate or the riposte about the hospital manager's salary, and I suspect it applies to the Director of Social Services, is the fact that they are not permanent civil servants and somehow different criteria have to be applied. I am afraid that is a smoke and mirror act and we will obviously come to that. The history in this situation derives from the fact that in the 1980s, probably for the best of reasons - and I remember this quite well - there was a great move that if you were going to get the best people in the public sector and if you were going to introduce proper business management into the public sector you have to introduce pay that is comparable to the private sector and, as an extension of that, you have to bring in managers who worked in the private sector and know what "proper management" is about. This was pursued in Jersey, I was not here at the time but I understand it was pursued in certain establishment committees under the names of people like Deputy Maclean and Senator Shenton; they essentially pursued that policy and the worry in the Island was if there was not, well not parity because it would be very difficult to have obtained that, but if there was not newness, shall we say, the finance industry would poach or would keep a lot of the good people and that we would not have them in the public service, so that we had to start a policy, we had to get involved in a policy of much better pay for the senior levels of the Civil Service, and indeed other levels because obviously the labour market was red hot at that time and stayed red-hot. The trouble is this system, as is now being acknowledged in other

jurisdictions, has spun out of control. It is not quite as bad as what happened in finance where the whole issue of managing risk got detached from the business of finance and banking and risk got packaged and repackaged and further packaged so that financiers no longer knew what risk was and it was no longer near to them as they managed risk. But there is an element of that and I read a very interesting article, which unfortunately I have not been able to find, about the role of remuneration committees, particularly in the private sector, about the cross-membership there is on these committees, about the way that they almost automatically enter into an inflationary self-rewarding spiral where senior people get rewarded. What appears to be an independent way of handling senior level pay in the private sector, which remember ultimately impacts very closely, not directly but in terms of the impetus it impacts very closely on the public sector, or it has in recent years, where this view, as I said, has taken root that if you want good management you pay here to private sector salaries or you bring in private sector managers if you want good management in the public sector. There have been major reviews and I came up with this proposal fairly quickly and oddly enough, it almost occurred the same day, I had not seen what Eric Pickles had proposed for the U.K. for English Local Government but on the basis that great and less great minds think alike I was pleased to see that we had a commonality of thinking, but I will come back to that. In the U.K. there was a special report done to coincide with the budget of last week on senior pay review by the Senior Pay Review Body and it said that there was no consistency.

[16:00]

Central H.R. had to control things far more and that they lacked a framework of consistency and transparency and a rigorous discipline of application and it was all over the place, particularly in quangos, which I have not drawn into this but maybe at some point they will be drawn into this, particularly with quangos. They were worried, although they did recommend remuneration committees, about productivity measures, and I remember being on the old Committee for Postal Administration and one of the productivity measures was the expansion of the fulfilment industry and the question always was, was there a direct relationship between the management work and effort of the senior levels of the Post Office and the growth of the fulfilment industry, which of course was the main boost to Post Office finance and remains so to this day? They also said, the Senior Pay Review Body, there was an over-reliance, which basically was inflationary, on level transfer recruitment. In other words there were transfers within the public service, within quangoland, the same sort of people were moving around; they were arguing and they could not move of course without increases. They had to prove that the move was worthwhile; there had to be an increase built into that move and that just kept ratcheting-up rewards. They are saying it has to be organised but perhaps the most thoughtful approach to it has come, as some of you will know, and again we are thankful to Deputy Le Claire for drawing our attention to this, from the Hutton Report, which came out just a couple of weeks ago. Hutton was tasked by the Government to come up with ways of dealing with Civil Service pay and, as they say in that cliché now, to think outside of the box. He said: “The public has the right to know that pay is deserved, fair, under control and designed to drive improving public sector performance and that there are no rewards for failure. Their pay should be their due desserts, no more and no less.” In other words it should totally reflect what they do, if you can measure what they do, and we know with the public service that there are issues with that but they are not inseparable issues. That is what Hutton said, but I will continue on the theme because obviously he has opened up the debate big time and come up with some quite interesting ideas. He says: “The Government should require that all organisations delivering public services disclose in precise numbers, something our administration has refused to do until now” but the Comptroller and Auditor General has pushed them quite a way, I have noticed, in the appendices to his report: “The full remuneration of all executives ...” and this is where he and Eric Pickles are in a pickle, so to speak, they are here together: “... alongside an explanation of the responsibilities of each role and how executive pay reflects individual performance.” Hutton was referring to these unbelievably almost obscene salaries paid in the private sector, which appeared to have absolutely no relationship, at the end of the day, to performance and where people were

leaving, failing organisations, with vast, vast payouts; failing organisations. Hutton obviously is very worried that this mentality, because we have not put the right emphasis on accountability and performance management, would plant itself in the public sector because we wanted some of the business approach to management but we were not prepared to take it all. Indeed Hutton says: "In the past they may have said if this is what the market says we should pay them, that is what we will pay but anyone making appointments now will have to think very carefully." In fact in the senior pay sector's report they say, contrary to what the C.A.G. says: "This is one of the great myths of public sector pay. Oh, they are paying that in the private sector, we must pay something here." This is one of the great myths and they have 6 of these myths, which I will not read out to you but again it is showing how we have been driven along by this and we have lost touch with how to manage and control this issue. I have mentioned the Comptroller and Auditor General's report; as I said it has come quite late but his work is obviously always worth looking at because he writes very clearly and he is a person - this is the standard disclaimer - for whom I have the greatest respect, but I am afraid I have to diverge in some ways from his thinking. If you read his report it is largely about the effectiveness of controls, and remember that is what a C.A.G. does. He is not there to come up with fancy policy proposals, he is not there to come up with alternatives, he is there to say: "Is the policy working?" So he is looking at the controls that are placed upon senior level pay in the States of Jersey. He comes to the conclusion, based on his analysis - which I think is correct within his terms of reference but it is not broad enough, it is not broad enough - he comes to the conclusion that essentially they are working, with one exception. Oddly enough, that exception of course is the one that has led to this furore. By the way, I should add I have only once met this person, certainly I met him in terms of a highly complex complaint where all the parties who felt aggrieved were present, and I have to say it was handled very well. But that does not have to make you into a supporter of high level pay policy, I should add, but I have got no problem whatsoever with that and hopefully this will not degenerate into a personal issue. What the Comptroller and Auditor General said then is: "Yes, it is working well." It is working well in terms of the Hay system, a system which has been under continual criticism for years, and I was amazed to hear how alive and well it was. I thought, not that we had killed it off, but I thought we were taking a very serious look at it because it has been criticised for years for various reasons. How it leads to grade inflation, and how it leads to the old Parkinson's Law that the more people you have under you, so the bigger your salary shall become. That is one of the driving forces that has always been alleged behind Hay. So he analysed the points awarded by Hay, he then analysed how jobs had been evaluated, he said that was correct and, therefore, the system was working. Well, it is a much broader issue than that I am afraid, it is not as simple as that. We have to ask, how valid is the Hay system? What about positions that have attracted large salaries, which do not embrace the management, for example, of large numbers of people, that are not susceptible to the way that Hay is applied? What about those? Furthermore, what about how performance management and accountability is managed in the Jersey Civil Service? Go to the C.A.G.'s report and see if you can find clear answers on that question. Go and see if you can find clear answers. I am looking forward to the defenders, if there are such, of the *status quo* giving me answers, because this is what is driving the public mad, quite frankly, and I could not find those answers. The other thing, which I have also mentioned of course, is the emergence of agency and interim appointments and it strikes me, certainly the way 2 positions have been argued of late, that this is really an indication of where things have run out of control. That people are allowed to argue: "Look, you are not going to attract anyone at Jersey and U.K. rates, you are not going attract people, so you have got to essentially reevaluate [to use the euphemism that the Chief Minister used this morning] you have got to reevaluate, in other words you have got to offer more money." You have got to offer more money, and so it carries on. So those are some of the issues. As I said, a very well written report from the Comptroller and Auditor General, he feels, other than this exception which he goes into in some detail, and quite frankly there are, aside of this debate, there were some major issues there. One of which of course was that the agency who appointed the hospital manager is the same agency who appointed the Interim Director of Health and Social Services personnel and that interim

director largely took the decision. Largely took the decision, without reference to central human resources. So you have got to dig into this report to follow what happened and what happened wrongly. So back to my proposal, I was quite taken by Eric Pickles and his proposal, I thought it was very simple. Not everybody is, they think it is going to halt the system, they think it is going to lead to the States trying to control everything and they think it is just a policy driven by resentment and jealousy of people at the senior level. I think that is very short-sighted. You have got to remember, again something the C.A.G. could not do, you have to ultimately look at this issue in a political context. You are driving through, and of course in Britain they are much more savage the changes than those proposed for here, but if you are driving through major economies that are going to affect the people in the bottom, the middle of your organisation, they have to affect the people at the time. Yes, you can argue: "Oh we need good managers to deal with the terrible disruption, the terribly bad staff morale." That is right, but you cannot let people just go ahead and let the system run out of control because the message it gives to people lower down the organisation, and of course to the general public, is the wrong message. That is what has happened in Jersey, where morale is so bad, where public disaffection with politics is so high. Eric Pickles wanted more transparency, as do I, and oddly enough I picked £100,000 although in the senior staff report the view of that body, in their context, they felt £150,000 was perhaps a better cut-off point but that can be discussed. I think the principle still applies. I have tried for a light touch approach, and I do understand that every time you try and say something is simple and uncomplicated people immediately prove it is the very opposite and we then start the process of death by 1,000 pedantic points of which we have world class experts in this House. I have got to make this clear, it was not an attempt to review or block every appointment, and if you go to the Pickles proposal it is simply based on the notion that every organisation will produce an annual senior pay level statement. It will show what its policy is, it will show how this pay group is related to other pay groups in the organisation, it will show whether it is going to offer bonuses - a highly contentious issue in other jurisdictions - whether it is going to offer bonuses, it will show something that Hutton basically totally depended on, it will show the multiples. In other words, Hutton proved in the English Civil Service that the multiple between the highest and the lowest paid worker in the service is 20:1. He says that is not realistic because you may come to some organisations where there are a lot of workers at the lower paid level, and that will unfairly skew the senior executives' pay. He would go for the median, he suggested the median, that you concentrate on the multiples in order to get a feel for the size of the organisation and the value of the salary bill that the chief of that organisation is managing. Hutton also took it a step further than Pickles, he also said there should be a 10 per cent earn back. There have been numerous attempts in other jurisdictions to do performance management, as I have said, and a lot of them have not worked and, for example, they are not withdrawing bonuses from police chiefs in England because the feeling is they become automatic, there is no real value, and again they are added to what are already seen as rather lavish salaries. So unless it is really earned, it should not be given. The feeling is that he would ask for 10 per cent earn back, you have really got to prove you have made progress on major projects, or whatever is seen as the objectives that will govern your work for that year, that there will be 10 per cent of that salary to play with, that is the feeling. Back to Pickles, so what Pickles is saying, as I have said, is a lot will hinge on the nature of the information, and that is where my proposal will stand or fall. It is not just saying: "Here is a proposal for a person to be paid £150,000, do you Members of the States agree or not?" Quite the opposite. There will be a statement, as I said, hopefully produced annually saying what the policy is, and it will answer all sorts of questions that prove whether or not the policy is indeed a rational policy within a rational framework, and then individual questions will be answered about that particular appointment. I would hope we would simply end up reviewing exceptions. That is certainly how the property transaction system works at the moment, very few of them are called back, there have been some exceptions that have of course have proved the rule.

[16:15]

But that is the whole point, that it will lead to soberness in decision making and that people will not take sloppy thinking: “Oh, you are not going to get anyone for this salary” blah, blah, blah and people are held over a barrel and they are then given a report saying: “Oh, this is what you would get for a comparable job in a big authority, maybe on the mainland, in a comparable job in the private sector.” The onus would be much more on us to ensure that hard questions have been asked. As regards the amendment, I am in agreement immediately with 2 of them, but the amendment from the Deputy of St. Clement, Deputy Gorst, I think holds a lot of promise. When I first started reading it, while I realise he has wished to disassociate himself from my writing, I wish partly to associate myself with his and show generosity in that regard. I felt that it holds a lot of promise but I would like him to explain a bit more what kind of system he thinks is going to be worked on within the next 2 weeks, which will enable the Council of Ministers to come back with a viable alternative or enhancements, or enhancement of mine. I am sure he has got some thinking so I look forward to that. With that, I move the proposition, thank you.

The Deputy of St. Mary:

May I ask the proposer for a point of clarification? I think I heard him say, but maybe I did not, that part of what he was suggesting was that there would be a statement about high salary policy each year and I do not see that in the proposition, so I just wondered if he could clarify what he meant by saying what I think I heard him say.

Deputy R.G. Le Hérisier:

The speaker is absolutely right; I said that, only in the sense it would be very difficult to supply a statement with each appointment unless it is based, of course, on a proper statement of overall policy. So I would imagine that statement must exist. I have not asked for it specifically but it would be very hard to justify each position if there were not an underlying policy that was underlying that position.

8.2 Salaries over £100,000: notification to States Assembly (P.30/2011) – second amendment (P.30/2011 Amd.(2))

The Bailiff:

Is the proposition seconded? [**Seconded**] Very well, then we have 2 amendments, the first is from Deputy Gorst and I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, after the words “States Employment Board” insert the words “within 2 weeks of the publication of the report of the Comptroller and Auditor General on senior salaries to lodge for approval by the States proposals for a new mechanism to control and monitor senior salaries and to further request the board to give consideration to the feasibility of introducing a notification procedure as part of the new procedures so that”. For the words “to present a report” substitute the words “a report would be presented”.

8.2.1 Deputy I.J. Gorst:

I am slightly surprised that the mover of the original proposition is not necessarily supportive of my amendment. What I said in my report was that I wished to disassociate myself from some of his comments, not what I believe is his objective. The reason I bring this amendment is I do not believe that his proposition meets fully what I think his objective is, and I believe that his objective is to ensure that senior salaries are controlled. What his proposition is proposing is that a reporting mechanism is presented around senior salaries. I am not satisfied that all the issues which he has so eloquently brought out in his opening comments will necessarily be addressed by simply introducing a reporting mechanism and I am not either necessarily satisfied in his belief that we will simply move to assist him, similar to the one that we currently have with regard to property transactions and that Members will not be tempted to debate each appointment. I think this

Assembly has found itself over the last week in a very strange position where it believes that when it comes to an appropriate process and appointment that if we take the appointment to boards which are presented to this Assembly, the reason that we have an Appointments Commission is so that they can oversee an appropriate process and that an appropriate policy was in place. It is the role of politicians to ensure that policies and processes are appropriate. We have got ourselves into a position where we are questioning, in the appointment to panels, whether that process and that policy is appropriate. Now, it is quite right for us to question that but not to question the individuals that might be being put forward if they have gone through an appropriate process, which is the result of a policy which is decided either by this Assembly or by a department. What I am aiming to do with this proposition is to allow this Assembly to have in future - I have given the States Employment Board what now looks like an extremely tight timescale, bearing in mind the results of the Comptroller and Auditor General's report but I will come on to that briefly - I believe that our role is to ensure that there is a policy in place, I am doubtful that there is at this point in time a joined-up policy in place that is followed across the departments and I think the mover of the original proposition appropriately spoke about the political implications of whether that policy is in place, rather than just saying: "Yes, we have the Hay evaluation; yes, we might do some benchmarking with U.K. appointment processes and salaries." What I am saying is I do not think that is necessarily appropriate. What I would like to see the States Employment Board do is come forward with a rounded policy because I do not believe that anything should be out of scope for us looking to make efficiencies. I agree with the mover of the initial proposition and that is how can it be that I, and my department, should be looking to ensure that I am efficiently delivering benefit and I am looking to make a quantum of saving, which ultimately will mean that perhaps some benefit levels will have to be frozen or reduced. How can it be that we as an Assembly do not look at every area of our spending? I believe that one of those appropriate areas is senior salaries. So what I am aiming to do is to allow the States Employment Board to come forward with a rounded coherent policy, I suspect that it will pick up on those initiatives that the Deputy spoke about in his opening remarks. I do not really see how it cannot take those on board and at least come forward with something along those lines and bring it back to this Assembly so that we are rightly and properly debating policy. We will have an ability to approve that, to amend it, and then to send it back to the States Employment Board to implement that policy, that is exactly what our job should be and I hope, therefore, that Members will accept my amendment in that light. Yes, the Deputy could say that it is a promise of jam tomorrow but, as he knows, it is indeed a very tight timescale. It will still oblige the States Employment Board to come forward with an appropriate control and monitoring mechanism and it will still oblige them to come forward with a proposition for debate, which can be amended at a future date should the Deputy believe that with further research his simple monitoring mechanism is more appropriate than the control mechanism that the States Employment Board might come forward with. I believe that it enhances the original proposition. It makes it workable, it pushes back to dealing with the policy of appointment, the policy of pay for those appointments and the policy around controlling that pay of those appointments. I would expect of course that it would also address performance of those appointments in due course as well. We need to have a joined-up rounded approach to these appointments and not just, as he rightly says and as I have highlighted in my report: "This is what they are doing in other jurisdictions, we need to recruit from those jurisdictions and, therefore, we have got very little choice but to accept that sort of pay level, plus the Jersey premium." I am asking that we go away, that we question that and that we come back with, as I say, an appropriate control mechanism to ensure that is appropriately questioned and we, in this Assembly, can hold our heads high and say when we are challenged: "Well, we know what the policy is, this is the policy that is being adhered to and in due course the Comptroller and Auditor General will review that policy to make sure that it is being adhered to." We will have confidence that things are not out of control, which I believe in the back of our minds we all - perhaps if we are honest - have a little bit of doubt that things are not necessarily being controlled. It is quite straightforward and I hope that Members will support it and I maintain my amendment, thank you.

8.3 Salaries over £100,000: notification to States Assembly (P.30/2011) – second amendment (P.30/2011 Amd.(2)) – amendment (P.30/2011 Amd.(2) Amd.)

The Bailiff:

Is the amendment seconded? [**Seconded**] Then there is an amendment to the amendment, lodged by the States Employment Board, and I will ask the Greffier to read that amendment.

The Greffier of the States:

Page 2, after the words “to control and monitor senior salaries” insert the words “with the exception of all clinical locum appointments where the appointment is to cover annual leave, sickness and other absences of permanent staff”.

8.3.1 Senator T.A. Le Sueur (The Chief Minister):

Yes, I very much agree with the thrust of what Deputy Gorst has just said in his comments about his amendment. But both for the amendment and the original proposition of Deputy Le Hérisier I was anxious that in trying to achieve the primary objective we did not have any particularly unnecessary banana skins. Like the mover of the original proposition, I appreciate the concern that we have about senior salaries generally and the need to have a better consideration of the process. But within that overall arrangement, and particularly within the wording of the proposition as originally worded, there is a clear difficulty in respect of the timeliness of any such move. When I saw the original proposition I could see delays of essentially weeks in achieving an outcome between lodging, debating and agreeing. But for cases of locum hospital staff this is, I stress, a very narrow and specific group of people. For those people time is very much of the essence and to say that we could appoint a locum in 6 weeks’ time to appoint someone who is off sick for a month is going to be pretty pointless. So one has to have a degree of common sense here, this proposition tries to achieve that degree of common sense without undermining the central thrust of the amendment. So I believe that this amendment is clear, it is narrow, it is specific, it is simple, understandable and practical and for all those reasons I propose this amendment.

The Bailiff:

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

8.3.2 Deputy A.E. Jeune:

I have some difficulty in accepting this: “ ... ‘To control and monitor senior salaries’ insert the words ‘with the exception of all clinical locum appointments’”. Why do we need to have that as an exception? Why can we not have a set rate, within limits, as to what the States of Jersey is prepared to pay to bring in locums? You can have locum rates for the different levels of clinical expertise and so forth. I just do not understand why we would make this different and I will not be supporting it, thank you.

8.3.3 Deputy P.V.F. Le Claire:

I came into this not entirely cold, having been a former member of the Human Resources Committee, so I have done some work under the Chair of former Deputy Dorey and it was quite interesting. So when Deputy Le Hérisier was criticised and challenged 2 sessions ago by one Member, I nudged him in the side and said: “Well, go on, they have challenged you, you can bring it, go and bring it.” Hats off to Deputy Le Hérisier for bringing it because he is challenging us all to take heed of the fact the public are concerned about these issues. I think we really need to support all of the amendments today and we also need to support Deputy Le Hérisier, but I think that what we are doing is a fire-fighting exercise. Having spent the last few days trying to research to help for the arguments being made I did discover the documents that have just come out.

[16:30]

One of the ones that Deputy Le Hérissier referred to was the review body on senior salaries in the United Kingdom, which I circulated to all States Members. He is not listening at the moment, but I do not know if the Minister for Social Security read the attachment I sent around to all States Members because it was only over the weekend, Members may not have had a chance to read it. I do not even know if the Chief Minister has had a chance, but if I can just take Members there for a second. The review body on senior salaries issued its report 77, it was the 33rd report on senior salaries for 2011, presented at Parliament by the Prime Minister, the chair of which is Bill Cockburn CBE TD in March 2011. So this is hot off the press. It said, in particular to this amendment which I am trying to address my point to, in the forward the review body on senior salaries: “The review body on top salaries, T.S.R.B., was appointed in May 1971 and renamed the review body on senior salaries, S.S.R.B., in July 1993 with revised terms of reference. The terms of reference were revised again in 1998 as a consequence of the Government’s comprehensive spending review, in 2001 to allow the devolved body’s direct access to the review body’s advice, and in 2007 to add certain N.H.S. (National Health Service) managers to the remit.” Why that is important in relation to this amendment is because we need to make sure that we do not react off the cuff, on the hoof, and do something that is highly desirable but might come back and bite us in the tail. In this instance there needs to be support for the fact that we need a comprehensive strategy for the management of an appointment of people in positions of responsibility in all sectors in Jersey and the recommendations, as outlaid in their forward on page 3 to this report, which Members have all been sent a copy, it says it needs to take into account the following considerations. This is obviously very, very important when it comes to matters of health, especially as we have had so much change in health recently and we have had so much pressure on the Minister for Health and Social Services and her department to bring about a greater level of satisfaction with stretched resources. There is a role for people like PricewaterhouseCoopers and that as well. We need to understand the need to recruit - and they make the point - retain and motivate suitably able and qualified people to exercise the different responsibilities; regional local variations in labour markets and their effects on the recruitment and retention of staff; government policies for improving the public services, including the requirement on departments to meet the output targets for the delivery of departmental services; the funds available to departments as set out in the Government’s departmental expenditure limits; and the Government’s inflation target, and it goes on. Now this is my sole point, we are trying to address something that has been ablaze for a long time and we are turning up and throwing buckets of water on it, and that might solve the problem today but it is not to say that it will not start back up again if we walk away from it. So I think we need to immediately support all of the amendments and then we need to ask the Chief Minister and the other Ministers to review this report, which I circulated, and the work which is being forwarded in the best intentions, and see if we can come up with a holistic strategy where we employ people like PricewaterhouseCoopers in the way that the U.K. Government does and perhaps set up an arm of the States Remuneration Board to review this process and see whether or not it can be utilised in Jersey. So I will be supporting the Chief Minister.

8.3.4 The Connétable of St. Brelade:

I think it is important that the point is emphasised that the reason for the employment of hospital locums can be due to sickness, incapacity or a multitude of circumstances. I am concerned that we may be placing administrative bureaucracy in the way of fulfilling these posts and thereby prejudice health issues with the public. I think, yes, there should be control over cost and the States Employment Board is the right body to dictate this, and I would suggest that that body do it rather than the Assembly. I accept Deputy Le Hérissier’s motives in bringing the proposition and support the concept of there must be control over the cost of high salaries. But would suggest that it is an imperfect science, it can never be anything but that, and I think that the States Employment Board, with its advisers, is the right body, given the right tools, to be able to deal with it. So I would urge Members to support the amendments to the propositions.

8.3.5 The Deputy of Trinity:

I just ask Members for a bit of common sense approach, especially in light of the States Employment Board amendment. In 2010 Health and Social Services engaged locum doctors on 307 different occasions, with remuneration and agency fees combined it put most of the locums in the £100,000 annual band. Unless this amendment is approved the States Assembly will need to consider hundreds of applications every year for locum staff. And we will not be able to do it every 14 days, we need to do it immediately. Locum doctors are often required at short notice, potentially sometimes less than 12 hours. Delays can threaten patient safety and result in suspension of essential services, it may save someone's life. I am not prepared to take that risk. I urge Members to support this amendment, without it we can place ourselves and Islanders in an untenable position. I do support the control over the costs and especially the process of application of appointments and I very much support the other amendment that said the States Employment Board is the right place.

8.3.6 Deputy R.G. Le Hérisier:

Yes, I do support this amendment but it might be worth clarifying, there seems to be a slight semantic difference perhaps between myself and Deputy Gorst. Am I controlling or am I monitoring. I have got no problem with his approach and I think it would deal with Deputy Jeune's issue. If we were to adopt Deputy Gorst's amendment and we were to come at it through the policy and then the application of policy ...

The Bailiff:

Deputy, sorry but at the moment we are on the amendment to Deputy Gorst's amendment.

Deputy R.G. Le Hérisier:

Absolutely. But if we were to adopt his amendment I think it would almost negate the need for this particular amendment but while it exists I approve of it.

8.3.7 Deputy J.A. Martin:

I will be brief because the Deputy of Trinity has said a lot of what I wanted to say, and I rose to speak because of what I heard behind me by Deputy Jeune. We employ consultant locums and are we to say: "We need you tomorrow because we have got an operation list, but our rate of pay, you will get thousands less than you are worth, thousands less than you are trained for." Who does the Deputy think we are going to employ? Nil. If this was not in there I could not have supported anything because it would keep the hospital at a standstill and if Deputy Jeune thinks we can work in: "Well that is what you are worth in Jersey, that is what you are trained to do, that is why you save lives, that is why you are in the profession. But come to Jersey, you do not earn over £100,000 unless we vet it." Absolute madness and I would urge that this amendment is supported.

8.3.8 Senator J.L. Perchard:

Sir, perhaps you could advise Members, in particular about the consequences should we approve the amendment to the amendment, and I say advise Members because the emotive speech that we heard from the Assistant Minister for Health and the Minister for Health and Social Services about locum doctors being required at short notice and lives at risk, surely it would not be relevant. In fact, if we do not approve the amendment to the amendment we still will have a mechanism to consider and control and monitor the requirement for professional people. The point I am trying to make is - and your help would be useful - if we do not approve this amendment and we do approve Deputy Gorst's amendment, there will be control and monitoring of the appointment of locum doctors in order to ensure that they are there to provide their service. But it does not restrict the ability for them to be hired, but it will mean that there will be some control and some monitoring. If we do approve this amendment, it will mean that there is never to be control and never to be monitoring. My point is, is the situation as bleak as it is being painted out by the Assistant Minister and the Minister, because I do not see that it is. I do not know if I have made that clear.

The Bailiff:

I am not entirely sure it is a matter for the Chair, Senator, this is a matter for argument it seems to me between elected Members.

Senator J.L. Perchard:

Right, I am sorry, Sir. But I think Members will understand that if we do not approve this amendment and we do approve Deputy Gorst's amendment we will revert to that there will be some control and monitoring, measured control and measured monitoring that will take place by the States Employment Board, outside this Chamber, and there can be boundaries and, as I say, control. If we do approve this amendment, effectively we are saying there will be no control and no monitoring on the urgent appointment of locum doctors, and I think there needs to be some boundaries. You cannot just have an open door, fly them in, fly them around the world, there needs to be some boundaries, the department needs to have some guidelines. I shall not be supporting this, it makes no sense to me. I will be supporting Deputy Gorst's amendment, it is eminently sensible that there needs to be systems, guidelines, controls put in place that make sense and of course the States Employment Board, when considering the requirement for urgent professional people to be on Island immediately, will understand that there needs to be flexibility built in. But to say that there must be no controls and no monitoring I think is quite absurd, and I shall not be supporting the amendment but I shall be supporting Deputy Gorst's amendment to the proposition.

Deputy J.A. Martin:

Could I just ask the speaker for some clarification from his crystal ball; how does he know the amendment from Deputy Gorst is going to go through?

8.3.9 The Deputy of St. Mary:

What this amendment from the States Employment Board does is it effectively puts an exclusion zone around one particular area of States employment, i.e. the locums. We have been told by the Assistant Minister that the skies are falling if we reject this amendment. I am sorry, as the previous speaker said, it is a special box, it is an urgent requirement, you have got these 300 times each year you need somebody quickly, so clearly it is a different situation from a normal employment situation. That does not mean it is exempt from any controls. So that is where this amendment falls down, there should have been a time limit. There should have been "with the exception of all clinical locum appointments, which will be dealt with as soon as possible" and then with a time clause. Because what we cannot do is have an area that is apparently completely exempt from, as Deputy Jeune said, setting a range within which those appointments are made. So I think the only way forward for Members is to reject this amendment to the amendment, then to accept Deputy Gorst's and, within that, clearly the States Employment Board are then charged to, within 2 weeks, produce a policy. There will be a black box, inside the box are the locums, we will come to that within 4 weeks or 6 weeks, we will develop a separate policy for that. In the meantime you carry on as you are because that is how you carry on, and we will attend to that as soon as we can. That is the sensible way forward, reject this, vote for the original amendment of Deputy Gorst.

[16:45]

8.3.10 Deputy T.M. Pitman:

Just a few points. I always support the Chief Minister when he brings something forward based on common sense. Of course, the fact that I hardly ever support the Chief Minister probably says all that needs to be said about that. However, I am going to support this because I do believe it is common sense and if it is good enough for Deputy Martin, who is one of the very best of Assistant Ministers, and it is needed, then that is good enough for me. We have to have some common sense in dealing with this. I do not often agree with what the Minister for Health and Social Services says but I think the picture she has highlighted with her Assistant is one that would be deeply worrying if we were not to go down this route. So I think what we have to do, for once, is trust the Chief

Minister in his position at S.E.B. to get this right and ensure it works properly and get on with debate. Thank you.

The Bailiff

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

8.3.11 Senator T.A. Le Sueur:

I appreciate the comments of those who spoke and I think everyone who has spoken acknowledges the practical implications of this. The States Employment Board brought this amendment for the sake of clarity because I think, although it could have been brought or subsumed within Deputy Gorst’s amendment, I think there is a danger then that we would be accused of not bringing all the facts to the table at the time of the debate. I see no reason why we should not bring the facts to the table at the time of the debate, get a clear steer from the Assembly now, and then we know that we can build that policy into what we are going to propose in 2 weeks’ time. So, I maintain the common sense of lodging this amendment, just in order to give that greater clarity and certainty, not only to the States Employment Board but to Members themselves. With that I maintain the amendment and ask for the appel.

The Bailiff:

The appel is called for then in relation to the amendment lodged by the States Employment Board to the amendment of Deputy Gorst, I invite Members to return to their seats, the Greffier will open the voting.

POUR: 36		CONTRE: 9		ABSTAIN: 0
Senator T.A. Le Sueur		Senator B.E. Shenton		
Senator P.F. Routier		Senator J.L. Perchard		
Senator A. Breckon		Deputy R.C. Duhamel (S)		
Senator S.C. Ferguson		Deputy of St. Martin		
Senator A.J.H. Maclean		Deputy G.P. Southern (H)		
Senator B.I. Le Marquand		Deputy J.A.N. Le Fondré (L)		
Senator F. du H. Le Gresley		Deputy A.E. Jeune (B)		
Connétable of St. Ouen		Deputy of St. Mary		
Connétable of St. Helier		Deputy M.R. Higgins (H)		
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				

Deputy M. Tadier (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

8.4 Salaries over £100,000: notification to States Assembly (P.30/2011) – second amendment (P.30/2011 Amd.(2)) - as amended

The Bailiff:

Very well, so we now return to the debate upon the amendment of Deputy Gorst, as amended.

8.4.1 Deputy J.A. Martin:

I think when you read the amendment to Deputy Le Hérissier's proposition it is quite sensible. I will just have to refer briefly to it obviously because it does alter the concept exactly how Deputy Gorst explained it in his proposing the amendment. Deputy Le Hérissier says he is someone who has difficulty with the way the States Assembly attempts to micromanage manage many issues and I can really see this one coming down too, and I am glad the locum ones went through because you want to work on nearly 400 locum appointments... well you have got some work cut out there for you. But I really want to get back to this notion of what a very fine pickle we have got ourselves into and this came out of nowhere, and miraculously someone in U.K. Parliament ... it is called the Localism Bill and it is: "Councillors are to be given the power to block town hall salaries." Then Mr. Pickles also says he sees no reason why M.P.s (Members of Parliament) could not debate the salaries of Whitehall civil servants. Now, what are we? Are we local government? Well, just one other thing, let me tell you what this Localism Bill does, and you will really like this one; it returns power to local authorities and communities for a number of measures, it provides councils with a general power of confidence. This is the best one; it allows local authorities to return to the committee system if they wish to choose so and provides for the creation of directly elected mayors subject to referendums in local authorities specified by the Secretary of State. So you have still got the overall government. Now, what are we? What do you wish for? We are told do not do it as the U.K., now are we a parliament or are we a local government, local councillors? Deputy Le Claire is not the only one who can use the internet, I picked this off as soon as I came last Thursday - I have pages and reams of it - local councillors are going to be sitting around the council table. If any of you have been to a local council meeting it is nothing like us sitting in this Government, which is a very small version of Westminster. But it is 'be careful what you wish for.' Really, be careful what you wish for. I can support the amendment from Deputy Gorst because I think he is taking it a higher level. We do need controls but do not be fooled. Deputy Le Hérissier said - and I am sorry if I am straying - but I think if we pick this, basically Deputy Le Hérissier's amendment basically falls. He is basing this a lot on the C.A.G. and on his page 59 ... I do love the way that the Human Resources Centre employed an interim, and then who had responsibility at Health. But he did not do his job very well in keeping the centre intact. Well suddenly that is Health's fault. No, I am very sorry, it is not Health's fault. Everything went to the centre and there is no specialisms so we do need to get things right. But, as I say, there is so much in here that is just based on town hall local government. This one is brilliant because local people will be able to set their own council tax, and they will be able to be ...

The Bailiff:

Deputy, I am sorry, I am struggling a little to see quite what this has to do with the amendment Deputy Gorst has brought.

Deputy J.A. Martin:

Because the way I read the amendment is, to me, a better proposition than the - as Deputy Le Hérisssier says - micromanaging in this States Chamber. So I just wanted to inform the House where the concept of us sitting here, we saw what we got into last week when we were just appointing a supposedly independent panel. We knew the salaries, they were paid by the day, the process and everything else, and I am sorry, I will support this but, as I say, we are getting nearer and nearer to a local council because all they do is sit around and discuss what is going in their own little lives, and do not really get on to discuss what is happening in their district. So that is why people are fed up over there and people will be fed up over here very shortly. But, as I say, it is are you a local government or are you an M.P., or what are we? We are sort of a hybrid, but I just wait for the first debate in the salaries in this House and I just shudder.

8.4.2 Deputy R.G. Le Hérisssier:

I will wait for Deputy Gorst to reply but I think there are some very valid points in what he is making. In reference to Deputy Martin, it strikes me you go where the ideas are, if there are good ideas in the local government field you pinch them, if there are good ideas in the central government field you pinch them. I do not see any problem with that. I think Deputy Martin and other Members are right to be worried about micromanaging, obviously this is something the States does time after time, and we have seen it today with the Assistant Minister's debate when we were offered a coherent debate but we take one issue and we run with one issue. I am not sure that this propensity for micromanaging just comes from studying English local government, it is something deep, deep in this system which is making it the highly dysfunction system that it is. The main thing I have to say, the reason I did this is I was given a challenge by Senator Shenton, he stood up and said: "Oh, people like you are always moaning" or words to this effect "why do you not do something?" Now, what did surprise me is the same time as I did this he then approached the C.A.G. for the C.A.G.'s report and in a way it would have been better, of course, had we worked together and said: "Well, what is the best way to move this forward?" What I wanted to do - and I do agree to this extent with Deputy Martin - I wanted to make this issue political, I wanted this House to take ownership of what was happening. Yes, they can withdraw and I hope they would withdraw because there is no way I want every locum appointment to come here or every senior appointment, but I wanted them to realise that because of this gradual policy that was being implemented in an incremental but dangerous way, I wanted them to realise that things were getting out of control, we were sending the most unbelievable mixed messages to the population about cutbacks when we were quite clearly - and quite frankly still are - incapable of maintaining the discipline necessary if a policy of cutbacks is needed, and maintaining the discipline necessary to implement that policy in a fair handed fashion. I rushed it through because I wanted to bring an end to this, to put a marker - so to speak - forward so that we would have to take this seriously as a political matter and not launch yet another study of a series of never-ending studies. But if he can come up with the goods at the S.E.B. in 2 weeks that is incredible, and I would give them full marks if they could study the whole theory of senior level pay, if they can go to all jurisdictions, local government and central government, and jurisdictions which have set a standard of excellence in this area, I think that is excellent. I have got no problem with the policy being reevaluated and the S.E.B. or the Chief Minister's office coming back to this House with that revised policy. If that is done on the back of Deputy Gorst's amendment, I think that is excellent.

8.4.3 The Connétable of St. Brelade:

While I support the Deputy's proposition, I do not know if we can or whether the Chamber can, especially with the 2 weeks bit, and Members would have received the C.A.G.'s report yesterday, because remember the S.E.B. we have to lodge within 2 weeks so I cannot really see, in fairness to officers, that it can possibly work and I wondered, Sir, if you might give us guidance on that and I refer to paragraph 26.2 of Standing Orders.

The Bailiff:

This is to do with lodging periods?

The Connétable of St. Brelade:

Yes, Sir.

The Bailiff:

What are you asking, Connétable, sorry?

The Connétable of St. Brelade:

Well the proposition asks that the States Employment, within 2 weeks of the publication of the report on senior salaries, to lodge for approval the alterations and new mechanisms, and I do not see how it can possibly happen.

The Bailiff:

Well I think that is a matter for the Board and others as to whether it is practical, but it can be lodged.

The Connétable of St. Brelade:

Well it has to be lodged within 2 weeks of the publication of the report, the report has been published yesterday so we are at 2 weeks today. So in theory, according to this, the S.E.B. would have to lodge today and they can ...

The Bailiff:

No.

The Connétable of St. Brelade:

Am I reading that wrong?

The Bailiff:

Surely the report was only published yesterday, was it not?

The Connétable of St. Brelade:

Yes, Sir.

The Bailiff:

So it is 2 weeks from today, so it is 2 weeks today.

The Connétable of St. Brelade:

Sorry, Sir, the minimum lodging period is 2 weeks, do I ...

The Bailiff:

That is before you can debate it.

The Connétable of St. Brelade:

Okay, thank you, Sir. In that case I will support the Deputy's amendment.

8.4.4 Deputy P.V.F. Le Claire:

I do support Deputy Martin in just about everything she does. I do not know if it was meant to be a criticism of my research that I had to use the internet, but I certainly do not have any employees or a library to research upon and I have been given a States laptop and access to the internet, so I did try to get something that I thought would help with the debate because I think I agree with most people when we see the top levels of salaries that we have seen. I also agree with Health that they need the people when they need them, but I do feel it was a little unfair criticism really. I agree with her though, the Localism Bill described by Mr. Pickles, something else I got off the internet, is

one of the most radical pieces of legislation to be debated in parliament for decades. It prizes democracy over bureaucracy and it is the intention that it should fundamentally shake up the balance of power in this country, and much like that of Deputy Le Hérissier's proposals it would have if it was passed - but it is the most radical piece of legislation to be debated in parliament for decades - it would have everybody debating every post that was above £100,000 in all terms, remuneration, bonuses, charges, fees, allowances, parachute settlements, pensions *ad infinitum*. It is all there on the internet if anybody wants to see it.

[17:00]

But what I was referring to, which was not so easy to find, was within the United Kingdom Parliament website was the review body on the senior salaries, which I mentioned earlier, and it was in regard to this amendment that I thought there was a lot of relevance. Because if - as there is an ongoing review with the States Employment Board, as pointed out by the comments of the Minister for Social Security - if the ongoing review is occurring now then it can reflect upon the fact of what is working today. At the moment it is basically if the hospital needs somebody they go out and get them and that is quite right, we are not stopping that. But what we are suggesting and supporting this amendment of the Minister for Social Security, is that there should be a format for determining these appointments based upon information and in this report it refers to the gradings and evaluation of roles by PricewaterhouseCoopers. In all salaries of senior positions, including those of the judiciary that come into play in Jersey in some context in the future and also for the armed forces and the senior salaries of the executives it gives the salary bands of what they are giving, and it also makes recommendations about increasing the breadth of pay differentials so that people are not so close together, so that it is not so easy to hop into the next grade. It talks about the reduction of salaries, it talks about the policy of the Government to pay freeze and it talks about the implications in relation to establishing the appointments through a process that takes away this quite daft idea that we should bring to the floor of this House a proposition every time somebody is going to be employed that earns over £100,000, because there are a considerable number of people in this Island that earn over £100,000. While I support the principle of Deputy Le Hérissier's proposition, I think it is going to be better if it is amended because it is going to put it into a much more robust platform of a review. If that panel - which is currently doing it now, the States Remuneration Board - and the Minister for Social Security marries their thinking up along the lines of these people in the United Kingdom then we will be able to ensure that the Minister for Health and Social Services and her Assistant Ministers have all the doctors they need. As a final remark I would say, when I was looking at the internet in relation to Ministerial governments and the Local Government Bill, it said quite clearly that if the population was below a certain threshold you would not be able to have Ministerial government. At the time we were debating it the population was not above that minimum threshold, but it was allowed to rise above that minimum threshold so that we were allowed to have a Ministerial government. There was in fact a requirement that those communities under 85,000 in the Local Government Bill were required to have a directly elected mayor or small committee systems. So if they are now reversing their thinking it is too late for us, our population has increased to the Ministerial level and we are not part of Europe yet.

8.4.5 Deputy A.E. Jeune:

Now that we have amended Deputy Gorst's amendment, which Deputy Gorst's amendment I was only too happy to second, but it is a completely different amendment now and I would like to draw Members attention to question 18 of the written questions this morning and have you looked on the back? Have you seen what is there?

The Bailiff:

Have Members seen what is there.

Deputy A.E. Jeune:

Begging your pardon, Sir. Have Members seen what is there? If we look to the answer it says details of non-clinical staff and contractors engaged are listed below. The Members have not been given information of what is currently going on in the Health Department with clinical staff who are engaged on various interim, contractor, locum, agency whatever. We do not know, we have not been provided with that information. When we talk about clinical staff we are not only talking about our doctors, we are talking about a range of health professionals so we really should, I believe, have been given that information. I do not know whether we have currently an agreed locum band but if we are now going to exclude all clinical locum appointments does that mean that when we need a consultant, a registrar, a specialist for a short term that they can call on the sum they require to come. Believe me, within the medical fraternity word will soon get around, just name your own price in Jersey. We do have a policy but, as set out in the Comptroller and Auditor General's report, that has not been adhered to. How do we remain in control? I am having real difficulty now, I am hoping that others who may speak may be able to give me some hope on this amendment. Thank you.

8.4.6 Deputy J.M. Maçon:

Yes, on that point, as I understand it the amendment by Deputy Gorst is an addition to whatever underlying processes we already have in place. That means that we are not throwing out all the other checks and balances we already currently have. We are simply adding to what we have already got, having an extra check and balance for having this process, in which case if you are of the opinion that the locums are already out of control, therefore, there is a problem with the underlying system, in which case, yes, you can argue this will not make a difference. But, again, that does not make a difference because this is just adding to what we have already got and not replacing what we had, as I understand it, unless any Member would like to correct me.

8.4.7 The Deputy of St. Mary:

I am not sure if I am clearer now. I just wanted to make a few points, I am not sure they have been picked up by other people. Firstly, the proposer I think it was said, right at the beginning of this debate on his amendment... Deputy Gorst, said: "We recruit from other jurisdictions." The present situation is basically that we recruit from other jurisdictions, therefore, we have to pay the rate, plus the Jersey premium, which I sort of nodded to mentally. Then he said: "But we must look at this again." Stern face, jutting chin. The problem with that is I just want to put a note of caution on this whole exercise. If we think this is going to solve the problem, it is all going to go away, we are going to suddenly cut the salaries and everything is going to rosy, it is not going to happen like that because we have already got serious problems with nurse recruitment because we are told the reason is they cannot afford to come here is because we are not offering enough. Now, if that is true then that shoots rather a bit of a hole, torpedoes the boat, because if we are going to invent a new set of rules I am not sure it is going to stick. So let us, by all means, look at it again within this incredibly tight timescale of 2 weeks, but let us not expect too much because we heard from Deputy Le Claire, one of the quotes he read out in his first intervention was quite startling, the number of things you have to keep in your head when you are looking at employment and recruitment procedures, you have to bear in mind the regional context of employment, the labour market in each region, not just nationally, and so on and so on and so on. It is not an easy area and yet in 2 weeks we are going to revamp the whole thing and suddenly arrive at the promised land. Well, it is a good thing to look at it all again but I am not sure quite how much we are going to achieve with this, but it is probably an exercise we have to do. The second thing is I think there is not a problem with the reporting system as proposed by the original proposer, Deputy Le Hérisier, even as amended, it is still possible that will remain. We are not going to query everything, we are not going to debate everything, whatever Deputy Martin says, there are going to be the odd one that people will pick up on and say: "Oh, I want to have a look at that." Fire-off an email, that is exactly what we do with property now and that is not impossible, although it has been suggested that it is impossible. Finally, something bothers me about this whole debate, which is that very

often the headline in a speech that somebody makes is cut, cut, cut. We are in a context of cut, cut, cut and, therefore, we have to go in this area of senior salaries and so on. Well, either the person is worth that, either the savings are worth, either they know how to do the job - whatever it is - at senior level, or they do not, and you pay whatever that particular rate is and then there is the technical question of what that is. But I am just worried about putting it in that context of we have got to scratch away at these salaries and maybe we can get away with paying so-and-so a bit less and so-and-so a bit less. I just warn Members that may not be the best way to set pay levels. I think that is probably enough.

The Bailiff:

Does any other Member wish to speak. Very well, I call on Deputy Gorst to reply.

8.4.8 Deputy I.J. Gorst:

If I could just start by touching on localism. A number of Members have mentioned that, of course what we should remember is that while the Minister for Local Government in the United Kingdom is presenting his Localism Bill, and far be it from me: I for one would not think of Deputy Le Hérisier when I see that particular Minister but, there we are, we can always be surprised. While he is presenting his Localism Bill of course there is a control mechanism in place in central government as well, perhaps it is slightly more generous but that is something that they are looking at and ensuring that central government staff salaries are controlled as well, so we do not need to choose because we are in that unusual position where we are both local and central government, and in the U.K. we see them bringing in control procedures in both elements. The mover of the original proposition, I think in an earlier amendment, talked about my words around control and his monitoring mechanism being semantic, so I question that. I do not believe that is the case because what I believe if we do not accept my amendment, the only control mechanism then open to this Assembly will be to lodge a proposition every time they see an advert for a job that they do not particularly like - it might be the scope of the job, it might be the salary of the job - the only control mechanism open to them would be to lodge a proposition and have it debated, and I do not think that is necessarily appropriate. I think we need to look at control in the round because I do believe, unlike the Deputy of St. Mary, that we really must control senior salaries. I think that the example that the Deputy of St. Mary used around nurses and saying that one of the reasons we struggle to recruit nurses is because we do not pay a competitive rate turns this argument on its head. Why should we always accept a mantra that for senior salaries we must pay a certain rate otherwise no one will take the job, and yet for nurses - and I have got to be careful here because I am conflicted, Members know that my wife is a nurse - but for nurses we are not prepared to accept that or at least look at the rates that nurses are being paid. I believe that the Health Department are questioning those premises and are asking that they are going to go forward with making sure that those more junior roles are paid at an appropriate level. That is what we are asking for with the senior salaries. Let us be honest, I think we do believe that they are out of control and that those mechanisms are not working particularly well at this moment in time. Far be it from me wanting to be a thorn in the side of the States Employment Board because I know they have a very difficult task, I have been a thorn enough with bringing this amendment. But I would say, and I have always been of the opinion that I do not believe that the Hay evaluation system is fit for purpose for Jersey, and I believe that it is long overdue review and amendment and probably so, if I am honest, slinging out.

[17:15]

I give one simple example of that, my Chief Officer - I know I will be sparing his blushes - when one looks at the information provided to Members in the Comptroller and Auditor General's report, will see that he is one of the lowest paid Chief Officers and that is simply because we do not have many staff employed at the department. But if we look at the budget that he controls it is the biggest budget, it is somewhere like £350 million a year, although that is not all taxpayer funded budget, and yet he is paid in comparison with some others very little. That is because of the Hay

evaluation, it cannot be right that a Chief Officer in charge of a massive budget is paid relatively little compared to a Chief Officer who is paid a lot because they are responsible for a number of employees, and yet in actual fact that responsibility does not run down to day- to-day responsibility because they are responsible to the States Employment Board. So we cannot have it both ways. I have said that to my Assistant Minister, who can never ever be described as a lackey, I would say to her that what I am proposing is that the States Employment Board come back with a proposition which she then can re-amend and change to finesse some of the issues around locums, because there was a slight catchall in the States Employment Board amendment there and that even I would be uncomfortable with. Locums, yes, we have got to be able to deal with appropriately, but not necessarily the catchall. Then we come so finely to the timing issues. When I was writing this proposition I perhaps naively thought that the Comptroller and Auditor General might have made a few more recommendations around policy and process. He has not done that, I understand why he has not done that, he has just said: “Go away and have a look at this.” It surely cannot be beyond the States Employment Board to at least come forward with an interim report within 2 weeks to say: “This is the direction we are going, this is what we are looking at.” Then within a matter of weeks after that, coming forward with a proposition for debate. They might be able to do it in 2 weeks, I recognise it does not say that in my proposition, but if the States Employment Board did that it would not be the first time that a Minister has accepted or gone away with proposition and said: “Actually I need a little bit more extra time in order to give full effect to what it is that the States wants me to do.” Therefore, I ask that that will not put Members off from voting for this amendment. Finally, as a private Member bringing this proposition, of course I would like to thank once again the Greffe for all their help and the help that they provide to private Members when they are presenting propositions before this Assembly. **[Approbation]** I call for the appel.

The Bailiff:

Very well, the appel is called for then in relation to the amendment of Deputy Gorst. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 48		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				

Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (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 I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

8.5 Salaries over £100,000: notification to States Assembly (P.30/2011) – amendment (P.30/2011 Amd.)

The Bailiff:

Now, Deputy Vallois, you have an amendment, do you still wish to pursue it in the light of the amendment of Deputy Gorst? It is a matter entirely for you.

Deputy T.A. Vallois:

Yes, Sir, I think it needs to be aired because there are a few issues within this particular amendment, although it is only administratively, that I think needs to be aired within the States and understand the differences.

The Bailiff:

Very well, that is entirely a matter for you. I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “or other external body” insert the words “and following the signature of a Ministerial Decision by the Minister responsible for a department where the public employees to be employed confirming the Minister’s support for the post and the proposed remuneration”.

8.5.1 Deputy T.A. Vallois:

My amendment was relatively simple and was done pretty much fairly quickly after Deputy Le Hérisier put his proposition out. The point in putting this amendment forward was that there was many times when working on Corporate Services Scrutiny Panel that we came across particular issues whereby you have got the Minister who is in control of their own budget, this States Assembly provide them with a budget per year to determine within their department and ensure that they offer the services that the States give to them in the Strategic Plan. Unfortunately the majority of most of the Ministers’ budgets is partly to do with staff, well the majority of it is to do with staff. However, the salaries and the terms and conditions, *et cetera*, are determined by the States

Employment Board and if you look at the makeup of the States Employment Board it does not even have the 2 Ministers on it with the highest amount of staff. This is where it becomes particularly an issue and this is why I have put in the report ... I will stress the area of the Ministerial guidelines which came across my desk not long before I did this amendment. The Ministerial Decision side of producing the report is along the similar context of Standing Order 169, that is to do with property holdings where the leases and selling of property is agreed by Ministerial Decision, mostly by an Assistant Minister, and you have 15 days to dispute that decision made by the Minister. So I, therefore, thought it was appropriate that this was put in place for salaries over £100,000. In the guidelines it specifies this particular section where the basis and process for making and recording Ministerial Decisions were set out in RC80/2005, presented by the former Policy and Resources Committee and further supplementary guidelines were produced under R.93/2006 by the Council of Ministers. These are required to achieve the following: demonstrate that good governance and clear lines of accountability are in place, in particular the separation of advice to Ministers; the actual process of decision making and the implementation of decisions; provide a record of decisions and actions that will be available for examination by Scrutiny Panels, States Members, the public and the media; provide a historical record and point of reference in the event that a decision should be challenged or form part of an investigation or legal challenge; provide a record of the action needed to implement the decision, normally by the department. Then it goes on to say that the absence of properly recorded Ministerial Decisions can have a number of consequences, not least exposure of officers and Ministers to criticism over decisions that are not formally recorded; lack of clarity over advice provided and decisions taken in some circumstances; decisions which may not be supported in law and decisions which may not be in line with established practice, e.g. Standing Orders of the States of Jersey. It should also be noted that due to the Public Records Law departments are required to produce Ministerial Decisions, this ensures that there is always a record available of all decisions taken within departments, and the reason why I ask for a Ministerial Decision is so that it shows that the Ministers had some interaction with the States Employment Board on determining the level of salaries in which they are responsible for the budget within their department. Therefore, that is why it only makes sense that administratively this is accepted going forward if we are to have accountability and transparency, and I was hoping that this amendment would strengthen what Deputy Le Hérisier was trying to suggest. There may be people bandying about saying that we will end up bringing debates to the House but I would ask you to just look back and see how many times debates have been brought to the House with regards to Standing Order 168. There are hundreds of those Ministerial Decisions signed and I think you can count on one hand the debates that you have had in this House with regards to Standing Order 168, Ministerial Decisions. So I would ask that the Assembly consider this amendment and consider that it is an appropriate way forward for accountability and transparency measurement in the States of Jersey.

The Bailiff:

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

8.5.2 Deputy P.V.F. Le Claire:

It is an excellent amendment, I am glad that Deputy Vallois did not just fold then and I am glad she has proposed it because it will give that level of scrutiny that most people want to see. I would just like to ask the proposer, I would hope that Ministers would not delegate these responsibilities to their officers and if they were to do that, are they able to do that? Because if we are going to give them this responsibility because we want to we are basically saying, although we do not want every £100,000 decision made in this Assembly we are basically asking the Chief Minister to require the Minister for Social Security and the Minister for Health and Social Services and the Minister for Education, Sport and Culture and other people who earn lots of money to cast their eye over those decisions. I am just wondering, will they not then end up just saying: "Look, I am doing so many of these, it is ridiculous, why do I not just delegate it to my Chief Officer?" So that is a question. I

am in support of what the Deputy is doing and I think it is an excellent objective; I am just concerned that they will delegate.

8.5.3 Deputy R.G. Le Hérissier:

Very quickly to say I agree and what it does, of course, given the vote on Deputy Gorst’s amendment of course, we may not end up with this method of monitoring/control. What it does, it allows us to emphasise performance management and accountability which we know have sadly not been pushed as much as they should have.

8.5.4 The Connétable of St. Brelade:

Just briefly to say that I would support it and just commenting on Deputy Le Claire’s remarks, and I am sure I speak for most Ministers in that it is something I do not think in terms of volume that any Minister would wish to delegate and is part of the responsibilities of running any department that you know exactly what is going on, and I think it is a most reasonable amendment.

8.5.5 The Deputy of St. Mary:

Just briefly, I think one thing the amendment does do is - I am not sure the proposer mentioned it or mentioned it strongly - it does allow scrutiny, through the mechanism of Ministerial Decisions coming automatically to Scrutiny. It allows them, particularly as they are flagged-up as job, new role or additional role or existing role being reappointed, as long as it is flagged-up like that so that it is clear to Scrutiny Panels that is there and then they can look at it if they want to. That is an important addition to the original proposition which this amendment gives and I urge Members to support it.

The Bailiff:

Does any other Member wish to speak? I call upon Deputy Vallois to reply.

8.5.6 Deputy T.A. Vallois:

I do not think there is very much to reply on but I would just like to thank those that spoke, and I would just like to reassure Deputy Le Claire that I do not think it would be in any Minister’s best interests to delegate this kind of responsibility to an officer and I am sure that many of us would pick up on it sure enough. I would like to thank the Deputy of St. Mary for clarifying the point of Scrutiny and how they are able to see the Ministerial Decisions and I ask for the appel.

The Bailiff:

The appel is called for then in relation to the amendment of Deputy Vallois to P.30, I invite Members to return to their seats and the Greffier will open the voting.

POUR: 45		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy E.J. Noel (L)		
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				

Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (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 I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

That returns us then to the debate on the proposition of Deputy Le Hérisier, which of course has now been quite substantially amended. Are Members content to ...

Deputy P.V.F. Le Claire:

Can I suggest that we continue, I think it can be ...

Deputy R.G. Le Hérisier:

How many people wish to speak, Sir, if we can get an idea?

The Bailiff:

Does everyone want to flash their lights, those who think ... 3 or 4. Very well, the adjournment is proposed, do Members agree to adjourn? Now, before we do there are 2 matters that I need to raise with the Assembly, the first one is that Deputy Le Claire had been kind enough to indicate to me that he was not going to proceed with P.27 but I then inadvertently rather jumped the gun and took him at his word without him having the opportunity to say so. So, Deputy Le Claire, do you wish to ...

Deputy P.V.F. Le Claire:

It would afford me an opportunity to offer an apology to Members for the late position. I have to relodge my proposition because I only received an email at 12.55 p.m. today from the Comptroller and Auditor General clarifying a position and, in that regard, having spoken to the Chief Minister, I

am afraid to say over lunch it became quite patently obvious we would have a 4-hour debate that might not go anyway. So I need to relodge it and it will be relodged very soon.

The Bailiff:

So in fact you are withdrawing your ...

Deputy P.V.F. Le Claire:

I am going to withdraw it and relodge it, if I may.

The Bailiff:

Very well, so P.27 is withdrawn and then the second matter is simply to notify Members of the lodging of P.50 - Planning Applications Panel: appointment of members - lodged by the Minister for Planning and Environment. Very well, so the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:29]