

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 27th NOVEMBER 2017

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[14:46]

The Roll was called and the Deputy Greffier of the States led the Assembly in Prayer.

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Engagement of H.R.H. Prince Henry of Wales and Ms. Meghan Markle – congratulations

The Bailiff:

First of all under A, I am pleased to inform Members that a message will shortly be sent to His Royal Highness Prince Henry of Wales in the following terms: “The Lieutenant Governor, Bailiff, States and people of Jersey join together to send your Royal Highness and Ms. Meghan Markle their warmest congratulations on the special occasion of your engagement. The people of Jersey offer you their most loyal good wishes for every future happiness together and hope that the Island may one day be honoured by a visit from you both.” **[Approbation]**

QUESTIONS

2. Written Questions

2.1 DEPUTY S.Y. MEZEC OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING POLITICAL POLLING UNDERTAKEN BY PRIVATE COMPANIES: [1(617)]

Question

What legislation, if any, exists to govern political opinion-polling conducted by private companies on behalf of prospective election candidates?

Answer

There is no legislation which regulates political opinion-polling as such.

However, the following Laws may be of relevance in certain circumstances:

Article 62 of the Public Elections (Jersey) Law 2002 makes it an offence in certain circumstances to publish a false statement about a person who is a candidate. If an opinion poll were commissioned by a candidate intending to influence voters which included the publication of a false statement about another candidate, and the candidate commissioning the poll knew the statement to be untrue, he or she might then be liable to prosecution under Article 62.

Commissioning the services of a private company by a candidate in a public election may also form part of a “candidate’s election expenses” within the meaning of Article 3 of the Public Elections (Expenditure and Donations) (Jersey) Law 2014, if the provision of the services is used:

- to promote or procure the candidate’s election at the election; or
- to prejudice the electoral prospects of another candidate in the same election.

Such services may therefore be subject to the statutory restrictions on expenditure in that Law.

2.2 DEPUTY S.Y. MĒZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF SUBSIDISING G.P. VISITS: [1(618)]

Question

Could the Minister indicate how much is spent per year on subsidising GP appointments for Islanders and further give estimates as to the potential cost of fully subsidising the service to allow people to attend appointments with their GP without having to pay?

Answer

The table below shows the total value of medical benefit subsidies made towards the cost of GP consultations.

Year	Cost
2014	£7,108,000
2015	£7,298,000
2016	£7,195,000

On average 354,000 GP consultations have taken place per year over the three year period 2014 to 2016. In addition since 2015, GPs have received contractual payments under the Jersey Quality Improvement Framework with an annual value of £1,584,000.

An initial estimate can be made to calculate the cost to the States if these consultations were funded in full by considering the current GP list prices for each type of patient and for each type of service.

For example, using the fees published on GP web sites, the cost of a surgery consultation averages £39.50. Some surgeries charge less for students and children (ranging from £0 to £27) and most charge more for home visits (ranging from £70 to £96 and averaging £85). Analysis completed in March 2017, when this question was also tabled, suggested that 6% to 7% of GP consultations are home visits, attracting the higher fee.

If these averages are used (£39.50 for surgery visits and £85.00 for home visits) the cost to fully fund basic GP consultations would be an additional £15 million a year and £22 million in total including the medical benefit of £20.28 paid from the Health Insurance Fund to subsidise each consultation.

As noted in the response to this question in March 2017, estimates of the level of funding to provide a fully subsidised GP service are vulnerable to further variation because changes to the payment mechanism will impact on both patient and provider behaviour. As such, these estimates do not take into account:

- The volume of discounting included within the current payment system
- Any increase in the number of consultations which could be generated within a fully funded system
- The level at which a full subsidy would be agreed by GP practices

In addition, this £22 million estimate reflects the amount which might be required to fully subsidise basic consultations. It does not include a calculation to consider additional services which might be funded in a General Practice States contract. For example, practices currently make further charges in addition to the basic consultation fee for ear syringing, blood tests, travel vaccinations, family planning, hormone replacement therapy implants, electrocardiograms (ECG), letters of referral, and so on. Social Security do not hold figures on the volume of these additional services, or the entire range available, but such services will make up a significant proportion of the transactions which take place in primary care.

2.3 DEPUTY S.Y. MĒZEC OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF GENERAL NURSING TRAINING IN JERSEY: [1(619)]

Question

Could the Minister indicate how many people are undertaking general nursing training in Jersey, including a breakdown of numbers in year group of study? Could he further indicate the cost of covering the tuition fees for these courses?

Answer

No. of students	Details
6	Graduated from the University of Chester (UoC) in September 2017 after completion of 3-year degree
9	UoC students started 3rd year in September 2017; due to complete the programme in September 2018
13	UoC students starting 2nd year in March 2018; due to complete the programme in March 2020
12	UoC students starting programme in March 2018; due to complete the programme by March 2021.

The students detailed above have completed or are on their way to completing the adult nursing degree (Bachelor of Nursing – Hons) programme in Jersey. It is a three-year degree programme taught by local Senior Lecturers.

A competitive tender exercise was held to select a partner university for the adult nursing degree programme and the tuition fees attached to these courses were negotiated as part of a contract with the University of Chester. The fees are commercially confidential and cannot be disclosed. The fees reflect the fact that students access the degree programme in Jersey with both the taught element (classroom activity) and practice (clinical) experiences delivered locally, with the degrees conferred by the University of Chester. I can confirm that the cost of delivering these courses on-Island is less than if they had been delivered in the UK.

2.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING ROADS SURROUNDING THE MILLENNIUM TOWN PARK: [1(620)]

Question

1. Further to the answers given on 14th November 2017, will the Minister release to members the TMS (Parsons Brinkerhoff) design development/Safety Review commissioned in 2011, along with minutes or notes from departmental meetings at which the design brief/project funding/budget was discussed internally or with external agencies in 2010/11, and if not why

not?

2. Why was it agreed on 27th September 2011 that the Town Park Capital Budget would fund all road improvements in Gas Place and Oxford Road (including rising bollards), but not Robin Place/Tunnel Street? What is the difference, if any, between these two access points?
3. Will the Minister release any minutes or papers to support his assertion in paragraph (c) of his written answer that the Council of Ministers had agreed funding for the creation of the Park?
4. Is it the case that there was no agreement between the Parish and Infrastructure over the removal of funding for rising bollards in Robin Place as recorded in the exchange of emails on 27/09/2011 and 04/11/2011?
5. What justification, if any, was given for the decision made in December 2012 to repay contingency funding of £500,000 despite the failure to agree Tunnel Street access with the Parish?

Answer

- 1. Further to the answers given on 14th November 2017, will the Minister release to members the TMS (Parsons Brinkerhoff) design development/Safety Review commissioned in 2011, along with minutes or notes from departmental meetings at which the design brief/project funding/budget was discussed internally or with external agencies in 2010/11, and if not why not?**

The TMS Report is attached to this answer (see Appendix A). We were previously unable to release the report as it may have been required for the Inquest. The Deputy Viscount has since informed us that the TMS Safety Review, dated 14 April 2011, is not now required for the purposes of the Inquest. Therefore, I can now make that report available. A copy has also been placed online on the gov.je website.

It should be noted that the report deals only with the traffic management options to improve pedestrian access around the park being proposed at the time of the development of the Town Park (2010 / 2011). In particular, it considers safety issues that would need to be addressed due to vehicle reversing movements if bollards were installed in Tunnell St.

The Town Park was opened October 2011. The TMS report does not consider the final layout implemented by the Parish on Tunnell St starting in 2012 or the modifications made by the Parish five years later on, when it incorporated the La Raccouche pedestrian route as an independent scheme in September 2015.

It may also be interesting to note that the network traffic management proposals for the Town Park development were set out in the December 2010 Transport Assessment, submitted as part of the Town Park planning application. This document considered how traffic and transport needs could be met within the development and their impact on the wider road network.

Also, the Parish undertook the neighbourhood consultation on the traffic management measures proposed in October 2010.

The funding situation was made clear in email correspondence between the Connetable and TTS, as well as in the Parish Roads Committee meeting minutes, as set-out in the following responses:

“-----Original Message-----

From:[TTS Director of Infrastructure and Engineering]

Sent: Tue 27/09/2011 15:32

To: Simon Crowcroft; Michael Jackson; [TTS Chief Officer]

Cc:.....[TTS Principle Engineer]

Subject: Funding of the road improvements surrounding the new Town Park

Hi Simon,

Thanks for talking to me from your holiday last Friday regarding the funding of the road improvements around the new Town Park. Further to our discussion, I met with our Minister, Assistant Minister and [TTS Chief Officer] and all were happy with the solution we discussed.

As requested, I have listed out the details of what we agreed so there is no ambiguity

The TTS capital budget for the Town Park will fund the following elements

- * Full park remediation*
- * Full park construction*
- * Road improvements to Bath Street including street lighting and a new pedestrian crossing*
- * All road improvements including cycle track, street lighting and rising bollard in Gas Place and Oxford Road up to the junction with L'Avenue et Dolmen du Pres du Luminiere*
- * Provision of granite materials only for Robin Place and Tunnel Street*

The Parish will fund all the remaining works in Robin Place and tunnel Street to include the laying of the granite, the street lighting and the rising bollard. We will arrange the transfer of the granite materials to your Parish yard in due course and provide copies of material suppliers, specifications and detailed drawings in due course

Trust this confirms our discussions and I would appreciate your confirmation of the above

..... [TTS Director of Infrastructure and Engineering]"

And, see Parish Roads Committee minutes A Agenda of 27 January 2012, 10/12 – Millennium Town Park:

*"The Constable said that looking back at the history of the Park project, £10M had been budgeted to complete the whole scheme. It was the States who deemed this amount was sufficient to complete all work and, in addition, create a café at the site. **The Parish has not budgeted any funds to carry out work on the Park.** The former Planning Minister's insistence that the Park be fenced in with a wall and railings had obviously used up some of the budget on items that were not originally included.*

*..... [TTS Director of Projects and Engineering] Director of Projects and Engineering **stated that the Council of Ministers had agreed the funding for the creation of the Park, but responsibility for the roads rested with the Parish and not TTS.***

The Committee questioned whether when the budget had originally been set, anything had been put aside to do the roads. [TTS Director of Engineering and Infrastructure] confirmed that the road design had been progressed later than the Park design.

..... [POSH Director Technical and Environmental Services] advised the Committee that a Parish team of stone masons was available to start almost immediately on the Tunnel Street section of the project, and while the team could be allocated to carry out the Gas Place work as requested by TTS, this would leave the southern section of the street words unfinished. He also recommended that the offer of project management by TTS would be of great assistance. His preference was to allow the contractors engaged by TTS to continue to work on the Gas Place section, albeit at Parish cost, while the Parish completed Tunnel Street as planned. He said that the cost of the extra work in Gas Place could be met from reprioritising the roads' programme for the current year.

The Committee maintained that the roads issue was a fundamental one, yet it appeared that instead of addressing the roads issue first, TTS organised the fountain and swings area. As a result the Parish is being passed the responsibility to complete the project. It was considered unfair that ratepayers had to increase their budget rather than tax payers meeting the additional costs.

However, it was accepted by the Committee that Gas Place and the area in front of Indigo House was due for resurfacing but had been delayed due to development of the Park. It was further agreed that there have been several instances in recent years where Parish teams have worked in partnership with TTS, such as on the Broad Street project. The Committee was also keen to see the project completed as soon as possible, which would have to include the refurbishment of the roads around the park.

The Committee voted by a majority to ask at a Parish Assembly for additional funding so as not to delay the roads' programme. [Parish Roads Committee Member] asked that his dissent be recorded.

However, it was explained that the delay involved would make it impossible for the TTS contractors to complete the Gas Place section of the works. **It was also stated that the Roads Committee has responsibility for the roads programme and that adjustments of this nature were sometimes necessary. Accordingly the Committee voted to rescind its earlier decision and voted by a majority to agree to include the Gas Place refurbishment to be funded out of this year's budget.**

..... and [two Parish Roads Committee Members] asked that their dissent be recorded".

[Emphasis added]

2. Why was it agreed on 27th September 2011 that the Town Park Capital Budget would fund all road improvements in Gas Place and Oxford Road (including rising bollards), but not Robin Place/Tunnel Street? What is the difference, if any, between these two access points?

The Parish of St Helier Roads Committee is the responsible authority and is the only body that can direct changes to its roads layout or operation, all implementation work on the roads was commissioned and funded by the Parish.

The capital funding for the Millennium Town Park was primarily for the creation of a community park to the benefit of the North of Town.

As outlined in our 14 November 2017 answer, the division of funding was the result of a negotiation between the Connetable of St Helier and TTS. We cannot speak or answer for the Parish. As a St Helier Deputy, we can only suggest that the Deputy makes enquiries of the Connétable, the Parish Procureurs and the Parish Roads Committee.

See email from TTS Director of Infrastructure and Engineering to Connetable Crowcroft of 27 September 2017.

It is clear that the responsibility for work on the Parish Roads was with the Parish of St Helier, and that authority for additional funding was going to be sought by the Parish Officials. The decision as to how that funding could then have been allocated rested with the Parish.

The difference between Gas Place / Oxford St and Robin Place / Tunnell St is that the traffic modelling within the Planning Application showed that the latter could potentially be closed to through traffic, if access to premises was maintained.

3. Will the Minister release any minutes or papers to support his assertion in paragraph (c) of his written answer that the Council of Ministers had agreed funding for the creation of the Park?

See Parish Roads Committee minutes A Agenda of 27 January 2012, 10/12 – Millennium Town Park:

“TTS presented various facts to the Committee...

the Council of Ministers had agreed funding for the creation of the Park, but the responsibility for the roads rested with the Parish and not TTS”

4. Is it the case that there was no agreement between the Parish and Infrastructure over the removal of funding for rising bollards in Robin Place as recorded in the exchange of emails on 27/09/2011 and 04/11/2011?

Funding for the bollards in Robin Place was not removed as it was never provided for. The TTS Director of Engineering and Infrastructure states in his email of 27 September 2011 to the Connetable of St Helier, with the then Minister for TTS copied in:

“As requested, I have listed out the details of what we agreed so there is no ambiguity

The TTS capital budget for the Town Park will fund the following elements

- * *Full park remediation*
- * *Full park construction*
- * *Road improvements to Bath Street including street lighting and a new pedestrian crossing*
- * *All road improvements including cycle track, street lighting and rising bollard in Gas Place and Oxford Road up to the junction with L'Avenue et Dolmen du Pres du Luminiere*
- * *Provision of granite materials only for Robin Place and Tunnel Street" [Emphasis added]*

The fact that the Connetable of St Helier did not dispute this record of the negotiations and then went on to raise the issue of Parish funding at the Roads Committee meeting of 27 January 2012, where it was concluded that Parish would undertake and fund the works on its roads, would seem to indicate agreement.

N.B. Email correspondence was of 27/09/2011 and 04/10/2011 and not as erroneously set out in the Deputy's Written Question.

5. What justification, if any, was given for the decision made in December 2012 to repay contingency funding of £500,000 despite the failure to agree Tunnel Street access with the Parish?

We refer you to the Ministerial decision of 14 December 2012, which explains the repayment of carry over funding retained as an emergency contingency (to fund exceptional events) and had to be handed back if not required. It was not for TTS's discretionary use.

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=FBBD917D-75CB-4FB4-A4A1-717E017EB2F9>

That Ministerial Decision is almost 15 months after the discourse between the TTS Director of Infrastructure and Engineering and Connétable Crowcroft referred to above.

As stated in my response to Deputy Southern's final supplementary question on 14 November 2017 the Connetable and the Parish's Roads Committee were the masters of their own destiny in this matter.

APPENDIX A

April 2011, TMS Millennium Town Park – Jersey Restricted Access Proposals on Tunnell St, Safety Review Rev B. Cost £700.

This report deals with the traffic management options to improve pedestrian access around the park being proposed at the time of the development of the Town Park in 2010 / 2011. In particular the report reviews the safety issues that would need to be addressed due to vehicle reversing movements if bollards were installed in Tunnell St. It does not consider the final layout implemented by the Parish on Tunnell St, starting 2012, in after the park had opened, or five years later on in September 2015 when the Parish introduced the La Raccouche pedestrian route as an independent scheme.

Drawings are referred to in the report which were later superseded but the report references were not updated. The later version of the drawings are attached as:

Date	Designer	Title	Drg. No.
13/04/2011	Parsons Brinkerhoff	Tunnell St Square Option 1	Figure 1
13/04/2011	Parsons Brinkerhoff	Tunnell St Square Option 2	Figure 2
13/04/2011	Parsons Brinkerhoff	Tunnell St Square Option 3	Figure 3*

*The drawing 407074406-0001 Option 3 reference in TMS's report refers to a computer generated PDF code and the drawing is in fact a duplicate of 'Tunnell St Square Option 3'



safer roads for everyone

Millennium Town Park - Jersey Restricted Access Proposals on Tunnell Street

on behalf of Parsons Brinckerhoff

Safety Review Rev B

April 2011

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Millennium Town Park - Jersey Restricted Access Proposals on Tunnell Street

Safety Review

1. Introduction

- 1.1 This report refers to a Safety Review commissioned by Parsons Brinckerhoff.
- 1.2 TMS Consultancy was established in 1990 to provide specialist consultancy, research and training services in traffic management and road safety Engineering. TMS currently provides these services to a wide client base in both the public and private sectors in the UK and internationally. TMS Consultancy has an internationally recognised reputation in this field of work and runs the industry standard RoSPA 2-week Road Safety Engineering (AIP) and 1-week Advanced Road Safety Engineering training courses.

2. Methodology

- 2.1 TMS Consultancy has been commissioned by Parsons Brinckerhoff to carry out a safety review of the proposals to restrict access from Tunnell Street into Robin Place as part of the Millennium Town Park proposals in Jersey.
- 2.2 The review has been carried out by Elaine Bingham, BEng (Hons), a Senior Engineer with TMS Consultancy.
- 2.3 No site visit was undertaken. The review consisted of a desktop study of the following information:
 - Drawing No 501 Rev F Option 1
 - Drawing 01_10244.SK14 Option 2
 - Drawing 407074406-0001 Option 3
 - Proposed Sign Sketches – Option 3

3. Safety Observations

- 3.1 Options 1 and 2 restrict access from Tunnell Street into Robin Place to residents only by the use of rising bollards operated with an ANPR system. Any vehicles not on the ANPR database will have to u-turn at the proposed turning head.
- 3.2 Option 3 also restricts access from Tunnell Street into Robin Place, however for this option any vehicles not on the ANPR database will have to wait 90 seconds before the rising bollards are activated to allow access onto Robin Place.
- 3.3 It is understood that emergency service and refuge collection will be able to pass through the point closure.
- 3.4 The turning heads in options 1 and 2 have been designed to allow a transit van size vehicle to turn around.
- 3.5 For all three options “No Entry Except for Access” signs are to be provided at the junction leading to the park on Tunnell Street and at the location of the rising bollards. The signs may be misleading to drivers not familiar to the area particularly delivery drivers who may interpret the signs that they have access to Robin Place whilst making a delivery. The signs do not provide a warning of the rising bollards.
- 3.6 In Option 1 and 2 any vehicles larger than a transit size van will have difficulty u-turning and may require them to reverse back down Tunnell Street, where there is a risk of collisions with other users due to driver’s visibility being restricted. In Option 1 drivers would have to negotiate a tight ‘S’ bend.
- 3.7 For Option 1, the turning head would be located within the raised area where pedestrian and cycle flows are likely to be high. The proposed turning head would be in the vicinity of the pedestrian entrance to the park and a cycle route linking the park to Tunnell Street crosses the turning area. Pedestrians and cyclists would be vulnerable in this area whilst a vehicle manoeuvres around, particularly when reversing due to driver’s visibility being restricted. The turning head in this location would not be appropriate due to the risk of collisions between reversing vehicles and pedestrians.
- 3.8 Forward visibility to the rising bollards in all three options may be restricted by the highway alignment and the landscaping proposals.
- 3.9 For Option 2, the turning head is located away from the park entrance and compared with Option 1 there would be a lower risk of conflicts between reversing vehicles and pedestrians.
- 3.10 For Option 2 and 3, the relocating of the bollards before the ‘S’ bend should be considered. This would improve forward visibility to the rising bollards and any vehicle waiting. The rising bollards in this location would also act as an additional traffic calming feature before drivers continue through the area where pedestrian and cycle flow are high.

Assessor

Elaine Bingham – BEng (Hons), MCIHT, MSoRSA
Senior Engineer, TMS Consultancy

Signed 
Date 14th April 2011



Checked by:

Andy Paul - BEng (Hons), MCIHT, MSoRSA
Associate, TMS Consultancy

Signed 
Date 14th April 2011

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
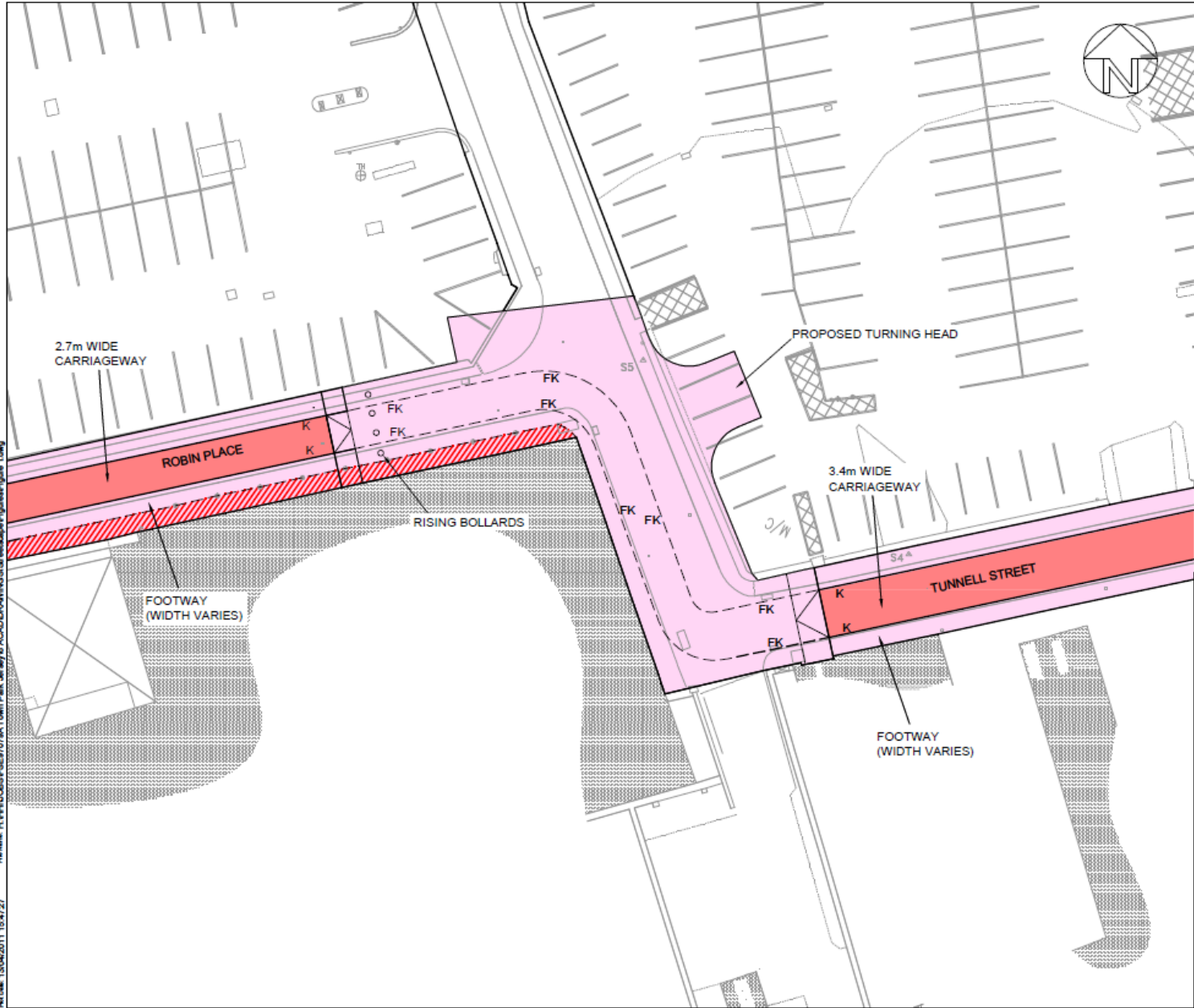

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FIGURE 1

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 Plot Date: 13/04/2011 15:47:27



Rev	Date	Description	By	CHK	APP
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Client: STATES OF JERSEY					
Site/Project: MILLENNIUM TOWN PARK STREETSCAPE					
Title: TUNNELL STREET SQUARE OPTION 1					
Drawn: EH			Checked:		
Designed: JM			Approved:		
Date: 13/04/2011		Scale: 1:250		A3 Sheet:	
Project Number: FSE97079A		Drawing Number: FIGURE 1		Revision:	
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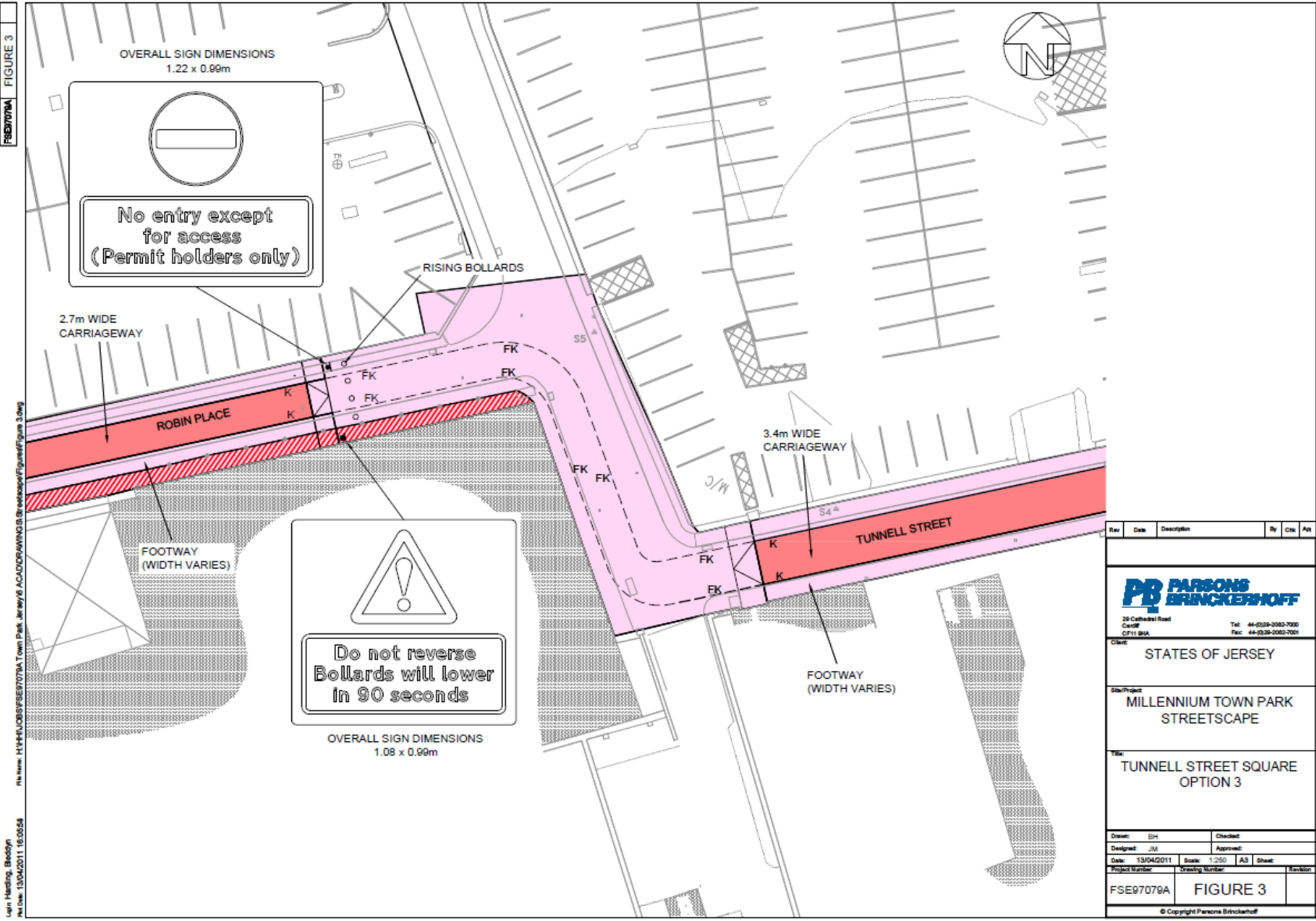
Rev	Date	Description	By	CHK	APP
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Site/Project: MILLENNIUM TOWN PARK STREETSCAPE					
Title: TUNNELL STREET SQUARE OPTION 2					
Drawn: BH			Checked:		
Designed: JM			Approved:		
Date: 13/04/2011	Scale: NTS	A3	Sheet:		
Project Number: FSE07079A	Drawing Number: FIGURE 2				
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FIGURE 3



User: Harding, Bradley
 Plot Date: 13/04/2011 10:03:54
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Rev	Date	Description	By	Chk	App
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Site/Project: MILLENNIUM TOWN PARK STREETSCAPE					
Title: TUNNELL STREET SQUARE OPTION 3					
Drawn: BH			Checked:		
Designed: JM			Approved:		
Date: 13/04/2011		Scale: 1:250		AS sheet:	
Project Number: FSE97079A		Drawing Number: FIGURE 3		Revision:	
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3. Oral Questions

The Bailiff:

We come now to oral questions. The first question from Senator Ozouf to the Minister for Housing has been withdrawn.

3.1 Deputy M. Tadier of St. Brelade of the Chief Minister regarding findings of the Jersey Community Relations Trust in 2012 in respect of gender disparity in the Judiciary: [1(625)]

Further to the Jersey Community Relations Trust's *Contribution to the Women's Resource Centre, Convention on the Elimination of all Forms of Discrimination Against Women, Shadow Report*, published in 2012, what assessment has the Chief Minister made of the validity of the report's finding that there is "a clear gender disparity in the judiciary" and "that there needs to be a more concerted effort to address this imbalance"?

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

It is important that all Members of our community have the opportunity to gain the qualifications necessary for such positions. However, appointments to the judiciary are not a matter for the Chief Minister or the legislature. Of course the English Judicial Appointments Commission is required to encourage diversity in the range of people available for selection for appointments. This is something that I would be willing to refer and deal with in consultation with the Bailiff as part of the proposals for the Judicial and Legal Services Commission in Jersey.

3.1.1 Deputy M. Tadier:

I suspected there was a reason it got sent to the Chief Minister because I did ask maybe who would ask the question. I submitted a written question 2 weeks ago, which I asked to be put directly to the Bailiff. I understand from Standing Orders that we should be able to ask a question of any Member of this Assembly, and the Bailiff is a Member of the Assembly. I have also tried to ask questions of the Minister for Home Affairs, who clearly has a hand in the delivery of justice in the Island in some form or another, and I also get pushed sometimes towards the Chief Minister to answer these questions. So one can be aware that there might be an element of confusion as to who really is in charge on these matters. But I do thank the Chief Minister for saying that he is willing to raise the issue. Can he put on record today, especially in this week when we are talking about violence against women, but also focusing on women's rights in general, that he will make sure that whichever positions come up available in the public service that women are not disadvantaged and that they can all achieve parity at some point in the future?

Senator I.J. Gorst:

Perhaps if I could deal with that first point first? The Deputy is absolutely right. No member of our community should be disadvantaged from the opportunities. I say we need to ensure that there is, however, opportunity for all. In these particular appointments that opportunity must be around qualifications and experience in order to ensure that all Members, from whatever section of our community, are not disadvantaged. However, I would say, in light of the Deputy's early part of his question, I do not think there is any confusion. It is absolutely apparent to me that the appointments of the members of the judiciary are not for me nor for the legislature. But he is right to say that we should ensure that that is made clearer and the processes that we currently have in place should be made clearer to members of the public. That is what we are seeking to do in bringing forward a Judicial and Legal Services Commission, so that there can be no doubt.

The Bailiff:

May I say from the Chair - and this is one of the merits of the dual role - that the Deputy is not correct to say that the Minister for Home Affairs has any responsibility for the delivery of justice. That is a matter for the courts.

Senator P.F.C. Ozouf:

I apologise I was not in the States when my question was called. I was trying to be interviewed by BBC. I do not know whether it is a possibility of my question being able to be asked or not.

The Bailiff:

I understood it had been withdrawn.

Senator P.F.C. Ozouf:

The housing question.

The Bailiff:

Yes, I was informed it had been withdrawn. If Members agree, we will return to Senator Ozouf's question at the end. Do you have a final supplementary, Deputy?

3.1.2 Deputy M. Tadier:

The Chief Minister will be well aware that there is a usual tradition of succession when it comes to attaining the roles of Deputy Bailiff and of Bailiff, that in most cases, although not all, it goes from Solicitor General to Attorney General, and that is a point at which the Bailiff's consultative panel, in consultation, States Members can have an input on to those deliberations.

[15:00]

Does the Chief Minister think it is important at those earlier stages that we look at women who are capable and qualified to be put in those roles of Solicitor General and Attorney General?

Senator I.J. Gorst:

May I firstly apologise, I did not answer the Deputy's third question in his string of 3, right at the start. That was not my intention at all. It is my experience, being on that consultative panel, that the current approach taken, which is encouraging a very broad, wide, cross-section of applicants for the positions, not only of Law Officers but also for members of the judiciary as one which is undertaken. I support that approach and, as I say, I think one of the driving forces behind the creation of the Judicial and Legal Services Commission is to make it absolutely clear to the wider public and to those with the skills, qualifications and experience what the process is, how they can take part, how they can provide an application. I also support, which has sometimes been the case, the use of what we call "head hunters" to ensure that everyone who might have the skills, qualification and experience really considers whether they could do the job or not, and any answers or concerns that they might have about whether they could be addressed.

3.2 Deputy S.Y. Mézec of St. Helier of the Minister for Education regarding the number of teachers resigning from the profession before retirement: [1(623)]

In the last 2 years, how many teachers in Jersey have resigned from the profession before retirement?

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

Thank you to the Deputy. To put this in context, there are currently 765 teachers employed in States schools. Our figures show in the academic year, 2015 to 2016, a total of 69 teachers left States schools; 48 of these were for reasons other than retirement. In the academic year 2016 to

2017, a total of 57 teachers left States schools; 46 of these were for reasons other than retirement. This relates to about 6 to 7 per cent, which is in line with the figures across the States workforce. However the figures do not necessarily mean that these teachers left the profession completely. This data only relates to States schools and the staff concerned could have moved to one of Jersey's private schools or they might have continued teaching in the U.K. (United Kingdom) or another jurisdiction. We have 11 staff currently training on the Jersey Graduate Teacher Training Scheme and have had 41 N.Q.T.s (newly qualified teachers) returning to the Island this term, most of whom were originally from Jersey.

3.2.1 Deputy S.Y. Mézec:

Can I ask the Minister for Education what work, if any, has been done to ascertain what proportion of these teachers have left the profession due to reasons of not being satisfied with working with the Education Department, working in schools in Jersey? For that reason, that they have left the profession altogether. What work, if any, has his department done to ascertain those proportions?

Deputy R.G. Bryans:

No work specifically in relation to that but we did put out a questionnaire to all staff relating to their situation, how they felt about education, which was done in line with the unions, and we are repeating the same exercise again to see if there are any differentials or if there are any concerns.

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

Can the Minister tell us whether there are any variations between schools? Did some schools experience higher leaving rates than others; if so, will he advise us which ones they are?

Deputy R.G. Bryans:

Yes, there are differentials for all sorts of different reasons. I think there was a slight difference in Les Quennevais, perhaps last year. All staff who left last summer did so because of either promotions, retirement, illness or actually left Jersey.

3.2.3 Deputy L.M.C. Doublet of St. Saviour:

Could the Minister inform the Assembly whether every teacher who leaves their post, whether it is for retirement or another reason, is offered an exit interview as a standard procedure?

Deputy R.G. Bryans:

To be honest, I do not really know. I think it is part of the States Employment Board to offer that circumstance, but whether teachers take it up or not, I do not know.

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

Will the Minister check his figures again because my approximate maths suggests that the numbers he was supplying were greater than the 6 per cent he claimed? It is quite significantly greater in some cases.

Deputy R.G. Bryans:

Happy to go back and revisit the figures, but these were the figures I was supplied. But if there is a differential I will make sure that the Deputy is made aware.

3.2.5 Deputy M. Tadier:

Given the fact that there are no exit interviews that are necessarily offered, or even taken up by existing teachers, how can the Minister stand up and speculate that some teachers may leave the profession to go and work in private or fee-paying schools without knowing whether that is the case or what the stats are? What further research would the Minister do in that regard?

Deputy R.G. Bryans:

There are different ways in which we ascertain this information. Myself, I have viewed ... I was up at a private school recently, where I saw 2 teachers who previously had been in a States school, so I had observed that they have moved from one school to another. I think it is true that the States Employment Board offer these exit interviews, but I do not want to mislead the Assembly so I will make sure I find out and come back to the Deputy. As I say, we have got this questionnaire going out, so we will have a better idea if there is any kind of concern that teachers do have.

3.2.6 Deputy M. Tadier:

Could the Minister also take the opportunity to look into whether there is an asymmetrical pattern between teachers leaving state schools for private schools and those leaving private schools to come and work in the state sector?

Deputy R.G. Bryans:

If that information is available, if there is a pattern there, I could find it quite easily.

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

Just following up on the exit interview issue. I just wondered if the Minister could elaborate further because I am astounded that exit interviews are not mandatory. It is such an important part of the H.R. (human resources) process. Not just in education but I would have thought across the board in the public sector. In any business it is essential. I would like to understand why he does not know about that and whether he felt it would be a very useful thing to have as a mandatory part of the H.R. process. I certainly believe it should be a very, very important element of that process.

Deputy R.G. Bryans:

The Deputy is quite right. I am unsure of my facts in that particular case because it is to do with the States Employment Board. But, as I say, I was informed prior to this question that if teachers are offered that opportunity to give exit interviews then they can do so. I do not see that there is anything of concern there. As I say, the figures at the moment verify that we are hardly out of kilter with anything to do with the States Employment Board, but I will look into the matter.

3.2.8 Deputy S.Y. Mézec:

Would the Minister be able to confirm whether or not there are unqualified teachers teaching in Jersey schools? When I say “unqualified”, I mean people who are not currently undertaking a postgraduate certificate in education or the Jersey equivalent of that. If it is the case that there are unqualified teachers working in Jersey schools would he be able to tell us whether that has anything to do with the vacancies that are taken up as a result of teachers leaving the profession?

Deputy R.G. Bryans:

I am unaware of any unqualified teachers working within Education. We do have supply teachers, of which we have ... on the list currently is about 173. But I am unaware of any concerns being given. I am sure the unions would be in touch with us if there were any problems in that area at all.

3.3 Deputy L.M.C. Doublet of the Minister for Education regarding the Early Years' Childhood Partnership report: [1(622)]

Further to oral question 1(572), tabled on Tuesday, 31st October 2017, will the Minister confirm the reason for the delay in the presentation of the Early Years' Childhood Partnership report?"

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

I have met with Dr. Cathy Hamer, and as Members will be aware, this report is being produced independently by the Early Years' Childhood Partnership and it is their decision when publication will take place. I understand from the chair that she is holding a meeting this week with the members of her working group who have prepared the report. They will be discussing the publication date, which I hope is imminent, and I want to be able to give parents an update as soon as possible. I have seen a draft of the report and had an initial discussion with Dr. Hamer. The main message from the report, and it is an extremely strong one, is that all evidence shows early years' education is vitally important. The E.Y.C.P. (Early Years' Childhood Partnership) wants us to recognise this as a government and to put more effort into supporting early years.

3.3.1 Deputy L.M.C. Doublet:

In the previous oral question on 31st October, the Minister acknowledged that he was aware that parents are desperate for this information so they can plan for the care of their children. He also committed to bringing a proposition before Christmas. Is that still the case? Will the Minister be informing parents as to what is happening with the Nursery Education Fund before Christmas? If not, when will he be bringing that proposition?

Deputy R.G. Bryans:

Yes, I will. One point that the report makes is that the benefits of high quality early education is that children start school 3 months' ahead in their literacy and language skills and the benefits carry on throughout a child's life. They are 20 per cent more likely to get 5 good G.C.S.E.s (General Certificate of Secondary Education) and they earn more as adults. This is hugely significant for our community and for our economy. The report also recommends that we withdraw the proposal to means test nursery places with 3 to 4 year-olds. I support this. I am very aware of parent's concerns about planning their children's nursery place and have decided that nursery places will not be means tested in September 2018. I will bring a proposition to the States as soon as possible to explain this.

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

Could the Minister just clarify: is that just delaying the policy or an abandonment of the policy? If it is an abandonment of the policy, where will the savings from the department come from?

Deputy R.G. Bryans:

What we are doing is, and as I say, the proposition will explain this in particular detail when I bring it back, we are looking for a solution that puts children first. This is in line with other initiatives across the States which are prioritising early help and generally placing more emphasis on helping families. As soon as I have gone through the detail with Dr. Hamer and spoken to the department and to Treasury I will have more detail.

3.3.3 Deputy G.P. Southern:

The Minister seemingly avoided answering the essential question there, which was: where will the funding for this change come from? Will it come from ordinary schools? Will it come from teachers' pay? Where will it come from?

Deputy R.G. Bryans:

It will not come from teachers' pay, that is a completely separate matter. But, as I say, I will be talking to Treasury about the matter because we have made a commitment and so as soon as I have that detail and once I have the proposition I will be coming back to the States.

3.3.4 Deputy M. Tadier:

During the debate when the Minister was trying to convince us that this was a great idea, not just a good idea - a great idea - and that he was shroud-waving to say that other areas of Education would have to be cut - not could but would have to be cut - if we did not go down this route. Would the Minister explain now to us the list that he gave us then, could he re-read that list and tell us which are the areas that will have to be cut because of this ministerial U-turn?

Deputy R.G. Bryans:

I do not have a list. I would not be able to read that list out. What I will be doing, as I have already stated, is talking to Dr. Hamer, talking to the department, talking to Treasury, and I will be coming back with a proposition to the States that will detail all these matters.

3.3.5 Deputy M. Tadier:

During his recent answer, the Minister says that they are now looking for a solution which puts children first. Does he now admit that his former proposition did not put children first and that he was mistaken to bring it?

Deputy R.G. Bryans:

No, I do not think in the circumstances we were mistaken to bring it. If nothing else, it aired this whole discussion with regard to nursery education funding in the first place. We will push ahead with the proposal very clearly set out in our business plan in 2015. As Dr. Hamer's report says, it is vitally important for our children if they are to reach their potential. So we need to look at the whole range, from birth to school, not just an isolated year. We are not yet there when it comes to Jersey early years' provision and it is a work in progress. Three of the findings really are to listen to parents more, to revisit the N.E.F. (Nursery Education Fund), and work more closely with nurseries to find a broader solution for the benefit of children.

3.3.6 Deputy A.D. Lewis:

In the last sitting the Minister made reference to the number of nursery places inside the States' schools, the primary schools. Could he indicate how many extra places will be created with the programme he has in mind at the moment over the next 5 years within the primary schools of Jersey as to how many extra nursery places will be created?

Deputy R.G. Bryans:

In terms of working with the schools, I think we have already on the agenda to look at St. Mary, we are looking at ... I think we have 2 left after that, which is Les Landes and St. Luke's. At this moment in time there is not a consideration that we would go forward with those ones. It is all down to the budget and what capital resources are available to us.

3.3.7 Deputy A.D. Lewis:

Does he understand or is aware as to what impact this may have on the private sector provision of such places?

Deputy R.G. Bryans:

Yes, I do. The reason I make reference to it, because this is quite firmly embedded in Dr. Hamer's report as well. So once again you will see, when I bring the proposal back to the States, information relating to that, you will also see Dr. Hamer's report, which makes reference to it.

[15:15]

3.3.8 Deputy G.P. Southern:

Does the Minister have an estimate of the revenue expenditure that his move may well make on his budget?

Deputy R.G. Bryans:

I am not sure I understand the Deputy's question "revenue".

Deputy G.P. Southern:

The Minister talked about capital spending of this place and this school but the abandoning of means testing will mean, will it not, a resource demand from the revenue budget of his department. So does he have an estimate for that expense?

Deputy R.G. Bryans:

I think the original amount was £250,000. Like I say, the detail will be in the proposal when we bring it back and after we have had discussion with Treasury.

3.3.9 Deputy J.M. Maçon:

Given what the Minister has just said, the recommendation from the Scrutiny Panel back when we produced the report, that the Minister for Education should withdraw his proposal completely was in fact the right point to make. [Approbation]

Deputy R.G. Bryans:

Hindsight is a wonderful thing. There is not any Minister that would not like to go back and resurrect a position that would not have entailed the kind of fire that I received during that period of time. But I think we have done the right thing. We went out for an independent report. Dr. Hamer and her team have done a marvellous job providing that. Now we have got the information, we will come back with a proposal to the House.

3.3.10 Deputy L.M.C. Doublet:

I thank the Minister for his answers. I am pleased with the answers today and it seems to me that the Minister has retrospectively accepted the panel's main recommendation within that report. [Approbation] The Minister will understand that the panel has been dealing in the past and presently with work in this area. Will he agree to either sending a copy of the draft report on a confidential basis to the panel before the end of the week or arranging a viewing under any conditions that he might see fit to impose before the end of this week, please?

Deputy R.G. Bryans:

Yes. As I say, Dr. Hamer is meeting with the team and I expect that finished report shortly.

Deputy L.M.C. Doublet:

The Minister did not answer my question. Could the panel view the report before the end of this week, please?

Deputy R.G. Bryans:

Yes.

3.4 Deputy J.M. Maçon of the Chief Minister regarding consultation on proposals in respect of student finance: [1(616)]

As Chairman of the Student Financing Sub-Committee, will the Chief Minister explain what has happened to the consultation on proposals in respect of student finance, which was due to be published mid-November?

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

I had hoped for a consultation document to be ready in mid-November. Members will be aware that since then the Minister for Treasury and Resources said he, together with the Minister for Education, would bring forward proposals for student finance alongside Budget 2018. An announcement therefore will be made tomorrow in the Budget speech. We continue, however, to be committed to having new arrangements in place by September 2018.

3.4.1 Deputy J.M. Maçon:

I am not entirely sure what we will be getting tomorrow, therefore can I ask that on behalf of the Minister for Treasury and Resources, the Chief Minister will send all the relevant documentation immediately to the Scrutiny Panel so that we can get up and running with our review, as we have already had our scoping document approved by the chairman?

Senator I.J. Gorst:

Yes, I do. The Deputy will know that I was just ensuring that my colleagues continued to focus on this difficult piece of work at a time when they had wide-ranging issues right across their portfolios. They have done so. I think that their preferred option, which they will be talking about tomorrow, is a good one. They will need to show their workings about the other options, which I discussed with him at his Scrutiny Panel earlier in the year, to give satisfaction that the preferred option is the right way to go.

Deputy J.M. Maçon:

The documentation, will it be sent?

Senator I.J. Gorst:

Sorry, I said yes to that right at the start.

The Bailiff:

We come to question 6, which Deputy Kevin Lewis will ask of the Chief Minister. I think it has been agreed that the Minister for Environment will answer it.

3.5 Deputy K.C. Lewis of St. Saviour of the Chief Minister regarding the reinstatement of an all-weather lifeboat service: [1(621)]

Further to reports that the all-weather lifeboat, the George Sullivan, has been sent to the U.K. and the crew stood down, what action, if any, is the Chief Minister taking to ensure the reinstatement of an all-weather lifeboat service?

Deputy S.G. Luce of St. Martin (The Minister for the Environment - rapporteur):

The Government have been working behind the scenes for many months in an attempt to improve relationships between the former St. Helier crew, the Royal National Lifeboat Institution and indeed all providers of search and rescue assets. Since the withdrawal of the lifeboat, George Sullivan, we have had meetings with all concerned, including the ex-crew of St. Helier lifeboat. I have been in constant contact with the search and rescue community in Jersey with the aim of restoring stability as soon as possible and I will continue to do so. Getting properly accredited lifeboats back in St. Helier is my one and only priority at this time, regardless of where those assets might come from. It is a great relief and I am encouraged that the R.N.L.I. (Royal National Lifeboat Institution) have announced their plans to return to full capacity with a new local crew for both the inshore and all-weather lifeboats as swiftly as possible. It is vital that search and rescue assets are able to work collaboratively together to continue to provide the best lifesaving service possible for our Island.

3.5.1 Deputy K.C. Lewis:

I am aware that talks have been going on behind the scenes, but the first priority of any government is the protection of its citizens. At sea we have fishermen, private yachts, merchant vessels and passenger vessels. An all-weather lifeboat on standby in Jersey is absolutely essential. We may not get the main lifeboat back for many weeks to come, but Jersey has a very long association with the R.N.L.I., and if this goes badly it will leave a scar that will take decades to heal. I just believe it is not too late and if we have a lifeboat already in Poole, we have a very experienced crew, surely we can all get around a table and sort this out. It is not too late. Does the Minister not agree?

The Deputy of St. Martin:

This is a very sad and difficult situation that we find ourselves in, but I have to say to the Deputy that I fear we have been in this situation before and not very long ago. Government worked behind the scenes very hard to make sure our lifeboat crew and our coxswain came back together and we all put out hands up and said we could have done better. The Institution issued a public apology, something I am not sure they have done before. Government, for our part, alongside Ports of Jersey and the Coastguard, said that we could have done better. The crew accepted, with the coxswain, that we could all have made the situation better. We decided to move forward, to put the past behind us and we very much look to the future. Fortunately, that situation has not continued and once again we find ourselves in a situation where we are not aligned. The Institution have made a decision and they have also assured us that the inshore lifeboat will be returning literally within weeks. They have also said that the all-weather lifeboat will be returning before the end of December. We have at this very moment members of the Fire and Rescue Service and other R.N.L.I. volunteers who are already trained to man the inshore lifeboat at St. Helier. Those people this afternoon are training to get that service back on station as quickly as possible. I am sure, as Members will know, the Institution have already had a number of volunteers who are prepared to brave the elements and put themselves forward for training on the all-weather lifeboat. Those people, along with others who will be recruited as part of a drive which I think the Institution are announcing today, will be the crux of the crew moving ahead with the all-weather boat.

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

For somebody who has come to this row quite late and not fully understanding, I would just like some clarification from the Minister answering the questions. If the crew that have now been stood down were employed, would this not be what is considered, under employment law, constructive dismissal? Can the Minister explain why it seems that the Ministers who are dealing with this are backing the R.N.L.I. and not backing the local crew? Just simply I would like to understand more about it, as it has not been explained. But this is what I am being told, the States are backing the R.N.L.I. Is this true?

The Deputy of St. Martin:

Let me be very clear with the Deputy. The States are backing anybody who is prepared to come forward at the quickest possible moment with a lifeboat, with a trained crew with the right kit, with the certification, coding, licences, everything that is required by the Harbourmaster. In that regard, last week I met not only with the Institution, I met with the ex-lifeboat crew. On both occasions, support was offered to whatever is necessary to get lifeboats back in St. Helier just as fast as we can. My one and only priority at this moment is not to look back and take sides. My one and only priority is to get lifeboats back in St. Helier for the benefit of our local maritime community.

3.5.3 Deputy J.A. Martin:

A supplementary then, Sir. The Minister said “lifeboats”. Does the Minister think then we need to have 2, because there seems to be another ... the Minister knows which crew I am talking about. We have one boat and we have one crew at the moment and now we are going out for another crew

to do the same boat. It is very simple to me. Is there enough? The story I receive is the support is going to the R.N.L.I., which is not ... because they have taken the boat away.

The Deputy of St. Martin:

To be clear with the Deputy, at the moment St. Helier has no lifeboats that are operational and no crews that are trained to operate those lifeboats. What we are trying to do here in the quickest possible time is to get lifeboats back into St. Helier so the Deputy and others benefit. That is 2 lifeboats, an inshore lifeboat and an all-weather lifeboat. We want those boats back in St. Helier from wherever direction, crewed by whoever, as long as they are proper lifeboats with properly-trained crew with the proper equipment. The quicker somebody comes forward with those boats, the happier I am.

3.5.4 Senator S.C. Ferguson:

I thought it was going to be the Chief Minister, but it appears to be the Minister for the Environment. Perhaps the Minister for the Environment could explain why the Chief Minister agreed to the removal of the George Sullivan at the meeting on the Thursday before the boat was removed on the Friday. Could he explain, please?

The Deputy of St. Martin:

It is not really a question of agreeing or disagreeing with the removal of the George Sullivan by the R.N.L.I. That lifeboat is an asset owned by the Institution and at no point has it ever been described as other than it will be used at the Institution's behest to go where it is best suited. I can appreciate that everybody concerned must have been extremely disappointed. It was a very sad day that they took the boat away, but their reasons were clear. They have tried on a number of occasions to resolve the issues they have had with the ex-crew and it has not come to fruition. It is very disappointing; it is very sad. The Institution have been on the Island for over 100 years and they have a great tradition on the Island of providing us with state of the art equipment and training their crews as best as they can at no cost. The decision cannot have been taken easily, but I feel that things had got to the point where we had to stop and start again. We had to draw a line in the sand and say that things have to change in the future and we cannot continue. We could not have continued in the way that we have been going and the Institution took that extremely difficult decision. I would stress to the Senator that the decision would not have been taken without consulting with other members of the La Manche plan, which we are part of. We share assets when it comes to search and rescue with Brittany, Normandy, Channel Islands and the South Coast. We have planes, helicopters, lifeboats, all-weather lifeboats, inshore lifeboats, Fire and Rescue Service, all these assets at our disposal and we swap them in and out. Indeed, there is a meeting of that group on Wednesday of this week in Southampton, where I am sure they will be updated on the situation, but I can only stress, Senator, that we have put an enormous amount of work in trying not to get to the situation we are in now, but now we find ourselves here, we are now putting even more work and more resource into making sure lifeboats are back in town just as quickly as possible.

3.5.5 Senator S.C. Ferguson:

A supplementary. The Minister says the provision of an all-weather lifeboat at no cost to us. Does he not realise that the local volunteers raise something in the order of £300,000 a year, I understand, of which only £200,000 goes to cover the cost of the lifeboats and the balance is submitted to R.N.L.I. headquarters?

The Deputy of St. Martin:

The Island has a great tradition with the Institution and it is clear and everybody knows that we are a great source of funds for them. The Islanders donate very, very generously to the Institution, as

they do to all charities on the Island. But I must say to the Senator, this is not an issue about money, this an issue about lifeboats and providing cover for the maritime community.

[15:30]

3.5.6 Deputy M. Tadier:

Does the Minister have the support of the former crew for his interim plan?

The Deputy of St. Martin:

My interim plan is quite clear. I have said my only priority at the moment is to provide lifeboats back into St. Helier as fast as possible. In that regard, I met with the ex-crew and looked at a presentation that they gave. They explained their ideas and how they wanted to move forward. The Harbourmaster in particular was crucial at this meeting, because he explained quite succinctly the difficulties and the technical challenges that will be faced by the independent crew as they try to reach their aspirations. Placing an asset into the Coastguard's hands, a declared search and rescue asset, is massively technically difficult. We wanted to be very clear with the ex-crew that while we would support them in any way we can - and we offered help with our own States surveyor and other technical assistance - they must realise that this is a huge undertaking, to try to start an independent lifeboat, especially so if they do not go for a new vessel, if they go for a second-hand vessel or a vessel which is quite old. The coding, the surveying work and the technicalities in getting that vessel up to speed and up to a specification to go to save lives at sea will be huge. The Harbourmaster has explained this to the ex-crew at the presentation and we offered all the technical support we could.

3.5.7 Deputy M. Tadier:

That is a very long answer, but it still has not answered my question, which is does the Minister have the support of the former crew for this proposal?

The Deputy of St. Martin:

I apologise for not answering the question. I am not quite sure what proposal the Deputy means. My proposal is to get lifeboats back in St. Helier just as quickly as possible. I expect that if that includes the R.N.L.I., then the ex-crew will not be supporting it. The ex-crew seem very keen and they have expressed their desire to have an independent lifeboat, but as I have said before - and I say it again - I do not mind where this lifeboat comes from. Anybody who wants to come forward with a lifeboat that is properly coded with a properly-trained crew with the right equipment that can be declared to Coastguard to save lives at sea will be supported.

3.5.8 Deputy A.D. Lewis:

Can I just commend the Minister here for extolling the virtues of diplomacy I did not realise he had? **[Approbation]** He has done a tremendous job to try and bring all parties together. I have heard that from all sides, so I thank the Minister. But could he explain what assets the Coastguard has which can fill the gaps to a certain extent with vessels that are already in our possession, in our ownership, that we can deploy on occasions? Could he explain to Members what those assets are?

The Deputy of St. Martin:

There is a slight technical difference, and I hope Members will bear with me. One of those assets that the Coastguard can call on, on top of the search and rescue assets that I have already mentioned, would be our own fisheries vessel, but there is a great difference in the fisheries vessel responding to a mayday while at sea. At all times they would do that and do everything they could to assist. There is a massive difference in having that fisheries vessel tied up in a harbour and then deployed as a specific search and rescue asset by the Coastguard. That is a difference in coding and

training. The boat would need to be looked at again. But notwithstanding that, the Coastguard Harbourmaster obviously has at his disposal, in addition to the rescue craft that I have named, the tug, the pilot boats, the fisheries vessel and some other small assets within the harbour. We do have a number of vessels around the coast that could go to the assistance of anybody in distress.

3.5.9 Deputy A.D. Lewis:

Could the Minister clarify therefore that those assets he just described, in an emergency, could they be deployed easily and quickly?

The Deputy of St. Martin:

In the recent incident last week, where a large speedboat/pleasure boat had the unfortunate incident with a buoy in the middle of St. Aubin's Bay, the pilot boat went out almost immediately in conjunction with the search and rescue lifeboat to the assistance of that casualty. In the future, it would be expected that that would happen again. I know the Harbourmaster has already increased the rotas for pilots in the pilot boat crewing so that those boats could be used more often, if required. Obviously the tug is now back on the Island. That is a great asset to the Island and that could go out in all sorts of weather as well.

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

Does the Minister agree with me that the move by the R.N.L.I. to remove the all-weather boat from Jersey showed an unacceptable level of contempt for the safety of mariners around our shores?

The Deputy of St. Martin:

No, I cannot agree with that. I will tell the Constable why that is the case. At the last States Assembly sitting on the Thursday afternoon, just after the Chief Minister summed up in a rather long debate that went over some days, he, I and Senator Routier met with the Institution about their plans and how they were going to respond to the letter from the ex-crew, which said quite clearly that the relationship between the ex-crew and the R.N.L.I. was broken, to quote the letter. The answer to that was they told us that it was very likely that their lifeboat, the George Sullivan, will be taken back to the U.K., where it would be serviced and made ready to come back again, but it was not a definite decision at that time, because they had further meetings to hold that evening. Those meetings would have been with other people, who would have helped to provide cover for the removal of the lifeboat. It would have been absolutely wrong for the Institution to have taken that lifeboat away if other cover had not been provided. The Harbourmaster was crucial again in this and the Harbourmaster is crucial in many of these things, because he co-ordinates assets for the saving of life at sea, search and rescue assets, and he would have been in consultation with the other members of the La Manche plan, as I have stated, in Guernsey, in Alderney and the other French ports, where there are lifeboats, to see if there was cover sufficient for his needs. While our lifeboat cover is less than it was and it is not where any of us would have it, we do have sufficient lifeboat cover at the moment. It is not ideal, but it is sufficient. If it was not sufficient, the Harbourmaster would have told us and I am sure the Institution would have taken a different view.

3.5.11 Deputy M.R. Higgins:

I know, like most Members, I am trying to understand what is going on here and we are only hearing part of the picture, so it is very, very difficult. Just to fill in some other gaps, can the Minister tell me whether there is any agreement or memorandum of understanding between the R.N.L.I. and Jersey? Is there any written documents or any written commitments or obligations on either party, and if so, what are they?

The Deputy of St. Martin:

I am not aware of any written agreement. Certainly in the U.K. I think there is a charter, which says that the Institution will provide lifeboats as and where they feel necessary, but as I said previously, the Institution will be 200 years old in 2023 and it has been in Jersey for over 100 years now. In many of these things, we have never had an agreement. The Institution turned up 100 years ago and they put a lifeboat here, it was crewed by local volunteers and we have moved forward since then. They have always provided an asset, always provided lifeboats for this Island, always provided the training and the kit for the crew. They have provided replacement lifeboats when lifeboats were out of service. It is just something we have all grown up with, but I am not aware that there is an actual formal agreement between the Institution and the Island to provide cover at sea. The Institution, as a charity, has Channel Islands Air Search, for example, who provide a plane to search for people at sea. The Institution, as a charity, provides an asset, a search and rescue asset, to the Harbourmaster. It is verified and coded, it ticks all the boxes and the Harbourmaster, when he needs it, uses that asset and deploys it for search and rescue at sea.

3.5.12 Deputy K.C. Lewis:

Regardless of any disputes that may or may not have taken place between the crew and the R.N.L.I., the calibre of the crew is such that if there was a callout now - or as referred to, a shout - the Minister knows that they would put to sea in whatever weather. If the R.N.L.I. are so worried about security, I am quite prepared to make them an offer that if they return the George Sullivan to Jersey with immediate effect, I would quite happily volunteer to sleep aboard until such time as the dispute is resolved. Would the Minister pass that on, please?

The Deputy of St. Martin:

I will pass that on, but I can only reassure the Deputy that the Institution have already committed to bringing the George Sullivan back before the end of December and we are working towards that.

3.6 Deputy S.Y. Mézec of the Chief Minister regarding the steps taken to ensure Islanders' safety when out at sea: [1(624)]

As you say, we might be covering similar ground with this one. Yes, covering similar water. Following the withdrawal of the all-weather lifeboat service from St. Helier, provided by the R.N.L.I., what steps have been taken by the States to continue to ensure Islanders' safety when out at sea?

The Deputy of St. Martin (The Minister for the Environment - rapporteur):

Before recent developments at the St. Helier lifeboat station, it was very difficult to get involved publicly in what was in effect an internal dispute inside the Institution. Government's role, however, is now very clear and that is to get services returned, working collaboratively and as quickly as possible. In that regard, in the last 7 days I have held meetings with the Jersey Fire and Rescue Service, senior management of the R.N.L.I., St. Catherine's lifeboat management and crew, officers and crew of the Norman Le Brocq, the fisheries vessel, the emergency planning officer and I have also met with the former crew of the St. Helier lifeboat. I have met almost on a daily basis with civil servants from the Economic Development, Tourism, Sport and Culture Department and the Harbourmaster. I can only reiterate again that I am pleased that the Institution have announced their plan to return both lifeboats to St. Helier. Our only priority is to have search and rescue assets declared back as quickly as possible.

The Bailiff:

Supplementary?

Deputy S.Y. Mézec:

No, Sir. I think everything that I would have asked was asked on the previous question.

3.6.1 Deputy M. Tadier:

Has the Government considered purchasing its own boat? It seems that we have a crew. They do not have their own boat to man at the moment - excuse the sexist term, the verb - but is that a consideration that has been given? Then we would not necessarily need to be in a situation again where we are potentially held to ransom by one party or another.

The Deputy of St. Martin:

I am not sure about being held to ransom, but I do not think it has ever been the intention of Government to provide lifeboats. We have always had the Institution there. They have always provided a boat with crew, with training, with equipment. I will not go on again, but it would be my hope in the future that whether it is the Institution or an independent lifeboat that Government will continue to stand aside from that and not get involved in this, which can be a quite tricky and technical matter.

3.6.2 Deputy M. Tadier:

Ideally that would be the case, but as Deputy Kevin Lewis said in his previous question, it is the ultimate responsibility of Government to maintain the safety and guarantee the safety of all residents. It is not down to a charity, even though they have been doing that. In the absence of either a charity being able to maintain the confidence not just of the crew but of the Island, is it not time that the Government step in in some form or another, even if it is in the short term, to secure a vessel, which I am sure after a few years could be paid for by the very generous people of the Island?

The Deputy of St. Martin:

The Harbourmaster is responsible for rescue co-ordination and using those search and rescue assets that I have listed. If he felt that there were not enough assets on this Island to provide the safety cover that we required, I am sure he would be only too quickly speaking to us about helping. But I must say to the Deputy that since 1960, our own Fire and Rescue Service have had their own inshore craft. We are the only Fire and Rescue Service in the U.K. that do this type of work offshore. Indeed, it was the R.N.L.I. that came here and to Brittany to see how we operated before they started using those very small craft very successfully on their own. In our own small way, Government already have a large part to play in sea rescues. We continue to support our Fire and Rescue Service and those brave people who go to sea on our behalf as part of Fire and Rescue. In our attempts to get these lifeboats back in service just as quickly as possible, we have indirectly acted as Government inasmuch as our Fire and Rescue personnel are working with R.N.L.I. volunteers, as I said, this afternoon and indeed all weekend, this week coming and next weekend, to put the inshore lifeboat back in service in St. Helier. That is just as quick as it could possibly be done.

The Bailiff:

A final supplementary? We now come to Questions without notice. The first question ...

Senator P.F.C. Ozouf:

I thought you said I could ...

The Bailiff:

I am so sorry, I did. Thank you, Senator. We go back to question 1, which Senator Ozouf was going to ask the Minister for Housing.

3.7 Senator P.F.C. Ozouf of the Minister for Housing regarding the current demand for, and supply of, homes: [1(627)]

Could the Minister provide the latest available figures for current demand and for supply for homes split by 'social rented', 'affordable purchase' and 'entitled', as well as projected figures for figures per annum until 2020?

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

Apologies, Sir, if I missed the question. On my form, I had it down as question 8.

The Bailiff:

It could be question 8, but it is not on the Consolidated Order Paper.

The Deputy of Trinity:

I apologise anyhow, because I was not there for the first one. I thank the Senator for his question. As the Senator knows well, an adequate supply of housing is one of the biggest challenges facing this Island, but we can be cautiously optimistic.

[15:45]

We are on track to deliver more than 1,100 affordable homes for rent and to purchase by 2020. This exceeds the target we set ourselves in the revised 2011 Island Plan, but the demand is still high. We have seen a big drop in the number of people waiting to access social rental housing, down from 1,200 households in 2013 to 755 households today. This is a positive development, reflecting the new supply from Andium Homes and the other housing trusts in addition to better management of the Housing Gateway waiting list. Nevertheless, there are now 974 households hoping to purchase an affordable home. Going forward, we need to provide more opportunities for people to buy their own home, so my department is now actively focusing on our housing needs up to 2035, which will be fed into the next Island Plan. In terms of open market, we are averaging around 270 new builds each year over this Island Plan period and it is reasonable to think we will reach 300 new builds per year up to 2020.

3.7.1 Senator P.F.C. Ozouf:

I thank the Minister for her statistics, which would probably, I acknowledge, be better in a written question, but the record will be clear. The U.K. had a report from Dame Kate Barker about housing supply in 2001 and warning of the consequences of not building a sufficient supply. The Minister explains, quite rightly - and I welcome - the numbers of affordable homes being delivered by Andium, but does she really think that the supply of effectively non-affordable - the open market housing - is going to be sufficient in order to meet the legitimate demands of households, particularly because the affordability of a purchase for a family keeps on rising?

The Deputy of Trinity:

Future need obviously, as I said, is important. The Housing Needs Survey that we did back in 2014 showed that there was a potential shortfall. However, we know that people wanting to buy their own home are first-time buyers, so that is why, as I think I mentioned last time, going forward for the next Island Plan we are going to have a strategic housing market assessment report. It is going to be reporting across the different types of tenures and the impact and that will be fed into the Island Plan so we are absolutely sure of understanding more of the need for homes, whether it is in the private sector or in the affordable sector going forward.

3.7.2 Deputy M. Tadier:

Would the Minister talk about what the population increase is going to be between now and 2020 and how that relates and impacts on the 1,100 new homes that she hopes to deliver?

The Deputy of Trinity:

The immigration policy is part of the revision of the Island Plan, because also sustainable immigration has got to benefit the social, economic and the environment side. As we know, the population has an impact on housing and we will need to have good-quality housing. That is why it is important to have the strategic housing report assessment done so that we know exactly what type of need of houses there is. That should be finished within the next ... it is just about to go out to have it done, to commission it. That will be fed into the next Island Plan, which obviously is important and it is going to be debated in 2019 and 2020. But also we have got to think of net migration, but just ordinary migration of smaller households, if there was net migration, we will still need an increase of around 3,000 to 4,000 homes up to 2025.

3.7.3 Deputy M. Tadier:

I am not sure what the Minister means, if there was net migration. We know that there is going to be net migration and there has been of the order of 1,000 per year, but let us maybe try a slightly different question in order to perhaps address and rebalance the housing shortage. Does the Minister agree that in times of shortage it is reasonable to ration a product and has she given any consideration to rationing houses? For example, does she know how many people in our Island own 10 or more properties? If she wishes to encourage home ownership, could they not be better distributed among the population of those who wished to be able to own one property rather than 10 or hundreds even?

The Deputy of Trinity:

That is the way the housing market works. Some people will invest in buying properties and they will rent it out. Some people wish to rent and some people wish to buy. That is part of the housing market. We know some people unfortunately, with the cost of houses at the moment, will never, ever be able to afford to buy because of their income. It is important that we look at right across the different tenures, both supporting the private sector, but also the affordable housing side of it too.

3.7.4 Deputy G.P. Southern:

The Minister referred to affordable rental homes. The example I spotted this morning of a 2-bed Andium flat in Clearview Place - no great site, the back of town - which is on offer at £340 per week, does she consider that the prices that Andium are now charging are in fact affordable or otherwise?

The Deputy of Trinity:

Andium have done a great deal of work to bring up their stock to Decent Homes Standard and they hope to reach the 100 per cent Decent Homes by 2020, if not earlier. I know wherever you live, Andium respects all the tenants. As regarding the cost, Andium can charge up to 90 per cent of market rents. If someone cannot afford, for whatever reason, that amount of rent, then they can be encouraged to look at Income Support to support them.

3.7.5 Deputy G.P. Southern:

Is it not the case that £1,350 per month is not an affordable price and that affects the group which just falls out of income support, the very poorest, in terms of trying to make ends meet and be able to afford their rent? Does the Minister not accept that?

The Deputy of Trinity:

What I accept is the price of housing is expensive over here. That is the most important thing, to get on and build. We know that Andium are building a lot more houses, especially in the north of

town, but not only Andium, the other housing trusts are beginning to do their bit and build and refurbish, *et cetera*, but also the private sector too. To bring the prices down, we do need more supply, but also with Andium we know as part of the housing transformation that up 90 per cent - and I think there is only about 27 per cent of their tenants who do pay around about that amount - do pay the full 90 per cent. But this is the cost of having to refurbish, because the housing has lagged behind significantly over the years.

3.7.6 The Connétable of St. John:

In view of the shortage of housing on the Island, what incentives does the Minister have at the moment or propose to have in the future to encourage private developers to meet this shortfall?

The Deputy of Trinity:

Very few incentives at the moment. That is something that perhaps I could look at. If the Constable of St. John has any good ideas, that would be great. The Minister for the Environment has reduced the planning permission down from 5 years to 3 years, which is a good thing, so therefore it will encourage people to get building sooner rather than leave it for land banks. That is one initiative, but those who have got permission must use it and build.

The Bailiff:

Minister, if you could try and keep your answers a little shorter, I think that would be much appreciated. Deputy Mézec.

3.7.7 Deputy S.Y. Mézec:

Given that according to the Income Distribution Survey, the cost of housing is the single biggest contributing factor to poverty on the Island, given that the number of homes she proposes to have built by the year 2020 will not be anywhere near adequate enough, given the immigration levels into the Island and given the fact that, as Deputy Tadier alluded to, it is becoming increasingly more difficult for people - particularly people my age - to buy homes because we have a housing market that works in the interests of investors and not inhabitants, would the Minister not be better off by standing up here and acknowledging that the housing policy of this Government is a complete, abject failure?

The Deputy of Trinity:

Absolutely not. The Deputy is quite cynical. Andium are doing a great lot of work and they are about to build an awful lot of houses in the north of town, regenerate that and especially the Town Park. That is a significant boost to the north of town, something that was in the housing strategy and part of the regeneration of St. Helier and including the Town Park. That is a great asset, but not only are they building, they are now building really, really good accommodation where people want to live. That is one part. They have also got the Homebuyers' scheme, so that is another part to encourage people who want to own their home with shared equity. We have got College Gardens. That is a mixed tenure and that is going to be a great asset again to the north of town, again a mixed tenure of shared equity - I am sorry, I am going on, Sir - and affordable housing. But that is right. Later on, I think the end of the week, we have a proposition - I cannot say it in French - about doing shared equity in perpetuity. For me, that is a great asset.

3.7.8 Deputy S.Y. Mézec:

A supplementary, Sir. I still wonder what Island this Minister is living on, because none of what she says is enough. It is not delivering what it needs to, because the population policy of the Government she is a part of is out of control. Home ownership is out of reach of people my age and it is putting people into poverty. Why is the Minister so complacent? Could she give a better answer than simply saying: "Oh, is Andium not brilliant?" when we all know that Andium is

brilliant, they are doing great work, but it is not enough? What is the Minister going to do to change the housing market in Jersey from one that works in the interests of investors to one that works in the interests of people who need a roof above their heads, as should be a basic right for every person living on this Island and the whole planet?

The Deputy of Trinity:

I do not think I ever said it was enough. Of course I have always said we need to build more. It is supply, supply, supply and that is why that strategic housing assessment report is going to be vital. That work needs to be done across the tenures so that it can be fed into the next Island Plan, because it will be this Assembly in the next Island Plan that will have to look at it, with all the evidence behind it. Do we rezone for more housing? We need to build and make greater assets of our public land. We need to get that up and running and build. That report will be vital as we feed into the next Island Plan.

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

Without referring to the future strategic assessment that is going to be done, would the Minister be able to advise currently in terms of the policy that we have at the moment how many homes would have to be built in order to reduce the cost of rents and purchasing property in Jersey?

The Deputy of Trinity:

I do not have that work, but we know, as I said, that 90 per cent is there to pay back the social housing bond. As I said, about roughly 27 per cent of tenants pay the 90 per cent. Is that a high figure? It could be. That is why I think in a year, perhaps 2 years' time, when more people are perhaps paying that rent we need to a proper review of that, but we are not quite there yet.

3.7.10 The Deputy of St. John:

A supplementary. Does the Minister not accept that always answering with the fact that more supply is needed without knowing the supply that it is wrong to suggest that is the only thing that is needed to assist in the housing market in Jersey, and the fact of land scarcity and property in the States of Jersey's holding in terms of brownfield sites that we have no property plan for to assist in affordable housing, that supply is the only way that we are going to help reduce costs to Islanders?

[16:00]

The Deputy of Trinity:

That is one of the main ports of call, supply. Until you get more supply on ... we know that in the private sector, 2-bedroom homes have been built. I do not remember how many in the last 3 years. Prices show that the one-bed and 2 bedrooms have stabilised out in the private sector, but we need to build. For first-time buyers, we have got to have some places for first-time buyers to buy.

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

What work has the Minister's department done on the impact of the proposed Jersey Infrastructure Levy on supply, given the likely increase in cost?

The Deputy of Trinity:

I absolutely support the introducing of the Jersey Infrastructure Levy. I think we are going to be debating that in the next sitting. Having sat on the Planning Applications Panel, when we put planning obligations in place, perhaps at the very last minute, I often question is that fair for developers? Should they know right upfront of what the planning obligations should be or may be? It is knowing upfront. I know the Minister for the Environment has done a lot of work both with the industry and with external experts to look at this.

3.7.12 Deputy J.A.N. Le Fondré:

A supplementary. The question was what work has the Minister's department done to assess the impact on the Infrastructure Levy, not the merits of it.

The Deputy of Trinity:

The impact, part of that fits in with the Environment Department on the work that they have done. They do come up with they see very little difference.

3.7.13 Senator P.F.C. Ozouf:

I welcome the Minister's answers. Basically she gave a lot of statistics. If she was able to perhaps tabulate those into a single piece of paper, I think it might help. The reason why I wanted to ask this and why I was moved to ask this question was while accepting the Minister has done spectacular work, as she has explained, on the social rent and affordable purchase homes, the reality is that for the open market home purchase area, is that not the area where the Minister needs to now focus her attention on? Would she, in the term of office that she has remaining, commit herself to a range of initiatives to effectively boost the supply of home purchase options that are not the subsidised home option to purchase, for example, with a range of initiatives, lobbying the Minister for Treasury and Resources on stamp duty, having initiatives which more small builders could be building more homes, innovative ways of building homes? Would she now focus on the bit that it was missing perhaps in her answer, which is the purchase, the non-subsidised purchase home, because that is where the real hardship is felt by families who want to get on the housing ladder?

The Deputy of Trinity:

Yes, because I know it is important and I am happy to circulate the figures.

3.7.14 Senator P.F.C. Ozouf:

Could she commit to work on that bit of the purchase element, not the affordable social, but this area where families want to buy homes that are not necessarily shared equity, but they really own their own home?

The Deputy of Trinity:

Yes.

4. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

We come to Questions to Ministers without notice. The first question period is the Minister for Social Security. Deputy Southern.

4.1 Deputy G.P. Southern:

Will the Minister inform Members of the terms of the contract under which CAG Consultants were tasked to deliver on all 3 parts of the review of the Social Security system and what has been the degree of involvement of the States Statistics Unit in ensuring that questions and hence responses did not contain bias?

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

As the Deputy is very well aware, we involve and are involved and will be involved with the States Statistics Unit in providing the questions without bias for any review that we do. The input of CAG Consultants, which was a tendering process, they were employed to the tune of about £27,000

direct to them, to the tune of £38,000 in addition; £27,000 to them and the additional £38,000 was used to provide the questionnaire.

4.1.1 Deputy G.P. Southern:

Could the Minister inform Members what depth of involvement the Stats Unit had in drawing up questions involved in all 3 parts of this review? Was it heavy or was it light?

Deputy S.J. Pinel:

I am not quite sure how one would apportion that. The Stats Unit are our principal port of call and they have been involved with, as the Deputy said, all 3 parts of this consultation and the review programme and very heavily so.

4.2 Deputy M. Tadier:

Can the Minister remind us of how much money from her department is paid out every year in the housing income support component to those who rent off private landlords? I think it is somewhere in the region of £10 million normally a year. Is the Minister happy with that sum?

Deputy S.J. Pinel:

I do not have the exact figure in front of me, but if that is what the Deputy's assertion is... It is very difficult to ascertain whether one is happy with that sum inasmuch as there are the private landlords and the Andium landlords and the 90 per cent of the privately-rented rate or the public rate is what we ascertain with income support and that is what we pay, 90 per cent of market rate, from income support.

4.2.1 Deputy M. Tadier:

Does the Minister find it strange that every year her department is paying out somewhere in the region of £10 million essentially to private landlords, who can then use that money for more buy-to-lets, to take those properties out of the reach of first-time buyers, for example? At the same time, there is absolutely no check or balance to see whether those properties meet basic standards or whether they are indeed affordable.

Deputy S.J. Pinel:

I think the basic standards is a question for the Minister for Housing, which I know she is working at trying to achieve. Having also set the rate of 90 per cent of market rates, we cannot control private landlords charging what they wish, but having said that income support will pay 90 per cent of market rents, it does have a certain amount of leverage on what will be paid to private landlords, but at the end of the day, there is no control over what private landlords will charge. In the current situation, there is not sufficient social housing to fulfil the requirements of all the public.

4.3 The Connétable of St. John:

What research has the Minister and her officers done on the reduction that might result in payments for income support if the minimum wage was increased to a living wage?

Deputy S.J. Pinel:

There has been a lot of work done, as the Connétable will be aware. There is a living wage review going on with the Chief Minister's Department. I have, as Minister for Social Security, accepted the recommendation of the independent Employment Forum for the minimum wage for April 2018. There is a difficult balance to be struck between what would be a voluntary living wage, not a statutory one, to be encouraged in Jersey and encouragement is what we would like to see.

4.4 The Deputy of St. John:

Could the Minister explain what the main incentives are from the Social Security Department to assist income support recipients in getting back to work?

Deputy S.J. Pinel:

Thank you to the Deputy. A huge amount, as the Deputy will be aware, of encouragement and incentives to get back to work. The Back to Work team are incredibly busy and keep reinventing themselves in order to apply initiatives to employers and to communicate with employers to take on various people, from registered as actively seeking work, and the team also provide a huge amount of encouragement in supplying information, C.V.s (curriculum vitae), conducting interviews, all the sort of training that people who have been out of work for some time, for reasons best known to themselves, to get back into work. The figure now is the lowest it has been for a considerable amount of time, of 980 people looking for work, which is quite remarkable. It is half of what it was 3 to 4 years ago.

4.4.1 The Deputy of St. John:

A supplementary. Could I ask the Minister whether she is aware of the report that was commissioned by a previous Minister for Social Security - who is now the Chief Minister - of R.87/2011, which was a review of the interaction between income support and employment, which was prepared by the International Centre for Public and Social Policy? As I am aware, there has been no update as to how that interacts now with the current Back to Work scheme and what recommendations were accepted by Social Security from that report. Would the Minister undertake to report back to the Assembly on what work was done from that report and how it has been included in the Back to Work and Advance to Work schemes within Social Security?

Deputy S.J. Pinel:

Yes, of course. Of course we did not have the Back to Work scheme set up as it is now at that time, so things have moved on considerably since then. I can certainly supply the Deputy with any information that we used from that report in what the current work of Back to Work is.

4.5 Deputy S.Y. Mézec:

I have seen the comments from the Council of Ministers indicating that they will not be supporting part (b) of my proposition on the minimum wage. Part (b) is the section which relates to resetting the target for the minimum wage to reach 60 per cent of median earnings by 2020. Earlier this year the Chief Minister said that he supported raising it to 45 per cent of the mean wage by 2020. My question to the Minister is why are they asking the States to reject part (b) of my proposition rather than amending it to something which might be considered mutually more acceptable than the current situation?

Deputy S.J. Pinel:

I think this is probably a debate for later on when the proposition comes to the States, but I agree, although I have to say that I must remain fairly neutral, as Minister for Social Security, because I do ask the Independent Employment Forum to do their consultation on what a realistic minimum wage would be, which they have done, and I have accepted their recommendations. However, I do feel that bringing it forward to 60 per cent of the median is a jump too far. Already, to try to achieve 45 per cent of the mean wage by 2026, which was what was agreed by the States in 2010, there is already a move to bring that forward to 2020, as opposed to 2026, and that would be quite a jump for a lot of industries, including agricultural and hospitality. The role of the Independent Employment Forum is to look across the board, all the stakeholders, and take into account all business views on increasing that amount. To make a jump of what would be £7.88 possibly to a recommended Caritas Living Wage of £9.75 would be unsustainable for a lot of industries.

4.6 Deputy G.P. Southern:

Is it the case that her department is still recruiting through agency workers on zero-hours contracts, which means that they do not get sick pay or are allowed to make pension contributions? Can she state why she is still using agency workers in this exploitative way?

Deputy S.J. Pinel:

I do not think it is an exploitative way at all, but yes, the Social Security Department does employ agency workers on a temporary basis, as do most other departments. I disagree that it is exploitative and we differ very considerably from the U.K. definition of workers, whereas the Jersey employment law has a definition of employees. The employees on zero-hour contracts have the option to have rolled-up holiday pay or sick pay, which is different from the U.K.

4.6.1 Deputy G.P. Southern:

Is it not the case that if these agency workers do not turn up for work, they do not get sick pay if they are sick, and equally, are not allowed to enter the pension scheme, which on a wider scale, she is trying to promote people on to workplace pensions in order to reduce her pension bill? Is it not the case that these workers are used inappropriately? They work regular hours and they do not get access to any sick pay.

Deputy S.J. Pinel:

I would refute the Deputy's view of inappropriate use. The J.A.S.S. (Jersey Annual Social Survey) has said that the flexibility is the main strength of zero-hour contracts.

[16:15]

A lot of the people that we take on at Social Security on a zero-hour contract, bearing in mind that we are not the employers - the agency is the employer, not Social Security - then quite a few carry on to have full-time jobs at Social Security. The Deputy mentioned my allusion to workplace pensions. Yes, I am very keen to support and encourage workplace pensions and employers to follow that line, but it would not be at the detriment to the States pension, as the Deputy alluded, at all. It is just that the sustainability of the Social Security Fund has to be regarded very carefully with an ageing demographic and workplace pensions in the future may be a necessity.

4.7 Deputy A.D. Lewis:

Could the Minister explain as to whether she has re-briefed the Employment Forum to broaden their scope, for example, to investigate things such as differential levels of pay when deliberating on the minimum wage setting?

Deputy S.J. Pinel:

Yes, I did, and asked them to please consider. Bearing in mind they are independent, I have no intervention whatsoever in their recommendations to consider what could possibly be the highest optimum wage that would be satisfactory - if one can use that word - across all business, commercial, agricultural, hospitality, retail, finance industries.

4.8 Deputy M. Tadier:

Article 9 of the Residential Tenancy Law says that when a property becomes uninhabitable, the tenant is not required to pay any rent on that property. When the rent is paid out of income support, either in part or in whole, what steps does the Income Support Department take when it becomes aware of a property becoming uninhabitable, to try and recoup that money from the landlord?

Deputy S.J. Pinel:

We constantly have inspectors detailed to do all sorts of things within Social Security and, as far as recouping money from a landlord, I think that would be something that was done in conjunction with the housing department.

4.8.1 Deputy M. Tadier:

We, of course, do not have a housing department, but if we take Andium as the example, and where Andium themselves, as landlord, have a property which is uninhabitable and the tenant wishes to take them to the Petty Debts Court under Article 9, so that they no longer to pay their rent for that period of time, is the Minister concerned that, as she is the one effectively paying the rent for that period, she should take an interest in getting that money back off the landlord, which may well be the housing department, as she puts it?

Deputy S.J. Pinel:

Yes, the Deputy rightly says that the income support will pay the rent for accommodation, providing it is appropriate to the requirements of the household asking for it, and, if the accommodation is unacceptable, which I think is unlikely with Andium, then it will go back to working with the housing department in order to ascertain what is reasonable to expect, and then a household would be put on the waiting list.

The Bailiff:

Deputy Southern. There is not much time, so be quick.

4.9 Deputy G.P. Southern:

Quickly. Is it not the case that these agency workers we have referred to earlier work regular hours and therefore breach the Employment Tribunal good guidelines on zero-hour contracts?

Deputy S.J. Pinel:

I am not quite sure which agency workers the Deputy is referring to but, as I have already said, in Social Security these people are normally employed to do a particular project, which can be 6 months and, if it transfers into being longer, then they will be offered more of a permanent contract.

5. Questions to Ministers without notice - The Chief Minister

The Bailiff:

That brings the time for this Minister to an end. We now come to questions for the Chief Minister starting now. Deputy Maçon?

5.1 Deputy J.M. Maçon:

Given that the review into the political involvement in the Innovation Fund was published previously for summer, has the Council of Ministers received the civil servant involvement review and, if not, why not?

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

I am not aware that they have, I have not seen it on an agenda, nor am I in a position to say whether the States Employment Board have, but I will certainly ask the question and confirm an answer to the Member.

5.1.1 Deputy J.M. Maçon:

A supplementary. Can the Chief Minister confirm that the new C.E.O. (chief executive officer) of the States is now in charge of this review, or otherwise?

Senator I.J. Gorst:

That would be the case. The old C.E.O. is no longer in that position and therefore it would move.

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

Given the large amount of development being carried out in St. Helier and the prospect of it at an increased pace and scale in the future, does the Chief Minister believe that there are sufficient controls in place to maintain and improve environmental quality for the town's residents and visitors? If not, what steps will he take across his departments in this regard?

Senator I.J. Gorst:

I think that is a good question and I think that is why the Council of Ministers is supporting an extension to the Town Park. The question is: are we taking the same approach across the rest of town. I know that the Environment Department is doing a lot of work in this regard. Do we need to do more? I think it is fair to say we absolutely do, but can we do it on our own? No; it has to be done, and we have to find a solution for central government working with the Parish in this regard, understanding, rightly, the cost, but at the same time understanding the benefit of improved community and open space. I think there is a lot more work to be done.

5.3 Deputy G.P. Southern:

When, if ever, will the States Employment Board return to collective bargaining with representatives of its workers in the near future?

Senator I.J. Gorst:

The Deputy will know that I delegate the chairmanship of the States Employment Board to the Deputy Chief Minister. Having said that, I am absolutely supportive of the approach that the States Employment Board takes in these matters. They inform the wider Council of Ministers of the approach that they are taking, they get agreement from the wider Council of Ministers and they have consulted and worked with employee representative bodies throughout the long time that we have been considering the workforce modernisation programme. Having got the Council of Ministers to agree extra money for that programme, I think they are in a position where I hope that all members will support that programme.

5.3.1 Deputy G.P. Southern:

Is it not the case that the £47 million allocated to the modernisation project does not replace it; in fact, normal annual increments is, over a 4-year period, a pay cut for most members?

Senator I.J. Gorst:

The Deputy knows it is not a pay cut for most members, he knows that there is more money in the workforce modernisation pot than there was when this Assembly agreed the Medium Term Financial Plan. The States Employment Board has argued for extra money to be put into the pay pot, and that is what they have done. I think they have arrived at a positive position and that we, in this Assembly, should support them.

5.3.2 Deputy G.P. Southern:

Does the Minister not accept then that £47 million, while it sounds like a significant amount of money, represents a pay cut against inflation over a 3 or 4-year period, and the reality is, it is less pay compared to inflation for most of the members that are employed by the States?

Senator I.J. Gorst:

The Deputy is assuming what inflation will be over the coming period. Of course, the amounts for some members in the workforce modernisation pot is lower than the projected inflation over that

period, but let us remember what workforce modernisation is delivering: it is delivering, largely, equal pay for equal value. It is equalising pay grades across 14 pay bands, and that is the prize which I think is worth delivering. In that case, what the States Employment Board and their officials have done is looked to ensure that equalisation across. It cannot be right that we would then accept a premise where those who were being paid at a greater level than perhaps others doing a similar or equal pay, should see a greater pay rise. What we are doing is taking the lowest pay and increasing it, to bring it on value with others who are doing similar work.

5.3.3 Deputy G.P. Southern:

I will try again: does the Minister accept that, for most States employees, this is a real-terms cut against inflation and that his Treasury Department have estimates for the next 3 or 4 years which hover around 3 per cent? Three years at 3 per cent is around just under 10 per cent, and yet, most workers are getting around a 3 per cent rise, which is a real-terms pay cut, does he not agree?

Senator I.J. Gorst:

The Deputy knows what the figures are; he and I had that conversation, and he asked me questions about it at the last States sitting. What he is doing, however, is taking a broad approach and saying that: "The majority will get this." What he is forgetting to do is mention all of those who historically have not been paid the right amount, I think, for the job that they are undertaking. They have seen their colleagues who are doing a similar sort of job, but simply because of the way they were graded, perhaps, as civil servants, or perhaps a different category, have not been receiving the same amount. What this does is take those people and increase their salary.

Deputy G.P. Southern:

Will the Minister answer the question: is this or is this not, over the next 3 years, a real-terms pay cut for most workers?

Senator I.J. Gorst:

The problem is he insists on tacking on the words "most workers" at the end of his sentence. If you take the broad amount of cash and put it as a percentage pay rise on the total pay packet compared with what the projection is for inflation, then the Deputy might be right. Where he goes wrong is he insists that means there is a pay cut for most workers. That is not necessarily the correct conclusion.

5.4 Deputy M. Tadier:

In the Strategic Plan presented by the Chief Minister at the beginning of this term, he talked about championing a proper supply of housing of all types and promoting affordability. Does the Chief Minister therefore agree with his counterpart in the U.K., Mr. Philip Hammond, the Chancellor of the Exchequer, who says he wants to address the issue of empty properties, and that it cannot be right to leave property empty when so many are desperate for a place to live. Can we expect to see some proposals forthcoming from this Council of Ministers to tackle that very important issue?

Senator I.J. Gorst:

I know that the Housing Department, the Statistics Unit and Andium have done a lot of work on vacant properties and, when you drill down under the numbers, they are quite different from the headline numbers. Certainly, I watch absolutely with interest, and I have no doubt that the Housing and Treasury Departments in Jersey will be working together with their counterparts in the United Kingdom to see if there are approaches that they are taking which might be successful that we could mirror and learn from here.

5.4.1 Deputy M. Tadier:

Is it not worrying and does the Chief Minister not find it strange that we have a U.K. Tory Party which seems to be stealing ideas for Reform Jersey, which we are putting forward in this Island, and that the Tory Party in the U.K. is making this Council of Ministers look extremely right wing, or *vice versa*; by comparison the Tories in the U.K. are starting to look very left wing compared to the current reactionaries that form his own government?

Senator I.J. Gorst:

Was there a question there, Sir?

The Bailiff:

Are you becoming too right wing, Chief Minister?

Senator I.J. Gorst:

Do I think that Reform Jersey is the Tory Party of Jersey? Well, that is for them to make that case. I do not for a minute accept that. They were very critical earlier in this States sitting about the good work that the Minister for Housing is doing together with Andium.

[16:30]

They tried to separate out the good work that Andium is doing in conjunction with the Minister for Housing as though it were just happening out of thin air. It is absolutely not. I know that the work that Andium is doing, particularly in shared ownership proposals, the planning permission that has just been received for Ann Court, these are important steps forward that need to be built on. The Minister for Housing and Andium are doing great work in this area, and I do not think it is appropriate for Reform Jersey to be criticising the good work that she is doing.

Deputy M. Tadier:

May I clarify a point of order? I am criticising the Council of Ministers for their inaction and their incompetence and I have not talked about Andium.

The Bailiff:

Okay. That is a point of order.

5.5 Deputy J.A. Martin:

The Chief Minister has prompted me to ask this question. We agreed at this Assembly that Andium can charge 90 per cent of market rents, but what is this Chief Minister's or this Council of Ministers' policy on the percentage of earnings that a family pays in rent? It used to be a quarter of their earnings. I would like to know what the policy is, forgetting that it is 90 per cent, that is what is charged, what is our policy about what people pay?

Senator I.J. Gorst:

The Deputy knows, because I think she was on the Scrutiny Panel of income support when Senator Routier introduced it many years ago, that the policy was to move away from such a policy, and introduce a component based on the overall income and not based on percentage that any given family was spending on its cost of housing.

5.5.1 Deputy J.A. Martin:

Does he agree that it is probably a third of their income?

Senator I.J. Gorst:

Every family will be different, as the Deputy knows, and the policy that the old Housing Department used to have was superseded by the work that Income Support does.

The Bailiff:

I have not forgotten you, Deputy Southern. I was thinking that somebody else might want to ask a question.

Deputy G.P. Southern:

Desperately searching for somebody else.

5.6 Deputy J.M. Maçon:

Given the M.T.F.P. (Medium Term Financial Plan) savings targets, can the Chief Minister comment whether all departments are on track and meeting their savings targets and, if not, which are the ones which are not?

Senator I.J. Gorst:

I am going to go out on a limb here. The Minister for Treasury and Resources tells me it is in the Budget Statement. As far as I am aware for this year, year 2017, all departments are on target. Many departments have got underspends as well as making their savings targets, so they are working well.

5.7 Deputy S.Y. Mézec:

On the comments the Chief Minister made before, the Hansard will show that, far from criticising the work that Andium is doing building new homes in the Island, I believe I used the word “brilliant” to describe what they were doing. He might like to take the opportunity to apologise for misleading the Assembly about something that happened merely moments ago in here. My question was on poverty and the effects that the cost of housing has on poverty. The Income Distribution Survey showed that it is the single biggest contributing factor. I would like to ask the Chief Minister what evidence, if any, does he have to hand on whether the cost of housing in Jersey is making poverty levels in the Island worse or better, and what policies his government has enacted does he believe have had an impact on that?

The Bailiff:

Thirty seconds, Chief Minister.

Senator I.J. Gorst:

Firstly, let me say, I did not say the words attributed to me, I said that Members in this Assembly seem to separate out the good work that the Minister for Housing is doing with the good work that Andium is doing, and praise Andium. But the work that they are doing is delivered from the good work that the Minister for Housing is doing. They cannot have it both ways. Let me say that the Income Distribution Survey as well talked about the interest rate effect on housing, not just the overall cost. But be in no doubt, the Minister for Housing is absolutely committed to delivering more affordable housing and this Assembly is going to have to make difficult decisions about zoning about where those houses are going to be, because currently we are letting our Island down by not grasping this nettle. The Minister for Housing is committed to grasping it, so am I.

PERSONAL STATEMENT

6. Senator Philip Francis Cyril Ozouf

6.1 Senator P.F.C. Ozouf:

Can I thank you for clearing quickly my statement through your chambers. As Members will recall, I resigned from my roles as Assistant Chief Minister in January 2017 following the

controversy of a report into the failings of the Jersey Innovation Fund. The Jessica Seymour Q.C. (Queen's Counsel) report was published in May, and the Chief Minister reappointed me on 24th May 2017. A vote of no confidence in the Chief Minister was lodged shortly after my reappointment. I was dismissed as Assistant Chief Minister on the morning that the States sat to consider the vote of no confidence. While unrelated to the Innovation Fund, around the time of my resignation rumours began circulating concerning certain items of expenses that I had incurred while undertaking ministerial duties. Ministers' and Assistant Ministers' expenses are, of course, reported to the States on an annual basis. The report contains totals but no breakdown or activity. My expense totals have been among the highest of any Ministers for a number of years. All the roles I have discharged have required me to undertake extensive travel to the United Kingdom, Europe, and further afield. The role the Chief Minister offered me in November 2014 was, as Members recall, never formally created, and this is perhaps why there was a lack of understanding as to what my role was and why I travelled so extensively. Deputy Higgins, in a written question, requested the publication of a detailed diary of all my meetings and engagements, and I hope this has been helpful in showing what I did while I was in office. I have always sought to reduce the cost to taxpayers while undertaking the duties that I have been asked to discharge on behalf of this Assembly. I have tried to travel on the lowest-cost flights, I have frequently not travelled business class on long haul international flights, although I do not criticise my colleagues who have. I have booked my own travel to reduce administrative staff time, and secured cheaper ticket prices, and for years used all Avios points earned, and more, to book flights for myself and colleagues. I have not claimed for overnight accommodation in central London when on States business, despite being told that I should. There are numerous expenses that I have incurred personally and have never reclaimed. My expenses have been the subject of a number of detailed investigations, reviews and audits, which I have fully co-operated with. There has been an internal review or audit of my expenses for the last 3 years. Prior to the completion of this review, an invoice was issued to me in May 2017, which I immediately paid in full. The review has now been completed and a substantial proportion of the amount paid from that invoice has been refunded to me. In addition to this internal review, the former chief executive of the States referred specific transactions to the police for investigation. The first transaction related to a personal flight booking for £362.76, made on my iPad when my States purchase card was inadvertently selected from a drop-down menu during multiple attempts to book the flight. I highlighted the amount for repayment and I subsequently refunded the amount to the card in full. The second payment related to a Gatwick hotel bill for £82 in January of this year. It related to a stay in advance of a meeting of an overseas VIP delegation to Jersey. I consider the expense to be justified, however, as it was queried by the former chief executive, I decided to repay it. Following the police investigation, the file was submitted to the law officers. They decided that no charges were to be brought. In addition, throughout this period, there have been numerous F.o.I. (Freedom of Information) requests about my expenses, and answers have been prepared and published. I understand that revised F.o.I. answers are shortly to be published which will now show a clear, full and accurate account of what expense claims I did or did not make. The public has a reasonable expectation to understand what taxpayers' money is being spent on and why. My mistaken use of the States purchase card to pay for a personal flight may well constitute a breach of the code of conduct for States Members and/or the ministerial code. I have discussed the self-referral of these matters with the Greffier during the summer of this year, and I formally wrote to the Greffier last month, and I have made a full submission to the Commissioner of Standards at the earliest opportunity following the publication of his procedures last week. The self-referral was made to ensure that I have taken any action necessary to correct any inadvertent breach of the code of conduct for States Members and/or the ministerial code, but also to ensure that lessons can be learnt in relation to the expense process generally. Notwithstanding the corrective actions I have taken, like all Members, I take the code of conduct we have very seriously. If there has been any breach, whether inadvertent or not, it is up to the

Member concerned to not only take corrective action but to decide to apologise, if appropriate. I have decided to make an unqualified and sincere apology for any breach of the code of conduct for States Members and/or the ministerial code that I may have committed in relation to any aspect of the expenses. Having lost my ministerial role due to the expenses speculation, undergone criminal investigation, spent hundreds of hours assisting with the internal review and had months of unrelenting damaging, and frankly upsetting, media speculation about this whole issue, I hope that notwithstanding any findings of the Commissioner, I can now focus on serving the people of Jersey as best I can between now and May 2018. Thank you. **[Approbation]**

PUBLIC BUSINESS

7. Draft Budget Statement 2018 - Vote to reduce the lodging period on Amd.Amd.(2); Amd.(4); Amd.(4).Amd.; Amd.(5); Amd.(5).Amd.; Amd.(6); Amd.(6).Amd; Amd.(7) and Amd.(8).

The Bailiff:

We will come on to deal with Public Business tomorrow, starting at 9.30 a.m., but it is apparent that there are a number of amendments which have been lodged outside the minimum lodging period, and it occurs to me that it might be helpful for Members planning their speeches if we resolve tonight whether the States are going to give leave for those amendments to be lodged. Presumably, Senator Ozouf, I think they are yours, on the whole, you would ask the States to do so?

7.1 Senator P.F.C. Ozouf:

Yes, Sir. I know that there will be some wrath from some Members, but I made best endeavours to ensure that complex amendments were submitted. The Greffe are brilliant in turning complex issues round. In addition to the amendments themselves, should the States so choose to take the items and then approve them, the legislation is also prepared and ready, and I wanted to make sure that everything is in place. That is the reason why literally it was within a few minutes that I lost the opportunity of lodging the amendment that really is amendment 4, which I think we will be discussing tomorrow. It was a matter of minutes that I just simply missed the day. On that basis, as it gives Members a choice, I hopefully am going to be able to have a chat with the Minister for Treasury and Resources after the sitting to discuss the amendments. That will be the first time that I properly discuss it with him, so I would ask that Members do accept that amendment 4, which falls one day short, if it is taken tomorrow, which I think is the amendment that is really the one that would fall with the ... it basically needs 2 weeks; it has been lodged for 13 days rather than the relevant 14. I would beg the indulgence of Members, because the legislation is also now prepared in the event that the States approve it, to accept the amendment so that we can have a debate on my amendment, which is a series of choices that Members have. I think that will be for a better Budget debate. The Minister for Treasury and Resources himself has made an amendment, which will fall as well in the event that I am not able to take that. I think that is the one that you want me to ask for, the shortening of the period, because I think that is going to be the one we are dealing with tomorrow. I suspect the others ...

[16:45]

The Bailiff:

I think you need to ask for all of them.

Senator P.F.C. Ozouf:

All right. For the avoidance of doubt, all of them that are there, but I think it is number 4 that is going to be the one that really matters, but yes, all of them, for the reasons described.

The Bailiff:

Is the proposition seconded?

7.1.1 Senator A.J.H. Maclean:

Sorry, I just felt I should also stand in relation to that, because clearly there was a knock-on effect, and so there are a number of amendments to the amendments that Senator Ozouf was referring to from Treasury which also are late. I wish to apologise to Members for that; that was, as I say, a knock-on effect. I would ask that, in consideration, those also be taken.

Deputy J.A.N. Le Fondré:

Sir, can I just ask the Minister, the last speaker, something?

The Bailiff:

Just a moment. Is the proposition seconded? [**Seconded**]

7.1.2 Deputy J.A.N. Le Fondré:

All it was: that in the event that Senator Ozouf's amendments did not go through, there are references to various reviews that Treasury would be prepared to carry out. Would the Minister still carry out those reviews?

The Bailiff:

Can you help the Members on that?

Senator A.J.H. Maclean:

Yes, we have indicated that we would carry out these reviews, and I would stand by that.

The Bailiff:

The only question before us at the moment is whether or not to allow the debate to take place tomorrow on these amendments. Deputy Andrew Lewis.

Deputy A.D. Lewis:

Sir, I just wondered, was the Minister minded to accept these amendments; if so, is there any point in debating them? Can he indicate as to whether he is planning to accept the amendments or not?

The Bailiff:

I do not understand how that can be so as he is amending many of them.

7.1.3 Deputy J.A. Martin:

I did second Senator Ozouf. I would like to plead with everyone that, if you have gone through the amendments that the Senator has done, it is very early that he is a Back-Bencher. There was a lot of work that has gone into this and I fully appreciate that. Do not vote against this because it is Senator Ozouf; be fair. A lot of work has gone into this. I want a good debate on the Budget. We have put 4 days aside, or 3 and a bit, so I really urge Members. I know, as I say, some of them have been timed out by a few minutes, another day, but I would rather say everything now. I really ask that all people ... because we do it for most people who have been Back-Benchers for ages, so I think we can do it this time. It is the Budget; please let it go through.

7.1.4 Connétable P.B. Le Sueur of Trinity:

I think it is probably unfortunate this follows quickly after Senator Ozouf's statement, but I question if I am alone in asking myself: why are the minimum lodging standards or periods specified in Standing Order 26? It appears to me that the Assembly is being asked to ignore them with ever-increasing regularity. Senator Ozouf is one of the most experienced Members in the Assembly and, once again in this session, he is asking us to disregard the minimum lodging period. This draft Budget has been lodged for 8 weeks, in accordance with Standing Orders. I simply question, will the public interest be served if we agree to this request? I accept that there will be occasions when it is clearly in the public interest to make exceptions, however, it is fast becoming the norm, and is it not about time we put a marker down to say: "Enough is enough and the rules are the rules"?

Senator L.J. Farnham:

May I just ask the Deputy Greffier to confirm how many amendments are late and how many are on time?

The Bailiff:

All of Senator Ozouf's amendments are late.

Senator L.J. Farnham:

I am confused. I thought the Senator's were not.

The Bailiff:

No. It varies, but the provisions of Standing Order 26 provide that the period must expire before the meeting date. Chief Minister.

7.1.5 Senator I.J. Gorst:

This seems to be the second time I have stood up to make this sort of comment at the last 2 sittings. As I understand it, the amendments are a day late so, strictly speaking under the rules, we could take a hard line, no mercy: "The rules say this, so we are going to say they cannot be taken." I would just draw Members to the words of Deputy Martin: "Sometimes things take longer than one might like." Sometimes Ministers have their comments delayed, for all sorts of legitimate reasons and we get beaten up in the Assembly. Back-Benchers know that, without the support of departments, and even with the support of departments, things still get delayed. Only earlier today I was questioned about why it is that we have not managed to bring the consultation for the student financing earlier. For all good reasons, that has taken longer than I would have liked. Senator Ozouf as an individual has been working on these amendments. Members will know now whether Council of Ministers support them or not, some in principle, some not, but I think the public is expecting a debate on his amendments, and not for them simply to be ruled out of order on a point of process because, on a point of process, they are out of order. They have had, for what I consider in some cases, lots of media interest, even though I do not necessarily agree with the conclusions of some of that media interest, and I think that we would be undermining our position if we do not at least allow them to be debated. That is a decision for us. We have received comments from bodies in our community that we normally listen to with respect, some of them vehemently against at least one of Senator Ozouf's amendments, some of them absolutely supportive of another. They are expecting us to debate it, they are expecting us to listen and, for all good reasons, accept or reject his and these amendments. It is because of that interest of the public and those bodies that I think we should show respect to them and debate those amendments that they have shown a great interest in. For that reason, I ask that Members accept them and that we do debate.

The Bailiff:

I can imagine we are not going to debate this for long, but Deputy Tadier.

7.1.6 Deputy M. Tadier:

What a load of nonsense. We know exactly what is going on here. I think the Constable of St. John has said it previously, the Constable of Trinity has said, and I have said it in the past, is what is the point of having Standing Orders if, summarily, some people in the Assembly are allowed to break them? What is going to happen today, let us be under no illusion, these very fine words are being spoken in favour of allowing Senator Ozouf to take his, but we know what is happening in the Assembly, and the bottom line is, if you have enough friends in the Assembly and you lodge something late, you can get away with it, and if you do not, then you cannot. That is the message and that is the reality of working in this Assembly, even though we do not have a party political system. I would like to know how often Senator Ozouf has allowed and voted for Back-Benchers, especially while he was Minister, to lodge late amendments. I do not recall any. I do not recall him being particularly unfair towards these parts of the Assembly here. This idea that it has taken 18 years for the Senator ... and I know he has not been a Senator for all of that time, but for the vast majority of it, to come to the conclusion that Back-Benchers in this Assembly are under-resourced and therefore we cannot make deadlines. To the Senator, the reality is that we know that; we have been saying it quietly for quite a long time, but yet we still manage, week in week out, to get our questions in on time most of the time, to get our amendments in on time, and we do not normally even dare ask this Assembly because we know, quite rightly, that Standing Orders are in place and that we will get short shrift when it comes to asking the Assembly. If we start making the decisions saying: "Oh, well, the media is expecting a debate." The media does not set our Standing Orders in here. The media will have got a press release from the Senator, no doubt, trying to whip up supporting saying, on the one hand from the retailers: "Oh, we do not want to tax the retailers too much, they are being hit very hard already." On the other side, hitting the smokers, and most smokers tend to be of the lower-income order, not necessarily, but they are predominantly the ones that will be hit. They do not necessarily vote, and they are also the ones that cannot always afford to leave the Island to get their duty free. Anyway, all these kinds of factors are coming into play. When that press release goes out, it does not say at the top: "And, by the way, I might not be able to take this proposition because I lodged it too late." The caveat which goes out to the media should be: "When you are reporting this, do not get people's hopes up, because this should not even be debated." That was not on the press release, no doubt. We have to take a firm action. Fine, if I were to have lodged a late amendment, I could have come here and said: "Sorry, I am really stressed. I have got lots of constituency work, lots of case work", and I suspect everybody would have allowed me to debate those amendments. Would they? I do not think that is the case. We need to make sure we are taking an even and fair-handed approach. The bottom line is, this is a Member who has been Minister for Treasury and Resources himself; he knows exactly how the processes work. He knows exactly how duty free works, he knows all of these arguments, and he knows where to put the arguments and the amendments. He has had 18 years to think about these types of issues. Strangely, when it comes to putting these amendments in, he cannot even meet a deadline. I will let Members make up their minds, but the next time we come with our string of amendments and we say: "I am afraid we have submitted these late because we have had so much work to do and we are under-resourced ..." We fully expect the support of all the Members who vote for Senator Ozouf to be able to take his amendments today early.

The Bailiff:

Members will vote for whatever reasons they think are appropriate, but I would remind Members that the Standing Order says: "The States may reduce the minimum lodging period if they are of the opinion that it is in the public interest to do so." That is the test under Standing Orders.

7.1.7 Deputy S.M. Wickenden:

That is exactly why I stood up to talk. Yes, there are Standing Orders that say that there are minimum lodging periods, but the reason we are having this debate now is because, within Standing Orders, there is an exemption if you think it is in the public interest. We are talking about the Budget debate; it affects every single member of our community, every single member of the public. If that does not fall within the public interest test, then nothing does. Please support this. The public wants us to do it, it is interested in the amendments that happen. Please support the minimum lodging period because this falls, more than anything else we do, in the public interest test because it affects every member of the public.

7.1.8 Deputy G.P. Southern:

Just briefly, and on a slightly different approach, I notice on the running order today under Public Business that the first item is that we are asked to reduce the lodging period for the Minister for Treasury and Resources himself. Then, further down the page is Senator Ozouf's request to reduce the lodging period. I am very torn on this one. It seems to me that we should be punishing the Minister for Treasury and Resources, but we cannot do that without punishing the Back-Bencher. As Members will know, I have occasionally brought a late amendment myself and I have been given permission to pursue it and the lodging period has been reduced, so I am very torn.

The Bailiff:

Senator Ozouf, do you wish to reply?

7.1.9 Senator P.F.C. Ozouf:

I am fully aware of the provisions of Standing Orders and I would say to the Constable of Trinity that the amendments that I have lodged are complex and they have complicated legal drafting associated with them, which I wanted to make sure was complete before I lodged the Budget amendments. They were started at least 2 or 3 weeks before and I was in consultation with the law draftsmen. I did not get the lodging of the Budget amendments themselves within a matter of minutes. It is not a question of a day, it is a question of a matter of minutes while we were sitting that we were not able, despite the Greffe's best efforts, to get them in Members' hands. I did do the work. I will try harder in the future, but I have done an enormous amount of work in order to give the Assembly some options for a Budget debate, which I think is in the public interest, on a range of different options which I hope the Constable ... not everybody has lodged ... you seem to get punished if you do something.

[17:00]

I have tried to use my position as a Back-Bencher to give Members options in relation to important decisions on taxation, which is the big issue. Tax and spending are the big issues of public importance. I have tried to give this to Members, absent of anybody else lodging something on these issues. I would ask the Constable for some slack in relation to the fact that they were started a couple of weeks before. The legal drafting is also ready, and I wanted to make sure everything was done. Perhaps I was too cautious in doing that, and I would ask Members for their indulgence. I will try to do better and I will try and get it done on time and make sure everything is done. For a matter of having missed the deadline for literally a few minutes, I would ask Members' indulgence so that we can have the debate tomorrow and have a good Budget debate on a range of options, which I think is in the public interest. I ask for the appel.

The Bailiff:

The appel is called for. The vote is on whether to take all the amendments, and the amendments to the amendments, this week. I ask the Greffier to open the voting.

POUR: 28		CONTRE: 11		ABSTAIN: 2
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Senator P.F. Routier		Connétable of St. Clement		Senator S.C. Ferguson
Senator P.F.C. Ozouf		Connétable of St. John		Deputy S.Y. Mézec (H)
Senator A.J.H. Maclean		Connétable of Trinity		
Senator I.J. Gorst		Deputy J.A.N. Le Fondré (L)		
Senator L.J. Farnham		Deputy K.C. Lewis (S)		
Senator P.M. Bailhache		Deputy M. Tadier (B)		
Connétable of St. Helier		Deputy M.R. Higgins (H)		
Connétable of St. Peter		Deputy J.M. Maçon (S)		
Connétable of St. Lawrence		Deputy A.D. Lewis (H)		
Connétable of St. Mary		Deputy T.A. McDonald (S)		
Connétable of St. Breilade		Deputy of St. Mary		
Connétable of St. Martin				
Connétable of Grouville				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

Senator P.F.C. Ozouf:

I am grateful for Members' support.

The Bailiff:

The States now stand adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:02]