

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 3rd NOVEMBER 2009

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

QUESTIONS

1. Written Questions

1.1 DEPUTY S. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE QUALIFICATIONS AND EXPERIENCE OF HIS MINISTERS:

Question

Would the Chief Minister inform States Members what qualifications and experience those Ministers he successfully nominated possess for their specific roles?

Answer

In nominating Ministers, I considered those with proven ability in the States or in previous activities, and leadership either at Ministerial, Assistant Ministerial, States or Parish level or any previous experience as a Committee President or Vice President. Alongside these qualities, I also considered individuals' knowledge, strength of character and drive.

I believe that subsequent events have demonstrated the quality and strengths of the Ministerial team, the appointment of which was ultimately a decision made by a majority of States Members, not just myself.

1.2 THE DEPUTY OF ST. JOHN OF H.M. ATTORNEY GENERAL REGARDING THE COST OF PRESS LIAISON SERVICES DURING A RECENT DRUGS CASE:

Question

How much has it cost to date for the UK's Central Office for Information (COI) to provide press liaison services to the media in respect of the recent drugs case in the Royal Court?

Will H.M. Attorney General provide full details of all sums paid to the COI for the provision of such services from 1st January 2008 to date, including the costs apportioned for the historic child abuse trials?

Will H.M. Attorney General explain why press liaison services are being provided by a UK agency for the current prosecution when the States of Jersey Police employs a full time press liaison officer? Can H.M. Attorney General advise whether the States police press officer is precluded from or unable to provide the service to the media in the current prosecution?

Will H.M. Attorney General provide a full breakdown of all press liaison costs for the current prosecution when it is concluded?

Answer

The Attorney General has no control over or responsibility for the actions of either the Judicial Greffe or the Royal Court. In order, however, that an answer to this question can be provided to Members the Attorney General has made inquiries and has been provided with the following information:

Following consultation with the Judicial Communications Office at the Royal Courts of Justice in London, the UK's Central Office of Information (COI) was engaged by the Judicial Greffe to provide specialist media information and management services to the Jersey Courts in the matter of

high-profile trials, having regard to the media frenzy which erupted in February 2008, concerning Haut de la Garenne.

The Jersey Courts are not themselves resourced to provide such specialist media information and management services and the COI was engaged to field and handle press inquiries from the local, regional and national media, including such news providers as the Press Association and the Sky satellite organization.

The press liaison officer employed by the States of Jersey Police is not available to provide services to the Courts or to the Judicial Greffe.

Attendant services have since been provided by COI to the Jersey Courts at a total cost, to date, of approximately £101,000, being referable to the following high-profile cases, inclusive of the construction and maintenance of the Jersey Courts website (www.jerseycourts.je):

Attorney General v Michael Aubin - Haut de la Garenne

Attorney General v Claude James Donnelly - historic sexual abuse

Attorney General v Gordon John Wateridge - Haut de la Garenne

Attorney General v Curtis Warren and 5 associates - conspiracy to import drugs

Full details of costs directly referable to the mentioned cases will be provided as soon as they are available. It is assumed that the “current prosecution” refers to the case of the Attorney General v Warren and others mentioned above which resulted recently in a conviction.

1.3 DEPUTY J.A. MARTIN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE POLICING POWERS OF THE CONNÉTABLES:

Question

As head of the Honorary Police could H.M. Attorney General advise whether the Connétables hold policing powers, and, if so, whether this is appropriate for the holders of political office?

Answer

The Connétable remains the head of the Honorary Police of his or her Parish and, as a matter of strict law, continues to hold policing powers commensurate with that status.

Article 6 of the Honorary Police (Jersey) Regulations 2005 (“the Regulations”) requires the Connétable in each Parish to appoint a Chef de Police. The Chef de Police deals with operational policing within the Parish and is a member of the Comité des Chefs de Police which has a range of important functions including the promotion of consistency in operational practice between the Honorary Police of each Parish. The Connétable accordingly does not generally play any part in operational policing.

The Connétable retains important functions both in the organisation and discipline of the honorary police in his or her Parish including, as said, the appointment of a Chef de Police.

Whilst the question of whether or not it is appropriate for the Connétables in these circumstances to continue to hold in law any policing powers is ultimately a matter for Members, the Regulations in effect create a mechanism whereby the Connétables are removed from operational policing. This

situation reflects the *de facto* position that existed for a considerable period prior to the enactment of the Regulations.

1.4 THE CONNÉTABLE OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CONTRACTORS IN SCHOOLS:

Question

Will the Minister advise whether there is a list of approved contractors for work to be undertaken in Island schools and, if so, advise –

- (a) how contractors become so listed;
- (b) how often the list is reviewed and
- (c) what measures, if any, are taken to ensure that quotes from approved contractors remain competitive with the open market?

Answer

- (a) Jersey Property Holdings (JPH) maintains a list of approved contractors to undertake maintenance work in Island schools and on other properties under the administration of JPH.

The former Education, Sport and Culture Committee maintained an approved contractor list. This was reviewed and updated in January 2003 when the Sport Division integrated with the Education, Sport and Culture Committee to form the Department for Education, Sport and Culture and has subsequently been developed over time.

In January 2007 the property functions of the Department for Education, Sport and Culture were transferred to JPH. That list of approved contractors was consolidated with contractor lists from other transferring departments, principally Transport and Technical Services, to form the current consolidated list.

In order to be included on the approved contractors' list, a company is required to provide details of their insurances, Health & Safety policies (not mandatory if under 5 employees) references, membership of a relevant trade body and the work category in which they express an interest. In addition to these requirements, JPH considers the capability and capacity of companies when producing short lists for individual projects.

A similar list of approved contractors is maintained for capital works on States buildings. Any company is able to apply for inclusion on the approved tender list and, if successful, may be invited to tender for works. JPH may limit the value of contracts awarded to companies with which it has had no previous experience.

- (b) The approved list is under constant review. JPH is currently working with the Corporate Procurement section of the Resources Department to rationalise and harmonise a number of approved contractor lists in existence within the States with a view to producing a single approved contractor database.

The Strategic Procurement department has launched the e-portal for States tenders in 2009 in order to maximise competition and transparency, and ensure that every contractor registered

on the system has the opportunity to bid for all tenders issued. The e-portal has been widely publicised over the last 6 months and 604 Jersey contractors have already registered, 224 of which registered under the building and maintenance category. All tenders for projects funded by the Fiscal Stimulus programme are required to be advertised on the e-portal and this is fast becoming the standard route for the issuing of States construction and maintenance projects. In order to win any tender via the e-portal or otherwise, contractors must meet the specific requirements of the tender, which will as a matter of course include the conditions listed in Answer a).

- (c) JPH follows the requirements of Financial Direction 5.7 when purchasing goods and services. The guidance notes in section 6 of the Financial Direction provide for a minimum number of quotes to be obtained.

For capital works, JPH adopts the policy contained within Financial Direction 5.6. When selecting the tender short list, the following are among the points that are considered:

- the firm's financial standing and record;
- whether the firm has had recent experience of building at the required rate of completion over a comparable contract period;
- the firm's experience and reputation in the area in question;
- whether the management structure of the firm is adequate for the type of contract envisaged; and
- whether the firm will have adequate capacity at the relevant time.

1.5 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING LITERACY AND NUMERACY LEVELS IN PRIMARY SCHOOLS:

Question

With reference to his written answer on 20th October 2009, regarding Literacy and Numeracy levels, would the Minister identify for each Primary School the number of students leaving with levels of attainment in English and Mathematics below Level 4?

Answer

In response to Deputy Le Hérisseier's question, I have provided a summary of the number and percentage of pupils leaving primary school with levels of attainment in English and Mathematics below Level 4.

The total number of pupils who left year six in 2009 was **1038**.

The data displayed beneath shows the proportion of pupils in each of the different sectors: non fee paying, fee paying and private.

Sector	Number English	English	Number Maths	Maths	Total number
Non fee paying	264	35.2%	242	32.3%	749
States fee paying	1	0.9%	1	0.9%	117
Private	25	13.3%	37	26.7%	172

All fee paying	26	9.0%	38	13.1%	289
All Island Total	290	27.9%	280	27.0%	1038

A total of 193 pupils left with attainment below level 4 in both English and mathematics.

If we were to identify the individual primary schools it is likely that comparisons would be made based only upon the raw scores displayed. Such comparisons would inevitably take no account of the various schools' catchment areas, the proportion of pupils in each school for whom English is a second language or the fact that several schools have a resource base designed to provide for groups of children with very specific special needs.

Comparing the raw scores of each of the primary schools is not an effective method of assessing a school's performance and is likely to lead to erroneous conclusions.

1.6 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING APPOINTMENTS TO STATES BODIES:

Question

What proposals, if any, have the Committee developed to revamp the way in which the Assembly considers and approves appointments and when will they be brought forward for debate?

Answer

In July this year PPC gave further considered to the matter of appointments made by the States and agreed that the States should be asked to introduce a new procedure for the vast majority of these appointments. PPC considered that there are only a very small number of key appointments such as the Greffier of the States and the Comptroller and Auditor General where change is not appropriate.

In relation to the vast majority of other appointments PPC will be proposing that, instead of each appointment being debated through a proposition, the Minister or body promoting the appointment should, present a report to the States setting out details of the proposed appointment. This report would need to include the name and brief biographical details of the nominee, a brief description of the nature of the duties of the position involved and details of the selection process followed to choose the person nominated. Any appointment could not then be confirmed until at least 2 weeks had passed after the date of presentation of the report to the Assembly. That 2 week period would allow members to raise any concerns that they had, as happens at present with property transactions and, if necessary, a member could even lodge a proposition in relation to the proposed appointment so that the matter could be debated by the Assembly.

Over the summer recess a comprehensive list of the current appointments that have to be made by the States was prepared showing the basis for the requirement for States involvement. Many of the appointments are made by the States because of a statutory requirement whereas, in other cases, the requirement comes from an earlier States decision or from the constitution of an external body. The list was incorporated into a draft proposition which was approved by PPC in September.

The Committee considered that it would be appropriate to refer the draft proposition to the Council of Ministers for comment before it was lodged as the majority of appointments are initiated by Ministers. The Council was notified in the covering letter that PPC wishes to lodge the draft

proposition in late November and PPC understands that the matter has been listed for the Council's meeting of 12th November 2009. Subject to any comments that the Council may have, PPC intends to lodge the proposition later this month which will enable the Assembly to debate the proposition in early 2010. I should nevertheless point out that, even if the States approve the principle of the new appointments process early next year, many changes to legislation will be needed before the new process can be introduced for all appointments listed and that will clearly take some time.

1.7 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE MANAGEMENT OF THE INCINERATOR PROJECT:

Question

Can the Minister inform the Assembly who are the Project Management consultants for the construction of the incinerator, how they were selected to carry out this task, the total value of the contract, the nature of the services which they are contracted to carry out for that sum, and provide an itemized and exact breakdown of the payments made so far and what they were for?

Answer

The Project Management consultants for the construction of the incinerator are Fichtner Consulting Engineers Limited.

Following a competitive tender, Babtie Fichtner were appointed as Technical Consultant for Solid Waste Strategy capital projects on 3rd October 2005 under the terms of a short form of the Association of Consulting Engineers Short Form of Contract. The appointment was scrutinised by the Chairman of the Public Accounts Committee of the time.

The total value of the services provided by Fichtner Consulting Engineers Limited are fixed at £1,492,200. This represents less than 2% of the contract value which is in-line with industry standards.

These services include: Project Management, Site Supervision, Design Reviews, Factory Tests, Quality Assurance, Commissioning, Snagging and Performance Testing of the new Energy from Waste facility.

Other costs, such as flights and accommodation, are to be charged at cost and a budget figure has been allocated accordingly.

Of the invoices submitted up to the end of August 2009, £397,920 has been paid for Project Management services and £ 24,147 has been paid for other costs.

1.8 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ACCIDENTS ALONG LA RUE DES BUTTES, ST. MARY:

Question

Following a written answer on 21st September 2009, can the Minister advise the Assembly of the number of damage-only accidents on B53 (La Rue des Buttes) from the junction at St. Mary's Church to the junction of B53 with B39 (La Rue de la Frontière) in each of the last 10 years, including accidents at the two junctions, together with, if possible, some indication of their seriousness?

Answer

The number of damage only accidents recorded in the States of Jersey Police accident data base for the area, as detailed in the question above, has been set out in the table below. It should be noted that not all damage only accidents will have been reported to the States of Jersey Police for inclusion in the data base so the figures given below are not “the number of damage only collisions” that have occurred, but the number that have been reported. Road traffic collisions are not further sub categorised than the categories detailed in the answer tabled on the 21st September 2009.

Year	RTC (Damage Only)
2000	N/A
2001	
2002	
2003	
2004	5
2005	1
2006	11
2007	4
2008	7
Total	28

1.9 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CONTRACT WITH CONNEX:

Question

What is the Connex schedule for buying new vehicles and how are they funded within the contract?

Answer

Connex are contractually obliged to provide a fleet of buses for scheduled public services within the following parameters:

- Average age no greater than 10 years old
- No more than 10% of the fleet aged over 15 years

The current average age of the 77-bus fleet is 6.7 years.

The six oldest vehicles currently forming part of the Connex fleet were new in 1994.

The cost of supplying the bus fleet is fully covered by the annual contract payment to Connex. It is expected that six new vehicles will be acquired during 2010.

1.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING CONTAMINATION OF THE AIRPORT FIRE TRAINING GROUND:

Question

As AFFF (Aqueous Film Forming Foam) was used in fire fighting in the 90's at the Airport and contaminated the water courses in the area, can members be told of the cost to date of the clean up and the connection of many households and businesses to a portable water system?

Is water still extracted from the Jersey Water boreholes on the sand dunes below the Airport that were contaminated?

Have elements of PFOS (Perfluorooctane Sulphonate) been found in drinking water, and, if so, is this biodegradable, what is the life span and what side effects can it cause in humans?

Have any health complaints been received from residents having ingested affected water, if so how many and what is the nature of their symptoms?

Is the Department still working with the Medical Officer of Health and others to ensure that the contamination is contained, and, if so, what action has being taken?

Does the Minister consider that the settlement agreed by the former Harbours and Airport Committee was sufficient, given on-going costs, and, if so why?

When does the Minister estimate that this contamination will cease?

Answer

The background to the issue of water contamination resulting from the fire fighting media used at Jersey Airport Fireground is set out in P176/2004, Jersey Airport: Fireground Remediation – Deed of Settlement, and resulted in the States decision to accept the Deed of Settlement with the manufacturer of the fire fighting foam. This identified the estimated costs of remediation at £6,445,272 both capital and revenue, which included the provision of the new Fire Training Ground.

Actual costs at the time of settlement, at the end of 2004 were £6,104,351.

From 1st January 2005 to 28th October 2009 further revenue costs of £353,062 (sampling, professional fees, connections and associated costs) and capital costs of £519,836 (Contribution to further extension of water main in St Ouen's Bay) have been incurred i.e. a total of £872,898. Total expenditure to date is therefore £6,977,249 (£6,104,351 + £872,898).

I am aware that the Deputy of St John has been in direct contact with Jersey Water regarding the extraction of water from bore holes and has received a direct response to his query, which states that Jersey Water operates 5 borehole sources at Blanche Banques, at La Pulente end of the Bay. They are presently operating 4 of the 5 boreholes and are presently extracting 875,000 litres per day, which is 4.3% of their average daily demand. The water is transferred to Val de la Mare Reservoir through the desalination plant delivery main.

Elements of PFOS have been found in borehole water in St Ouen's Bay and this was identified in P176/2004 and is the reason for the remediation works.

With regard to the issue of whether PFOS is biodegradable, its life span and what the side effects on humans might be, a copy of the Health & Social Services Committee comments on P176/2004 is attached for information

To date, neither Jersey Airport nor Health Protection Services have received any direct correspondence from residents or their GPs relating to any specific health concerns as a result of ingesting affected water.

The main activity to contain the contamination caused has been the major capital project to provide a new Fire Training Ground. This involved removal of contaminated shale/rock and the construction of a deep concrete wall on the eastern face to prevent groundwater running through the Fire Training Ground. This could not do anything about the plume of contamination already in, and moving through the aquifer. The actions being taken in this regard are regular sampling to monitor its progress and the encouragement of all affected and potentially affected properties to connect to the mains water supply. This by paying for connection. There are ongoing discussions with owners of properties and their legal representatives about the payment of water rates as a result. Jersey Airport has more direct dealings with Environmental Health on these issues rather than the Medical Officer of Health. It also works with Jersey Water on the issue of new water connections, Water Resources Department.

The settlement with the manufacturer of the fire fighting foam was agreed by the States and not the Harbours and Airports Committee. This decision was taken in light of the information, circumstances and legal advice at that time. I would not seek to question that decision, taken in the light of those considerations.

The advice received is that it will be decades before significant depletion will occur in some areas and this is probably the majority case. Some areas of the Bay are responding more quickly to the remedial areas than others. It is not possible to be more specific.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ZERO/TEN PROPOSALS:

Question

Further to answers to oral questions on 20th October 2009, can the Chief Minister advise members what the “changing economic circumstances” were which led to the rejection of Jersey’s zero/ten proposals by ECOFIN?

Can the Chief Minister confirm whether the Isle of Man’s (IOM) zero ten proposals, which came into effect in 2006, were only judged to be non compliant in October 2007?

Will he state what advice, if any, he has received since 2002 and particularly following the IOM decision in 2007 and what sums have been paid to PriceWaterhouseCoopers (PWC) or others over zero /ten compliance?

Will the Chief Minister release to members any written reports/communication from PWC or other external advisors on the issue of the compliance of zero/ten proposals with the EU Code on Business Tax (EUCBT); internal officer advice/reports on EUCBT compliance; any communication with ECOFIN, HMRC or other UK authorities on zero/ten compliance with EUCBT from 2002 to date?

Will the Chief Minister inform members what taxation alternatives, if any, he has under consideration in conjunction with the Minister for Treasury and Resources, to ensure future EUCBT compliance with the Island's fiscal strategy, and advise when he will present such alternatives to the Assembly?

Answer

Jersey's zero-ten corporation tax regime has not been rejected by either the EU Code of Conduct Group for Business Taxation or by ECOFIN. Similarly, the Isle of Man's zero-ten corporation tax regime has not been rejected by the EU. The unprecedented change in the world economy that is leading many countries to re-appraise their tax systems and evolve new international norms for business taxation has been widely reported in the press, and we must be ready and able to respond to those changes.

Those States Members present at the time of the debate have previously received a full pack of information as part of the papers supporting the decision to introduce the 0/10 tax structure. Should any member wish to receive a copy of those papers I will ensure that they are made available. This includes an independent Report to the States of Jersey on taxation matters by PricewaterhouseCoopers, issued in May 2004. This report is available on the States Assembly web site.

The release of information relating to advice to Ministers on zero ten and the EU Code of Conduct for business taxation would be likely to cause damage to the economic interests of the Island and would harm the conduct of international affairs and the Island's relations with other jurisdictions, and so is not available under The Code of Practice on Public Access to Official Information.

It is an accepted tenet of intergovernmental communication that certain communications are regarded as confidential and are not to be made public. This is reflected in the UK Freedom of Information (FOI) legislation and also in our code of practice on Access to Information. It is also set out in the draft FOI law that is being consulted upon. There will therefore be some matters that I will not be able to release, but other than such matters I confirm that I will be as open as possible.

The review of the Island's fiscal strategy being taken forward by the Minister for Treasury and Resources will assess our options carefully and will examine our options for income and expenditure. There will be extensive consultation with all Members, including a period of public consultation next year, before a proposed fiscal strategy is taken to the Council of Ministers and the States for approval. The Treasury Minister has already committed to providing detailed papers to States Members on all of the issues under consideration. It is too early to speculate on any possible changes that may be proposed or to presume any particular rate or structure of corporation tax. There will need to be extensive research of tax regimes across Europe and our competitors, including the way in which those regimes apply to particular areas of business activity. Once this work has been completed we will have a clearer view on our future options.

Any proposed changes to fiscal legislation will of course have to come to this House for debate.

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING AFFORDABLE HOUSING:

Question

What concrete measures, if any, does the Minister have under consideration, with or without the co-operation with the Minister for Planning and Environment, to deal with the conclusions of the Final

Report to the Minister for Planning and Environment of Kelvin MacDonald on “Achieving Affordable Housing”, namely:

4.3.22 “no properties are affordable at standard income: debt ratios for those on average income in Jersey or, indeed, for any employment sector?”

Answer

The most significant factor in helping to make homes more affordable in Jersey is increasing the supply of new homes and in particular new affordable homes. Responsibility for this lies with the Planning Minister and the draft Island Plan presently out for consultation seeks to address this issue.

Let us not forget that we already have two affordable housing schemes operating successfully. These schemes have, in the past 2 years, made home ownership a reality for 144 families who otherwise would almost certainly have been forced into a lifetime of renting. We should justifiably be proud of this achievement, particularly given that we have done so without placing any financial burden on the States. Indeed, as deferred payment bonds are redeemed over time they will provide significant income which will be ring fenced for the provision of additional affordable housing.

1.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE WHITEHEAD REPORT:

Question

Before putting the options outlined in Chapter 5 of the Whitehead report out for consultation, will the Minister assure members that he will first outline his plans to address the underlying issues given in sections 6.1 and 6.2 of the Summary Document, namely:

- All options need to address the key shortfall in funding of £2.5m per annum for day-to-day repairs and £5.0m per annum for planned maintenance and improvements”
- Significant gaps in the statistical evidence on projections of household numbers;
The adequacy of evidence to determine potential tenure requirements;
Research into unmet housing need among lower income groups;
- Concerns over any decline in the scale of the social sector?

Answer

As the Deputy knows the Whitehead Review is already out for consultation. That process started on 19th of this month and will last for at least 12 weeks.

I will not be making any firm decisions on what policy changes to propose to the States until that consultation process is complete and I have had an opportunity to consider the responses. In the final paragraph of the summary document Professor Whitehead says ‘Implementing any significant change must involve fundamental decisions by the States on the role that they wish social housing to play, especially in the context of the Income Support system; on rent, allocations and security of tenure policies; and on the governance and financial arrangements under which social housing is

provided.’ I agree with that view entirely and as I say, shall only bring my recommendations for debate once the consultation process has been completed.

1.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FISCAL STRATEGY REVIEW STEERING GROUP:

Question

Following the Minister’s written answer to my question on 20th October 2009, will he implement the Chief Minister’s commitment to inclusivity by including proponents of progressive tax measures on his review of fiscal strategy steering group, such as the Jersey Democratic Alliance, to ensure the wider alternatives to his own “low-tax, low-spend/small-government, big-business” political philosophy are fully examined, and if not why not?

Answer

I fully intend to follow the Chief Minister’s commitment to inclusivity by including proponents of progressive tax measures on the review of the fiscal strategy.

1.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STRUCTURAL DEFICIT:

Question

Will the Minister detail for members the “structural deficit” identified by his advisors for the year 2012 and beyond (following recovery from the economic recession) giving estimates of the total deficits identified and the contributions to such deficits from each of the potential sources of additional expenditure/reduction in revenues for the years 2012 to 2017?”

Answer

The updated financial forecasts are presented in the draft Budget Statement 2010 (P179/2009), on pages 10-15 as attached in Appendix 1. They were also the subject of a presentation to States Members on Monday 26 October. Although Deputy Southern did not attend the presentation, copies of the Budget Statement were posted, and the slides were emailed to Members who were unable to attend and are attached in Appendix 2.

The range of the possible financial position for the period 2009 to 2014 is that as shown the slides attached in Appendix 2. The central range forecast of the structural deficit for the period 2012 to 2014 ranges from £40 to £50m.

There is uncertainty in the forecasts, particularly based on the range of economic assumptions and the forecasts of the 0/10% loss. In 2012 the range between the optimistic and pessimistic scenarios is £60m and by 2014 this is almost £80m. For this reason it is not realistic to produce meaningful forecasts beyond 2014.

The principal contribution to the forecast deficits is the estimated reduction in income tax revenues. Looking ahead, with 50 percent of banks expecting profits to fall this year, primarily a result of exceptionally low interest rates and lower business volumes generally, tax revenue will fall. The structural deficit arises simply because the tax base will have shrunk and will take a number of years to recover whilst at the same time spending continues to rise in real terms.

BUDGET STATEMENT 2010 EXTRACT – PAGES 10-15**FINANCIAL FORECAST****Background**

The financial forecasts have been produced twice this year: in March to inform the Business Plan and the Fiscal Stimulus; and then in October to inform the Budget.

The forecasts in March showed a significant deterioration in the financial position from those produced in October 2008 for the 2009 Budget, the forecast deficit in 2010 increasing from £1 million to £51 million.

The latest forecasts reflect States expenditure approvals agreed in the recent Business Plan and a revised forecast of all States income. The economic assumptions on which the future forecasts are based have also been revised.

Analysis of the Forecast (October 2009)Expenditure approvals

Since the draft Annual Business Plan 2010 was lodged in July the States has considered and approved the expenditure proposals, including some significant amendments. The approved spending levels for 2010 have increased by £1.6 million in revenue expenditure and £11.5 million for capital expenditure, so in total over £13 million. The Minister's intention is to reprioritise the indicative 2011-2014 capital programme to recover the additional expenditure and these proposals would form part of the 2011 Business Plan proposals.

In the case of the £1.6 million revenue expenditure the increases recur, so increasing the deficit in all future years, unless additional taxes are raised equivalent to this spending. The Minister is therefore proposing additional increases in impôts duty to fund these agreed increases in Health spending.

Not only have expenditure approvals for 2010 been exceeded but a number of additional expenditure approvals have been agreed in 2009 which draw down further funds from the Consolidated Fund, e.g. Reciprocal Health Agreement (£2.9 million), Historic Child Abuse Enquiry (£4.3 million), Pandemic Flu (£1.3 million), Williamson Review implementation (£1.3 million).

The new information available since the forecasts of States revenues were last prepared in March 2009 have identified a number of variations which are summarised as follows:

Income Tax

The income tax assessments for the current year are substantially complete and show that the expected receipts for 2009 are £14 million higher than forecast in March. The main driver of the improvement is better than expected performance from investment income. In terms of future years the forecasts are influenced by the latest economic assumptions and these are largely unchanged from those in March.

The main change since the March forecasts has been a review of the effect of the move to a 0/10% corporate tax structure. The review has been able to use the latest tax data on company profits and apply similar assumptions in respect of the relative effect on different companies of the new structure. The result of the review is that the effect of 0/10% in terms of the loss of corporate tax is likely to be less than previously forecast. This is primarily because company profits and therefore company tax have fallen with the downturn, so the loss of corporate tax to 0/10% has reduced proportionately.

Overall, taking into account a slightly improved starting position in 2009 and a reduction of the expected loss from 0/10%, the income tax forecasts have improved over the forecast period. However, it must be reiterated that there remains a high level of uncertainty within the forecasts based on the economic assumptions and the uncertainty about the scale and duration of the downturn.

Goods and Services Tax (GST)

There is now a full year's data from the GST system and whilst it will be some time before any reasonable trends or seasonal variations are identified, the data on which to base the forecasts is now more complete. The first seven months of 2009 suggest that the forecast of £50 million for the first full year should be achieved. This suggests that the previous forecasts were robust and as predicted there will be only a limited effect of the downturn on what is essentially a consumption tax. This is also the trend seen in the UK in respect of VAT receipts in previous downturns.

Impôts Duties

As with GST the importation and consumption of commodities subject to Impôts duties do not seem to have been materially affected by the downturn. The forecasts for 2009 are slightly better than in March, and, as a result of the proposals in this year's Budget, the forecasts for future years have increased.

The major change during 2010 will be the introduction of a Vehicle Emissions Duty, if agreed, this will provide a further £2 million of duty in a full year. It is assumed within the forecasts that the rates of alcohol duty growth are maintained above inflation and that the proposal to harmonise tobacco duty with the UK is followed through, as a result of this there is a further increase in the future forecasts.

Stamp Duty

The housing market has seen a significant reduction in the turnover of properties in the last twelve months, essentially from the second half of 2008. It had been expected that the reduced demand and turnover, coupled with a loss of confidence due to the downturn, would see house prices fall quite significantly as they have done in the UK. In fact the house price index has held up better than expected. Consequently the forecasts have been revised to reflect a much smaller fall in house prices. This factor combined with slightly better trends in 2009 to date have resulted in the stamp duty forecasts being revised upwards by as much as £5 million in each year.

2010 will see the introduction of a Land Transactions Tax (LTT), for which a cautious yield of £1 million has been estimated, as there is currently no data on the value or volume of share transfer residential property transactions available. Once LTT comes into force then statistics will be collected which will help future forecasting

Other Income

There are two main variations in the forecasts of other income. Firstly, there have been announcements relating to the automatic exchange of information. This will mean that the current revenue from EUSD Retention Tax of about £9 million will disappear from 2012, or maybe sooner.

Although previously the forecasts had assumed a diminishing return as the level of retention tax increased, this is now a more significant loss of revenue in the next couple of years.

The other main variation in the forecasts is in respect of investment income from cash balances. This is the return from the investment of the States “current account”, the Consolidated Fund, and also funds from the Currency and Coinage account. With interest rates at an all time low the investment income forecast has reduced. The size of the Consolidated Fund to invest has also reduced, mainly due to unplanned additional expenditure approvals in 2009. The reductions in Other Income forecasts partly offset the improvements in Stamp and Impôts duty revenues.

Overall Financial Position

The revised financial forecast at Figure 3.2 shows that notwithstanding the amendments to increase States expenditure in the business plan the financial position from 2010-2012 is little changed. In each of these three years there are significant deficits.

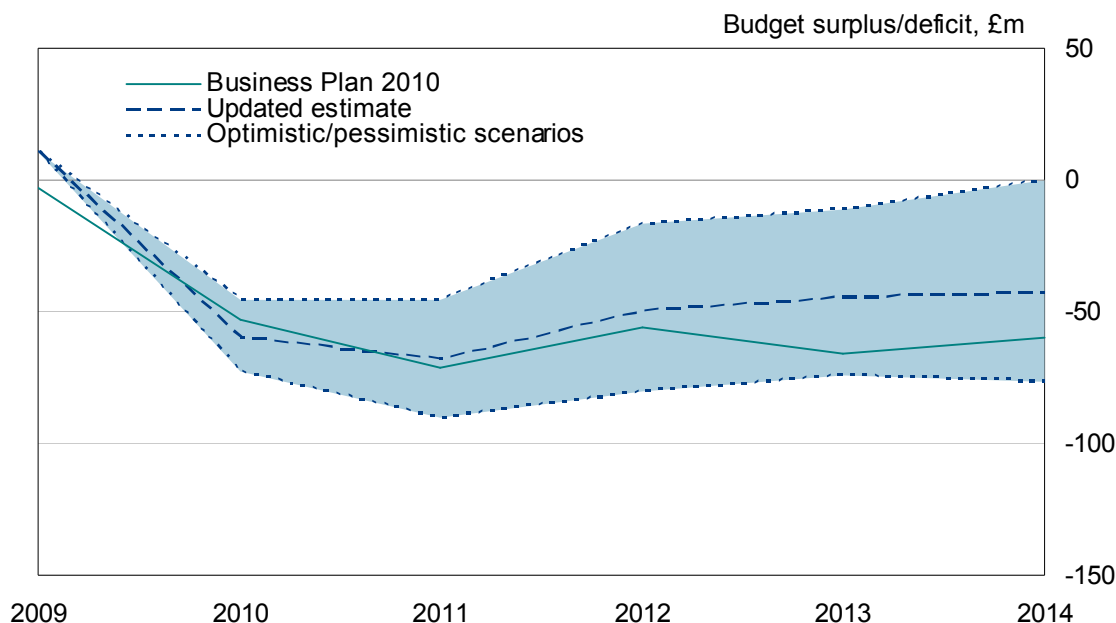
The financial position has improved in 2009 to a surplus of £55 million; this is before the Fiscal Stimulus. But, this is still £11 million down on the surplus expected in 2009, ahead of the move to 0/10% and predicted in the 2009 Budget.

The principal variation in the financial position is looking ahead to 2013 when the Island should be recovering from the downturn. In March the forecasts were for a possible structural deficit of between £50 million and £60 million, which has now reduced to between £40 million and £50 million.

However, there are still high levels of uncertainty in the forecasts and the achievement of the forecast financial position relies on States spending not increasing above the levels agreed by the States, which have not previously been adhered to. The forecasts also rely upon the Jersey economy continuing to show low levels of growth in what will be an uncertain global economy. In this context the views of the Fiscal Policy Panel are important in that they stress that most of the risks in relation to economic growth, tax revenues and from expenditure pressures are more likely to result in a deterioration of the forecast financial position rather an improvement.

The graph at Figure 3.1 illustrates the change from the March forecasts used in the Business Plan and the potential range of outcomes over the forecast period.

Figure 3.1
Forecast Range of Outcomes for the Financial Position



Stabilisation Fund

Following the agreed transfer of £63 million in 2009, the Stabilisation Fund has a balance estimated at £156 million. The States agreed a proposition in May to apply £44 million for a discretionary fiscal stimulus package and the balance of the Fund to be applied to enable public services to be maintained as States revenues are reduced during the downturn and additional expenditure on benefits is required. According to the latest forecast £37 million will be required in 2010 with a further transfer of £68 million required in 2011, after which the Stabilisation Fund will be almost exhausted.

Consolidated Fund

The Consolidated Fund, the States “current account”, has in recent years been in surplus and has provided sums to establish and top-up the Stabilisation Fund. This was part of an agreed counter-cyclical policy. The Fiscal Policy Panel has commented that a minimum working balance of £20 million be retained in the Consolidated Fund to provide for unforeseen items and manage variations in States revenue forecasts. In 2009 for example, there have been significant approvals under Article 11(8) amounting to £18 million.

At the end of 2010 there will be an estimated balance of £20 million. After the Stabilisation Fund is exhausted in 2011 only a small balance, estimated at £20 million will remain in the Consolidated Fund against a predicted deficit in 2012 of £50 million. If no action is taken then the Consolidated Fund would be overdrawn. The Public Finances (Jersey) Law 2005 does not allow a budget to be set projecting the Consolidated Fund as overdrawn. The Fiscal Strategy Review will need to identify options to implement as early as 2012 to address the potential structural deficit.

Figure 3.2 Revised Financial Forecast (October 2009)

Probable 2009 £m		<----- Forecasts ----->		
		2010 £m	2011 £m	2012 £m
	States Income			
499	Income Tax	472	469	495
(11)	0/10% Corporate Tax Structure	(81)	(78)	(82)
50	Goods and Services Tax	51	52	54
51	Impôts Duty	52	55	55
	Proposed Environment Tax	2	2	2
19	Stamp Duty	21	22	24
	Land Transaction Tax (Share Transfer)	1	1	1
34	Other Income	29	30	29
11	Island Rate	11	11	12
653	States Income	558	564	590
	States Expenditure			
542	Net Revenue Expenditure	586	611	620
18	Additional expenditure			
38	Net Capital Expenditure Allocation	32	21	19
598	Total States Net Expenditure	618	632	639
55	Forecast Surplus/(Deficit) for the year	(60)	(68)	(49)

Assumptions:

There are a number of assumptions behind the financial forecasts in Figure 3.2.

Income Tax

- The base income tax forecasts are drawn from the 2009 tax assessments for earnings and profits in 2008 and the current economic assumptions for GVA and other factors.
- The impact of the change to a corporate structure 0/10% has been reviewed and is based on the most recent and reduced corporate tax revenues. The latest range is £73 million to £97 million, the mid-point of this range is £85 million in 2013, and a revised profile over the years 2009 to 2013 is included in these forecasts.
- The income tax forecast model is used to apply the range of economic assumptions to the current data from the different income tax schedules to estimate a range of impact of the economic downturn and future tax revenues.
- The range of income tax forecast from optimistic to pessimistic is £17 million in 2010 and £49 million in 2013.

Goods and Services Tax

- The forecast is based on only one year's data and therefore assumes that the profile of current revenues is repeated in future years.

- The future forecasts assume there will be little or no impact of the downturn and this is supported by the UK experience of stable VAT receipts during past economic downturns.

Impôts Duty

- The impacts of the 2010 Budget proposals are included in the forecast including the proposed introduction of Vehicle Emissions Duty (VED) from September 2010.
- The forward forecasts reflect the proposed policy to harmonise tobacco duty with UK tax and duty rates over the next three to four year.
- The forecasts assume that the predicted trends in consumption are maintained, which include a drop off for some goods, but also include an assumption that there would be annual increases in duty at a level equivalent to the Island RPI.
- There is an economic assumption that impots duties are based on consumption and that there will be no material effect of the economic downturn on future revenues.

Stamp Duty

- The forecasts reflect the reduced activity seen in 2009 and assume this will continue into 2010.
- The assumption regarding house prices has been amended to reflect the house price trend in 2009 and only a small fall-off in price in 2010. Any recovery in the housing market both in price and activity is expected to be slow.
- The estimated impact of the new Land Transactions Tax in 2010 is assumed to collect £1 million.

Other Income

- At the time of the Stimulus in March 2009 the assumption was that the effect of a fall in interest rates would not impact quite as significantly as they have. This is compounded by slightly larger deficits in 2010 and a slight fall in the projections for investment income.
- The base assumption is to achieve a small margin on the Bank of England forecast interest rate. Island Rate
- The Island Rate will increase annually according to the Island RPI (March) as prescribed in the Rates Law and the proposed rate is reported annually to the States by the Comité de Connétables.
- There should be no effect of the economic downturn on Island Rates.

Total States Net Expenditure

- The forecasts for total States net expenditure have been updated for the proposals in this Business Plan and reflect the amendments agreed during the debate for additional funding.
- The forecasts include the £1.6m additional net revenue expenditure allocation for Health and Social Services and the Capital Expenditure includes the amendments amounting to £11.5 million in respect of Town Park, Bellozanne Odour Control and the Eastern Cycle track.
- The forecasts assume that the total spending envelope, agreed in the Business Plan, is adhered to.

Revised Forecast Surplus/(Deficit)

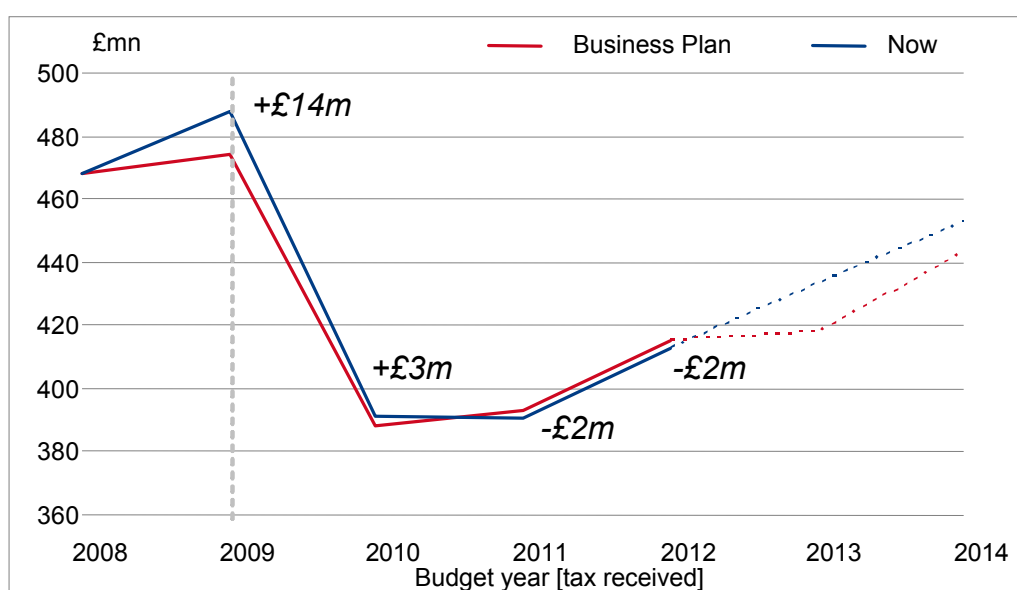
- The figures should be thought of as indicative forecasts and are only as accurate as the assumptions they are based on. The deficits resulting from the range of economic assumptions reflect the uncertainty that currently exists.

Fiscal Stimulus Package - The approval of P55/2009 for £44 million spending approval for the Minister and Treasury and Resources to allocate for Fiscal Stimulus will be matched by an equivalent transfer from the Stabilisation Fund. While the spending approval by the States for £44 million is made in 2009 the actual profile of the project spending will take place over 2009 to 2011.

APPENDIX 2

PRESENTATION SLIDES EXTRACT

Income tax forecast



- Differences since Business Plan are shown

Variance from Business Plan forecasts

	2009	2010	2011	2012
	£m	£m	£m	£m
Income tax	14	3	(2)	(2)
Other income	1	2	7	11
Expenditure	(1)	(13)	(2)	(2)
Change in Surplus/(Deficit)	14	(8)	3	7

Consolidated Fund Forecast

Probable 2009		Forecasts		
		2010	2011	2012
£m		£m	£m	£m
51	Opening balance	43	20	20
11	Surplus/(Deficit)	(60)	(68)	(49)
(19)	Stabilisation Fund	37	68	7
43	Estimated closing balance	20	20	(22)

1.16 THE DEPUTY OF ST. MARY OF H.M. ATTORNEY GENERAL REGARDING THE STATES EXPOSURE TO INJURY CLAIMS:

Question

What level of exposure, if any, is faced by the States should a crack in the surface of the cycle track along the Promenade cause a bicycle front wheel to be caught and the cyclist to come off and suffer

injury; with whom would the remedy lie; what precedents are there, if any, for this type of action and where can the outcomes of such action be found?

Answer

It is not possible to give a certain or comprehensive answer to this question. Legal advice is not given in the abstract. Legal advice is tailored to a factual matrix which is put to the lawyer for consideration.

The term “exposure” may relate to whether the States could be exposed to any claim at all or the extent in terms of financial consequences to any such claim.

Each case is fact specific and whether or not any claim in personal injury can be made at all will depend upon a number of factors. The extent of any claim, even supposing that one could be made, will depend on the consequences to the injured person both physical and financial. For example, even assuming a liability, the financial consequences of an injury occasioning absence from work to a person who earns £200 per week will be very different from that to a person who earns £10,000 per week. The consequences in terms of financial exposure will also of course depend on the existence and level of any insurance cover in place.

If such a claim could be made it would generally be made by the injured person against the Minister in charge of the department that had allegedly breached any such duty. If insurance applied then the case would normally be dealt with by the relevant insurer. The insurer would consequently have the conduct of the defence to any such claim.

The Law Officers’ Department keeps no record of any such claims and is aware of no Jersey reported judgement for such a claim postulated in the question.

If any personal claim is dealt with by the Court then it may be possible to find a judgment giving details of the claim and the determination by the Court. Most personal injury claims are, however, dealt with by negotiation.

2. Oral Questions

2.1 Deputy P.J. Rondel of St. John of the Minister for Economic Development regarding contamination of the water courses in the area below the Airport apron:

Given that in the 1990’s A.F.F.F. (Aqueous Film Forming Foam) contaminated the water courses in the area below the Airport apron, would the Minister advise what the cost to date of the clean up and supply of potable water supplies to the homes in that area has been and what health effects, if any, there are from ingesting water containing traces of A.F.F.F. and P.F.O.S. (Perfluoro-Octyl Sulphonate).

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

To date £6,977,250 has been spent on the remediation, reinstatement and management of water contamination caused by P.F.O.S. This includes construction costs of providing the fire training ground and rig. Costs incurred since 1st January 2005 have been met from the Airport Trading Fund. To date neither Jersey Airport nor Health Protection Services have received any direct correspondence from residents or their G.P.s (General Practitioners) relating to any specific health concerns as a result of ingesting affected water.

2.1.1 The Deputy of St. John:

In the Minister's written reply to a similar question, I put the question as to ... can I put the question as to the water being extracted from 4 out of 5 boreholes within the affected area is being delivered to Val de la Mare reservoir. Is the Minister happy that water is ... and it is reported as being contaminated or having been contaminated, that that water is being treated sufficiently to remove all traces of P.F.O.S. and P.T.F.O.S. from the domestic water supply within the Island?

Senator A.J.H. Maclean:

It is not for the Minister, if I may say, to be satisfied. It is a matter for both the Water Department to be satisfied by, more importantly, the Health Protection Services to be satisfied. I understand that both those parties are fully satisfied with the process that has been undertaken currently and that water is perfectly safe, as far as they are concerned.

2.1.2 Deputy C.H. Egré of St. Peter:

Would the Minister confirm that at present the States of Jersey are paying for legal representation to affected members? Would he also confirm that our own Law Officers are defending against a legal representation which the States are paying for at both ends? Would he accept that this is an absolutely ludicrous situation that should be dealt with as soon as possible? This has been going on for years.

Senator A.J.H. Maclean:

Yes, I can confirm that the airport have legal representation in this matter. I can also confirm that the Law Officers are also representing the public interest in this matter. I understand also the frustrations that the Deputy feels. I have worked very closely with him over the period and I recognise and thank him for all the efforts he has put in, in trying to resolve what is a long and frustrating matter. It is reaching, I hope, a satisfactory conclusion in the not too far future.

2.1.3 The Deputy of St. Peter:

I thank the Minister for his confidence in the way I support my parishioners. Would he further accept the fact that I went with a parishioner to meet the Health Protection Agency, before his time, when it was noted that P.F.O.S. levels were in excess of 80 parts per billion at a particular residence and I took the resident there, and also to note that he is aware that the current limit put on is 0.3 parts per billion for safe drinking water? Would he also accept the fact that the figure I have given him of 80 parts per billion is one of the highest levels noted in the world?

Senator A.J.H. Maclean:

I accept that the Deputy has become somewhat of an expert on this particular subject. He has studied it, he has represented his constituents, as one would expect him to do, and I am sure if he says that he went to see Health Protection prior to my time, that is absolutely correct. I do not doubt it at all. His recollections of the safe limits as far as P.F.O.S. in water supply, that that limit is changing. Currently he is correct. It is 0.3 parts per billion.

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

It is just to declare an interest in the wider sense as the owner of one of the properties that was formerly affected by the water.

The Bailiff:

I do not think you need to declare an interest, Deputy, as there will be no vote on this matter. Deputy of St. John, final question.

2.1.4 The Deputy of St. John:

Given as the product is not biodegradable but is bioaccumulative in the body and can cause cancers and break down the immune system, are residents of the affected area regularly blood tested?

Senator A.J.H. Maclean:

No, is the short answer to the question. I would also add that the suggestion of the health risks are frankly unknown by, if I may be so bold, from more eminent individuals in the medical field than the good Deputy of St. John. It was long thought that this particular product, P.F.O.S., was chemically so inert that it was biologically inactive. I accept that matters have moved on since then, all the same, as far as the medical profession is concerned, the health risks, although they are recognised there is no clear linkage to any particular medical illness.

The Bailiff:

No, I said final question, Deputy.

The Deputy of St. John:

Basically I was being challenged there and I should be permitted to put a final supplementary.

The Bailiff:

No, I am sorry, Deputy.

2.2 Senator B.E. Shenton of the Minister for Treasury and Resources regarding the total cost of paying staff in cash each week:

Can the Minister estimate the total cost including insurance, staff, premises, security and so on, of continuing to pay approximately 140 staff in cash each week and will he be taking steps to phase out this practice?

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

The average number of employees paid in cash between January and October 2009 was in fact 80, down from 150 in 2006. The annual cost of paying employees in cash is approximately directly £16,000 a year, this is the cost of providing the administration to put the pay packets together, the security, the insurance of dealing with what I think is in the region of £1-£1.5 million a year in cash. The employees concerned have individual contract rights to be paid in cash. Numerous attempts have been made in the past to persuade both the employees to be paid by B.A.C.S. (Banker Automated Clearance System) transfer, which would of course be much cheaper, both through personal direct contract and through the auspices of the Manual Workers Joint Council and the union, but I am afraid with limited success.

2.2.1 Senator B.E. Shenton:

Does the Minister believe that the taxpayer should be picking up the cost of paying these people in cash or should it be passed on to them directly?

Senator P.F.C. Ozouf:

I think that every Member of this Assembly would say that the world in which individuals are paid by cash is a bygone era. The difficulty is, is that there is a contractual right for the employee to be paid in cash and I have to say that the union maintains their individual employee's rights. We do not seem to be able to do anything about it. If the Senator can bring pressure to bear to bring some modernisation to this, then I would welcome it. It is £16,000 which is being wasted, in my view.

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

Given that there is 80, I believe, people that receive this cash payment, and it is £16,000, what about giving them a £100 bonus to transfer over and that would save us £8,000 a year?

Senator P.F.C. Ozouf:

I am advised that numerous attempts have been made to deal with this arrangement, and nothing has succeeded. I cannot see personally the reasons why any employee of any company should not be paid in the modern way of a bank transfer into their bank account. That is the way and, frankly,

I am not sure why there is a benefit and why the employees concerned regard this as a benefit. I would think that this is a standard modernisation for a good employer/employee relationship which should end.

2.2.3 Deputy P.V.F. Le Claire:

Could I press the Minister and ask him to find out whether or not a cash bonus has been offered because I think that if a cash bonus was offered we could possibly cut down the £16,000 a year that it is costing the taxpayers to move these people on to a more modern system.

Senator P.F.C. Ozouf:

I am advised that there has been numerous attempts to negotiate this. I will provide the Deputy with a detail of exactly what was offered but I think it highlights a good example whereby I think that there needs to be common sense in both the relationship between employees and employer. I do not think it is unreasonable to ask these employees to take a B.A.C.S. payment into their bank accounts without any form of bonus. It is just modernisation.

2.2.4 Deputy D.J. De Sousa of St. Helier:

I have been approached by a few members that are paid in this way and a lot of them say; (a) it is their right to choose how they are paid; (b) some of them do not have bank accounts; (c) some of them work long hours and cannot get to the bank and draw the money out because they do not have bank cards. Would the Minister not accept that it is a right to choose how you are paid, even in this day and age?

Senator P.F.C. Ozouf:

I agree it is a right but there has to be a proportionality to this. This is costing taxpayers money in terms of the processing of bringing together wage packets, the clerical time that is spent, 5 hours a week from 2 individuals who are responsible to it, the appropriate security arrangements to ensure that cash is not lost. I am sad to hear the Deputy say that the individuals concerned do not seem to be able to get banking services. If the States can assist through the union to set up an arrangement whereby, through the States bankers, bank accounts can be set with cash cards. I know that I have employed individuals myself and assisted them in opening bank accounts and getting bank cash cards so that they can withdraw their money anytime of the day or night. I think we should make that service available to our employees. I do not think anybody will stand here and say the payment in cash is safe or a modern way to conduct one's affairs.

2.2.5 Deputy D.J. De Sousa:

I accept what the Minister says but some of these people do not want to have bank cards. It is very easy to get into debt these days. They like to manage their funds day by day, week by week and surely the Minister can understand that.

Senator P.F.C. Ozouf:

I do understand that, and that is why I am supportive of the Community Savings and Credit Organisation, which is attempting to assist people to manage their funds. I only had a report yesterday from the Citizens Advice Bureau following up on the fiscal stimulus money giving a grant to the Citizens Advice Bureau helping people in debt. I recognise what the Deputy is saying, but we still do need to modernise practices and cash is not a sensible or safe way for people to be using their money these days.

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

Interesting that the Minister started off to say he cannot change this because it is in the terms and conditions under contractual rights, where we can just step over other contractual rights. Will the Minister - it is in the same vein as Deputy De Sousa - not concede that all new contracts do not have the right to be paid cash and the 140 down now to 80 people really do need to be walked

through this step if they are going to have bank accounts? It is alien to a lot of them, they are turned down by many banks, so if the Minister really does want people... and I do understand that cash sometimes on a Friday afternoon is not always the best ... and the wife's waiting at home because she could have the bankcard and go and get the groceries, and these are people who do live ...

The Bailiff:

You will come to your concise question, Deputy.

Deputy J.A. Martin:

... pay packet to pay packet. Well, the Minister says they have a problem putting it into a bank. They have a problem getting a bank account and I really hope that the people working with the Minister will see that this does happen and it happens very shortly.

Senator P.F.C. Ozouf:

The only thing I could pick up the Deputy on is in a modern world it could be a civil partner or husband waiting at home **[Laughter]** but leave that one pass. I do agree with the Deputy. Clearly, we are spending £16,000 of taxpayers' money in a way that perhaps could be spent better and more appropriately and of course I will take the comments made by the Deputy and Deputy De Sousa away to see whether or not we can find a solution and a more modern, safer solution for these individuals. If they need help we will give it to them.

2.2.7 Deputy M. Tadier of St. Brelade:

I am sure the Minister will agree that if somebody does not have a bank account they cannot spend their money online and out of the Island. But will the Minister, first of all, show his complete distaste for the disrespectful comments of Senator Shenton in suggesting that some of our lowest paid workers should be forced to receive their own pay packets? Does he also acknowledge, as has been mentioned, that there are people for legitimate reasons - and maybe often temporary ones - who cannot get a bank account, often through no fault of their own? I can give a very concise example of a constituent of mine who, because his partner, through no knowledge of his own, became involved with fraud he is also landed with her bad credit and cannot get a bank account for another couple of years. He is a States worker and he has been a States worker for more than 10 years.

Senator P.F.C. Ozouf:

I agree completely with the Deputy when he says that one needs to have good and respectful relationships between employees and employers. Senator Shenton is, however, making the point that £16,000 of taxpayers' money could be better spent, and perhaps for those individuals too. I have taken on board the comments that the Deputy and others have made in relation to bank accounts and the importance that the market and our banking industry provide banking services for all sorts of individuals irrespective of sometimes challenging circumstances they have found themselves in. I have taken away a number of comments and will deal with them in the appropriate way, hopefully to move on this issue which is a relationship of mutual respect and looking after our employees.

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

The Minister has referred to the Citizens Advice Bureau and the good work that they do; would he also agree that it would be worthwhile his talking to the Community Bank based in the Town Hall because they surely have a role in assisting people who do not currently have bank accounts and would like to have them, not just collect their wages in a more efficient way but so that they can access all kinds of services, including book flights and so on, that are only available for people who have credit cards?

Senator P.F.C. Ozouf:

I was not correctly using the term. That is the organisation I referred to, the Community Savings Bank, it is the Community Bank based at the Town Hall in their offices, and yes I support that. I have recently been in correspondence with the Chief Minister about the future of this organisation and if we can assist in some form of assisting micro-finance to deal with people's individual requirements then we should do so. I thank the Constable for his generosity in looking after such organisations in the Town Hall.

2.2.9 Senator B.E. Shenton:

I asked this question after speaking to my father who converted the dockers to bank accounts about 20 years ago and stopped doing cash payments then. There was a lot of resistance at the time but after it was done it was almost unanimous that the people felt that they were better off because they could benefit from direct debit discounts and everything else. Will the Minister give an assurance to this House that he will seek to move towards cash payments in a manner that is a benefit to all?

Senator P.F.C. Ozouf:

The short answer is yes, but I would remind the Senator that his father may have been in a position to impose terms and conditions on his dock workers. I am afraid to say that the States is not, and the position is very clear. The States wish to do away with this cash payment and move on but we have had a position that the individuals have had individual problems and, I am afraid to say, I have at least had this reported to me, that the union has not been particularly amenable to change. Hopefully that will change and I thank the Senator for raising the question and hopefully we can move this thing on.

Senator B.E. Shenton:

I would point out the docks were heavily unionised, perhaps he was a better negotiator.

2.3 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Economic Development regarding the time taken to process applications by small businesses for financial assistance:

What targets, if any, have been set by the Minister for the time taken to process applications by small businesses for financial assistance? Is he satisfied with the speed of the process and, if not, what change, if any, is he proposing?

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

The Economic Development Department has a wide range of financial assistance packages designed to support the start-up and growth of local companies across all sectors of the economy. The support packages include, but are not limited to, the Rural Initiative Scheme, the Jersey Innovation Initiative, the Jersey Export Development Scheme and funding available through the Tourism Development Fund. All the initiatives are compliant with the Code of Directions and each one has a different but appropriate application and approval timescale. I am certainly satisfied that the time taken to process applications is appropriate to ensure the correct levels of due diligence, checking eligibility and to protect the public interest.

2.3.1 Deputy R.G. Le Hérissier:

I wonder if the Minister could tell the House, does the Minister operate to specific timeframes, albeit with the occasional derailment here and there? But are there specific timeframes applied to applications so applications do not just wander on and on and on?

Senator A.J.H. Maclean:

There are not specific timeframes but clearly as a business-orientated function we ensure that customer service is followed up very closely. It is important that applications are processed in a timely manner and there are checks and balances in place to ensure that that happened. Clearly, some applicants may well be frustrated if they are not successful in their applications and may feel that the timescale is something that has frustrated the process.

2.3.2 Deputy R.G. Le Hérissier:

Would the Minister confirm whether or not when an application is opened there are a set of actions outlined, some of which are sequential and some of which can be carried out concurrently. Would he identify whether such a procedure is in place in order to expedite the processing of applications? Because I have come away with a feeling that there are absolutely no time limits. It is all done in a very nice fashion but no sense of urgency. Can he reassure me otherwise?

Senator A.J.H. Maclean:

There is certainly a sense of urgency to ensure that any application that is made for grant funding is expedited in the quickest possible time, but bearing in mind the responsibility that we are dispensing public funds when grants are dispensed to business start-ups and others and, as such, we have to follow financial directions. There is an appropriate process in place. If the Deputy has a particular case that he is concerned about I am more than happy to discuss that with him and follow that through. There is a complaints process and we will always ensure that businesses are given a speedy and as effective support and follow up as is possible.

2.4 Deputy D.J.A. Wimberley of St. Mary of the Minister for Transport and Technical Services regarding accidents on La Rue de la Rosière/La Rue des Buttes, St. Mary:

Given that 5 vehicles have gone over the yellow line - and it is a white line so apologies for that error - at the Bethlehem Chapel junction, B26 La Rue de la Rosière and La Rue des Buttes, and crashed into the wall opposite in the last 10 years or so, can the Minister provide details of any work undertaken by the Transport and Technical Services Department to determine the cause of these accidents?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

My department has carried out some work on this junction and wrote to the Connétable of St. Mary in July 2008 proposing that a small traffic island be constructed in the centre of La Rue de la Rosière which will require the junction to be widened. This widening will have the added benefit of forcing vehicles slightly to the left so that drivers will have a better sight line. This improvement will require the acquisition of a strip of land and the rebuilding of the current granite wall. The Connétable of St. Mary has been in discussion with owners of the adjacent land and recently it has been intimated that they may be willing to part with the necessary strip. It is my view that new construction in the Parish will serve to increase the traffic in the area and my department will be communicating with the Planning Department to establish whether the costs of upgrading the junction can be financed as a result of a planning gain. We may of course be investigating with the Parish other projects that may be funded in other ways. It may be better for the Deputy to call the Connétable with regard to matters such as this within the Parish as invariably the Roads Committee will have had input on the local implications.

2.4.1 The Deputy of St. Mary:

Yes, indeed, we will be talking about it shortly, but the Minister has not answered the question and I invite him to do so. He has told us what possible remediation will take place with the junction widening, taking the strip, putting an island in and so on. The question was what study has been done to ascertain the cause of the accidents? In particular the accidents where people drive over a white line straight into the wall opposite?

The Connétable of St. Brelade:

The situation is that particular junction gives rise to what we describe as overshooting accidents. La Rue des Buttes... and the department are well aware of the situation. The lists of accidents that have taken place in the last period have been set out in an answer to a written question. The department are extremely concerned about the danger of this particular junction but clearly land acquisition is not easy and the whole enlargement of the junction does rely on that, but recent developments have indicated that we may be able to progress an improvement at that junction rather sooner than we had hoped.

2.5 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the appointment of a body to investigate the suspension of a consultant gynaecologist:

Given that in comments on P.131/2009 regarding the appointment of a body to investigate the suspension of a consultant gynaecologist, the Chief Minister stated that he had asked for an independent review to be carried out by an external competent person with relevant experience with health management. Will he inform Members who is undertaking the investigation, how much will it cost and when will the investigation be completed?

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

The panel has now been appointed. It will be chaired by Mr. Christopher Hannah of Goodwin Hannah Consultants, who is a former chief executive of a strategic health authority in the U.K. (United Kingdom) and a highly experienced N.H.S. (National Health Service) manager. He will be supported in this work by Julia Hollywood, an H.R. (human resources) specialist of many years experience in the N.H.S. Both these people were sourced through N.H.S. flexible resourcing. The investigation is expected to be concluded within a month. Exact costs will be dependent on the number of days needed to conduct a review and it is expected to be in the region of £40,000.

2.5.1. The Deputy of St. Martin:

I am grateful for the Chief Minister's answer and I am just wondering why this was not made known to Members earlier. Maybe if the Minister can advise Members why.

Senator T.A. Le Sueur:

The appointments were only made last week and I took it that this question was a good chance to advise Members of the information.

2.5.2 Deputy P.V.F. Le Claire:

Would the Chief Minister please circulate to States Members the C.V.s (curriculum vitae) of these individuals so we could get an understanding of their backgrounds in greater detail please?

Senator T.A. Le Sueur:

I can certainly do so, although it is not an appointment to be made by the States, it was appointments to be made by myself, which I have made. But certainly to reassure the Deputy and others, I can give details of the background of both the individuals concerned.

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

Could the Chief Minister advise us the commencement date of this investigation please?

Senator T.A. Le Sueur:

Imminently, probably next week.

2.5.4 The Deputy of St. Martin:

I did not quite catch where this company came from. Could I have an assurance from the Chief Minister that they are from outside the Island?

Senator T.A. Le Sueur:

Yes, they are. They come from a company in the U.K. I do not have the exact address with me but certainly they are not an Island company. They are people with experience in the National Health Service in the U.K.

The Deputy of St. Martin:

Could I just add on to the piece from Deputy Le Claire that these details are circulated to Members today if possible?

Senator T.A. Le Sueur:

I will do my best.

2.6 Deputy M. Tadier of the Minister for Transport and Technical Services regarding the steps to be taken to ensure against the ‘hoarding’ of taxi registration plates:

Would the Minister explain what steps, if any, the Department for Transport and Technical Services takes to ensure against certain taxi companies abusing their positions by hoarding plates and is he aware of a growing feeling of discontent among taxi drivers in relation to this practice?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

Each taxi cab licence is subject to a number of conditions. Invariably there is a condition which requires a taxi cab to undertake a certain minimum mileage in the year of licence. In the past year all but 3 of the taxi cabs licence to companies complied with the minimum mileage requirement and for the 3 that did not meet the mileage there was a satisfactory explanation of why this was not achieved. The Deputy is already aware from information provided him that the number of restricted taxi cab or company plates has been reduced in the past few years and the number of restricted taxi cab licences awarded to individual taxi drivers increased. Neither I nor the department has received any representations from taxi drivers alleging that companies are hoarding plates. If the Deputy has information confirming any taxi cab companies not operating licences awarded to that company in compliance with the relevant legislation I would be happy to investigate upon receipt of the information.

2.6.1 Deputy M. Tadier:

I do welcome the invitation to share this information. The Minister will be aware that it is not all taxi drivers. It seems to be the representations that I have received are from owner-drivers who work for these companies and who are quite understandably, perhaps, scared to speak out because what they perceive as an almost monopoly with certain companies having many of the plates. I would certainly appreciate the chance to meet up with the Minister and perhaps with some taxi drivers anonymously so we can thrash out the issues. Does he acknowledge though that while the number of red plates in circulation have gone down from 2005 by, I think, roughly 17 per cent we do need to have a further look because the actual amount of companies has gone down from 16 to only 3, which is more than an 80 per cent drop in the actual number of companies that run cabs.

The Connétable of St. Brelade:

I am happy to meet with the Deputy at any time.

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

Really to reiterate what Deputy Tadier said because I have also been contacted with allegations of one firm holding more than 30 plates. I too would be interested to know what the Minister thinks can be done about what is really manipulating the market and, as Deputy Tadier said, there is real

pressure and fear being felt by some people. I too would welcome the chance to speak with him if possible.

The Bailiff:

What was your question, Deputy?

Deputy T.M. Pitman:

Can he reassure us about how this artificial manipulation of the market is taking place and being allowed?

The Connétable of St. Brelade:

Once again, it is difficult for me to comment without evidence, but as I suggested earlier, I am happy to meet with the Deputy on the matter.

2.6.3 The Deputy of St. John:

Could the Minister tell Members what the minimum annual mileage is for taxi cabs or taxis in general across the Island and is the Minister happy that that minimum is sufficient?

The Connétable of St. Brelade:

The minimum mileage is 20,000 miles and it is considered to be about correct based on previous consultations with the industry.

2.6.4 The Deputy of St. John:

Given that the Minister has given that reply, many travellers and the like within the Island will do 20,000 miles. Is he still happy that ... and I am aware of taxi drivers who, in fact, do double that amount of mileage as my time on public services in its day. We had people doing double that mileage, is he still really happy that that 20,000 baseline is high enough?

The Connétable of St. Brelade:

No, I think it is correct in that one has to allow a taxi driver to work for a reasonable amount of time during the day and one would not expect them to work in excess of the normal working hours, and that, it is felt by the department - and once again as a result of consultation - to be the right amount of mileage which is achievable.

2.6.5 Deputy P.V.F. Le Claire:

I fear my question is just adding on to the issue. I think maybe perhaps there needs to be a resurrection of the review of taxis but I would like to ask a question in regard to the rank cabs and whether or not these rank cabs who have got licences to drive taxis without restriction, whether or not there is any ongoing monitoring of those and whether or not the plate is issued to an individual or to a company in those circumstances? What measures are taken to ensure that that individual is the one that is driving the vehicle and what, if any, medical examinations are undertaken on a regular basis to ensure that that individual is capable of sustaining that plate over a long period of time?

The Connétable of St. Brelade:

The 141 controlled taxi owners have annual medical tests and they are able to employ an individual on a proper contract of employment to assist him with the driving of the vehicle. Once again they are subject to the annual 20,000 mileage regulations.

2.6.6 Deputy P.V.F. Le Claire:

Could I press on that issue because this is where I am coming from? If an individual can own a plate and can hire out that plate to another person, are there restrictions on the number of people that they can hire it out to and what medical examinations do those individuals have to undertake

and what checks are made upon those because I have certainly got into taxis that have shown pictures of people that are not driving the vehicles?

The Connétable of St. Brelade:

All drivers ought to undertake a medical examination the same way as a driver, but within the law a controlled taxi cab driver is able to employ an individual on a proper contract of employment, so it is not a hiring arrangement, it is an employee/employer arrangement.

2.6.7 The Deputy of St. John:

May I put a final question? Given that the Minister has made a statement that a contract can be drawn up between a taxi driver and a driver does he still believe 20,000 miles for that vehicle is sufficient given that many people in this room will do that on an annual holiday to the Alps a couple of times a year.

The Bailiff:

This is the third time you have put the same question.

The Deputy of St. John:

But he had not told us that 2 people could drive the vehicle. Now we are finding out that 2 persons can drive a vehicle the 20,000 should be per driver not per vehicle.

The Connétable of St. Brelade:

Clearly that would be impossible for the department to monitor but my view is that 20,000 miles is the appropriate amount of distance for a vehicle and the comment that comes back from the industry is this is the amount that really is achievable if they are to maintain decent working hours, and I can understand this. Notwithstanding that remark, I think, it is time for a review of the taxi service and the department will be looking towards consulting with the public, as well as with the taxi industry as how the service may be improved within the Island.

2.7 Connétable J. Gallichan of St. Mary of the Minister for Education, Sport and Culture regarding the provision of swimming lessons in primary schools:

Would the Minister confirm whether department policy states that swimming lessons are recommended for Key Stage 1 and should be compulsory for Key Stage 2 pupils, and can he apprise whether all primary schools are able to meet these policy requirements and if not identify the reasons why?

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

It is a general policy of the department to actively encourage all young people to learn to swim, including those in Key Stage 1. Prior to this all 3 to 4 year-olds have the opportunity to access free swimming lessons provided at Les Ormes by Swim Right, which is very generously sponsored by the Bedell Group. The pupils in Key Stage 2, aged 7 to 11, swimming is one of 6 activities which students are required to participate in. To my knowledge all primary schools can access our swimming pools. These are situated at Les Quennevais, Haute Vallée and Langford, all of which provide lifeguard cover and qualified swimming instructors. There are constraints that sometimes face schools in delivering this entitlement, including swimming pool availability, time and transport. However, it is my expectation that this should not deter schools from delivering what I believe to be an essential skill.

2.7.1. The Connétable of St. Mary:

I am grateful for the Minister's answer because certainly my own initial research had led me to believe that there were some primary schools that were unable to provide the swimming lessons, and I will happily talk to the Minister privately about that. My concern is that department policy

says that wherever possible the Island follows the U.K. curriculum except where there are potentially unique environmental reasons concerning perhaps environment, culture or history why they should not. It seems to me that with our marine environment and our huge tidal movements and races we should be concentrating on swimming as a major investment. Would the Minister confirm that in his opinion we exceed the requirements of the U.K. curriculum in this matter?

The Deputy of St. Ouen:

I fully support the Constable's comments regarding the need for everybody to learn to swim, and I believe the statement that we ensure and require all children to learn to swim between the ages of 7 and 11 to be more than sufficient and supports the U.K.'s position on this.

2.8 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the loss of £2 billion by U.K. tax authorities in Company Tax through the activities of offshore finance centres:

What action, if any, will the Chief Minister be taking to address the findings of the PricewaterhouseCoopers in Appendix E of the Foot Report which estimates that the total of £2 billion is lost by U.K. tax authorities in company tax through the activities of offshore finance centres?

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

I take it that the Deputy is referring to the findings from Deloitte which are attached to the Foot Report. That annex is a very detailed analysis which we are still studying. However, from an initial reading, previous estimates of the U.K. tax cap of £11.8 billion included in an earlier T.U.C. (Trades Union Congress) report were greatly overstated. Deloitte now estimate this gap to be up to £2 billion and believe further analysis could possibly reduce this figure. The report is clear that this is a worldwide figure and that the total attributable to the Crown Dependencies and the overseas territories, either in total or individually, is unidentified. We have always been clear in stating - not only stating but taking - firm action to do all we can to ensure that there is no misuse or illegality in financial services in Jersey. The Foot review sets out very clearly that the Crown Dependencies, and Jersey in particular, comply with international standards of regulation and transparency. Indeed, Members will recall that the recent I.M.F. (International Monetary Fund) ranked Jersey as one of the best performing jurisdictions in a wide-ranging review of standards in operation across our finance industry. What is stated very clear in the Foot review is that Jersey and the other Crown Dependencies are making a very substantial contribution to the U.K. through the funding of U.K. banks; a total of £195 billion of which Jersey accounts for the lions share, funding which, in its absence, could be expected to require in many cases a further injection of government money at the expense of the British taxpayer, thus I believe that far from causing the U.K. any problems we are a major benefit as a friendly partner in the financial services industry. The Foot review states that the Deloitte study should be a useful input into the thinking of any jurisdiction considering tax changes to ensure sustainability. We will be considering the Deloitte study as part of the review of the Island's fiscal strategy which has already been made clear will have proper regard for ongoing international norms.

2.8.1 Deputy G.P. Southern:

Returning to page 37 of the Foot Report, will the Chief Minister be making an early commitment, as is requested in the recommendations, with a timetable for implementation, to automatic exchange of tax information under the E.U. (European Union) Savings Directives where they have not already done so?

Senator T.A. Le Sueur:

Jersey undertook several years ago to undertake automatic exchange of information, and that would have been a preferred option for the Island if that were to be universally applied. What we do not want to have is a situation where we are put in an uncompetitive situation, that we are applying automatic exchange of information and other countries are not. There is now a much greater move towards automatic exchange of information and I believe that we should be showing a good example in that one but carrying on in line with international norms, we shall not seek to jump the gun but we should work in conjunction with other countries to ensure that automatic exchange of information is brought in as swiftly as possible.

2.8.2. Deputy G.P. Southern:

What timetable for implementation does the Chief Minister have in mind in order to comply with this very strong recommendation?

Senator T.A. Le Sueur:

The timetable I had in mind would be something in the region of the middle of 2011, but that would depend, as I say, on commitment of other countries as well as Jersey.

2.8.3 Deputy P.V.F. Le Claire:

The question asks about loss of tax revenue to the United Kingdom authorities through the activities of offshore centres. The Chief Minister has indicated that he has undertaken further studies in relation to this Deloitte's report that is attached as a footnote to the Foot review. Is there any inclusion in that evaluation of the City of London as an offshore financial centre? Does that take up part of this overall global loss of revenue to the U.K. authorities because certainly in some circles the City of London is viewed as an offshore financial district?

Senator T.A. Le Sueur:

The Foot review is confined to the Crown Dependencies and the offshore territories so it did not relate specifically to the City of London or any other location throughout the world. That is why, in my answer, I indicated that of the loss it was impossible to quantify how much might be attributable to the Crown Dependencies.

Deputy P.V.F. Le Claire:

Perhaps we could inquire of the United Kingdom authorities what the anticipated loss is of the activities of the City of London to the United Kingdom authorities by their offshore financial jurisdictions?

Senator T.A. Le Sueur:

I am sure if that is a matter of interest to the U.K. Government they are quite capable of making their own inquiries.

2.8.4. The Deputy of St. Mary:

Just a short one. Can the Chief Minister say why he would choose to believe one expert who has a figure of £2 billion, or thereabouts, as opposed to another expert who has a figure of £11.8 billion? Would he say what would happen if it turns out that the higher figure is nearer the truth?

Senator T.A. Le Sueur:

I am not the world's greatest expert on this, but I believe Deloitte's did do a very thorough investigation. They came up with a figure on reasoned analysis which I believe is done on a far more reliable basis than that used by the T.U.C. in their estimate. As Deloitte's made clear, it is still an inexact number but they think it would be less than £2 billion, but certainly nowhere £11.8 that the Deputy was talking about as suggested by the T.U.C.

2.8.5 Deputy M. Tadier:

Does the Chief Minister have any moral issues with us viewing tax as a commodity rather than a socio-economic necessity?

Senator T.A. Le Sueur:

The Deputy is raising questions way outside the Foot Report, and I think what Jersey has to do is to be seen to be acting responsibly and I believe that all we have done over the years demonstrates that we are indeed acting responsibly and we shall continue to do so. Our policies are based on international standards which I hope the Island will continue to maintain.

2.8.6 Deputy M. Tadier:

Perhaps I can rephrase the meaning of my question. To what extent should the Council of Ministers simply be saying to other countries who have a problem with our tax model that if they do not like it they should simply adapt their own tax models; is that a stance that the Chief Minister thinks would be helpful, and is that the actual stance that, in truth, the Council of Ministers takes?

Senator T.A. Le Sueur:

That is what I believe would be a way in which we deal with our international obligations, and our international activities with other jurisdictions is a good example to them of responsible government and I have no wish to be regarded as a contemplational or simply pig-headed jurisdiction, we have a very good reputation which I aim to maintain and enhance.

2.8.7 Deputy G.P. Southern:

What implications do the recommendations made by Michael Foot have for the now abandoned, I hope, Zero/Ten fiscal policy?

Senator T.A. Le Sueur:

I believe that the Foot Report is only peripheral to the discussions on ongoing fiscal strategy but, as I have said, that fiscal strategy is currently under review. The review will be informed by the content of the Foot Report and the Deloitte annex to it, and a number of other contributions which no doubt will be received from the Deputy and others.

2.8.8 Deputy G.P. Southern:

Does the Chief Minister not accept that the Foot Report does, in fact, suggest ... very strongly recommends that offshore centres do move towards consensus and the norm on international company taxation?

Senator T.A. Le Sueur:

I think what the Foot Report was looking at was stability of tax revenues and possibly, in some cases, a need to diversify their tax base. That will form part of the ongoing discussions on the fiscal strategy about which I am sure we will be talking a lot more over the next 12 months.

2.9 Deputy T.M. Pitman of the Chairman of the Comité des Connétables regarding the employment by some Parishes of private debt collectors to pursue late rates payments:

Would the chairman clarify whether certain Parishes have employed private debt collectors to pursue late rates payments?

Connétable K.P. Vibert of St. Ouen (Chairman of the Comité des Connétables):

The short answer to that question is yes. But I would point out that the decision of how to pursue late rate payments is a decision for each individual Parish authority and not subject to any policy of the Comité des Connétables.

2.9.1 Deputy T.M. Pitman:

I thank the chairman for his answer. Is the chairman also aware of the increased difficulties now being faced by some on the lowest incomes, indeed particularly income support, when viewed alongside some Parishes requesting rate payments earlier and earlier each year, in this case I am referring to a constituent of mine in the greater St. Helier No. 1 district of St. Clement.

The Connétable of St. Ouen:

Yes, I am aware of that. But I would point out that the earlier and earlier payments which the Deputy mentioned are contained with the rates law, there is a 3 month period in which to pay the rates and a surcharge is then inflicted if the rates have not been paid. The Connétables continue to offer a facility to any parishioner who feels in difficulty or unable to pay the rates to come along and arrange a system of payment which will ease the situation for them. Also, the Comité des Connétables have been in discussion with the Minister for Social Security about the fact that there is a rates element in the income support system. Unfortunately that rate element has not, I do not think, been clearly pointed out to the recipients and when the rate bill comes in that money has been used for other purposes. The Comité des Connétables are quite keen that if such a payment is to be made through low income or through income support, that (a) the recipient is aware that there is an amount for putting towards rates or, alternatively, that an arrangement is made with Social Security that the rates are paid from Social Security funds and that that person is debited that amount throughout the year.

2.9.2 Deputy P.V.F. Le Claire:

The prospect of debt collectors around the Island in Parishes or in a Parish is obviously not a pleasant one for some individuals who are in financial straits. The Chairman of the Comité des Connétables has said that there is no Comité des Connétables policy. Would he undertake to arrange an item of business on the next meeting of the Comité des Connétables to undertake an understanding of what each individual Parish is doing so that we can have a collective code of practice for employing the right sort of people that are conducting themselves in the right sort of way? We do not want a repeat of the clamping issues that we have just undergone.

The Connétable of St. Ouen:

I can give an assurance that it will go on the next agenda of the Comité des Connétables but, as I pointed out in my original answer, the decision of how to deal with late rate payments is made by each individual Parish authority and, in that term, I can only answer for the Parish of St. Ouen in that the Procureurs du Bien Public who, after all, are responsible for insuring the monies of the Parish, and myself meet together and make that decision. The decision in St. Ouen was not to employ private debt collectors but to pursue the persons through the Petty Debts Court.

2.9.3 Deputy G.P. Southern:

Notwithstanding the absence of policy on this issue, will the chairman condemn the use of private debt collectors and court proceedings to pursue debts by those who are struggling to get their finances in order in the first place? It is a singularly inappropriate way to treat our poorest people, surely.

The Connétable of St. Ouen:

While I do not disagree with the questioner, I cannot be responsible for the decisions of other Parish authorities. As I have answered to the previous questioner, I am prepared to have the matter discussed by the Comité des Connétables but, ultimately, each Parish authority makes that decision.

The Bailiff:

Very Well. Deputy Martin, do you wish to ask a question? You do not have to. **[Laughter]**

2.9.4 Deputy J.A. Martin:

No, I think he may have answered this but the problem is when the people on low incomes, who are now... and this has been going on since income support was ... there is an element in income support. Fortunately a lot of the low-paid people who used to get their rates if they went down and saw the Constable and said well, you know: "Do not pay us" or: "Pay us a couple of pounds a week" or you know ... it does not happen now. We do not need people to get into debt. We really need the Constables to work with Social Security and someone to take the lead on this because people, if they are getting it, they should be saving it. I did not say the Constables, I would never ask the Constables to take the lead on anything; I said that someone should take the lead on this.

The Bailiff:

Was that a question, Deputy? [Laughter]

Deputy J.A. Martin:

Yes. Will they get together with Social Security and sort this problem out?

The Connétable of St. Ouen:

I think the Deputy was quite correct when she said that I had already answered the question. The Comité des Connétables have been pursuing this matter with Social Security ever since the new system came in. We are aware that there is a breakdown in the system and we are pursuing it but it does take 2 to tango.

2.9.5 The Connétable of St. Helier:

As all of the supplementary questions have come from St. Helier Deputies, could I ask the chairman of the Comité des Connétables, is he aware that the Parish of St. Helier does not use a debt collector but we have an in-house officer who also doubles as an electoral officer?

The Connétable of St. Ouen:

I am aware.

The Bailiff:

Deputy Pitman, do you wish to ask the final question?

Deputy T.M. Pitman:

Several people have asked my question so I will not labour the point.

2.10 Deputy K.C. Lewis of St. Saviour of the Minister for Education, Sport and Culture regarding efforts to negotiate a better deal for university students in respect of fees and grants:

Would the Minister update Members regarding his efforts to negotiate a better deal for university students in respect of fees and grants?

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

Although I cannot offer immediate help, I have recently gained an undertaking from the Minister for Treasury and Resources and the Council of Ministers that they would work with me to explore a way of meeting the challenge faced by potential increases in higher education top-up fees as the department has no control over this matter and any significant increases could not be met within existing resources. A further undertaking was also given to review, as soon as possible, higher education funding in relation to the erosion of financial support for students since 2001 and to ensure that the outcomes were properly considered in the context of the comprehensive spending review to be carried out in 2010. The aim is that this would allow the States to consider the resources available from January 2011 and enable any changes to be introduced from September 2010, if appropriate. As a result, I have recently announced a complete review of financial support

for students following programmes for higher education and will be making proposals of student grants in light of that review's findings.

2.10.1 Deputy K.C. Lewis:

I thank the Minister for his reply and indeed his efforts to improve the grant system. However, is the Minister aware that many families that have contacted me have openly stated that, even with both partners working full-time, that only the first child can be funded at university, and even then many couples now have to take out further loans on their homes to pay towards university costs.

The Deputy of St. Ouen:

I am well aware that some parents are finding it extremely difficult to provide for the higher education of their children and when I have spoken to them personally I have told them to contact the department and, where possible, we will try and provide any assistance that we are able to. Again because of this issue and because I have come to recognise these difficulties, it is the main reason for carrying out the review on the whole area of higher education funding so that we can properly deal with the matters raised. Thank you.

2.10.2 Senator S.C. Ferguson:

Has the Minister been able to establish why the United Kingdom has rated us higher from the point of view of university fees than, for example, the Cayman Islands which only pay university fees on a much lower basis?

The Deputy of St. Ouen:

The agreement goes back quite some way and although we are treated differently to - let me get this right - overseas territories, we are classed as a Crown Dependency and, as such, we are treated differently by the U.K. in a number of aspects; not only with regards to university funding and education. I have already had discussions with the Minister for Education from Guernsey and I am meeting the Minister for Education from the Isle of Man within the next week to discuss this matter and see whether any progress can be made collectively, because it is an issue that affects all 3 Islands, to make further representations to the U.K. with regards to providing a more level playing field.

2.10.3 Deputy T.M. Pitman:

Could I ask the Minister, who I generally think is doing an excellent job by the way - only generally - the Education and Home Affairs Scrutiny Panel are shortly to begin a review of higher education; in light of what the Minister said, should we pre-empt him with finishing a report and make some recommendations, would he be prepared to act even more quickly than he has just indicated?

The Deputy of St. Ouen:

I well acknowledge that the Scrutiny Panel is keen to look at this area, as I am. I think there is a general discussion to be had with the panel and how we manage the review to ensure that we end up with some proper, robust evidence which we can consider as an Assembly.

2.10.4 The Deputy of St. Martin:

Will the Minister confirm that the way in which the Channel Islands are being discriminated against is partly a concern of human rights and the matter is being pursued by a private individual in Jersey?

The Deputy of St. Ouen:

I can confirm that I have had discussions with an individual; I am not suggesting it is as the Member would state, a human rights issue; it is more of, I believe, an equal opportunities issue and,

as such, we are continuing to work with the individual and consider how best we might be able to pursue this particular issue.

2.10.5 Deputy M. Tadier:

I do not want to pre-empt the findings of the review which Scrutiny - my panel when I am chairing it - will carry out on higher education fees, but I would like to ask the question whether the Minister has considered negotiating fees with other European countries, such as France and Germany, so that we can find better deals for our students rather than slavishly necessarily having to go to the U.K. all the time.

The Deputy of St. Ouen:

Our students have an opportunity to explore and take up higher education not only in the U.K. but in many other countries, including Australia and New Zealand; indeed, we have agreements with those countries and I am well aware of certain students that have taken up that opportunity to undertake their higher education within those areas. So I would suggest that the Member would talk to me in perhaps more detail and I could provide the additional information.

2.10.6 Deputy M. Tadier:

I will do that. I would just ask the Minister does he recognise that there is a difference between the students of their own volition finding opportunities in Europe and the department engaging in discussions with counterparts in Europe and actively encouraging students to seek perhaps cheaper, more value-for-money placements within the European Union.

The Deputy of St. Ouen:

Much effort is placed into promoting the opportunities that exist for students to undertake and where they choose to undertake their higher education; indeed, they are directed to where best they can access and improve the qualifications that they require. We also actively promote other countries' universities within our university and careers programme. So I believe that students are well aware of the opportunities that exist.

The Bailiff:

Deputy Lewis, do you wish to ask the final question?

Deputy K.C. Lewis:

Just to wish the Minister well with his negotiations with the U.K. authorities.

2.11 Senator J.L. Perchard of the Chief Minister regarding whether the Managing Director of the Waterfront Enterprise Board received a bonus in 2008:

Will the Chief Minister advise the Assembly if the Managing Director of the Waterfront Enterprise Board received a bonus in 2008; if so, how much and why?

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

The 2008 accounts for the Waterfront Enterprise Board were formally presented to the States on 18th March 2009 and are therefore in the public domain and these clearly identify that in 2008 the Managing Director received a bonus of £30,000. The Managing Director's bonus is set by a remuneration committee made up of non executive directors of the company and is determined by reference to the overall performance of the company measured against the company's business plan. I have to say I am somewhat surprised by this question since, as part of Senator Perchard's role as a former director of W.E.B. (Waterfront Enterprise Board) he, along with 2 other States directors, was a member of the remuneration committee that approved the 2008 bonus for the Managing Director of W.E.B. and was present at both of the meetings when this matter was considered. [Laughter]

2.11.1 Senator J.L. Perchard:

That is cheap politics. **[Laughter]** Members will know that I resigned from the Waterfront Enterprise Board because I could not stand the inequity or the problems that the board was displaying. At the last sitting of the Assembly, the Chief Minister advised Members that the Waterfront Enterprise Board payroll had tripled in the last 9 years. What with the substantial bonuses being paid to the senior team at W.E.B., does the Chief Minister share my concern that the apparent gravy train will not simply be railroaded through to the proposed Jersey Development Company and what assurances can he give me and Members that the proposed Jersey Development Company will be able to administer control over the levels of staff remuneration?

Senator T.A. Le Sueur:

I can confirm that Senator Perchard did resign from the board on 11th June 2008. The 2 meetings in question were held in January 2008 and May 2008. I understand the concern of the Deputy about the activities of the company and that is why I believe it is important that we do move on later on in this session to debate and approve the setting up of the States of Jersey Development Company which will give the opportunity to have a new and strengthened board of directors which can set clear policy underpinned by a clear memorandum of understanding to be entered into between the company and the Minister for Treasury and Resources, and approved by this Assembly in order that the future activities of such an organisation can be better regulated and controlled. I hope, therefore, that the Senator will give his 100 per cent support to changing the existing arrangements and supporting the new proposals which I am bringing forward later in the session.

2.11.2 Deputy T.M. Pitman:

I welcome Senator Perchard's question. I would just like the Chief Minister to tell the House what message he thinks this sends out, and other fat-cat payouts to Telecom's management, in light of nurses who we could not even vote a living wage for.

Senator T.A. Le Sueur:

The message that this sends out is that we have a commercial organisation responsible for developing millions of pounds worth of public assets and it is up to that company to set appropriate levels of remuneration, which it does after taking professional advice, and so I am not going to second-guess the activities or the thoughts of that company save to say that the remuneration was obviously felt by the directors to be commensurate with the level of activities undertaken by the company.

2.11.3 Deputy P.V.F. Le Claire:

I can understand why Senator Perchard resigned; I would have resigned as well, given that kind of support from Chief Minister. **[Approbation]** Given the overall performances evaluated by a group of individuals and an independent body to have given the chief executive officer this £30,000 for his overall performance, or the overall performance of the company, given that we have a Waterfront car park that cannot pay for the costs of the shrubs surrounding it, a swimming pool that cannot wash its face and an international waterfront development that is frozen in time, is it not now time to freeze these arrangements, given the current climate, and to make sure that they are not carried over, as Senator Perchard has indicated, into this new proposed company which will only continue to manifest unrest and a dissatisfaction in this community for people who are struggling to survive while people are paying for failure? **[Approbation]**

Senator T.A. Le Sueur:

No, I disagree. It was this Assembly which appointed 3 States directors to that company, rightly or wrongly, and it is those directors who agreed as responsible company directors the level of remuneration to be set. If those directors have made a decision which other Members consider inappropriate then the responsibility for that decision rests with that remuneration committee. I

believe that it is up to that committee to justify the decision it made, which I think it made on pure and sound commercial principles.

2.11.4 Senator B.E. Shenton:

Could the Chief Minister give the names of the people on that remuneration committee and also the names of the people on the current remuneration committee? **[Approbation]**

Senator T.A. Le Sueur:

Certainly. The Members on the remuneration board in 2008 I think were shown in the States accounts. I said they were the States directors at that time, which would have been Senator Perchard, Senator Routier and Deputy Huet. I do not know the names of the members of the current remuneration committee; I suspect they may still be the 3 States directors, that is the Constable of St. Peter, Deputy Noel and Constable of Grouville; but I cannot confirm that and maybe one of the existing directors would be in a position to answer that question for me.

2.11.5 Deputy D.J. De Sousa:

How can the Minister justify these payments and those of the likes of the hierarchy at Jersey Telecom knowing the current economic outlook and when we are being told as States Members we have to cut back States spending, people are being told they have to take pay cuts, pay freezes and also people are being made redundant? It really is one rule for one and one for another. How can he justify it?

Senator T.A. Le Sueur:

There seems to be an impression among some Members that I set the levels of remuneration for different employees and directors of private companies. I do not do that, that is the responsibility of the directors of those companies concerned and they do so on the basis that they are appointed to run the company in the best interests of the shareholders, that is to say ourselves.

Connétable D.J. Murphy of Grouville:

I am guilty, I am afraid; I am a member of the remuneration committee. I was asked to take that role on, which I gladly did. We have not had a meeting yet, we shall be having a meeting to discuss it early in the New Year, so we will carry forward then and I am sure that I shall, if I need any advice, be asking Senator Perchard for his assistance in advising us.

The Bailiff:

Was that a question to the Chief Minister?

The Connétable of Grouville:

Sorry, I was following up the Chief Minister who said that he was hoping one of the board members would reply on his behalf and that is what I was trying to do.

2.11.6 Deputy M. Tadier:

I welcome Senator Perchard's question because I think it echoes a lot of the underlying scepticism that much of the general public have in W.E.B. and that I am sure they will have in the mark 2 version, the Jersey Development Company. Would the Minister agree then that it is this duplicity, the fact that sometimes we like to govern as a business would when it perhaps comes to managing public assets, but without the accountability of a business when million pound errors are made or very bad decisions such as have been highlighted with the swimming pool at the Waterfront.

Senator T.A. Le Sueur:

There seems to be an implication in the question that the proposed States of Jersey Development Company will just be a mark 2 version of W.E.B. It is not; it is a very different animal, as I hope that the debate will highlight later on in the week. Certainly, when the Deputy complains about a

lack of accountability, part of the principles of the new proposition is to ensure that there is proper accountability. If the Deputy reads the report accompanying proposition 79, he will see that one of the objectives of the new company is to ensure that proper accountability is shown and is available to States Members and that is why I believe it is important that that new company is set up. I accept the concerns that the Deputies and others express about the current arrangements and that is why I wanted to have them changed as soon as possible.

2.11.7 Deputy M. Tadier:

Sir, a supplementary, if I may. Given the Chief Minister's commitment to accountability - and we know that errors certainly were made with the incinerator and with the hedging of the euro - will the Government led by the Chief Minister lead by example and make sure that somebody, be it a Minister or a highly-paid civil servant, is held to account over these millions of pounds of taxpayers' money that have been squandered?

Senator T.A. Le Sueur:

I think that issue has little to do with W.E.B. and it has already been well aired.

2.11.8 Deputy P.V.F. Le Claire:

Sir, could I try one last supplementary, please? Sticking up for the employees that work for W.E.B. who in many respects do not all have access to benefits of this kind, when the new structure is approved by this Assembly or if it is approved, is the proposition to move the staff from W.E.B. into this new structure and will a seamless transfer of terms and conditions of their employment apply given that the Chief Minister said that it is not the same thing?

Senator T.A. Le Sueur:

I would envisage that while initially the contracts of the staff from the Waterfront Enterprise Board will continue, I would expect and I would certainly earnestly hope that the new board of directors of the States of Jersey Development Company would take a very serious look at the whole operation of that company and review all employment contracts as appropriate. Until that review is carried out then clearly there is an ongoing contractual obligation. But I am sure that part of the requirements of appointing a new and satisfactory board of directors to the States of Jersey Development Company will be to make the message quite clearly stated to that board that we, as States Members, expect a review of the terms and conditions of employment for the employees.

2.11.9 Senator J.L. Perchard:

Given one of the reasons for having a public limited company like the Waterfront Enterprise Board is so that it can operate without the constraints of being in public ownership, does the Chief Minister not agree that it would be prudent to ask the staff at the Waterfront Enterprise Board, should we form the Jersey Development Company, to apply for positions within the new company and does he further agree that there is a fat-cat culture at the Waterfront Enterprise Board?

Senator T.A. Le Sueur:

Before there is any question of inviting staff to apply for new positions, it will be a requirement of the board of directors to define just what those positions might be so, at this stage, it is too early to give a definitive answer to that one. As to whether there is a fat-cat culture, that has to be a matter of opinion and I simply reiterate the fact that it is the remuneration committee of that board of directors which sets the pay policy and, if those directors feel that it is creating a fat-cat culture, then I believe not only should they be resigning but they should be expressing that concern more forcibly at the time to the States and maybe having first expressed that view similarly at the meeting of the board of directors. If directors do not carry out their duties conscientiously during their term as directors they can hardly complain if the company has subsequently followed a policy which they disagree with.

Senator J.L. Perchard:

Just a point of clarification. I did ask the Chief Minister a specific question, he said it was a matter of opinion. I did ask his opinion if he considers there is a fat-cat culture at the Waterfront Enterprise Board.

Senator T.A. Le Sueur:

The short answer is that I have no evidence to suggest that there is a fat-cat culture. If the remuneration committee believe that £250,000 a year is the appropriate salary for that person, recognising the breadth of requirements of that company, then who am I to second-guess them? I think it is easy to conjecture about how little or how much any employees do; it is not, I think, fair on its employees to discuss their remuneration in a public manner like this when, in fact, their remuneration is a matter for normal contractual arrangements with the board of directors of the company and that is, I believe, the place where these discussions should have been held and not here.

2.12 Deputy J.A. Martin of the Chairman of the Comité des Connétables regarding the holding of warrant cards by some Connétables:

Given that on 6th October 2009, the chairman advised the Assembly that several of the Constables, to his knowledge, still hold warrant cards, could he state who they are, why they hold them and which of these Constables, if any, served time in the Honorary Police in another capacity?

The Connétable of St. Ouen (Chairman of the Comité des Connétables):

I am unable to answer this question today. The question was emailed to the secretary of the Comité des Connétables and to myself. The secretary of the Connétables is on annual leave and I was out of the Island on States business last week. I do not have the use of a BlackBerry and so this question only came to my attention yesterday and to date I have been unable to contact all my fellow Connétable colleagues so as to get a complete answer for the Deputy. I therefore seek the tolerance of the questioner and the House and give an assurance that I will return to the next sitting with a statement on this question.

Deputy J.A. Martin:

It does prevent people asking supplementaries so I will resubmit the question for oral questions next time; I would rather that than a statement.

The Connétable of St. Ouen:

I believe that if I make a statement the Deputy is then able to ask supplementary questions.

Deputy J.A. Martin:

Sorry, Sir. I did not realise that; I thought it might be a written round-robin thing. No, if it is a proper statement in the House and we can ask 10 minutes questions, that is fine. Thank you very much for the explanation.

2.13 The Deputy of St. John of the Minister for Economic Development regarding the manning of commercial Jersey-registered fishing vessels by non-residentially qualified foreign nationals:

Firstly, can I congratulate the Minister and his wife on the new addition to his family. **[Approbation]** Possibly that is why you were taking it easy on him because he is having sleepless nights at the moment. I will now put the question. Could the Minister indicate whether any commercial Jersey-registered fishing vessels are being manned by non-residentially qualified foreign nationals and, if so, advise whether members of the crews involved hold certificates in

personal sea survival, first aid, fire prevention and fire fighting and radio licences issued by the U.K. Radio Communications Agency plus a qualification under the regulations of undertaking for living and working on-Island?

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

Could I start by thanking the Deputy of St. John for his kind wishes, and Members as well. I might add that, although I am experiencing sleepless nights, I suspect some of them are due to the questions posed by the Deputy. **[Laughter]** I can firstly answer the questions of the Deputy by saying yes and go on to say that the Jersey shipping legislation does not dictate the nationality of persons employed on Jersey shipping vessels. However, a very small number of non-locally qualified persons work on fishing boats based in Jersey, having followed the appropriate application and approval process through Regulation of Undertakings and Development. All persons employed on Jersey-registered fishing vessels are required to be trained and to hold the appropriate certification in line with the Shipping (Fishing Vessels - Safety Training) (Jersey) Order 2004.

2.13.1 The Deputy of St. John:

Has the Minister and officers from the Harbour Office or Harbour Department been asked to attend a meeting with Fisheries, Customs, States Members, *et cetera*, but have refused to do so?

Senator A.J.H. MacLean:

I do believe that a meeting was requested and I do believe it is in connection with a specific case which is undergoing an investigation currently by my department. It was felt by the department that it was inappropriate to attend what they believed to be an open meeting, where sensitive matters and issues might be discussed, until an investigation has been completed.

2.13.2 The Deputy of St. John:

On that issue, firstly, can I say it was not an open meeting; the Minister was approached, he gave the delegation to his Assistant Minister and the response we received, which I have to put in the public domain, was that he was conflicted. I cannot believe that a States Member can be conflicted when the Minister has 2 Assistant Ministers; the Minister himself should have attended if his Assistant Minister was conflicted. Will the Minister please explain what he meant by conflicted?

Senator A.J.H. MacLean:

First of all, for the purposes of clarity, I was not conflicted; I believe it was my Assistant Minister who was requested to attend the meeting and he, in fact, said that he was conflicted. I believe the reasoning was that he felt it inappropriate to attend a meeting, as indeed did officers from the Harbours Department, while the matter was under investigation, on the understanding that the meeting was going to be an open meeting. It since has transpired, I believe, that it was not and, in fact, I see no reason why a private and confidential discussion with the Deputy could not proceed.

2.13.3 The Deputy of St. John:

That being the case, will the Minister attend the meeting with the Customs and the appropriate other members that were originally pulled together?

Senator A.J.H. MacLean:

I was not originally asked to go to the first meeting, just for clarity sake, however if a request comes forward for a meeting, that is to be held and treated as confidential until an investigation is completed, I am more than happy to attend.

2.13.4 Deputy S. Power of St. Brelade:

Would the Minister not agree with me that the meeting that was called, that was in actual fact called by me, was in relation to a specific Jersey-registered fishing vessel that had a non-Jersey or a

foreign captain on board, which is not approved by the Harbours Department or by, as far as I understand, the Population Office or by his department. Would the Minister not agree that that is the issue?

Senator A.J.H. MacLean:

That may well be the issue as far as the Deputy is concerned; there are many issues, however, with regard to this particular case, that is why it is under investigation and that is why I do not wish to comment in any great detail. However, I will say that as far as the non-qualified captain that the Deputy refers to, that is not the case as we understand it but, as I say, it is under full investigation and once the investigation is complete then I am sure that the Deputy and others will be fully informed.

2.13.5 Deputy S. Power:

Would the Minister not agree with me that this meeting was called 6 weeks ago and this is the worst example of procrastination I have heard in this Chamber from this department in ...

Senator A.J.H. MacLean:

Would the Deputy confirm that he has sent a request for me to attend a confidential meeting because, as far as I am concerned, I have not been requested to attend a meeting? I have just said to the Deputy of St. John that I will attend a meeting if it is treated confidentially; the matter is under investigation and I think that is perfectly appropriate.

Deputy P.V.F. Le Claire:

May I allow Deputy Power to continue first then pick up, please?

2.13.6 Deputy S. Power:

I do not want to blow a gasket but the Minister knows that it was a closed meeting between the officers and myself, Deputy Duhamel and the Deputy of St. John and he is still procrastinating.

The Bailiff:

Is that a question?

Deputy S. Power:

Yes. Does the Minister not agree? **[Laughter]**

Senator A.J.H. MacLean:

No, I will not agree and I certainly hope that the good Deputy does not blow a gasket. I was informed of the meeting after the event and I have made my position perfectly clear; I was not informed of the meeting prior to it occurring.

2.13.7 Deputy P.V.F. Le Claire:

In order to calm the waters a little and return the Chamber to its normal sense of good nature could I ask if any of these fishermen are licensed taxi drivers? **[Laughter]**

Senator A.J.H. MacLean:

Not as far as I am aware.

The Bailiff:

I think that probably brings that question to an end so we will move on to the next question which the Deputy of St. Martin will ask of the Chief Minister.

2.14 The Deputy of St. Martin of the Chief Minister regarding the review of the role of the unelected members of the States:

Given that in his comments on P.118 of 2009 relating to the review of the role of the unelected Members of the States, the Chief Minister stated that a proposition with the names of the chairman and panel members would be lodged on 20th October and debated on 3rd November, which is today. Will the Chief Minister outline the reasons for his continuing delay?

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

I regret that it did prove impossible to lodge a proposition by 20th October. Selecting a potential chairman with appropriate qualifications and experience and individuals within the community who have the necessary qualities to carry out this important review has not been an easy task. Inevitably, it takes time to complete the selection procedures and I have also taken time to consult with the Privileges and Procedures Committee and Lord Carswell with regard to the short-listing of potential panel members. Yesterday, the prospective chairman - Lord Carswell - the chairman of the Privileges and Procedures Committee and I spent all afternoon interviewing potential members of the review panel. We hope to finalise our selection in the next day or 2 and I propose to lodge a proposition to nominate the chosen individuals within the next week, once they have all been contacted.

2.14.1 The Deputy of St. Martin:

Nothing like continuing to ask questions. Can I just ask the Chief Minister how many applicants have we had for the panel, please?

Senator T.A. Le Sueur:

I think it was 9, of which we have short-listed 6.

2.14.2 Deputy M. Tadier:

Can I ask if perhaps the reason for the delay is because the Chief Minister has not yet found a candidate who will come up with the right conclusion? Given that it seems so obvious, should we not consider just giving it to a local A level student thus helping to employ a local and also saving a lot of money in the bargain?

Senator T.A. Le Sueur:

No.

2.15 Deputy K.C. Lewis of the Minister for Health and Social Services regarding the treatment of the users of so-called 'legal highs' in the U.K:

Further to news that Guernsey's Health Department has spent £400,000 so far this year sending users of so-called legal highs to the U.K. for treatment, most of which are under the age of 18, will the Minister inform Members how much, if any, is spent in Jersey on the treatment of such users?

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

I am pleased to say that no one from Jersey has required specialist off-Island treatment for substances commonly referred to as legal highs with all treatments necessary being provided by our local services.

2.15.1 Deputy K.C. Lewis:

I thank the Minister for her reply. Further on to the so-called legal highs, I highlighted last year and the previous year the so-called legal highs "Spice" and "Salvia." There is a new list of so-called legal highs coming on the market. Will the Minister be seeking to ban those as well?

The Deputy of Trinity:

Yes. Under the Misuse of Drugs Advisory Council I signed a Ministerial Decision looking at those legal highs with a view of banning them. Jersey has banned marketing, importation or sale of “Spice” under its Medicine Law which resulted in the closure of those 2 shops which were selling this.

2.15.2 Deputy M. Tadier:

The Minister will no doubt be aware of events in the U.K. where recently Professor Nutt was sacked from giving a too-truthful advice to the government in which he pointed out that, in fact, the legal highs that we should be worrying about in Jersey or in the U.K. or anywhere really, is first and foremost that of alcohol and, to a lesser extent, tobacco. Does the Minister agree, and I will quote Professor Nutt if I may, that: “The greatest concern to parents should be that their children do not get completely off their heads with alcohol because it can kill them” and that, in his view, if you want to reduce the harm to society from drugs, alcohol is the drug to target at present?

The Deputy of Trinity:

This is a concern. I know it is a big concern of the House about the high level of alcohol and tobacco and I think all of us, all society, have a part to play in addressing these issues. It is important with young people that they are fully aware of the consequences of it.

2.15.3 Deputy M. Tadier:

A supplementary, and I did provide the Minister with a list just a moment ago, and experts say that alcohol ranks among the top 5 after heroin, cocaine, barbiturates and street methadone and that it was more dangerous than tobacco, cannabis, solvents, L.S.D. (Lysergic Acid Diethylamide). Therefore, in Jersey, does the Minister think that we ought to have a complete review given that we have banned drugs which are relatively less harmful than alcohol and we are still permitting and condoning as a government taxing these things and sending out a mixed message?

The Deputy of Trinity:

It is an all-round effect. The substances commonly referred to as legal highs did pose a problem but I am pleased to say that since the closure of those 2 shops the incidence has reduced. But, as we know, alcohol and tobacco have a big part to play and this is where raising the public awareness not only from the Department of Public Health campaign but also in schools and education as well. As I said, it is a community problem; it is not just a Health problem.

2.15.4 Deputy M. Tadier:

If I may one more, if no one else has got a question to ask. Given that it seems to be saying that as a State we are spending money advertising to warn people of the effects of alcohol which has been shown across the board as more harmful than something like cannabis, is the Minister therefore going to bring a change in the law to outlaw alcohol and perhaps legalise cannabis; surely that is the logical thing to do?

The Deputy of Trinity:

No.

2.15.5 Deputy K.C. Lewis:

Just one final one coming in. Reference cannabis: the cannabis of the 1960s, which was basically a herbal thing, has very little relation to the hybrid cannabis that is on sale now which can lead to schizophrenia. Does the Minister not agree?

The Deputy of Trinity:

Yes.

2.16 Deputy G.P. Southern of the Chief Minister regarding the co-ordination of efforts to ensure early delivery of the Millennium Town Park:

What actions, if any, does the Chief Minister have under consideration to co-ordinate efforts to ensure early delivery of the Millennium Town Park?

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

I have recently asked the Constable of St. Helier to chair a working a group looking at the early delivery of the Millennium Town Park in the context also of consultation on the North of Town Masterplan. I am discussing with the Constable the precise terms of reference and composition of the working group and hope to be in a position to finalise this in the course of the coming week. Meanwhile I understand that the Transport and Technical Services Department will be looking at ways of dealing with the land contamination issue since this will need to be dealt with before any construction work can be undertaken on the site, whatever the outcome of the consultation on the North of St. Helier Masterplan. I am hopeful that this work can begin next year.

2.16.1 Deputy G.P. Southern:

A supplementary, Sir. Yes, since the original time scale was proposed in the 2009 Business Plan, what progress has been made on assessing the issue of contamination and the alternatives for car parking, either temporary or permanent, in order to facilitate the building of the town park?

Senator T.A. Le Sueur:

As far as land contamination is concerned, I think the issues have been well addressed over many years and it is really now a technical solution that needs to be found about how this can be done, whether it can be done in phases, or whatever. As far as the parking issue is concerned, that will no doubt form part of the discussions revolving around the North of St. Helier Masterplan. What is clear is that the town park will require that parking currently on the town park site will have to go somewhere else.

2.16.2 Deputy S. Pitman of St. Helier:

The second part of my question has been answered, that the Chief Minister has been talking to the Constable and asked him to chair the Town Park Group without consulting the district Deputies. Thank you very much, Chief Minister. I just wanted to know when the Chief Minister will be consulting the town Deputies with regard to forming the Town Park Group?

Senator T.A. Le Sueur:

I said in my reply that I would be discussing with the Constable of St. Helier the constitution of that working group and I would certainly anticipate putting one or more town Deputies on to that working group; subject to his comments, whatever they may be.

2.16.3 Deputy S. Pitman:

A supplementary. Will he guarantee that at least one of those Deputies will be of that district?

Senator T.A. Le Sueur:

That would certainly be my objective, yes.

2.17 The Deputy of St. Mary of the Minister for Transport and Technical Services regarding feedback from customers about the buses used by Connex:

Will the Minister advise the Assembly what research, if any, has been carried out to establish feedback from customers about the buses used by Connex and outline how the results will be used to inform decisions about which buses to purchase in the future?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

The Deputy's question is timely as a passenger survey was undertaken this summer by BestChart Limited, a company retained by Transport and Technical Services to provide independent monitoring of bus services claimed by Connex. The results have been collated and analysed and receipt of the report is imminent. This review will help to inform the work towards future revisions of the bus service network being undertaken as part of the sustainable transport policy Green Paper and the type of vehicle appropriate to each route will be considered at that time. In addition, as part of the Sustainable Transport Policy consultation process, I anticipate the views of the travelling public will be sought on the recommendations from a review of the bus contract which is currently being worked on and this will undoubtedly seek feedback on the vehicles that are and should be utilised on the network. I would add that I use the bus service as far as possible and my observations will no doubt inform decisions. I spoke only yesterday with the managing director of Connex and intend visiting bus construction facilities in the next few weeks to establish which vehicles may be suitable to the Island.

2.17.1 The Deputy of St. Mary:

A supplementary. Yes, could the Minister clarify; I welcome the fact that a passenger survey has been undertaken but then the answer very quickly went on to the bus network and so on although he did mention the type of vehicle. Can the Minister confirm what stress in that survey was put on the customers about the comfort and the experience of riding on the buses, because that is what my question is about?

The Connétable of St. Brelade:

It may be more appropriate, once the results of the survey come out, for the Deputy to comment on that. At this stage I have not got it in front of me so I cannot answer this question directly, although I am happy to do so when available. I think his point is well made in that customer satisfaction is important and that seat capacity is a consideration, and there are some 6 or 7 seats on most buses which have somewhat more leg room than others and I am sure the Deputy, as a bus user, will well know this and that regular usage of the bus does dictate exactly where you may stand and where you may sit to give you greatest comfort.

2.17.2 Deputy J.A. Martin:

It is encouraging to hear they have done a survey of passengers using the bus service. My problem is that there are many people who want to use the bus services who are not passengers because there are no buses that go on their routes. How are we getting out to them and can the Minister please open up his eyes and get to the people who want to use buses in Jersey because a passenger survey of the existing passengers does not do it. Will he admit that?

The Connétable of St. Brelade:

My difficulty is shortage of cash. We have a heavily-subsided bus service and in order to put on more buses to the outlying routes costs money. Clearly, the busier routes are self-sustaining but those to the outer extremities of the Island are not and the decision will have to be made if we wish to increase the subsidy to provide that or whether we adopt a completely different system. This is something which the department will be reviewing when the bus contract comes up for renewal in 2012.

2.17.3 Deputy J.A. Martin:

Sorry, it just seems when you are dealing with Connex... to take one route, we have a very good route - the 18 - that does round Le Squez and into town and back again every 20 minutes. Yet for the last 5 years, I have been trying to get a bus up Mount Bingham, Pier Road, where there are 2 big housing estates all with people over 60; the majority over 60. It is not rocket science to cut out one of these buses and make a smaller bus go up this route but Connex are deaf on it and so is T.T.S. (Transport and Technical Services). Can the Minister look into these simple things that can

be done? It is not money, it is pragmatism and it is a bit of experience and talking to the people who really need to use these buses.

The Connétable of St. Brelade:

I agree with the Deputy entirely and I think we have to very often stick our neck out and try new routes because until we try them we do not really know how they are going to work. In terms of a Mount Bingham service, I am happy to liaise with the Deputy and discuss how we might achieve that.

2.17.4 Senator S.C. Ferguson:

Two years ago the Auditor General agreed to do a report on the value-for-money of the Connex bus service before the new contract was agreed. Will the Minister assure us that he will, in fact, remind the Auditor General and ask him to do this report?

The Connétable of St. Brelade:

I would be delighted to do that.

2.17.5 Deputy J.B. Fox of St. Helier:

Some years ago the late Mick Eden proposed to have a Shamrock community bus route operating around St. Helier and, as far as I am aware, there was no proposal by him that it required any subsidy, except for the current bus company at the time I think paid him a huge sum of money to buy him out. Have we considered advertising potential services of this nature which would complement the existing bus service, would not cost the States anything but provide the service for those that live around and about St. Helier, allowing a better quality of life to come into St. Helier, at the same time fulfil the Minister's traffic policy which are out for discussion at the moment?

The Connétable of St. Brelade:

The department is always prepared to consider all suggestions and once again this will no doubt form part of the renewed bus contract. But in terms of a town service the question is finance, once again; that the users of a town service tend to be the subsidised passenger and, in financial terms, it does not stack up. Having said that, we are keen to discuss, in conjunction with the Connétable of St. Helier, the achievement of some services which I know he is keen to provide.

2.17.6 Deputy M. Tadier:

Would the Minister consider moving towards complete deregulation of the buses to allow individuals with a P.S.V. (Public Service Vehicle) licence to run mini buses as they wish and to move away from the Soviet-style state-owned monopoly bus system that we currently have which is inefficient and is not delivering the service that people want?

The Connétable of St. Brelade:

I think there is a thread of truth in what the Deputy says; it may be only a thread, but there is a bit of truth in that the provision of small mini buses from outlying hubs which were served by the regular service is something that we could aspire to and that would cover the last mile which are the areas which, at present, are not being covered as suggested by a previous speaker. So I think that is a route that we could go and I understand there are models for this in other areas and the department will be certainly looking in that direction.

The Bailiff:

One final question then Deputy of St. Mary?

2.17.7 The Deputy of St. Mary:

Yes. Just to wrap up, does the Minister agree that listening to the customers will determine future success and, in particular, will he take on board the issues of the space available for people's legs;

and my research shows that 5 foot 6 inches is about the limit of comfort on our buses if you have long legs and 5 foot 8 inches if you do not and, beyond that, you are just under stress. Also the issue of safe luggage racks, and wheelchairs and bicycles. So there are a number of issues and I just want the Minister to comment on whether he will welcome representations from Members of the House and whether he will listen to the customers as a matter of principle.

The Connétable of St. Brelade:

I think one of the department's primary responsibilities is to listen to customer which, of course, includes representations from the House who represent them. In terms of the luggage racks, I was told only yesterday that there will be another 7 buses coming online shortly with the provision of luggage racks and, of course, wheelchair accessibility is a point which we are conscious of and I think we will probably have to wait until the new contract because the expense involved is not insignificant; it means new buses throughout. In terms of leg room, I did note this morning - and I have made a point of counting - there are 7 seats on the present buses which can carry those gifted with slightly longer legs than others.

The Deputy of St. Mary:

Will the Minister be issuing cards to people with longer legs?

The Bailiff:

Very well, then, we will come to the final question which Deputy Tadier will ask of the President of the Chairmen's Committee. Deputy?

2.18 Deputy M. Tadier of the President of the Chairmen's Committee regarding an interim ban on all media filming, accredited or otherwise, of Scrutiny meetings pending proper guidelines being established:

Will the chairman consider an interim ban on all media filming, accredited or otherwise including photography, of Scrutiny meetings pending proper guidelines being established and, if not, will he instead put an end to the policy which requires members of the citizens' media to give notice of intention to film but not the established media?

Senator B.E. Shenton (President of the Chairmen's Committee):

We have a meeting today at 1.30 p.m. to put down the agenda for the next Chairmen's Committee meeting and the question will be added to the agenda for the next Chairmen's Committee. There is also a meeting of the Media Working Group tomorrow so the answer to the Deputy is, yes, we will consider it.

2.18.1 Deputy R.G. Le Hérisier:

I wonder if my highly-esteemed chairman could perhaps, on behalf of the Chairman of P.P.C., (Privileges and Procedures Committee) announce who the members are of this Media Working Group?

Senator B.E. Shenton:

It is myself as president of the Chairmen's Committee, the Constable of St. Mary as a representative of Privileges and Procedures and Deputy Jeune representing the Executive.

2.18.2 Deputy M. Tadier:

It is reassuring to know that the group will be meeting and that we have a very balanced panel to look at the controversial issue of filming. Does the chairman agree that we have made things far too complicated for ourselves; there have been unintended consequences and that, in reality, the solution is quite simple, that what we need to do is form a very simple yet comprehensive code of conduct to which any person who wishes to film, be that an organisation, a blogger, or a member of

the new media, can sign up to. If they break anything in the code they are simply not allowed to film any more and that would apply equally to the established media as well as the new media?

Senator B.E. Shenton:

All I can say is that we will take on board all the Deputy's points.

2.18.3 Senator P.F.C. Ozouf:

Just that I might have missed this, could the president of the Chairmen's Committee explain what the terms of reference and the purpose of this media group is; what are they attempting to achieve?

Senator B.E. Shenton:

What I could do for the Senator is to distribute the criteria that we are going to be working under. I believe the matter was raised at the Council of Ministers.

2.18.4 Deputy M. Tadier:

A final, if I may. Does the chairman acknowledge that the new media, be they bloggers or otherwise, have a very important role to play when it comes to covering Scrutiny meetings? Often those who work on Scrutiny realise that the media cannot attend everything and that blog sites, no matter who runs them, are a valid outlet for the 21st century and should be encouraged?

Senator B.E. Shenton:

I think one of the first things that the committee will have to do is to define what media is and who are members of the media and who are just political activists, but it will be something that we will look at.

2.18.5 The Connétable St. Mary:

Will the chairman please just clarify, following on from Deputy Tadier's comments, Deputy Tadier seems to have a very focused line on this. Will he just confirm that the terms of reference for the Media Working Group will be open and all matters will be considered and there will not be any particular slant taken before we set our own terms of reference because, if there does seem to be some predetermined agenda, it seems pointless having the working group.

Senator B.E. Shenton:

The Constable is quite right and we have not had a meeting yet, so it is very difficult to say what the way forward is going to be but certainly there are a number of issues that are to be addressed. I think perhaps we need to send information to all other States Members as soon as possible as to how we are working and what the aspirations of the working group are.

2.18.6 Deputy M. Tadier:

A final, if not maybe the second final; I am not sure. Will the chairman consider drafting a fourth person on to the panel so that there may be more representation from Back-Benchers, notwithstanding the fact that the chairman himself is, I guess, technically a Back-Bencher? If so, I would just like to say that I would be very happy to come on to the panel [**Members: Oh!**] ... not to provide balance but perhaps to provide slightly more balance.

Senator B.E. Shenton:

I think the Deputy is jumping the gun. As I said before, we have not even met yet so I think we need to at least get our first meeting out of the way before we make any assurances.

The Bailiff:

Very well that brings questions on notice to an end, so we now turn to questions to Ministers without notice and the first period is to the Minister for Transport and Technical Services.

3. Questions to Ministers Without Notice - The Minister for Transport and Technical Services

3.1 Deputy G.P. Southern:

Does the Minister agree with the estimates for the cost of remediation and car parking in the North of Town development plan and is he prepared to commit car parking funding to developing the car parking aspects of the town park?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

In terms of remediation costs it is slightly early days because we do not quite know what the plan is. When it gets to that stage, we have people on board who have done this sort of work and we have a rough idea what the costs will be. But I think until Planning have decided on the way forward with consultation, of course, with the public and Members, it is difficult for us to commit. I do not know that the Car Park Trading Fund is the right source to put towards the town park. I do not think that we have identified where the car parking is going, I think this is the difficulty, and this is one of the concerns that my department has which I think is as yet unresolved. Clearly, my department are happy to move on the remediation work. I think the costs will be a significant part of the £10 million allocated. Until we have further information, I am reluctant to commit any further.

3.1.1 Deputy G.P. Southern:

The estimate for remediation in the North of Town development plan is between £2.6 and £3.5 million, I believe. But is the Minister not prepared to commit car parking development funding from the correct fund to the development of car parking as part of the solution to developing the North of Town plan and the town park especially?

The Connétable of St. Brelade:

First of all, the figure in terms of remediation is as yet unset because it really depends if there is to be any below-ground work and as yet we do not know what that is. In terms of car park provision elsewhere, if that were to be found, yes, I think it would be right to commit funding from the Car Park Trading Fund but as yet we are unsure where that will be.

3.2 The Connétable of St. Mary:

A few months ago the Minister reassured me that he held the Jersey filter-in-turn system in high esteem; can the Minister assure me that he has taken steps to ensure that when future road junctions are planned, the possibility of filter-in-turns is taken into consideration?

The Connétable of St. Brelade:

Yes, I think the good Jersey system works extremely well and certainly where junctions are to be improved, perhaps they could be incorporated. I am not sure whether this would work at St. Mary at La Rue des Buttes/La Rue de la Rosière but certainly in other areas we will consider it.

3.3 Deputy R.G. Le Hérissier:

Can the Minister assure the House that he is perfectly satisfied with the various call-out fees that are administered by his department and, if not, what changes would he be proposing?

The Connétable of St. Brelade:

I am aware of the level of call-out fees which are dictated by the contractual arrangements through the unions with our staff and, unfortunately, I am not in a position to circumvent those charges. However, I am concerned when charges are put to members of the public when they are not ready for them, and it is an area which I shall be addressing with my officers.

3.3.1 Deputy R.G. Le Hérissier:

Would the Minister say when a call upon these services is made, what discretion is exercised? Is, for example, a member of the public advised whether or not another route might be possible, or whether indeed there is just an automatic response and then a bill is forwarded?

The Connétable of St. Brelade:

I think at present there is an automatic response and the bill is forwarded and this gives me rise to concern and, certainly, I think the Deputy makes a valid comment that there ought to be options offered to the public should the need arise.

3.4 Deputy M. Tadier:

Will the Minister inform the House whether he is aware of the apparent inequality that exists vis-à-vis taxis and hotel vehicles, both of which can collect passengers from the airport and drop them back to their said hotels, the inequality being that taxis need to be inspected yearly to make sure that they receive their pass as per public service vehicles and mini buses with hotels do not?

The Connétable of St. Brelade:

All public service vehicles do have to be inspected. However, the Deputy I think is confusing the difference between a public rank taxi and a cab. Now, a lot of the hotel vehicles will be classified as cabs which run on a different fare structure to those of the controlled taxi cabs, which the department controls. I think that I would refer back to an earlier question and suggest that there is need for review of the taxi cab service in the Island and I fully respect the Deputy's views and potential contributions to that.

3.4.1 Deputy M. Tadier:

I thank the Minister for clarifying that there is a nuance between cabs and taxis. Is my understanding still that the point remains there does seem to be an inequality between the mini buses running, and run by the hotels, that can pick up and the level of stringency which is required for examinations ... **[Interruption]** Sorry, does Senator Le Main have something to say? As the Minister said, I would simply say that I would like to talk to him more and if he is willing to do that, I certainly would.

The Connétable of St. Brelade:

I thank the Deputy.

3.5 Deputy J.A. Martin:

I think the Minister halfway answered the question but I want a firm commitment. I want to know what has changed. The Car Parking Fund was committed to a car park, if it had gone ahead, at Ann Court, plus it was the first time I have ever heard of a loan being taken out because I think there is around £12 million in the Car Parking Fund and there was going to be a loan of about £12 million because the cost was around £25 million. So, does the Minister agree that if the town park should go ahead - the problem has always been the parking - can he say today that he is absolutely committed to making the Car Park Trading Fund the money for these vehicles to be parked? Thank you. **[Laughter]**

The Connétable of St. Brelade:

I think I understand where the Deputy is coming from. **[Laughter]** Clearly, the Car Park Trading Fund is set up to provide replacement car parks or refurbish existing ones and that is a direction towards which this fund should be put. So, in effect, it is not for providing the town park but given that alternative parking can be provided - and this is the question at the moment; is the where - there is no reason why those funds should not be applied to that.

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

Could the Minister advise what work is being carried out by his department in particular with regard to safer routes to school and traffic movement within the Parish of St. Saviour?

The Connétable of St. Brelade:

No, I cannot comment off the top of my head but I am quite happy to let the Deputy know it is the department's policy to encourage more safer routes to school as part of our transport policy because clearly St. Saviour, I think, has most of the schools in the Island and there are considerable issues in the area of Mont Millais and thereabouts which need attention. I would certainly commit with my Assistant Minister, who is a Deputy for the Parish, to apply ourselves to assisting where possible in this vein.

3.6.1 Deputy T.A. Vallois:

In respect of that, could the Minister advise why the Parish of St. Saviour were not taken into consideration for the traffic movement in the sustainable transport policy that has just been brought out for consultation?

The Connétable of St. Brelade:

The transport policy incorporates a safer route to schools which in turn incorporates St. Saviour. It is a fairly high-level document but the natural implication is that it includes all schools, of which St. Saviour has plenty.

3.7 Deputy D.J. De Sousa:

Something has recently been brought to my attention about taxi drivers over the age of 70: they have to, to retain their licences, cover a certain mileage throughout the year. Can the Minister please inform the House what mileage that is that they have to attain?

The Connétable of St. Brelade:

I do not wish to repeat my answers to previous questions, but the minimum mileage set by the department is 20,000 miles, there is no maximum, so drivers may do as much as they wish over that level. The department does make exceptions where there is valid requirement to do so. It is my view that some of the older taxi drivers, if I may call them that, do have a valuable contribution to make to the Island and having been in the business for so long, they are well received by tourists and local people alike and they, I think, provide the contribution that the department requires.

3.7.1 Deputy D.J. De Sousa:

Is this realistic in an Island 9 by 5, 40 square miles? In the current economy that we have, taxi drivers are really struggling. A lot of their fares are only short - 5 miles - how can they realistically make 20,000 miles in a year? Surely the Minister should be reviewing this.

The Connétable of St. Brelade:

Well, most of the taxi drivers here do so, I would suggest, and perhaps I ought to form a sub-committee with Deputy Rondel and Deputy De Sousa to discuss this because they seem to be coming from different ends of the spectrum.

The Bailiff:

Well, how appropriate, the Deputy of St. John. [Laughter]

3.8 The Deputy of St. John:

Yes, I have been there and done that. I have sat on the committee before. Could the Minister explain to Members what action he is taking to control the size of these huge tractors and machines which travel our roads and in many cases can be driven by 16 year-olds, and is his department looking at this in earnest and, if so, will he bring some recommendations to the House?

The Connétable of St. Brelade:

Yes, in fact, the department have been in consultation with the Comité des Connétables on that and the Jersey Farmers' Union. We are particularly concerned over the points that the Deputy raises and will be taking action to put legislation in place that will not permit 16 year-olds to drive large tractors.

3.8.1 The Deputy of St. John:

I notice the Minister mentioned the action he was taking in relation to 16 year-olds, but also I would like to know what action he is taking to control the number of these large, very large, tractors and some of the huge machines that they tow around the Island which require, shall we say, outriders before and after the piece of machinery to stop traffic from going along certain lanes?

The Connétable of St. Brelade:

Yes, I think the movement of large vehicles down small lanes is cause for concern once again, and the parochial authorities have the option to control the passage of P30 vehicles on the smaller roads. I know that several Connétables do in fact do this but there is a requirement obviously to access fields, and individual cases will need consideration.

3.9 The Deputy of St. Mary:

Written question number 7: the Minister answered my question about the services provided by Fichtner Consulting Engineers as project managers of the incinerator contract and he said the total value was fixed at £1,492,000 - call it £1.5 million - and this represents, he said, less than 2 per cent of the contract value which is in line with industry standards: £1.5 million; 2 per cent. Now etched in my memory is the figure given in P.72 and P.73 last year of £6.85 million for project management costs and I would like to know from the Minister where the money between £6.85 million and £1.5 million has gone?

The Connétable of St. Brelade:

No money has gone anywhere but in practice I am given to understand that the project management by Fichtner Consultants is extremely good value. In terms of a difference in figure, I am happy to answer the Deputy at a later date. I do not have the figures in front of me, so I cannot give him that answer now. The department is very content with the service provided by Fichtner and has no reason to question it but I will come back to the Deputy with any answer on the figures he puts.

3.9.1 The Deputy of St. Mary:

£1.5 million sounds quite reasonable but the fact is that States Members were given the figure of £6.85 million and that was bundled into the contract price so the question still remains, why were States Members given that figure when the true figure is around 2 per cent, which is £1.5 million? I find this quite extraordinary and would the Minister care to comment on this vast difference in fees?

The Connétable of St. Brelade:

I cannot be clear whether that £6.85 million to which the Deputy refers is the Fichtner figure or for all consultants. I suspect there may be other consultants involved and this is certainly something I can look into and answer the Deputy at a later date.

3.10 Deputy A.E. Jeune:

Could the Minister please advise whether the controlled taxi cabs, restricted taxi cabs, company, individual, limousine, mobility, *et cetera*, whether the drivers are in fact required to hold P.S.V. licences or whatever the modern-day equivalent to that might be? Thank you.

The Connétable of St. Brelade:

Yes.

The Bailiff:

Very well, I am afraid to say that brings questions to an end. I was caught unawares by the brevity of the Minister's answer. [Laughter] Very well, then we move on to the second period of questions without notice which is to the Minister for Treasury and Resources.

4. Questions to Ministers Without Notice - The Minister for Treasury and Resources

4.1 Deputy G.P. Southern:

Following his response to my written question 15 today, the Minister appears to state that there may be a large structural deficit of up to £80 million in 2014. Has he revised his view of the recession, because the income coming in in 2014 will be based on 2013 income tax returns and 2012 company tax returns? Is he suggesting that the recession will now go on longer than previously thought, i.e. beyond 2012 and, furthermore, can he say why? Because nowhere in this explanation does he explain why we have a so-called structural deficit; what is accounting for that?

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

I think the Deputy and I have already had discussions in the media about this. A structural deficit arises because in a period of contraction you never quite get to the level of income that you were expected to if you had carried on having economic growth year on year and the structural deficit arises because the offsetting spending continues to rise. If spending were to be similarly checked and reduced by economic growth, then the structural deficit would not arise. We are investing in the economy, we are investing in Islanders throughout the period of the downturn, hence there is going to be a structural deficit which emerges in 2012.

The Bailiff:

Are you following that, Deputy?

Deputy G.P. Southern:

No.

4.2 The Connétable of St. Mary:

The Minister will be aware that in the United Kingdom, Royal Mail, as the universal service provider, is required to distribute election material on behalf of candidates. As a representative of the shareholder of Jersey Post, if such a provision was introduced in Jersey, does the Minister have a view on how this could be achieved and how it would affect processes?

Senator P.F.C. Ozouf:

As the shareholder representative, I have had the letter from Privileges and Procedures sent to me. Personally, from a Minister's perspective, I agree with P.P.C. and with the chairman that we should provide free mailing for elections. I think that that should be enshrined in whatever arrangements we do. [Approval] How we achieve it needs to be discussed but, clearly, Jersey Post will not want to take on the responsibilities of providing it free of charge. However, as the shareholder with responsibility, I am happy to engage in discussions with Jersey Post to find a solution. I do not want to remind the good Connétable that she has a carry forward projected in her Privileges and Procedures States of Jersey budget. There are a number of ways that we can deal with it but we certainly should have free mailing for all election candidates and it should be properly organised.

4.3 Deputy M. Tadier:

Will the Minister acknowledge that he is misleading the public when in the media he talks about binary choice of either having to raise taxes or cut spending, firstly, because the 2 are not mutually exclusive and, secondly, because in the recent past the Minister himself has told us it is very likely that we will have to do both or, certainly, it is very likely that we will have to raise taxes and also maintain current levels of spending?

Senator P.F.C. Ozouf:

If I need to clarify, then it is either/or, so we have a structural deficit. I am happy for the Island to use the Stabilisation Fund to invest in Islanders, invest in projects during the downturn, but that situation cannot continue for ever. If we have a structural deficit which is a year-on-year mismatch between income and expenditure, then there are simply 2 choices: either taxes rise or spending is cut, or it is a combination of the 2.

4.3.1 Deputy M. Tadier:

The Minister has just contradicted himself in that very last statement. It is clearly then not an “either/or”. It is certainly very possible that we can be doing both. Given that the Minister had told us that, will he acknowledge that in fact there is scope to raise taxes but to raise the right taxes to make taxation more progressive to avoid consumption taxes but to tax well, and at the same time to avoid real areas of waste in departments without cutting baseline and necessary expenditure?

Senator P.F.C. Ozouf:

The structural deficit is calculated on the basis of a relatively prudent increase in expenditure. The Assembly and the Deputy will be aware that there are significant challenges on the expenditure front. There are many - too many - Members’ views, unfunded initiatives: there are improvements in the Health Service, dealing with the backlog in maintenance, there is the dealing with the ageing society. There are a number of challenges which the Assembly is going to have to deal with over and above that of the structural deficit. The comprehensive spending review and the fiscal strategy review which will be run in parallel over the course of 2010 in preparation for the Business Plan and budget attempt to reconcile all of these issues. Inevitably, there are going to be some tough choices, some spending limits for departments, releasing money for new services and there is going to be a range, if a structural deficit emerges, of tax-raising measures as well.

4.4 Deputy S. Pitman:

In the budget documents for 2010 it talks about the fiscal strategy review and underneath that it says: “The Minister announced in October the plans for an Island fiscal strategy review to ensure an appropriate level of public services can continue to be sustained from public finances in the face of significant pressures.” I do not see any evidence in that review that will include looking at the overtime costs to the States and neither did I see it in the comprehensive spending review. Can I ask the Minister what review or research is being done to look at that issue?

Senator P.F.C. Ozouf:

That is a very good question. I will be announcing in the budget speech on 8th December a lot more detail of the comprehensive spending review and the fiscal strategy review, of how I envisage it working, what the terms of reference is, the people which will be deployed in order to carry out these reviews, also how I will be working with the Isle of Man and Guernsey. The Deputy makes a good point in relation to pay and the appropriate level of overtime, *et cetera*. I think the Chief Minister has already referred to the importance that we are placing on doing a comprehensive review of pay and conditions across the public sector and no doubt the issues of overtime will be raised to that. Certainly the issue of overtime and nurses pay commanded the attention of S.E.B. (States Employment Board) last Friday.

4.4.1 Deputy S. Pitman:

When specifically then does he see this issue being addressed in one of these reviews or another?

Senator P.F.C. Ozouf:

I have made it clear that the comprehensive spending review will be comprehensive. There will be torchlight shone into areas of public spending and in those departments that have previously perhaps presented themselves as no-go areas in terms of efficiency, but a lot of areas will be

reviewed. Therefore, that is why I am putting together, as we speak, in advance of the budget statement of 8th December of how I am going to tackle and put together the comprehensive spending review which will deal with this use of pay as well.

4.5 Deputy P.V.F. Le Claire:

A complex question but I have given the Minister the heads up on it, so hopefully I can get the answer. The D.C.S. (Depositors Compensation Scheme) - which has been supported by the Minister for Treasury and Resources - being brought forward by the Minister for Economic Development is not yet ready to extend protection to small businesses. The answer given for the reason why was that the level of understanding and the extent to that which it would extend is difficult at this time to ascertain. However, the Depositors Compensation Scheme will extend to natural depositors. Given that it will extend to those, what are those numbers, please?

Senator P.F.C. Ozouf:

I think this is a matter for my colleague, the Minister for Economic Development, if I may not go into detail with that. With the advance of BlackBerries I did know the question the Deputy was going to ask. I do not have the data in relation to the split between businesses and natural persons but we will have that in advance of the D.C.S. debate.

4.5.1 Deputy P.V.F. Le Claire:

With respect, I appreciate that the BlackBerries are not the answer to all, but it was not my question. My question was how many natural depositors are there that we will be protecting? We are told that we cannot extend this to small businesses because we do not know the numbers. Therefore, it is being extended to natural depositors; we should know the numbers. What are the numbers of natural depositors?

Senator P.F.C. Ozouf:

Those are complex numbers which I am happy to send and circulate to Members in advance of the D.C.S. debate after I have consulted with the Minister for Economic Development who holds the data.

4.6 The Deputy of St. John:

Of the fiscal stimulus, how much has been pledged; and of that does the Minister still have funds to spend? If so, can he consider setting money aside as none has been put aside in the budget for main drains extension out into the countryside? **[Laughter]** Secondly, as the Water Board pay dividends to the States, would he consider using the dividends in extending mains water supplies, yet again, out into the countryside?

Senator P.F.C. Ozouf:

I am not sure that I should use the questions without notice precious time to revisit figures that I have already made and put into the public domain about committed and fiscal stimulus amounts. I have all the amounts here but I really do not want to go into the detail. There is the £44 million which has already been split into skills training, backlog and maintenance. I have committed, with the Minister for Transport and Technical Services, to deal with the issue of liquid waste in the manner in which the Deputy knows. In fact, we have invited him, I think, on a working party that will be created next year to deal with the issue of liquid waste. We all want to deal with the unfairness of where some people are connected to the main sewer and some people are not, and also dealing with the extensions of main sewers across the Island. Innovative thinking is going to be required, investment is going to be required and I am open to suggestions of the role that Jersey Water may or may not have in that process going forward, suffice it to say that the dividend that is received from Jersey Water - which is also subject to a review which I am carrying out on all the utilities and the appropriateness of the dividend - is included in States income and is required to pay for all services that are in the Business Plan and budget next year, so I cannot double-spend it.

4.6.1 The Deputy of St. John:

At question time the Minister is trying, yet again, his old tricks of fluffing answers as he did with Deputy Le Claire earlier and he is trying to do it to me. We are entitled to the information. When we put the new system together prior to my leaving the Chamber 4 years ago, it was said that Ministers would be accountable. I do not believe that the Minister for Treasury and Resources is being accountable. He is being defensive, yet again, because he does not have the answers. He should give us the answers and I demand the answers.

Senator P.F.C. Ozouf:

This Minister is very accountable and he is very well prepared but he does not think that one should spend 5 minutes going through the allocation of £47 million. I will run through it if the Deputy wants or I will send an email.

The Bailiff:

I have to say, Deputy, I do not think that is a productive use of questions without notice where many Members wish to ask questions and there is a time limit on answers that Ministers must give.

The Deputy of St. John:

I do not want to argue with the Chair [**Members: Oh!**] but I do expect the Chair to support Back-Benchers, not Ministers. [**Members: Oh!**]

The Bailiff:

Deputy, the Chair does indeed support Back-Benchers in holding Ministers to account but question time must be used productively. That is the sort of matter for a written question if you want a lot of detail.

Deputy P.V.F. Le Claire:

Can I just say, I thought that was unfair criticism of the Chair from a Back-Bencher's perspective myself. [**Members: Oh!**]

The Deputy of St. John:

I will retract it, Sir, I did not mean any offence to you. [**Laughter**]

The Bailiff:

None taken.

4.7 Deputy A.E. Jeune:

Would the Minister please advise Members what he is doing to bring about collaborative working with his counterparts in Guernsey and the Isle of Man and what progress is being made?

Senator P.F.C. Ozouf:

I hope I will get credit for those interventions and I will send an email about the fiscal stimulus money immediately after I sit down. I welcome the question of the co-operative working with Guernsey and the Isle of Man. The Chief Minister has already answered the questions in relation to Zero/Ten and how we are going to be responding to the change in mood within the European Union. It is my fervent belief that we should be working co-operatively with Guernsey and the Isle of Man in dealing and having bilateral discussions with E.U. partners and, indeed, the United Kingdom. It is for that reason that I have been engaging with my colleague in the Isle of Man - Mr. Bell - and Deputy Parkinson in Guernsey. I met Mr. Bell in London 2 weeks ago, had a comprehensive discussion with him, we are now in regular communication and I am also agreeing a communication and a joint Channel Islands fiscal strategy review with Deputy Parkinson to ensure a joined-up approach that perhaps has never happened before but is now well underway.

4.8 Deputy T.M. Pitman:

Can the Minister just confirm that he knew before he announced the pay freeze that there was likely to be a £14 million surplus for 2009 revenues? Just to say, Sir, that I will be bringing you a nice, shiny green apple tomorrow.

Senator P.F.C. Ozouf:

I have already said in an interview with Deputy Southern that I knew of the increase in income, the £14 million, I think it was on 12th October. As Members would expect of me, I am briefed on matters of income before finalising the budget and therefore they are not immediately put in the public domain. But what I will say to the Deputy is that the £14 million income that was received as a one-off as a result of the splendid economic growth in 2008 does not change the fact that there is a structural deficit and a serious issue in terms of public finances going forward, not anywhere like the kind of challenges of other places but nevertheless is a real issue. The fact that there is a short-term one-off income from 2008 revenue does not change any of the arguments that were put forward in the pay freeze.

The Bailiff:

Now that, in fact, completes question time, but in view of the time taken over the Deputy of St. John's questions, I will allow one extra question from Deputy Le Hérissier.

4.9 Deputy R.G. Le Hérissier:

Would the Minister outline how he intends to involve the staff of the States of Jersey in his comprehensive spending review?

Senator P.F.C. Ozouf:

I would very much hope that there will be wide engagement both by Members of this Assembly and staff. I will set out exactly the process, the terms of reference of the comprehensive spending review in the budget speech on 8th December. I will also explain how we intend to issue any interim reports and how recommendations will be made, perhaps with an interim report being produced and then a final report in relation to the Business Plan later on that year. But certainly the views of, not only staff, but members of the general public and as wide as possible consultation of the comprehensive spending review is going to be necessary and required and valued.

4.9.1 Deputy R.G. Le Hérissier:

Could the Minister identify the techniques he will use with staff to increase consultation?

Senator P.F.C. Ozouf:

Being honest, being clear and being transparent in terms of the challenges that we are facing. Staff at the coalface have ideas about how we can improve and direct public money in a most appropriate way. I try and spend at least a couple of mornings every 2 or 3 weeks with different departments, understanding their problems and, indeed, I know other Ministers do that too with their departments in other areas. I would hope that we engage and have a constructive but honest debate about the real challenges that we have about where we direct public spending going forward.

The Bailiff:

Very well, so that brings questions without notice to the Minister to an end. There are no matters under J or Q so we move on to Public Business.

PUBLIC BUSINESS

5. Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009)

The Bailiff:

The first matter is the Property and Infrastructure Regeneration: the States of Jersey Development Company Limited - Projet 79 - lodged by the Council of Ministers. Now there is an amendment by the Council of Ministers. First of all, Chief Minister, do you wish to propose it as amended if Members agree?

Senator T.A. Le Sueur:

I would be happy to propose it as amended and also point out at this stage I am happy to accept the amendment from the Constable of St. Helier as well.

The Bailiff:

Very well, are Members happy to take the proposition as amended by the Council itself? Very well then, I will ask the Greffier to read the proposition as amended by the Council's amendment, not, of course, as yet by that of the Connétable of St. Helier.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to approve the proposals and structure of the Property and Infrastructure Regeneration process as set out in paragraphs 2 to 11 of the report of the Council of Ministers dated 2nd June 2009; and after the words "as set out in paragraphs 2 to 11 of the report of the Council of Ministers dated 2nd June 2009" insert the words "except that in section 7, on page 9 (a) in the first introductory paragraph, after the words 'The restructured company will', insert the words 'in accordance with the arrangements set out in this report'; (b) delete the words 'In addition to its continuing activities' and insert the words 'In addition to its continuing responsibilities on the waterfront which will be discharged in accordance with arrangements set out in this report'" and on page 13 (a) in the first sub-paragraph after the heading "Composition" in the fifth bullet point delete the word "Two" and insert the word "Three"; (b) in the last sentence under the heading "Scope of Activities", after the words "the existing activities of the Waterfront Enterprise Board Limited", insert the words "in accordance with the arrangements set out in this report" and (b) to refer to their Act dated 12th December 1995 by which they approved the establishment of Waterfront Enterprise Board Limited (the "Company") and approved the Memorandum and Articles of Association of the Company and to their Act dated 14th September 2005 by which they approved the extension of the Company's original tenure, and (i) to agree that the role and remit of the Company should be changed in accordance with the arrangements set out in the report of the Council of Ministers dated 2nd June 2009, to allow it to undertake, from time to time, the regeneration of redundant States of Jersey assets within designated Regeneration Zones and where appropriate to act as the preferred developer for Jersey Property Holdings' projects either via joint ventures with third party developers or directly; (ii) to agree that the name of the Company should be changed to "The States of Jersey Development Company Limited" and to approve the revised Memorandum and Articles of Association of the Company as set out in Appendix 2 of the report of the Council of Ministers dated 2nd June 2009, except that (a) on page 4 of the said Articles of Association in the sentence relating to "States Appointees" delete the word "two" and insert the word "three"; (b) in Article 23 of the said Articles of Association, delete the word "two" and insert the word "three" with the amendments reflecting the revised remit of the Company, incorporating the recommendations of the Comptroller and Auditor General in his Report, *Waterfront Enterprise Board Limited: Review of Corporate Governance* dated 24th November 2008 and extending the remit of the Comptroller and Auditor General so that he or she is able to have access to independently audited papers of the Company and to authorise the Greffier of the States for and on behalf of the States of Jersey to pass, together with the Treasurer of the States, one or more special resolutions of the Company in respect of the change of name and to adopt such revised Memorandum and Articles of Association.

The Bailiff:

Just before asking the Chief Minister to propose the proposition, can I remind Members there is a corrigendum which hopefully is in all of your papers dealing with a technical matter in the Articles of Association.

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

My thanks to the Deputy Greffier for a rather long-winded proposition. I would like to begin just by giving the new Members a bit of a history lesson, so I hope you will forgive me if I start by just setting out the background, because a replacement for the W.E.B., as it is commonly known, has been under development since 2007 when the previous Council of Ministers lodged a proposition to set up what was then termed the Jersey Enterprise Board. That proposition was subject to a review by the Corporate Services Scrutiny Panel of the day which reported back in June 2008. Their comments raised so many issues that the Council of Ministers decided to rethink the entire proposition. Accordingly, in June of this year the Council of Ministers lodged revised proposals to set up what is now the States of Jersey Development Company. Those proposals have also been the subject of a review by a Sub-Panel of the current Corporate Services Scrutiny Panel using the same panel adviser as before and with the same Sub-Panel chairman. That panel reported back in early October and advised that the new arrangements were a significant improvement on what had been previously proposed but nonetheless expressing a number of outstanding concerns. Although none of those concerns were major issues, I was anxious that the proposals that I brought forward were ultimately absolutely fit for purpose, and so I was happy to respond positively to the Scrutiny Panel recommendations and make a few further amendments to the proposition which are now incorporated in our second amendment. The Scrutiny Panel recommended that certain pieces of work were carried out prior to the company beginning operation. I am happy to confirm not only that this work is already underway, but also importantly that the States of Jersey Development Company would not become operational prior to that work having been completed to the satisfaction of the Scrutiny Panel and myself. They also made other recommendations about what should be done before we had this debate and I believe that my amendment number 2 addresses all those immediate issues. As I will go on to explain, the new company is intended to be very different from the current Waterfront Enterprise Board, both in its remit and its composition. I know that many Members initially had a concern that the Jersey Development Company was just the Waterfront Enterprise Board by another name. But I hope that those who attended the recent presentation at the museum, all those who have studied the proposition carefully, will realise that this is a very different animal. In particular, it will have a new and strengthened board of directors who will be responsible for carrying out the future remit of this company and my objective is to ensure that this board of directors is made up of persons with suitable and proven abilities. To find such people will take time and I do not expect to be able to come back with suitable names before probably February or March next year. Those appointments will require the approval of the Members of this House and I would not expect that debate, therefore, to be held before March or April of next year. By that stage, the review that is now being undertaken will have long been completed and the findings analysed and scrutinised. It has been suggested that we should delay this debate until the outcome of those reviews is known, but I see no point in that since the ultimate decision - that of appointing the new board - still remains in the hands of Members and if they are unhappy at that stage they can still vote against such appointments. What it will do is allow us to proceed with a recruitment process for the executive and non-executive directors of the Jersey Development Company, including the director to be nominated by the Minister for Treasury and Resources. It is my view - and I think it is a view shared by many Members - that the sooner we can move away from the current Waterfront Enterprise Board structure into an improved model, the better it will be for everyone. There is no point in having an ongoing, continuing delay. On the other hand, if Members are unhappy with the current proposals, then the sooner we know this, the sooner we can react. But I have to say that if we rejected this proposition, we are left with W.E.B. in its current form and that is a state of affairs which I do not think is in the best long-term interests of the Island. If I now turn to the proposition, the aim is to provide the States with property

development expertise to undertake the redevelopment of certain defined areas. The aim is to maximise the site value while at the same time retaining the land in States ownership. Although title of the land may pass temporarily to the company for the purposes of assembling and financing the development, once the site has been developed, the land and any buildings on it can and will be returned either to public or Parish ownership. There are good and practical reasons for proceeding in this way. Property development is a commercial activity and as we know the States is not very good at carrying out commercial activities. It does not have the relevant expertise, the speed of decision-making or the flexibility to best operate in what is a commercial and competitive environment. It is also better from a presentational point of view for the States not to be involved directly in borrowing or raising finance but instead aiming to do that through the medium of a limited company of which it is the 100 per cent shareholder. This proposition therefore provides a permanent, properly constituted, arms-length delivery vehicle under public control. Experience in the U.K. and elsewhere has shown that this is the better way of achieving the desired objective. I do stress that the new company is intended to be a delivery vehicle and nothing more. It is not a speculator and it is not a planner. It is there to deliver the aims and objectives of the States in the best possible way. The aim is to have a company with clear responsibilities, clear transparency and accountability and one which avoids potential conflicts between master planning and delivery. In that respect it will be fundamentally different from the structure which it is intended it should replace. Above all, it must recognise and reflect the fact that the States must retain overall control for what should happen on any site and when. It is a clear objective of the proposition - and I hope it is absolutely clear - that the States remain in primary control of regeneration policy and land rezoning. The structure which I am proposing, and of which the Jersey Development Company plays only one part, albeit an important and necessary part, has to provide clear responsibility from the top down. It is the States who will set out and approve the Island Plan, it is the States which will set an overall regeneration strategy and it is the States which will identify particular regeneration zones. It is the Minister for Planning and Environment who is responsible for approving the masterplan or plans within each regeneration zone, although he may choose to bring that masterplan to the States for ratification. It is the Regeneration Steering Group which will receive political and public input into draft master plans and then provide the political oversight for the ongoing delivery of the approved plan. It is the States of Jersey Development Company which comes along at the end of that process and provides the vehicle for delivering the preferred solution. Political accountability for that company will fall to the Minister for Treasury and Resources. He will establish a Memorandum of Understanding with the company which will set out responsibilities, minimise the risk to public finances and ensure that the activities of the company are conducted within States policies, and a draft of that Memorandum of Understanding does form part of the report to this proposition. The Minister will also be responsible for appointing a non-executive director to look after and represent his interests and, by extension, those of the States. Finally, to the extent that States assets are transferred to the company, he will ensure that these are transferred at full market value and report such transfers to the States in accordance with the normal procedures of Standing Orders. Should any further oversight be required, then the Comptroller and Auditor General has full powers of review and scrutiny of the company's affairs. As Members can see, this is a very different animal from the current Waterfront Enterprise Board but I would not want to give the impression that the current Waterfront Enterprise Board has failed in its duties and its activities. On the contrary, within the remit they were given, or in some cases a remit that they have had to deduce for themselves, they have achieved a variety of developments in and around the Waterfront area, although I do appreciate that some Members have different views about the aesthetic beauty of each of those developments. However, the board of that company has suffered from a number of issues which this proposition seeks to address. Firstly, there was a potential conflict between W.E.B.'s role in master planning and then a subsequent delivery. Early master planning was not comprehensive by any means, nor was it led by specific policies of the States and so W.E.B. began setting out its own thoughts on master planning. Thirdly, it ended up undertaking a range of management activities alongside its intended delivery role. So although

W.E.B. currently does have 6 directors, I am sure that many Members will share my view that the breadth and depth of expertise across those board members is not as great as perhaps it should be for such a large and commercial organisation. In particular, it has not always proved easy to appoint 3 States Members with the relevant skills, although I do pay tribute to those who have served on the board and especially those currently in place. The Comptroller and Auditor General has made some recommendations about the wisdom of having States Members on the board of such a company, or indeed any company owned and controlled by the States. In other areas, such as Jersey Electricity and Jersey Water, steps have been taken to ensure that there is no longer a mandatory requirement for States-nominated directors and this proposition would put the States of Jersey Development Company in exactly the same position. But I do want to emphasise that it does not preclude the appointment of any States Member as a director if that Member possesses expertise in his own right as, for example, the former Deputy Grime when he was appointed a director of Jersey Electricity. Similarly, the director nominated by the Minister for Treasury and Resources may happen to be a States Member but that is not a requirement of the Articles of Association. What is a requirement is that each and every director should be appointed on their merit and on their ability to contribute to a balanced and informed team and be responsible for their decision-making. I began my speech by referring to the involvement of the Corporate Services Scrutiny Panel and I should like to conclude by acknowledging the help that they and their adviser have been to me and to my officers. As Members will have seen, not only have I responded swiftly to all their comments and recommendations, but I have accepted each and every one of them, and I will continue to work with the panel to ensure that those recommendations are followed through and delivered to their satisfaction and to their timetable. In summary, Members should be in no doubt that the arrangements currently proposed mark a significant difference from where we are today. The new company will be working to a clear States direction. There is a clear division of responsibilities, understood hopefully by all, within a proper and co-ordinated approach to regeneration. There is improved accountability and transparency. The company will no longer be involved in master planning and the company will be accountable to the States through the Minister for Treasury and Resources. This does not mark the end of the road; the job is not yet complete. The appointment of a new board of directors and a chairman is of critical importance and the sooner we begin that process the better as far as I am concerned. It is possible that one or more existing Members may be retained but generally I am prepared to cast the net as wide as necessary in order to make sure that the Island gets the best team for this important organisation. When I gave evidence to the Scrutiny Panel earlier in the year, I said that I was determined to ensure that what I proposed to the States as a replacement for W.E.B. should be totally fit for purpose. I am totally satisfied that what is before us today is the successful outcome of months of deliberation and that we now have it right. I hope that Members agree with that and I propose this proposition in its amended form.

The Bailiff:

Is the proposition seconded? [**Seconded**] Very well.

5.2 Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) – amendment (P.72/2009 Amd.)

The Bailiff:

Then we have an amendment lodged by the Connétable of St. Helier and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 2, paragraph (a) after the words “as set out in paragraphs 2 to 11 of the report of the Council of Ministers dated 2nd June 2009” insert the words “except that (1) In the first sub-

paragraph of paragraph 2 on page 3, for the number '5' substitute the number '6' and after the fifth bullet point insert the following additional bullet point 'To ensure that the Parish in which regeneration occurs is fully involved in the planning of the project'; (2) In the first bullet point in paragraph 4 on page 4 after the words 'the Island Plan process' insert the words 'in consultation with the relevant Parish(es)'; (3) In the third sub-paragraph of paragraph 6 on page 7, after the sixth bullet point insert the following additional bullet point 'Enhance the individual characteristics of the Parishes and of the villages or settlements within them'; (4) In the final bullet point in the section entitled 'Relationships' in paragraph 6 on page 8, after the words 'Stakeholder groups including' insert the words 'Parish Roads Committees'."

The Bailiff:

Just to confirm, Chief Minister, you indicated you would be accepting this amendment?

Senator T.A. Le Sueur:

Correct, yes.

5.2.1 The Connétable of St. Helier:

If I could just very briefly thank the Council of Ministers for accepting the amendment which is designed to promote and increase the importance of Parish involvement in consultation. St. Helier is represented in the proposition but other Parishes I felt were not sufficiently and, indeed, the Constable of St. Martin who is not able to be with us today has been leading, I think, a new move to use the word "regeneration" about rural communities, and why not? The only other thing I want to highlight is that the final amendment that has been accepted specifically requires the consultation with Parish Roads Committees to take place. It is my view that in policy-making and planning in particular, Parish Roads Committees which are elected by each individual Parish do need to be consulted and I would commend the practice of St. Helier which has had open meetings of the Roads Committee for now some 4 years which has not been taken up by the other Parishes. I would commend the holding of open Roads Committee meetings because that increases the amount of consultation and representation that is possible in this whole process. I thank the Council of Ministers for accepting the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]**

5.2.2 Deputy P.V.F. Le Claire:

I would like to speak as well if I could, please. It is the only part of the proposition I am going to be supporting because I believe it starts to address the sorts of initiatives that need to have been taken into account. The Chief Minister says that he believes this is a replacement that is "fit for purpose" and that "we now have it right". I would slightly disagree with him and say that it may be potentially something that is fit for purpose but it certainly is a long way from becoming what I consider to be right.

The Bailiff:

Deputy, just to be clear, we are speaking about the amendment; you will, of course, have an opportunity to speak on the proposition.

Deputy P.V.F. Le Claire:

We are speaking about the amendment, yes. Yes, I am going to be brief. The amendment of the Constable of St. Helier starts to include some accountability in terms of one of the main areas of development that will be occurring in the near, medium and long term: the Parish of St. Helier, the Parish of St. Saviour and the Parish of St. Clement. However, to just extend that to the Parish Roads Committee as the Constable has suggested, which is a step in the right direction because they do need to be informed, those Parish Road Committees are able to be attended by States Members

and elected Members of the Parish at any time and we can put items on their agenda, but we are not necessarily given the right to speak at those meetings. While I welcome the Constable's moves to be more inclusive and to cover our backs in this extent, I do not believe that it has gone anywhere near far enough. The main arguments will obviously be made by those better informed than myself in the main debate but in just setting up some of the concerns that we are talking about here, in answers to questions this morning the Chief Minister says: "I do not know where I am with all of this", being asked to be held accountable for what remuneration committees decide upon in terms of payments for their chief executive officers.

The Bailiff:

Deputy, I am sorry but what has this got to do with the amendment?

Deputy P.V.F. Le Claire:

I am hearing it has got nothing to do with the amendment but I believe the amendment was trying to introduce a greater degree of accountability which is what I am trying to ...

The Bailiff:

It is simply consultation with the Parish. That is all that the amendment does.

Deputy P.V.F. Le Claire:

Right, I will be on a hiding to nothing if I try to continue with this. I will wait until the main debate.

The Bailiff:

Does any Member wish to speak on the amendment? Very well, do you wish to reply?

5.2.3 Senator T.A. Le Sueur:

No, I was going to speak on the amendment. Just to reiterate the importance that I also place on the regeneration group as part of this new arrangement and picking up Deputy Le Claire's point, yes, we do need to involve as wide-ranging a group as we can and that is why I am more than happy to accept the Constable's amendment. I think we do perhaps underestimate the significance of regeneration groups and the policy decision about regeneration before we get down to doing anything. If this amendment strengthens that in any way, all the more reason for bringing it forward but I confirm my willingness and happiness to accept the amendment.

5.2.4 Deputy A.E. Jeune:

I would just like to make a comment on the third amendment; the one bullet point in there: "Enhance the individual characteristics of the Parishes." I think, sadly, we are losing the individual characteristics, if they have not almost already gone. Thank you.

The Bailiff:

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

5.2.5 The Connétable of St. Helier:

I would like to thank both speakers for their comments, with which I agree for the most part. I maintain the amendment.

The Bailiff:

Very well, all those in favour of adopting the amendment? The appel is called for in relation to the amendment of the Connétable of St. Helier. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				

Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

So then we return to the debate upon the proposition as amended.

5.3 Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) - as amended

5.3.1 Deputy P.V.F. Le Claire:

I had better have a go now, if I can? **[Laughter]** Now, when I am asked: “What has this got to do with it?” I can say: “Everything”. The accountability and transparency of the company will be another matter because it will be accountable to the States through the Minister for Treasury and Resources who will be responsible for these things, in the words of the Chief Minister. The Chief Minister made the point that the directors, in future, it is the intention that they will not be precluded but their appointment will be based upon the fact that they helped to make up - and these are his words - a balanced and informed team that are responsible for their decision-making. Well, if only W.E.B. had been responsible and balanced and informed over the last 10 years instead of blindly supported by the likes of people like the Chief Minister in what they were doing then we would not possibly be in the sort of mess that we are in now. When people like myself and others stood up to call upon States Members to collectively stop and think for a moment as individuals, we were bulldozed over by the party “let us get to the finish line” mantra that is now occurring in another busy session in the States workload. We have just had - and I do not need to remind Members - a number of important and difficult-to-get-our-heads-around issues that have been sitting on our desks. We are now being told that matters are so bad at W.E.B. that it is going to be detrimental for the benefit of the future results of the Island if we leave it sit as we are, yet years after years after years of calling for it to be cut up and disbanded have been ignored. My concern - and it is a genuine concern - is that for years, apart from Senator Routier, there has been little or no involvement of the Parish of St. Helier and no involvement of the Deputies of No. 1 district. How would all of this have gone down in a country Parish? How would all of this development, pollution - and I nearly made an error of judgment and used the word incorrectly - but it is not that word, it is how would all of these mistakes have been countenanced in any other elected Parish of this Island? The Deputy and the Constable would have been out on their ears. If not Deputies, then the Constable. They would have been out. They would have been held to account and they would have been dismissed and not returned. Yet we are hearing the panacea for all of our ills now is to not have any politicians, not have any political oversights on these bodies in the future because, you know, that sort of stuff just gets in the way of good business. The land will return to the public once the deals have been done. Well, now the deals are being done in the City of London for 500 years and we have seen the charade of 150 years of accountable W.E.B. actions recently; are we confident that this is the right time for us to be studying and considering this? I am not convinced that the body of work has been done. I was preparing amendments, quite substantial amendments of this document, and I was thinking: “I am going to be at this for weeks to try to get these things down”, when Senator Ferguson picked up the cudgel and took an issue and looked at it long and hard. Now, some of the things have been addressed, some of the things are going to be addressed, but in my view a lot of the issues that need to be looked at have not been considered by the elected representatives. To move into a forward motion now and to put this into place and say: “We are going to have a much more balanced, accountable body of people. It is going to be far more business-like and we will not have to worry because the Minister for Treasury and Resources is going to be responsible and everything is going to be hunky dory and it is going to remain in the ownership of the States”, but not within the lifetimes of our constituents; more than likely beyond the life expectancy of many of our constituents’ infants. We are being asked to sign up to a series of policies that are ill-thought through, ill-prepared and based upon little or no democratic accountability. Now, I do not know how other Members feel about their democratic accountability and I am going to bring an amendment - I warn him now - to Deputy Le Hérissier’s fine proposition on a working party for a region which should also include elected representatives. I believe for far, far, far too long the elected representatives of St. Helier No.1 district have been ineffectual and unable to be responsible and accountable to the public, the district where they live or they represent, to those residents in this whole get-up of government that we have got going here because of the fact that when it comes time to making up the bodies of who is responsible and who is in charge in this Assembly, it is left to the likes of other people that have nothing to do or no interest with the constituents in that district. It is just not acceptable. These constituents, most of which are in the Parish of St. Helier, are extremely disaffected, extremely disconnected with the

political process because of the fact that it does not matter what they ask their elected representatives to do, it is a waste of time. It is a waste of time and I confirm it is a waste of time by asking Deputy Martin and Deputy Pitman to tell me how long we have been trying to get something done about Berkshire Court and how many times we have met with the Honorary Police and how many times we have met with the Constable of St. Helier and how much has happened since we met with the Minister for Treasury and Resources in March. A development in St. Helier, affecting constituents, possibly a similar sort of venture into the future with a homes trust and another piece of property that could belong to, in part, the States of Jersey in perpetuity but we are ineffectual. It is a waste of time - not all the time, I concede. Deputy Hilton is trying to interject my speech to either, I do not know, either to throw me off my pace - there is not much left of it at the moment - or to be too optimistic. I am not so disaffected that I do not believe that we cannot get it right; I do believe we can get it right. I am not so disaffected that I do not think we have got the talent to get it right or we have got the right vision to get it right, or we have got the right mechanisms to get it right; I just do not think that we have got it right yet. So I disagree fundamentally with the Chief Minister. I think it is a step in the right direction - sort of - but we are not prepared for that journey, in my view and I certainly disagree. In some circumstances there are issues about States Members being part of a board, so Senator Ozouf has got his head in his hands as usual. He used to do that when I was speaking, unless I was complimenting. It is funny how, when I am complimenting the Council of Ministers, I have had the best speeches, you know, in decades but yet when I am trying to hold them to account or trying to raise an issue that does not strike a harmony, then it is head in hands time. Well, I am sorry but head in hands time, let us get calculators into hands time. If there is a seamless transfer of workers from W.E.B. into a new body such as this, what are the chances of becoming an admitted body to P.E.C.R.S. (Public Employees Contributory Retirement Scheme)? What are the opportunities for us to discuss now those issues which may become givens when those bodies formulate? What is the analysis that has been undertaken of W.E.B. and its responsibilities and its structures now? We do not know. I remember going down once to the Waterfront Enterprise Board during the first debate about what we should be doing with the Waterfront, which I totally disagreed with... and I have said this before. It was lunchtime when I went down and knocked on the door: "Hello, I would like to look at the plans, please" and the lady showed me into a big room where there was a model of Elizabeth Castle. I said: "Well, that is interesting. I did not know you were going to build one of those. We have already got one of those." I thanked her for her time and walked out. I subsequently went back and spoke to a subsequent managing director - we have had a few of those and some political accountability along the way or some political involvement - and there were some promises and there were some shards of light coming through but the reality is that we are not going to get W.E.B. right until we start to engage the public and that will now just spill over out of the W.E.B.'s boundary. I mean, up until now it has been a closed enclave that was just: "Please, we would not want W.E.B. on us. We certainly would not want W.E.B. coming into our Parishes. It is okay down at La Collette and St. Helier." But this is what we are talking about; we are talking about bringing it home, bringing it home to your Parish: "Coming to a Parish near you; W.E.B. - a horror story." I have been flippant enough, I have taken up enough time for Members. I realise I get about 7 minutes worth of listening time and then everybody goes to sleep so I have done my bit but I just implore Members to support the cause for this to be knocked back and for us to be given a little more time to help the Chief Minister get this right because I think it is too soon, it is too much and there are some areas that really do need some stronger investigation. If there is any element of scrutiny left to pull it, please pull it and if there is any doubt in any Member's mind about the current mess of W.E.B. and the likelihood of it coming to their Parish, speak to me afterwards, thank you.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. We will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - resumption

The Bailiff:

We are on projet 79. Does any other Member wish to speak on the proposition as amended? Does anyone wish to speak? The Deputy of St. Peter.

5.3.2 The Deputy of St. Peter:

I speak with the hat of the chairman of the Scrutiny Panel that has reviewed J.E.B. (Jersey Enterprise Board) and this particular proposition. First of all, I would like to endorse what the Chief Minister said regarding the interaction between Scrutiny and the Executive; it has been very positive, dare I say, up until this moment. One of the main concerns that I have is that we have in front of us a proposition as writ, as amended. We have had the reassurance from the Chief Minister's office that all 7 recommendations that we put forward have been accepted. Sadly, they are not within the proposition as yet. I did write to the Chief Minister - people may have had a chance to pick up a copy of the letter that I produced as it was in their mail slots this morning - explaining our response, as a team, to the Ministerial response to our proposition. It was intimated at the time of a meeting that we had on 2nd October that the Chief Minister may have thought of deferring until the next sitting this particular debate, which I have to say would have allowed us time to put in any amendments that we would have seen fit and I have to say I was somewhat surprised when I noticed that it was still put on the Order Paper for this session. I did ask, in my letter, for a deferment and, sadly as you will be aware, that request has not been acceded to. We have, in my view, very much a cart and horse exercise here. We are putting the cart before the horse. We have been told that there will be a full review in the role of W.E.B. We were also told this morning in an answer to a question put to the Chief Minister that the Members employed by W.E.B., and I would include the executives in that list, would have to continue in their roles within the new J.D.C. I do feel that it is imperative that we have this review into the effectiveness of the Waterfront Enterprise Board in all aspects. I think it is important that we have that information in front of us as States Members before we pass this proposition. I also feel it is important that when this proposition comes - if it comes to us again, if it does not get through today - that we should have the recommendations that were put forward by Scrutiny after a long and very intense process through the summer months. Just while I am thinking about it I would like to thank my panel, namely my vice-chair, Deputy De Sousa, Senator Ferguson, the Constable of St. Martin and Deputy Vallois for their efforts during that summer recess to get the report out as we did, on time. I feel that it is important that those recommendations that we have put forward are incorporated in a proposition before the States so that we can make a fully objective decision on this very, very important issue. As the Chief Minister knows, in general terms, we supported the establishment of the Jersey Development Company with the reservations that we put forward. I have to say that we have now put ourselves in a position where I am seriously considering possibly a reference back to get the information that we need so that this Assembly can make a positive and objective judgment on how this should be taken forward. In saying that, I would emphasise that from what I can see that this is not going to delay particularly the establishing of the Jersey Enterprise Board. As I recollect from documentation I have read, it would appear that the review into the Waterfront Enterprise Board will be completed in mid-January and, listening to what the Chief Minister said this morning, it would appear that the board would be chosen in March or April of next year. I would hope, within that time span, we could deal with all the issues that have been put forward by Scrutiny. As a last ditch effort I would ask if the Chief Minister would consider withdrawing the proposition at this stage [**Approbation**] on the basis that he will continue to deal with the issues that have been raised and come back, possibly, with a proposition that is inclusive of all the recommendations that have been made?

Senator T.A. Le Sueur:

I think, realistically, I have listened very carefully to what the chairman of the panel said and I understand his comments. I think, perhaps before coming to any decision on that one I ought to hear the views of a few more States Members. I have only heard 2 so far, apart from myself and then I might well come to a firmer view.

Deputy D.J. De Sousa:

Sorry, Sir, in view of what the Chief Minister has just said can I hold fire for a little while as the vice-chair of the Scrutiny Panel?

The Bailiff:

Very well, Senator Shenton.

5.3.3 Senator B.E. Shenton:

If I had one piece of advice to give to any new politician who was entering the States, it would be never, ever pass any proposition on the back of promises. I have only been in this House for 4 years but during that time the number of propositions that have gone through on the back of promises made by Ministers or other people that have not been delivered is quite breathtaking, because once it is through it is through and there is nothing you can do about it. I was clearing out some old papers the other day and I came across a previous P.A.C. (Public Accounts Committee) proposition from Senator Ferguson and on the front page of the *Evening Post* is says: "Plans to cut more than £100 million worth of States spending over 5 years were withdrawn after 7 hours of debate yesterday. The Public Accounts Committee shelved their amendment to the 2008 Business Plan after Chief Minister Frank Walker promised to provide extra resources to a panel reviewing value for money across the public sector. The Value for Money Review Panel was Deputies John Le Fondré, Ian Gorst and Alan Maclean." That never happened. The proposition was withdrawn, or, at least as far as I am aware it never happened, and certainly speaking to the media they were unaware that it ever happened as well.

Deputy I.J. Gorst of St. Clement:

Perhaps the Senator would give way? I am not sure if he would. I am not sure that the Senator has picked up one particular newspaper cutting. I would have thought that he was aware that that particular review was all rolled in. The extra resources were given to the Comptroller and Auditor General and the result was a paper that he produced called *Emerging Issues*. The fact might remain whether this Assembly has got to grips with the suggestions proposed by *Emerging Issues* but the work was done.

Senator B.E. Shenton:

The promise made to the Chamber by Senator Walker was that the review would be carried out by Deputy Le Fondré, Deputy Gorst and Deputy Maclean.

The Bailiff:

We are getting a little bit off the subject. I think you are introducing your point, Senator.

Senator B.E. Shenton:

Yes, what I have found as I have delved through the sordid history of W.E.B. is that there have been a number of propositions over the years where promises were made and these promises were then superseded by other propositions. I cannot remember the exact date but going back to the 1990s, there was a proposition to provide W.E.B. with extra funding on the basis that the car park and the revenue from the car park would then revert to public ownership and to the public coffers once it was completed. Of course this was superseded by another proposition that did away with that. As you go back through their history you find that W.E.B., from what it started out to be and

from what the States were told it was going to be, turned out to be totally different to what was produced. Looking through the report for the Jersey Development Company and having read the excellent Scrutiny Panel report, I think it would be highly dangerous for this Assembly to pass, for the sake of a couple of months, a proposition that is incomplete. It is basically a car with no wheels and we need to make sure that it is 100 per cent right because, believe me, we did not half get it wrong in the past and you should learn from your mistakes; not make them even worse.

5.3.4 Deputy S. Power:

My few words are as follows: I have read the proposition P.79 twice. I have underlined it, I have read the response to comments, I have read the Scrutiny Report and I still have no clear idea of what Jersey Development is trying to do. There are obvious tensions between this amorphous mass of groups and individuals and organisations that are going to try and steer our developable assets forward in the future. The States of Jersey Development Company will be inter-linked with a regeneration board, will be inter-linked with other companies and the steering group will take into account the Strategic Plan, the Island Plan, the Property Plan, the Energy Policy, the infrastructure investment, Airport Operational Plan, Harbour Plan, Integrated Transport Plan, the Housing Needs Survey and possibly - I do not know what else - amphibious taxis to the Ecréhous. [Laughter] What I would like to have in my mind, going into this debate this afternoon, would be a proposition - sorry, I promise not to blow a gasket - that simply summarises the original proposition with what Scrutiny recommend and bring it forward and that is not being done. I also have a huge problem with 2 of the major issues in the Scrutiny Report on page 27, 6.7: "It illustrates a huge conflict or a potential conflict between Jersey Property Holdings and the Jersey Development Company over the value at the point of transfer of assets." That has not been dealt with. On page 28 6.13: "The previous Corporate Services Sub-Panel also recommended that a review of the Waterfront Enterprise Board should be undertaken." That has not happened and it is not good enough to suggest that a review of W.E.B. can be undertaken in tandem and at the same time as the formation of a new company. I simply do not see any logic in that and I am sorry to have to say that. What I do want to say is that there are questions about the track record of W.E.B. since 1996. Some of the questions I have, and they have been raised in this Assembly, and like Senator Shenton said, I have been here 4 years, to look at W.E.B. at the moment is like looking at a full moon in a fog because we simply do not have information as to how some decisions were made and that needs to come out. Not only do we need to look at the work in progress of W.E.B. as is highlighted in the Scrutiny Report, but we need to look at what W.E.B. did and has the taxpayer had value for money? Has the company acted in the Island's best interests? There are a lot of questions which are not resolved. There are 2 questions that I have about W.E.B.; one is the relationship between Serco, W.E.B. and what Education, Sport and Culture have to pay on an annual basis for a certain facility down there that has had a mixed track record and a mixed profile of support. The other one that I do not know about, and which is probably classified commercial information, but it would be useful for Scrutiny to look at, would be the pre-lets that were done on the Waterfront in 1996 and the rent rolls that have been achieved from 1996 to now. I think that is a big area that has not been opened up. In that area, I am not a happy Member. I do not want this Jersey Development Company to take the rump and the carcass of what is an unsuccessful or what appears to be an unsuccessful company, namely W.E.B., and inherit that and move on with something where they take on 75 per cent of W.E.B. and it moves into 100 per cent of something that has a dominant aspect in its future which is W.E.B. So, I am just confused. I cannot follow the logic of this. I think the proposition itself is cumbersome, the way the proposition is written is not clear. I suppose it is fairly obvious to say that I am not going to support it. Thank you.

5.3.5 Deputy G.P. Southern:

Now, the previous speaker said he had no idea what this was. He had read the proposition and he had read the initial proposition and he had read the comments and, like me, he had been to *Hansard* and heard what was being said. Well, for the sake of the previous speaker's information, if it walks

like a duck and quacks like a duck, it is a duck. What we have got here is a duck. It is the son of some grandparent duck that was called W.E.B. The Scrutiny Panel have consistently come back and said: "This is not clear, this needs clarification, what about this? Who is responsible for that?" and, above all, have said: "We must have some accountability for W.E.B. before we take the next stage on." It is very simple this, and I understand the Chief Minister is listening with all ears to what the House says for once. Well, let him hear this; please, please listen to your Scrutiny Panel. This is not clear, this is not a good proposition and if the Chief Minister goes through with this in its current form, it is, I believe, a recipe for disaster. If you want to see more of what we have seen on the Waterfront, stuff that is supposed to come for nothing that we end up paying for through the back teeth and if you want to see that repeated all over the Island; in your Parish, in your Parish or in your Parish, then go ahead, vote for this proposition because that is what will happen. We will get third rate junk for nothing because that is what you get. Will the Chief Minister take this back? Please, please take this back before we have to either refer it back or kill it off all together.

5.3.6 The Deputy of St. John:

Promises, promises and I, like Senator Shenton, do have concerns and the biggest promise that was made in this Chamber is that that was made by Senator Horsfall over Clothier. At the time we were told: "Accept this in principle and we will put the meat on the bones later." Well, X number of years later we are still trying to put the meat on the bones and that is not what I want to see, Chief Minister. That is not what I want to see. I want to see everything up front in the first instance. I do have a lot of concerns that any delay is going to push things back further and I believe it is important, very important that this gets put to bed in the next several weeks. If I recall correctly, earlier one of the speakers, in fact the chairman of the Scrutiny Panel said if this had been delayed by 2 weeks, he could have come with amendments, if need be, to the report and proposition. I think a 2 week delay, through the Chair to the Chief Minister, would not be unacceptable, if we can get it right the first time because I believe getting this one right, son of W.E.B., is most important. We have done some pretty good things in the past; everything has not been, as has been said, bad. Just think back in the days when they broke away Telecoms, they broke away Jersey Water, broke away J.E.C. (Jersey Electric Company), in fact things, in those cases, appear to be working well. Possibly our forefathers had a slightly different approach in the way they did their business. I do not want to see this delayed longer than is necessary but if we could have assurances, Chief Minister, from the chairman of the Scrutiny Panel that this could come back in a fortnight's time, I think that could be a way forward because I would like to see this put to bed before the Christmas recess. Thank you.

The Bailiff:

Perhaps I can say from the Chair as a matter of procedure, of course, we are past the stage of amendment so I think that if that sort of procedure wants to be followed I think there would have to be a withdrawal followed by a presentation of a new proposition. It would be effectively much the same but that is procedurally how it would have to be done, I think. Senator Ozouf.

5.3.7 Senator P.F.C. Ozouf:

I very much appreciate that Members are in a quandary about what to do with this proposition. I think that there is a large measure of agreement between the majority of Members, I suspect, about what we are trying to achieve in terms of sorting out W.E.B. There are some Members... and I am not sure that we are ever going to convince Members like Deputy Southern of a corporate structure and an owned entity that is capable of delivering developments on behalf of the public of Jersey. I think there is a large measure of agreement between the panel and certainly the Council of Ministers. There is agreement that the current structure of W.E.B. is not working. It clearly does not have the confidence of Members, it clearly does not have the confidence of the public and we need to sort it out. We have been discussing what to do with W.E.B. for, I think, at least 3 or 4 years. I do not think that I am the only Member of this Assembly that will have recalled the

appointment of former Deputy Voisin as being an interim chairman. I think that that was before - I am not quite sure - even I was a Minister. We have had 2 propositions on W.E.B., we have had numerous reviews, we now have a proposition which has been significantly improved and enhanced by Scrutiny's input that I think is capable of being agreed with a "but." This proposition does, for the first time... and I am sorry that Deputy Power, with the greatest of respect to him, does not understand what the proposition is before him. I think that it is very much along the same lines, if I may say, of his own housing report - or the Minister for Housing in his report by Professor Whitehead - that clearly said there should be a segregation of duties and a separation between the operational side of Housing and the governance and the policies. This proposition puts clarity in terms of what W.E.B. is. It puts a proper segregation of duties, it puts policy in the hands of the steering group and it puts implementation in the hands of the company. Many of the difficulties that we have inherited in respect of W.E.B. is because there has been a singular lack of clarity about what W.E.B. was doing. W.E.B., with Members of the States sitting on the board... to Deputy Le Claire, who clearly, in his remarks before lunch, I do not think clearly perhaps appreciates the importance of a separation of duties between those who implement policy and those who decide it. I agree with him that there should be input by elected representatives and he is quite right that there should be involvement by the elected representatives of St. Helier No. 1, and that is going to be possible through the creation of the regeneration task force. That puts in place the appropriate political interface. I think the disagreement, as we stand here this afternoon, is timing. I think that is the view of most of the Members... and it will not have escaped Members' notice that it is unfortunately perhaps with a bit of a heavy heart that the Treasury is going to be taking this new entity, just as the Treasury deals with the shareholding responsibilities of other entities. I have also, in questions without notice this morning, referred to the fact that I am reviewing the governance arrangements between the Treasury and all the shareholding entities. I think it is a lot better than perhaps what is possible in other departments but I am looking at confirming, strengthening, making sure that there is clarity between the role of the States and the role of the Treasury and the role of the entities themselves. The States has W.E.B. and the review is going to be commissioned independently of W.E.B. It is going to look at the ownership of assets by W.E.B., it is going to look at the management of W.E.B., it is going to look at the risk associated with W.E.B. Before the new company is brought into effect, there are 2 important decisions that have to be taken. The first is that there has to be a special meeting of the membership; I think it is the Greffier and the Treasurer of the States who are the 2 shareholders; they have to adopt and accept the new articles of association. At the same time it is this Assembly that has to appoint the chairman. What I am asking as the potential recipient of S.o.J.D.C. (States of Jersey Development Corporation) is that we agree the in principle direction of W.E.B. with a clear segregation of duties, with a clear way forward; that we are able to start the recruitment process of an independent chairman and the non-executives; that we commence the reviews but we pause before bringing into force the new entity before the shareholders meet and bring into effect any matters concerning the articles of association; that we meet with Scrutiny; that we see whether or not there are any matters that need to be changed as a result of those recommendations and then move forward. I am suggesting that there is available to Members a 2-stage process. I take some discomfort from when Senator Shenton says: "Be careful of Ministers making promises." Ministers make promises sometimes but they also give undertakings and they stand in this Assembly, making undertakings which they are accountable for. I will be accountable for, in part, commissioning the review; the review of W.E.B., of everything associated with W.E.B.; the ownership, the risk profile and the management too, as I know a number of Members are concerned that certainly the old W.E.B. does not become new W.E.B. in all but name. Members of the Assembly have the opportunity of signalling and setting the direction of what to do with W.E.B. To reinvent it, to make a clear segregation of duties of, as I said, what the responsibilities are, to set up the steering group and to move the thing forward. But Members have the ability to effectively put that on hold if they are not prepared to accept the nomination of chairman and I am perfectly willing to work with the Scrutiny Panel in receiving the reports and the reviews and to make any further changes that are necessary in

the memorandum of understanding between myself and the company. If the Assembly approves the proposition, the Minister for Treasury and Resources will have power of direction over that company. Any issues which arise in terms of that review in any respect will be able to be so directed. I am more than happy to meet with and to continue to engage with the Scrutiny Panel to ensure that not only are the reviews carried out to their satisfaction, but their recommendations are shared with the Scrutiny Panel and that there is the ability to implement those recommendations going forward. The difficulty that Members have is that they have serious questions about the existing structure and existing W.E.B. I am afraid the problem that Members have is that they need to decide; they need to put in place a mechanism to replace the board of directors. We cannot continue to have an interim board of directors. We cannot continue to expect the interim non-executive members, of which there are 3 Members of this Assembly in the Assembly this afternoon to continue to discharge the functions for W.E.B. We need to replace them. They need to be replaced on the basis of a clear memorandum of understanding - clear segregation of duties - and my concern is that if Members either do a reference back, and it might have been better if we had just had a reference back motion earlier and then we could have dealt with it and decided on a way forward, whether or not we are going to pause this debate rather than let the debate run on which is what we are now doing. I am prepared to accept a 2-stage process. A stage one today of agreeing the direction but pausing after that stage one to carry out the reviews to allow the Chief Minister and myself to go ahead and attempt to recruit a chairman and non-executives, to bring forward those reviews, to have those reviews published and before the new entity is incorporated, for the Scrutiny Panel and myself to work together to find a way forward. I think that delaying this proposition, rejecting it, referring it back; all we are going to do is to create 3 or 4 months of inevitable delay in terms of dealing with the difficult issues that W.E.B. have to deal with. Many of the Members of this Assembly - and myself included - are concerned that W.E.B. continues to discharge its functions appropriately and with appropriate governance arrangements, with the appropriate expertise of non-executives. The current structure of this fuzz between States Members being on the board - a political oversight - is not acceptable. It must be dealt with and this proposition seeks to be the first stage in resolving that issue and I think that is all we are at difficulty in accepting, is whether or not this proposition brings into effect the proposition which means that there is no other phase 2 in terms of implementing any changes. I want to see those reviews, I want to see those reviews carried out and I want to see a way forward of implementing them. Rejecting this proposition today, or indeed even referencing it back, does not solve the underlying issue that we have an entity that does not have an appropriate board. We cannot fudge that issue; we have got to deal with the existing W.E.B. structure, change it, reform it and move it on and that is what this proposition seeks to do. I see a number of Members, including Deputy Southern shaking his head. I suspect that we are never going to find a solution that favours Deputy Southern in terms of developing States of Jersey-owned land but I think there is a measure of agreement with many other Members and I am offering Members a stage 2 process with, yes, a promise, with, yes, an undertaking to not move to stage 2 until those reviews have been carried out but to allow the process of selection and recruitment of the chairman and non-executive to ensure that there is a capability of implementing the findings of the review. I am afraid just doing another review means that it comes back here and one has got no mechanism to implement the recommendations.

Deputy S. Power:

May I make a point of clarification? The Minister for Treasury and Resources referred to the Whitehead review and its report on the future of the Housing Department to this exercise; this report and proposition. I would suggest that the Whitehead review is far easier to understand and simpler to follow than this report and proposition.

Senator B.E. Shenton:

What is the Minister for Treasury and Resources saying? That there is urgency because this is in fact a vote of no confidence in W.E.B. by the Council of Ministers?

Senator P.F.C. Ozouf:

There is clearly a lack of confidence in the structure of W.E.B. which is why we are bringing forward a proposition to reform it and the quicker we deal with the reform of W.E.B. the better. The individuals are asked to serve within the structure and within the terms of reference in the Mem. and Arts. There is clearly a discomfort of the way that those are constructed and an urgent need to change them and that is what the decision before the Assembly is.

Deputy A.E. Jeune:

Can I just ask a point of clarification from the Minister on this one? I am just quite confused, in fact, but if we were to agree the direction today and pause and have the review, if the review then brings forth new recommendations, how do you then bring them in?

Senator P.F.C. Ozouf:

I envisage the review to be looking at 2 specific issues, among other things. First of all, the ownership of what W.E.B. currently owns, for example, before I am willing to take it to the Treasury, I want to see a complete review done of everything that W.E.B. owns and operates and basically a review to decide whether or not they continue to own those properties in W.E.B. or whether or not they move to property holdings. That is the first thing. The second thing is I want to see - and I am going to be very open about this - I want to see a review carried out about the current way that W.E.B. is managed and run and whether or not there are changes to the structure of W.E.B. that need to be made. The difficulty is that those issues can only be dealt with by a board of directors and a board of directors consists of, inevitably, executives and non-executives and I want to see a board - a majority of non-executive directors - with clear terms of reference, a clear segregation of duties that are not automatically States Members, being put into place to implement the findings of the review. The reviews could come up with all sorts of recommendations. At the end of the day we need an entity and we need a company to effectively develop all of the aspects of land and opportunity that we have within the States. We need a company to do this and whether or not you dissolve the existing W.E.B. or you mutate W.E.B. into this new revised organisation, the issues are the same. You need a non-executive board to do it, an independent chairman and these Members being appointed by the Assembly.

5.3.8 Deputy T.M. Pitman:

I have to say, listening to the Minister for Treasury and Resources, I found myself looking for little horns on my colleague's head but I could not see them anywhere. Senator Shenton described it as a car with no wheels. I have to say, in terms of transparency of process it is more like a car with no windows. We have talked about promises and working with young people it is always stressed that you should not make promises that you were not quite sure that you could keep. I think that warning is very, very relevant here today. Perhaps more so if the vast intellect of Deputy Power cannot work out what underlies this proposition. [Laughter] Now, if the vast intellect of my colleague there cannot work this out, I think that should surely be enough evidence for all of us that the Chief Minister really should withdraw this because we are just spending our time. I feel a full root and branch review should have been completed, should have been carried out and presented for all Members to see why that mixed track record exists, the reasons for it and then we progress from there. That just seems quite logical to me. The Scrutiny Panel are saying that and I am just not clear why the Chief Minister and Minister for Treasury and Resources cannot accept that. I would also like just to pick up on and reiterate what Deputy Le Claire said - but hopefully in fewer words - about the lack of input or even adequate channel for that of representatives of the people most impacted upon i.e. St. Helier No. 1 district with W.E.B. I put myself forward for W.E.B., as I recall, but of course we have heard the same record about inclusion for a year now and I have to say

that I genuinely believe that the only thing that the Chief Minister would include 17 or 18 of us on is a list going to a firing squad. [Laughter] I am sorry but that is the feeling some of us get. Again, just to conclude, working with young people, when you do a piece of work that has been completed, whether it is good or bad or indeed indifferent, you analyse it and you review it before you go and do it all again. We come back to it; what is the problem? We are hearing 2 weeks. It seems to me certain people are protesting too much. What is the urgency? All that does, to me, is make me think we are going to be sold something that will be unlike what we are being spun. I certainly will be voting against this.

Senator P.F.C. Ozouf:

On a point of order, the previous speaker suggested that the Chief Minister would only put some Members on a list of a firing squad. That is the activities of a despot and I think that that is not ... is that treating Members with ...?

The Bailiff:

If one felt that that was meant literally, of course it would be in breach of Standing Orders [Laughter] but I do not think it was.

The Connétable of St. Mary:

May I seek a point of clarification? I think I know the answer already. Before it was suggested it would be impossible to defer this for 2 weeks because a new proposition would need to be lodged but I understand from Standing Orders that in fact if we move to the next item of business, we could re-open this in 2 weeks and the proposition could be put afresh.

The Bailiff:

Yes, if it were a reference back or a move to the next item, that is correct, Constable, yes.

The Connétable of St. Mary:

Well, it might be wise if that was considered by some, Sir.

Deputy D.J. De Sousa:

I will put you all out of your misery; I have learnt a very quick lesson today as a new States Member. If you are going to do something, get on and do it. I did wait to give the Chief Minister the chance to do the right thing. We have waited long enough; we know where this is going so I am going to call to invoke Article 83 of Standing Orders and to refer this back for more information.

The Bailiff:

Can I just be absolutely clear, Deputy, as to what is the further information which you seek?

Deputy D.J. De Sousa:

We need to have the full review conducted on W.E.B. and then have that information given to all States Members and then come back and debate this.

The Bailiff:

So it is the review on W.E.B. which is the further information which you seek?

Deputy D.J. De Sousa:

Yes.

The Bailiff:

Very well, is that proposition seconded? [Seconded] Well, I consider it falls within Standing Orders. This is not a matter for the Chair's discretion. If it falls within the Standing Orders it can

be brought and therefore I accept the proposition. Does any Member wish to speak on the proposition now to refer this matter back for further information, the further information being the review of W.E.B.?

Senator T.A. Le Sueur:

Just on a point of procedure, if I understand it correctly, once that review of W.E.B. has been undertaken to the satisfaction of the Minister for Treasury and Resources and the Scrutiny Panel, we would then come back to the States with the present proposition, perhaps with an addendum to add on what was sought by way of clarification.

The Bailiff:

I think procedurally this would be a matter for the Constable at that stage; you could either just bring back the existing one or of course you could withdraw that one at that stage and substitute it with any new one which incorporated any further changes.

Senator T.A. Le Sueur:

I accept that, Sir, but the difficulty would be that that would require a further 6 weeks of lodging and the opportunity then to seek to clear further delay. I think, while I do sense the mood of Members and I will look into the better way; whether to reference back or to move to the next item. I sense the mood of the House but I do want to emphasise the need to move on at a reasonable pace and that is why I was reluctant to have to bring forward a new proposition if we can manage with the present proposition, possibly amended or clarified.

The Bailiff:

Yes, well, you would be able to then because under Standing Order 86 it would be proposed afresh. Then it seems to me that provided the lodging period was met, anyone could bring any amendment to the proposal so the Council could amend it or indeed of course any other Member could.

Senator T.A. Le Sueur:

In that case I think rather than waste the time of the Assembly debating the need for reference back, I will accept the mood of the House and suggest that it be put to the vote at the earliest opportunity.
[**Approbation**]

The Bailiff:

Very well, well, thank you, Chief Minister. In the light of that does any other Member wish to speak on the reference back? Very well, Deputy De Sousa, do you wish to reply then to the reference back?

Deputy D.J. De Sousa:

I do think that the Chief Minister should really consider this because if he does that there is a danger of losing it and then where would he be? Oh, sorry, I misunderstood. Apologies. Good.
[**Laughter**]

The Bailiff:

Very well, all those Members in favour of the reference back? The appel is called for in relation to the reference back proposed by Deputy De Sousa. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 38		CONTRE: 6		ABSTAIN: 5
Senator T.J. Le Main		Senator P.F. Routier		Senator T.A. Le Sueur
Senator B.E. Shenton		Connétable of St. Helier		Senator P.F.C. Ozouf
Senator J.L. Perchard		Connétable of Grouville		Senator F.E. Cohen
Senator A. Breckon		Connétable of St. Peter		Senator A.J.D. Maclean
Senator S.C. Ferguson		Deputy J.B. Fox (H)		Deputy E.J. Noel (L)

Senator B.I. Le Marquand		Deputy of St. John		
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

6. Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009)

The Bailiff:

Very well, so that matter is referred back to the Council. We move next to the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009) - lodged by the Minister for Economic Development. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-. A Law to regulate on certain days the sale or hire of goods, the provision of services and the provisions of goods for use in the making of wholesale deliveries. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Bailiff:

Yes, then, Minister, do you propose the principles?

Senator A.J.H. Maclean:

Yes, Sir, could I ask my Assistant Minister, the Constable of St. Clement to act as rapporteur for this matter?

6.1 Connétable L. Norman of St. Clement (Assistant Minister for Economic Development):

I shall keep this speech short because I think the principles of this law which we have adopted will replace the 1960 Sunday Trading Law and are quite simple, easily understood and, unlike the 1960 law, this draft is fit for purpose. There has been a massive amount of consultation over the last few years with the retailers and with consumers. Much of the result of that consultation is included in the report attached to the draft law. While there is inevitably a wide range of views on the subject of Sunday Trading, this law as drafted seems to meet the needs and desires of most. I would stress that the law does not seek to extend Sunday trading. We have detected no appetite for more retail activity on Sundays but rather it seeks to provide clarity where clarity is required, consistency where it might be lacking and flexibility where it is desirable. This law, like the current law, starts with the presumption that retail outlets will be closed on Sundays and for the purposes of both of these laws Christmas Day, Good Friday and Liberation Day are treated as Sundays. So there is a presumption that shops will be closed on those days except by permit. I spoke about clarity. That is important because in some areas it does not exist. For example, while food shops, newsagents and the like need a permit to open on a Sunday, other shops such as hairdressers, tattoo parlours, tanning studios, launderettes do not come under the existing law so they can open 365 days a year, 24 hours a day if they so wish. This draft law brings such businesses into the control of the law. Consistency is also important, even if only in the name of fairness. While at present shops with a permit can open, they can only sell goods on their permitted list; a government-approved list. This gives rise to problems of interpretation like, for example, jewellery is on the list of permitted goods that can be sold on a Sunday but is a watch, jewellery? Photographic goods are on the list, as are video tapes but does that include C.D.s (compact disc) and memory sticks; things that were not invented when the present schedule was created? Food is on the list but does that include chewing gum? I do not know and I do not think we are going to bother to get a court to decide on that. This is really an example of how difficult it is to police the current law. But the reality is that if a shopper is visiting a store on a Sunday and picks up a bag of cat litter or a packet of plastic knives and forks or some washing up powder, I doubt the checkout assistant would turn that customer away. I suspect the current law is observed more in the breach than otherwise. I mentioned cat litter because I had a personal experience of this because one Sunday my wife came home with a 2-litre packet of cat litter. Naturally as a warrant card-carrying Constable **[Laughter]**, I was extremely concerned and immediately frog-marched her across the road to the Parish Hall - which can open on a Sunday - called the duty Centenier and interrogated the lady as to how she had come by this cat litter. Indeed she had purchased it that Sunday but fortunately I was able to find out it was purchased in a shop in St. Saviour **[Laughter]** so I thought that it was not in the public interest to pursue the case any further. **[Laughter]** Under this new law, this sort of nonsense will disappear. If a shop is permitted by permit to open it will be able to sell any goods that it normally sells during the week. The cats will have their cat litter. I spoke about flexibility. At present if a Constable issues a Sunday trading permit, he can only issue it for every Sunday of the year for all 24 hours of those Sundays. That does not provide flexibility. The proposal under this law is that the Constables may issue permits for one or more Sundays and also give Constables the powers to limit the operation of shops to avoid, for example, noise, late or early trading and deliveries. But this does not give the Constables absolute power in this area over these issues because to do so could well result in further inconsistencies and the accusation of postcode lotteries. That is why this is an enabling law and the States will be asked in due course, if it is approved and before the law comes into effect, to make regulations to ensure consistency and fairness. It may be that the States will agree that only shops up to a certain size may trade on every Sunday and that shops over a certain size might be allowed to trade on a restricted number of Sundays. The States will have that flexibility under the law to make regulations. It will be perfectly possible by regulation to limit the size or type of shop that opens on special days such as Liberation Day and Christmas Day and also restrict the hours that they open. As I said, this sort of flexibility is not available under the present law. These regulations of course will be binding on the Constables but the Constables will

also draw up a code of practice to further strengthen consistency. The law will introduce something which is lacking in the current law, an appeal system to the Committee of Constables. Under the present law there is no appeal system so the only route for anyone who is dissatisfied by a decision is to go to the Royal Court. A few moments ago I made light of the cat litter but it really did happen. Not the frog-marching to the Parish Hall **[Laughter]** but the purchase of the cat litter. That shopkeeper who sold that cat litter was committing a criminal offence. That must be an absolute nonsense. The simple principle of this new law is that if a shop is permitted to open on a Sunday, it should be allowed to sell, as I said before, whatever it normally sells during the week. I propose the principle.

The Bailiff:

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

6.1.1 Deputy I.J. Gorst:

I do give a cautious welcome to this primary legislation which will, in effect, amend the Sunday Trading Law in the Island. Where I have difficulty is that most of any contentious provisions will be presented to the Assembly in the form of regulation. I think that most Members probably believe that it is a sensible approach to get rid of the somewhat archaic and arbitrary list system and perhaps instead provide a shop floor space system as they do in other jurisdictions. I was minded at one point to try and limit the size of shops that could be opened in the primary legislation but I was convinced that it was perhaps better to wait until we had seen the proposals of the Economic Development Department before having that debate in this Assembly. The Connétable when he was proposing this legislation quite correctly said there had been a number of consultations, I believe over a number of years and a number of bodies had been consulted. I think he picked out retailers and consumers. My concern is that they are the 2 groups which are normally consulted on matters such as this. But the group that appears to be silent throughout this consultation process are the shop workers themselves **[Approbation]** and the people who have to work in those retail outlets. Why do I raise that now even though I am supporting the proposition? I raise it because these are a group of people within our society whose voices often are least likely to be heard. **[Approbation]** In fact we have in Jersey very few statistics relating to them. One unfortunately has to look to U.K. statistics to have an understanding of the effect of changes to weekend working and the effect that it might have upon them. The effects we are talking about are the effects upon family life in general. If we look to some of those U.K. statistics, we see that over there some 40 per cent of families with dependent children have at least one parent who regularly works at the weekend. That is 2.4 million families, effecting 4.5 million children. That comes from the National Centre for Social Research. Why is that important? Because that same report and research centre told us that workers who regularly work weekends are more likely than others to be poorly qualified or on low income and are particularly vulnerable to increased weekend working hours. As the Connétable said in his opening remarks, we are not at the stage of knowing whether this change in law will increase weekend working hours. That will be a debate for another day when we decide which shops it will be appropriate to allow to open by size or perhaps what times of a Sunday we decide is appropriate that shops should be open. But I raise these matters because I believe that they are matters that we as a House should be concerned about and they are matters that I hope we will take into consideration when we come to debate the regulations in due course. Just one or 2 other small statistics, again unfortunately as I say gathered from the U.K. A piece of work undertaken by the Rowntree Foundation found that the large majority of mothers were dissatisfied with long working hours and particularly when family members had to work on Sunday. That was 78 per cent of those questioned in that particular survey. So there are issues. It is not quite as straightforward as allowing retailers to open whenever they like and allowing consumers to shop whenever they like. While I am of course happy that consumers are provided for and are able to shop at appropriate times throughout the week, there is of course the other question of sustainability that perhaps other speakers might come on to and that is that we do

unfortunately live in a more materialistic and consumer-orientated society. I suspect that most Members would agree that that cannot carry on in the quantum and the way that we have seen it happen. There are more things important in life than simply shopping and simply making shopping and continually consuming goods than we might have believed or been led to believe in the past. While I do support it, I will be keeping a very close and watching eye on the regulations when they come forward. I am not saying that I will be able to support the regulations. That will depend on exactly how they look and how they are presented to the Assembly. As you are aware, I do have a number of small amendments which I believe that in due course will improve the protection along the lines and in those instances that I have just outlined.

6.1.2 Deputy D.J. De Sousa:

While I sympathise with the Connétable of St. Clement, I do understand that there does need to be more clarity. The last speaker really hit the nail on the head for me. I do struggle with this because we have people who are vulnerable that could possibly be forced to work on Sunday. We need to be very careful what we are doing here. We often hear about youths out in the town causing trouble. If you start introducing shop opening on a Sunday, you are going to tamper with family conditions and unity, a breakdown in communication. It can only make things worse. Sunday is very special in Jersey, unlike most places. Most shops are shut. It is family day. It is something that makes Jersey unique. I have read letters in the paper from people that have come over on holiday and one of the things they do tend to remark on is the fact that in Jersey most of the shops are shut on Sunday. They love this about Jersey. We need to be very careful what we are doing here. I am going to struggle to support this.

6.1.3 The Connétable of St. Ouen:

I would like first of all to congratulate my colleague, the Connétable of St. Clement, and the E.D.C. (Economic Development) Department for having come forward with this proposition. I have served on the Comité des Connétables for 15 years. It has been a topic which has been discussed annually during those 15 years. I have to say that we have never been able to come to any substantial agreement on a way forward. As the proposer said we need clarity. I think we certainly do need clarity. If I speak personally, during the time that I have been a Connétable and for many years before that when I was a Centenier, the lack of clarity in the law was a real problem. There was clarity because every shop was given a permit to sell certain goods. I am old enough to remember the days when the alcohol was barred-off from the public so they could not even touch it on a Sunday and many other items as well. But we have moved on from that; maybe not for the right reason but we have moved on from that. I know that, as a Connétable, I have been issuing Sunday trading licences to people who have signed that that is what they are going to sell on a Sunday. But as the proposer quite rightly pointed out, it is very difficult when everything is available on the shelf for the checkout assistant to say: "No, you cannot have that. Yes, you can have that." The clarity which this is going to produce I think is extremely good. I have to say that I have been consistent over the 15 years that I have been a Connétable in saying that what we needed was either one or the other. We either needed to have everything open or we needed to have everything closed. I personally would have gone down the line of having everything closed but I did not receive a great deal of support from my fellow Connétables. I think these regulations will go quite a long way to making certainly the job of the Connétable a lot easier in having to make the decision of who has a Sunday trading permit and who does not. The fact that it will give the Connétable the power to say, yes, you can open on a Sunday but you cannot have deliveries because they are going to upset the neighbours and you will, therefore, only be able to open for the time that you have your goods available. It may well be that a supermarket can only open for 2 or 3 hours. But I think that fact must be good when we are making that decision. We have the opportunity to point out to the person applying for the licence where we think they might be causing issue with members of the public. I totally agree with the last 2 speakers about the issue of people being maybe not forced but certainly encouraged to work on a Sunday. I know that when

the same topic was raised in the French National Assembly that was the sticking point which they came up with as well. That was the reason why French supermarkets - large supermarkets - still do not open. Maybe it will fall on the role of the Connétable when deciding on licences. We need to be very careful how far we go as far as opening on a Sunday. But having said that I think that this law goes a long way to solving the problems that we have had in the past. It may not go completely to solve it but I think that we need to accept these regulations and, as the previous speakers have said, keep an eye on them and hopefully if they need changing, change them quite rapidly.

6.1.4 The Connétable of St. Helier:

It is indeed a good thing to see not only the removal of the anomalies in the current law but also the unfairness. Members will not need to be reminded that in recent years the ability of certain small shops to open and do business on a Sunday while others of a similar size have been prevented from opening has led the Assembly to allow, first, jewellers and then florists to open to get rid of, for example, the extraordinary situation where you could not buy cut flowers legally on a Sunday. I think Members have shown their impatience over the years. I welcome, as other Members do I am sure, this major piece of legislation which hopefully will remove those singular and frustrating aspects of the current law. Also the appeal process I think is welcomed. This is a matter for detailed discussion later perhaps but it does seem to me an improvement even if Members have suggested to me that the Committee of Constables should not perhaps be policing their own law. Certainly when they acted as an appeal body for the welfare system it seemed to work very well. I want to put in a word - because I think it has not been referred to yet - for those for whom working on a Sunday is either a necessity or something which they choose to do. I remember when we last looked at restricting the opening of certain small to medium sized supermarkets on Sundays, there was a tremendous number of people who contacted certainly me and I think other States Members who were extremely concerned that the States were about to remove the ability of certain adults and young adults for whom a job on a Sunday was an important part of, in some cases, people getting used to the workplace. In other cases a bit of extra supplementary income for families who really needed it. I think while it is absolutely true that we need to make sure that no staff are compelled to work on Sundays, and people have very good reasons for not wanting to do so, we need to remember that there are those people who need or want to work on a Sunday. I do not think their needs should be forgotten. Certainly I am lucky to have a number of small supermarkets within 5 minutes' walk from my house. When we forget something, as we often do on a Sunday if we are doing Sunday lunch or dinner, I am always impressed to find how busy the supermarkets are around my house. Indeed what a good atmosphere tends to prevail in the supermarkets on a Sunday, both at the checkout and among the customers. I believe certainly in St. Helier there are a lot of people who need to have access to food shops on a Sunday. Further down the line as we look at regulations we should not be doing things which show that we are out of touch with the needs of people, particularly living in the urban areas. I want Sunday kept special. I agree with the speaker who said that holidaymakers like that specialness of St. Helier but again there are other holidaymakers who express their frustration to me that they come here on a Sunday and while they can buy a newspaper and basic foodstuffs, there are a lot of small shops they would like to visit but they cannot. They are only here for the day so what are they supposed to do? Come back on Monday, I suppose. Again tourism no doubt will be mentioned and there will be those on both sides of the argument. We do not need to have the argument today after all because it is a matter for the regulations. But if tourism is important shopping - as Members spoke about it recently as if it was almost an immoral thing - on a Sunday, it is not for everybody. It is not something that necessarily leads to family breakdown. There are some families who tell me they enjoy going shopping together on a Sunday and it is the only day they can do it. Let us just remember that apart from our own views, our own backgrounds there are people in society today who have different needs when it comes to shopping. So long as nobody is disadvantaged as a result of the regulations we pass further down the line, as I say, I think we just need to be a little careful before we assume that everybody must sing from the same hymn sheet.

6.1.5 Connétable P.F.M. Hanning of St. Saviour:

It is perhaps no surprise that a number of Constables have spoken on this because we are involved in the nuts and bolts of it. The present law has all sorts of problems. It is difficult to operate and police. I am glad that St. Saviour was able to help my neighbouring Constable and his cat in its hour of need. I understand that they were able to get something that perhaps should not have been able to have been purchased at the time. I was talking to the owner of one shop - I understand not the one the Constable's good lady made her purchase in - but they have to operate by putting up lists that the customers and the shop assistants can use to know which items cannot be sold on the Sunday. It is blatantly a nonsense. It is not practical. It just makes things absurd. They are only open for 2 or 3 hours but people do want to go in there. They feel that it is crazy that there are these restrictions. It is just something that we need to overcome. I think these new regulations will do that. They are a lot simpler. The other thing that they address is the problem with deliveries. If you live near to a shop and there are deliveries at early hours on a Sunday or, let us be fair, at any other time, it is quite a problem. But on a Sunday in particular when people are trying to have a quiet morning in, it can be quite disturbing. At least we will have some method of controlling this. I think that is important. I will not go on because the other Constables have spoken on items involved with this. But I think this does bring clarity. It makes it a lot simpler to operate. I think it will be a lot more effective.

6.1.6 Deputy P.V.F. Le Claire:

Just very briefly, I hope that we consider that when people are faced with an opportunity to work and they are faced with an employer that wants them to work, one of the questions from the employer is going to be: "While I am interviewing for this position, how are you fixed for Sunday?" That is what is going to happen. The person that says I am ready and available is going to get the job. The person that says: "I have some different beliefs about working on a Sunday and I would rather not if that is okay" are going to get a different perspective from that employer. If anybody says that is not the case then I would suggest that they never been in that position. I certainly have been in that position. I have been asked to work in security patrolling roofs at night time and shopping malls and walking through empty shopping malls at night. "How are you fixed for working on weekends?" "Fine, I need the job." "How are you fixed for walking around on roofs at night?" "Fine, I need the job." "How are you fixed for disarming drug gangs and street pimps and people with knives?" "Fine, I need the job. I need the job. I need the job. I will do it. I will be there. I need the money." I have been there and I know other people who have been there as well. Maybe not in such extremes but certainly in relation to Sunday it is not just about whether or not people want to work. If people want to work on Sunday, I would suggest that there are plenty of opportunities to work on Sunday now. There certainly is going to be an increase in the economic activity in town and other places. There certainly is going to be an increase in policing. There certainly is going to be an increase in providing services, clean ups, *et cetera*. But it is certainly going to impact also upon the residents in town that are going to see increased traffic levels, increased activity and the one day in the week where they feel that there is a bit of peace and quiet around town relatively speaking. I do not know personally how this is going to go down with everybody. But I would ask us just to consider for a moment that when you are up against the wall, an employer asks you if you want to work on a Sunday, you are going to have to say yes if you want the job in this modern society we are moving into. Fine, the tourist wants to spend some money on a Sunday. I just hope that the Constables have thought this through as thoroughly as it needs to be thought through. I do not know if they have considered this point that I am making. I certainly hope they have. I will be guided by the reply that I get to my speech. I will be guided by how the Constable of St. Clement reacts to that and informs me as to how that is going to be dealt with in any way, shape or form because I certainly do think it will become an issue with those that are at the bottom end of the ladder that need the employment. They will be forced to take the "I will, I will, I will" approach if they want to get the job in many circumstances. I agree there is a lot of nonsense in the law. I congratulate the Constables and everybody else for doing the work.

There has been a lot of nonsense around for a long time. At the same time I have not heard these points being made yet and I am just wondering whether or not they were considered.

6.1.7 Deputy T.M. Pitman:

I too would like to applaud the intention of the Constable of St. Clement in attempting to bring clarity and consistency to this area. However, for once I also find myself agreeing with everything Deputy Gorst has said. Indeed as Deputy De Sousa also highlighted, the very real downside of this is likely to be the knock-on effect of further erosion of family life. Tomorrow or Thursday we will also be discussing a proposition to allow Boxing Day to be enjoyed by retail workers this year rather than the reality of people being intimidated into working on holidays and Sundays, evidence which I know has been presented to Deputy S. Pitman. I do support the thrust of this, as I say, but I cannot help feeling a very deep underlying concern - and Deputy Le Claire has touched on it - as to which of the 2 issues is more important. I do think that family life must come out on top so I am really waiting to be convinced. On a final personal note because I did not hear exactly what he said, I would like clarity from the Constable if he could just make quite clear my concerns about the opening of hairdressers being effected because I was not quite sure if those were at present or not and they play a big part in my life.

6.1.8 The Deputy of St. John:

I remember the days when on Good Friday the only film somebody would go and see was at the Odeon Cinema and it was run by the Methodist Church. Quite a few others remember that day. I now see a supermarket in St. John open on a Sunday with the neighbours who contact me quite regularly about being woken up at an early hour in the morning because of movement of goods. I am far from happy with moving from the current system. I need to be convinced by going with this that the staff in businesses will be better off because I do not think that they will. Is there a hidden agenda of shopkeepers' greed against the poor working staff and somehow the business people have managed to buttonhole all 12 Constables? It has taken them 15 years to be able to make it happen and they probably waited until E.D.D. had a former president of a committee as a Connétable to take this to the House because it has not been successful in the past. We have it about right, in my mind, at the moment so why change? I have seen the arguments but no one will convince me that going down this road will make things any better. The staff will be forced to work by the owners of the various businesses. This means the quality of family life will be eroded. Those people who currently have Sunday lunch with their children and grandchildren, there will be one or 2 people missing from that table because the nature of this particular beast will mean that they have to work because that will be part of their terms of agreement. Currently people complain about our children on the streets at night and at weekends. Has anybody taken the time to look into the sort of working backgrounds that many of the parents have? I must say we must not open the floodgates. We need to bring back the old values so that we can have Sunday lunch with our children and our grandchildren and go on the picnics and the things that a whole family can do. At the moment we see parents drop off their children at school and grandparents pick them up because the parents are having to work extended hours to pay mortgages or rents or whatever. By allowing the Sabbath to be put into the equation of the other 6 days of the week, the family values are going to be eroded. There is no doubt about it. If businesses cannot make sufficient money within 6 days then they should close shop because there is only so much money to be spent in somebody's pocket and whether they spend it over 5 days, 6 days or 7, they will not increase the volume of cash in circulation. I am going to wait to hear the remainder of the debate and hear how the Connétable of St. Clement sums up, but at the moment I am minded to stick with the *status quo* because I think family values are far more important than the tills in the shop.

6.1.9 Deputy A.E. Jeune:

I did consider that the Connétable of St. Helier put the case very well for those who want to work and want to shop on a Sunday. There are a number of people, particularly the young, who want and

choose to work on a Sunday. I would ask Members of this House, those who are particularly worried about Sunday working, do you ever go to a restaurant for dinner on a Sunday? As someone who worked 24/7 - shifts of course - my staff who had families, I saw no evidence of their family values eroded yet Sundays they most certainly did work.

6.1.10 Deputy J.B. Fox:

This is one of those arguments that you can go to and fro for hours on end and of course it depends on your way of living and where you were born and the traditions of your family and the luxury of whether you can buy everything you need when you need them including a mortgage for a house, a car, *et cetera*. Of course there are all different sorts. Before I was a policeman, I was a grocery manager, the youngest of 1,500 branches which is now Safeway but was an international store. I never had any staff problems with working extra hours or anything else like that or when people needed to be off with their children or they needed a holiday, *et cetera*, because there was always some friend of theirs or someone that they used to nominate that came in and took over their job. It was like in modern terms a job share type thing when required. It worked exceptionally well, especially when families were working in industries like the car industry, *et cetera*. There were time periods when they appeared to be off on strike or work go slows or whatever so having an alternative income. It is the same with here. I have been here for 45 years now and I still meet people from my previous life where they needed to be able to work. Some of the large retail outlets in Jersey have shifts that work nights to replace the shelves because they cannot do it during the day because of the amount of business with the limited size of the premises. That is what happens on small islands and places like this. The other side of the coin is of course you have got a lot of people that have come here to work and live and they have not been here long enough to be able to build up a sufficient ground base to get the well paid jobs, *et cetera*, so many of them are doing 2 or 3 jobs on low pay. But what happens is the husband - the partner - comes home and looks after the children while the wife goes out and does a job. Certainly around where I live in the backstreets it works also the other way round where the man goes out in the evening and is washing windows or doing whatever and the wife is looking after their children. But you have also got the family life. Certainly again looking at the backstreets in the urban area, I am pleased to say that there is a lot of traditional values. Only 2 nights ago, or whenever it was Halloween, they were knocking on my door and they had an adult with them and the children were coming. They were all very polite. They were all very well mannered. They were enjoying their 'Trick and Treat' evening, *et cetera*. Yes, there were some firework displays in the background that one could hear. Likewise some of the empty shops in town have been turned into little cafes. With the density of housing and the poor quality in places of housing that do not have the opportunities for amenity space and do not have the opportunities for recreational space, they are using these little cafes as a place to go and have coffee with the children, with the relatives and it is a gathering meeting place. It is what in the old lodging house days used to be a lounge downstairs but probably worth maybe £500 or £1,000 in rent now to be let for a room. There are all sorts of things that make up the need for retail shops to open. As you know, in other parts of large cities, *et cetera*, you have some shops, chemists, corner shop type retail units that are open 24 hours a day and they are serviced 24 hours a day. Nobody wants anybody to be forced to go and work hours that are not suitable for them. Nowadays the modern employer is much more aware of family needs. From my experience, yes, there will be the odd bad employer but most of them if they can get round a problem, they will get round the problem. Yes, there will be some people that, like Deputy Le Claire points out, feel they have got to say yes and they have got to do any job that comes up because that is the only way they are going to survive. There is not a lot we can do about that. If you close everything down and they do not survive then they end up being even more disadvantaged than what they were before and they end up committing crime or getting involved with things that are not pleasant. They end up with domestic violence or a number of other things. So there is a balance to be had, but on the whole the law as we have it at the moment and the procedures we have at the moment are an ass. To not be able to go into a shop and buy the tobacco pouch but you can buy the tobacco is absolutely crazy.

That does need sorting out. On balance I am going to support this, recognising that this is almost a living document because it has its checks and balances within the Parishes. We all have Deputies and Senators obviously that if they do receive complaints or there is clearly something wrong, they can always come back to the States or go back to the Parishes to resolve any issues. If we have such things that are identified as bad employers or whatever, we have the means to be able to deal with it. All in all although not perfect, and I have not touched obviously the important festive days which I would prefer them to be closed, but you have got to recognise that there are occasions when people just do not have the funds to be able to go and do a week's shop. It would not be the first time that I have had a phone call at home and we have supplied a pint of milk to a mum who has not got any money and it is Sunday and they cannot get help because everything is closed except for the police station, the ambulance station and the fire station but the Deputy does answer the phone.

6.1.11 Senator A. Breckon:

At one stage I may have been considered an expert on this and it landed in my lap. I am quite happy to pass it to Senator Maclean and Economic Development because I should say it was an absolute nightmare. I say that because this had been literally round the Houses. A former Tourism Committee had it. They had it because people were visiting the Island and saying why can we not buy this, why do we buy that. That is why there are some things in the schedule. Also there are essentials like coal and fuel and candles and things that are in there. It went from Tourism. Tourism formed a sub-committee at the time that came out and said nothing. This was perhaps a classic way of dealing with the subject. Give it to somebody, set up and get the membership that will come forward and be negative. That is what they did. As the Deputy of St. John has mentioned, the *status quo* which I do not think is an option. It then went to Finance and Economics and it went to a sub-committee - a trade and industry sub-committee - which Deputy Duhamel might remember. Again this was a hot potato that was being passed round and it finished up, I must say unfortunately, with the Consumer Counsel. We did a survey. We used fifth and sixth year pupils to do it. It was a very effective exercise. It was done through the former Chief Adviser's Office, Mr. Powell, and it was a whole worthwhile exercise but it was predictable. Younger professional people wanted shops open all the time. Older people were not so. There were people in the middle. When shops were categorised into D.I.Y. (Do It Yourself), it came down about in the middle. I think that was from a male point of view. If on a Sunday you were having 10 minutes on the sofa, you did not want somebody else turning up with a pot of paint or something to do in the garden. I think there was some survival in this. But generally I, as an individual Member, twice brought projects to this House. I think then Senator Norman was a supporter of it as he then was. It was me, him and perhaps somebody else. Of course the difficulty is everybody said you must change it but when you made suggestions they said: "But do not do that." Is it about the size of the shop, is it about the products, is it about the time and the rest of it? It became a nightmare. That is why I have kept very quiet on this for a number of years because I know wherever you tread you are treading on eggshells so it is a case of stay away from it. But then we have to do something and I want to just say really why. It is a political cliché, something must be done. Indeed in this case it must because the *status quo* is not an option. The law as it stands, and I am sure the Connétables will agree, it is not policed and it is not policeable because there are items on the shelves that people will pick up and when they get to the point of sale it will be very difficult to tell them: "I am sorry, you cannot have that tin of furniture polish" or whatever it is. "You have to put that back. You can have some candles." "I do not want candles. What do I want candles for?" The whole thing became a nightmare. Then it has been badly amended because flowers could not be bought unless they were bought from a holding on which they were grown. I told you I was expert. I know the clauses but I am not going to dwell on it. But that is how it was. Then you had shops with flowers outside. Then in one Parish it happened. In another Parish it did not. Then somebody objected. A florist objected: "I cannot open. They are selling flowers. I could have that trade." As I say, it became a nightmare. At one stage I went to the Comité des

Connétables - it is quite a long time ago - and I realised there were 13 laws because there was the law and then there were Parish interpretations of them which were different. We had one stage where I made representation for the guy who has got a thing which is not much bigger than the area I am standing in on the breakwater of St. Catherine that sold fishing tackle. His best day was Sunday and he could not open. Everybody was down there on a Sunday and the bloke could not open. He said: "What is the point? This is my business." The law did not allow him to be open. I digress slightly. The other thing is the reality is people do want to shop for bits and pieces on a Sunday. That is really about where it is. There is dispensation for faith or whatever you want to call it. I do remember where there was a twinning occasion with various visitors from France. There was something going on in a field in a country Parish - I will not mention the Parish - but because of the Sunday Trading Law, the goods that they brought with them could not be exchanged. It was a case of if you give me some money and then later on if you look in the hedge over there, you can take that as you go to your car. That is what was happening and everybody was turning the proverbial blind eye. The other thing is of course we are still a tourist destination. We have to service that, but as well as that we have people who are working as well. We have the harbour, the airport, the utilities and there are people working in tourism and leisure the year round. There are people already working so keeping Sunday special is not quite there because we all need things on a Sunday, including of course essential things, fire, police and health, public and private. There are a lot of people, I would suggest, working already. I do not think there will be any undue pressure. I know one convenience store proved that they had more volunteers on some occasions than what they needed. It was family reasons. Even some of the working women like to work on a Sunday because if they have a couple of children, they could leave them with their dad. That was beneficial for all. It was bonding for the dads and it was a few pounds for the family. I can understand people's arguments but some of this has been well rehearsed and well versed before. I think what this is - and I congratulate all concerned because it is an improvement - it was a bit of an embarrassment if we are saying that we are a mature finance centre and then somebody had been prosecuted; and I know somebody that was in St. Ouen who contacted me years ago, because the assistant did not realise the law and I think they got fined £500. I will not mention their name but the Constable will know who it is. He has told me on a number of occasions the assistant did not know that she could not sell that and somebody picked it up and they got fined for selling something that I think was an item of jewellery or a trinket of some sort. That was the sanction of the court. I will just close by saying that I think what we have got here is a delicate balance. I do not think there is a need for or the traders would welcome no regulation because the trade is not there. If there is the element for people to spend the money locally then I think we should welcome that but we should balance that with the needs of the community and the people who work there. For me this is about right. I hope the House will approve it because it is something that we need to do because these prosecutions if they were to take place, and it could happen any Sunday if somebody was perhaps I would say silly enough to try to police it to the way that the law is done, would make us look really silly. I think we need to move on. I think this is a modernisation process. I hope Members will support it.

6.1.12 The Deputy of St. Mary:

I want to make one or 2 small points and then a couple of questions really to the Assistant Minister asking for a definite stance on the regulations that he would be able to bring in under this law. I would think the majority of us agree with the tidying-up and the consistency aspects of this. There are just so many things that have been put right in these proposals. The specific days must be protected. Deliveries are now caught in the law. All types of retail are caught in the law and so on. There is a lot of good here. The small points. The appeal to the Comité des Connétables. I just want him to comment on that with respect to human rights. I do not know. It just makes a little alarm bell go off in my mind that effectively a shopkeeper, would they be minded to appeal against any particular judgment of a Constable, would then be appealing to the body of Constables. There may or may not be an issue there and if he could clarify that. Slightly more important perhaps,

exempt transactions on page 11 of the report. There are a couple of things that worry me about that. Firstly, under the 4 categories of trade that are completely allowed - medicines, post office and so on - do the Constables have no control over those exempt transactions at all? If he could clarify that. Further the omission of cafes and hire shops. They do not figure anywhere. They are a bit like the man on the pier at St. Catherine. I have to declare a past expired interest here as a former owner of a cycle hire shop that is no longer a live interest. Clearly if a business like that cannot open on Sunday, that is the thing about sharing the 6 days trade over 7 days does not apply. That is one of their main trading days. I just want the Constable to comment on the omission of those from that page 11 list. But moving on to the wider principles, if you like. There has been some question raised about family life and saying somehow that what we are looking at today might be in contradiction to that. I think it is really very important. The Constable mentioned in his opening remarks the presumption is that on Sunday shops are closed. I would just like him to repeat that in a way in his summing up; just that that is the default position and to accept the reasons that Sunday is indeed, in my view, a day apart. I could just give one example. I remember - it was not this year but it was a couple of years ago - I went down to St. Ouen on a Sunday afternoon. It was a glorious Sunday afternoon and it was full. It was just lots and lots of people enjoying their Sunday together as families, sitting on the sand and just having a ball. It was mostly locals I am sure because you can tell the difference. It was just a lovely feeling like the Island was having a day off. I accept that some people cannot, because they work on Sunday, partake of that experience but the fact is it is very important. We have to bear that in mind when we are couching the regulations. I just want to emphasise that. The other point of course that has been mentioned by other speakers is workers' rights. Firstly, a repetition that that will be taken on board in the regulations; that that whole area will be part of the couching of the regulations so that we are not faced with regulations that are not fit in that area. Again I have to ask the human rights question about that as well; about the freedom of people not to work on that day. The other point about Sunday being the day when you presume that shops are closed is that it makes no economic sense in most cases for shops to be open 7 days a week. All you are doing is spreading the trade of 6 days over 7 days. I have a letter here from a leading garden centre in the Island. I will not read out the quote but what she said was that she was against opening 7 days and not 6 but as things are now she has to because some other Constable in some other Parish might allow it. The consistency comes in. If they are all closed, for instance that particular class of shop, then she does not feel she has to open. I think that has to be taken on board as well. It is uneconomic for many sectors to open 7 days a weeks because all they are doing is spreading 6 days trade over 7 and increasing their overheads. When I was on Amos, which is a sub group of Christians Together in Jersey, we talked a fair bit about Sunday trading. I did a study of the main supermarket groups. The consensus of their managers was they did not wish to open their big stores on the seventh day because again it spread the overheads over 7 days and increased their costs, which they would then pass on to customers. There are strong arguments for protecting Sunday. I do take on board obviously the situation of people who are working on Sunday who have to nip out and get to the shop and so on. That brings me to the consultation aspect. The Constable in presenting his case said there had been masses of consultation. He is quite right. There has been a fair bit. But the presentation of that consultation is not quite right. On page 8, the results of E.D.D.'s own survey reveal that from the 237 who chose to complete the consultation questionnaire, 57 per cent of respondents were in overall favour of Sunday opening. 57 per cent of respondents were in overall favour of Sunday opening. That is not quite true. It is a sort of spun version of the truth because if you go to the detail on page 23, you find that in fact on any normal reading of the statistics, the majority are not in favour of Sunday trading as you would normally understand it. I think we have to be careful when we are trying to read what the public want. If you look at the chart on page 23 which is the chart of the data that I have just said, 57 per cent are in favour of Sunday trading, what you see is that in answer to the question: "Are you in favour of Sunday trading?" 43 per cent say no and 41 per cent say yes but with restrictions. That to me is the qualified no. It is saying I would rather they did not but they have to stay open because there are people who work and there are people

who need to nip out to the shop and there is the man on St. Catherine's pier, but the general gist is we would rather not. If I add 41 per cent and 43 per cent I get 84 per cent. Yet we are told that 57 per cent are in favour of Sunday trading. I just think we have to be very careful when we put out figures like that on the basis of what people have replied to a questionnaire and then somehow it changes a little bit. Now it strengthens the argument for a loosening of Sunday trading and that is what this is about but it is still ... well, it is. The Deputy of St. John read it that way and, in a sense, it is a loosening. As I said, I am not against it because there are so many advantages in the consistency and the ruling-out of these daft things that we have at the moment. But you just have to be careful when you present what the public think and the same thing is done with the J.A.S.S. (Jersey Annual Social Survey) results which are more representative, much bigger - on page 14 with a much bigger sample size - and again we have the numbers who say no to Sunday trading is 17 per cent of the population. 17 per cent. So the public want Sunday to be a special day. They do want it. We do not have to be afraid of the public rising up on this. We need fairly restrictive regulations and I just want to hear in summing up about the sort of direction the regulations are likely to take, whether they will ... this presumption on Sunday shops are closed but all the regulations are designed to do is make little qualifications to that in respect of both the special day and what the public think and workers' rights.

6.1.13 Senator T.J. Le Main:

I support very much the ... and like to follow the Connétable of St. Helier and Senator Breckon because quite honestly, these little shops cause no problem at all. A lot of them now in the countryside are owner-run; they do not employ staff. The only time of the week they can, in fact, earn a little bit of extra cash; they are very, very busy and they provide a very good service particularly for people that tend to shop on a daily basis, and many are people who have not got a lot of money who tend to get their bits and pieces on a daily basis. This is a real opportunity now to clarify the issues as pointed out by the Connétable, the rapporteur. The amazing part about this, if we were to say: "We will close on Sundays", Harbours have a different law. For instance, they have Kufras on the New North Quay which will remain open and under the trading laws of the Harbours and Airports Committee, they are obliged to allow people to have a shop to serve the boat owners and the people that come in. So it is an absolute nonsense and as I say, this has needed sorting out for many, many years. I think the speech, especially by Senator Breckon, really highlighted across the board the issues in relation to the community. We are talking about serving the community and I do not think any of us are going to be in the issue of: "We do not want to open." My wife goes to church on a Sunday and she goes to a shop and gets some bits and pieces after, and I think many people do that. What we are talking about is a community. Senator Breckon is absolutely right and the Connétable of St. Helier is absolutely right and I, for once, am going to really support this and give my whole support behind this proposition.

8.1.14 The Deputy of St. Ouen:

I will be brief. I would ask the rapporteur in his summing up to speak about the definition of shops. We have heard much said today about dealing with various anomalies that we are all well aware of. However, what concerns me is that in the report we are told that the anomalies are going to be dealt with by defining a shop as: "Any premises, structure, vehicle or place used, whether permanent or temporary, for any one or more commercial activities which includes the provision of goods and services." I think the question that I would like to ask is first of all, how many businesses could this likely to increase the ability to open on a Sunday? Or maybe the alternative question is what businesses will not be able to open on a Sunday?

6.1.15 Deputy S. Pitman:

I think this has already been touched on when the Deputy of St. Mary spoke about workers' rights. What I would like to ask specifically is whether or not consideration has been given by E.D. as to

the impact of pay costs relating to overtime. Will Sunday be like any other day of the week or will it be increased rates?

6.1.16 The Connétable of Grouville:

As a representative of a Parish which, I think, has about 8 shops I feel that I can talk for the smaller shop keeper and it is true, in fact, as has already been said, that the small shops do want to open on Sunday. I do not really think it is going to affect employment to a large extent because they are owner-run or, in fact, they have children earning extra money on a Sunday, and I am delighted at that. The point I want to make here - and I am not going to run-on at all - is that this new law will give the Constables the right to tailor permissions. In other words, if you have a shop which has a newspaper delivery on a Sunday, obviously one has to allow those newspapers to be delivered to that shop. But you can always say: "And nothing else." So that is fine. That means you have got a minimum of disturbance. You have not got lorries rattling back and forward all day long. You have one delivery and that is fine. You might have another one when they are right next door to a church and the church objects to deliveries at a certain time or people being there at a certain time. We can tailor that. We can react to the public opinion and we can react to the shopkeepers' opinions as well. So I really welcome this law because in the Comité des Connétables whenever we have had to discuss it, whenever the chairman of our Comité was looking around for a volunteer to take the Sunday Trading Law on there was a noted lack of volunteers, I can tell you, because it was a real difficult job. I am going to back this law 100 per cent and I congratulate the Connétable on the work that he has done and the department. It is absolutely first class and I cannot think of a better one.

6.1.17 The Connétable of Trinity:

Maybe it might be a good idea to put everyone's minds at rest. The Connétables are not looking at wholesale opening of the large supermarkets. What we have now is what I think the majority of the Connétables would just like to keep but the list was an absolute farce. But the one thing which I would just like to mention, which I am delighted about and I think it is most probably because I have the R.J.A.&H.S. (Royal Jersey Agricultural and Horticultural Society) Showground in my Parish, is that it was a nightmare for me when there was a show on because, basically, I should have gone into that place and everyone who had a small stall should have had a Sunday Trading permit. Now, I am delighted to see there is now a permit for events where I can give a blanket permit to the actual organiser of that show and that will cover everyone that is taking part in Sunday trading. That has to be a good way forward. I would like to have seen the R.J.A.&H.S. Showground exempt because I think that used to happen in the old days in the Fort, and I think the amount it is being used now as a centre for tourists and for local visitors to visit maybe they could have been exempt but with this, it is a nominal fee of £15 and I am sure will not affect anyone unduly by the expense of that, and this is a good way forward and I thank the Connétable for bringing this.

6.1.18 The Deputy of St. Martin:

Again, in general support because I think Senator Le Main and Senator Breckon have been here for any number ... it is almost a bit like Clothier, really. We seem to keep coming back and we never make a decision and it seems to me that there are never any winners because, like Clothier, we all want change as long as it does not affect us. It has been very much a testing, step-by-step approach and it has been mentioned twice today about the anomalies in the law and could I just clarify the situation about down in St. Catherine's because having been down there once or twice, the difficulties the man had there was that he was allowed to sell the tackle but he was not allowed to sell the bait. That was the stupidity, the anomalies in the law and, in fact, I remember way back in the mid 1990s I brought forward a number of amendments to the Licensing Law, again to try to make that a little bit clearer, and I think if someone mentioned about the days when the shutter used to come down at 1.00 p.m. because after 1.00 p.m. you were no longer allowed to sell alcohol yet

you could go to a restaurant and have a meal with alcohol but at the same time you could not have that in a pub either because between 1.00 p.m. and 4.30 p.m. you had to close because someone said somewhere along the line that you could not open. It was quite difficult to get that particular law changed but I eventually got it changed, or I did not get it, the States agreed to it. But would anyone really go back? Just imagine if someone came to the States now and said: "We believe that pubs should close at 1.00 p.m. and the shutters should come down," I wonder how many votes we would get for that. So a lot of these things are tried and tested and I am sure what we will find with this particular law is we need clarity, we need consistency and it has been a step-by-step approach. But one thing I would ask - and I think the Deputy of St. Mary touched upon it - was the clarity about if there is the presumption that the shop is open, and it will be down to the Connétable to show cause as to why it cannot open. Or is it the other way around, because I think there is that little bit of air of inconsistency; or not inconsistency, a lack probably of knowledge. The Deputy of St. Mary was shoving around a bit of buff colour paper that happened to be in the Parish of St. Martin and again having met with those people there they were a bit miffed these people could go to Grouville and buy some stuff at a well known retailer there however in St. Martin they could not. These are the sort of anomalies which we have got to clarify and make it fair all the way around so that at least people know where they stand but maybe when the Connétable of St. Clement sums up he will just clarify the law about is the presumption it is open or the presumption it is closed, and also maybe elaborate a little bit more about the appeal system because I was minded to bring maybe an amendment to say that it should not be the Connétables to do it but, again, who else? I think we have to try the system. I do not think there will be many appeals because at the end of the day there is not that number of shops, but maybe the Connétable can just clarify the 2 positions; one about the presumption of openness and also elaborate a little bit on the appeal system so we are seeing that Connétables are appealing to Connétables.

6.1.19 Deputy M. Tadier:

I think we are always going to be in a slight quandary with this one because on the one hand we all want everybody to be able to have Sunday off but we also all want to be able to do our shopping on Sunday if we have just forgotten something on the Saturday. So it is always going to be very difficult. These are the inherent contradictions, perhaps, with what we are dealing with and it is difficult. One has to make sure not to have knee-jerk reaction and go: "Well, let us have complete deregulation so anyone can open on a Sunday", or be too restrictive the other way. That is why I have a lot of sympathy with many of the comments that have been raised here today. I do want to take exception with some of the comments that have been raised. We heard from a couple of the Connétables that these are owner run shops that are open on a Sunday. Well, certainly, none of the ones that spring to my mind, the Spars, the R Stores, the Checkers Express, the Co-ops and the Roberts Garage. I do not think that the Roberts family still run each of the individual Roberts Garages over here. I am not sure if Mr. and Mrs. Spar are present in all of the Spar shops and I am not sure about Checkers and the Co-op. One of the issues I would like clarification of in the summing up from Constable Norman is to do with this discretion. Whenever I hear the word "discretion" alarm bells start to ring in my head because, on one hand, the liberal in me likes to think there is flexibility in our approaches when we talk about things, but on the other hand, discretion can mean inequalities in the system. So first of all, I would like to know how it works, how we are going to guarantee that there is a similarity of approach among the Parishes if I understand it is still the Constables who issue the permits ultimately. I also understand that there will be guidelines set by the Comité des Connétables. I would like to be reassured, for example, the Deputy of St. Martin raised it about whether there is a default position that one has a right to open a shop unless otherwise told to or whether one has to apply for a permit to open a shop. If someone is refused about the appeals process, because it seems at the moment that you have the right to appeal but then that is to the Constable of the Parish who is also ... if that is not the case then it ... it is for the Comité des Connétables which is made up of Constables who also set the guidelines. So there is an inherent problem there from a human rights point of view, I think, and I would like some

reassurances about that. So, for example, obviously somebody who may have gotten the wrong side of a Constable - and, by extension, the Comité des Connétables - how would they know they have a fair right to appeal? We hear the usual groans about this, of course, but human rights issues are important and we need to be taking these on board. I also think that Deputy Jeune gave quite a salutary reminder again of the contradictions, how we all like to go out with our families, it has been suggested, perhaps for meals on Sunday but then we have to remember that somebody needs to work there. It is often an immigrant labour and, presumably, that is the transient nature of these kinds of jobs. I think many of us have worked Saturday and Sunday jobs and it is a nonsense to think that it is voluntary because if we turned around, as I might have done when I was young and said: "I go to church on a Sunday and so I cannot work for you" they would have said: "Okay. Well, you are not going to work for us on Saturday, either." That is just the reality of it. So I think I am going to reserve my right to listen to the summing up to see how I vote but I would hope that a strong message has been conveyed here, that in an ideal world Sunday opening should be restricted, that we do need to promote family life and also individual life. I think people who do not necessarily have families need to know that they can have a day off sometime in the week. These debates tend to descend into a kind of wish list for individual Members so I am certainly going to get my chance to say I would be quite happy to see a reduction in Sunday opening across the board, perhaps in an ideal world for it to be completely stopped. But, of course, we do not live in an ideal world and to have more late night opening across the board, I am not just talking about in shops which sell food but right across the board so people can buy C.D.s and clothes after work so that the shops do not close at 5.30 p.m. and 6.00 p.m., and I know they can but I think that needs to be something that is taken on board by the shops themselves so that people can maybe go after work to do their shopping and not necessarily do it on a Sunday.

6.1.20 Senator P.F. Routier:

I have to say I have been heartened by today's debate on this topic because Members will know I have been a retailer for a number of years and I have been hard and fast anti-Sunday trading all my life and I probably still will not change that, and I am a member of the Economic Development team. I think what is coming forward here with this legislation is the right thing to be doing because what we currently have does not work properly but I think the trick will be for us to closely monitor what comes forward in the regulations. The regulations is where it is really going to matter for those of us who really want to have a view over what is going to happen with Sunday Trading. For instance, the size of the shop which is allowed to be open will be a vital thing to be looking at, and I know as part of the Economic Development team we have listened to what has been said today about the desire to ensure that Sunday does still have a special meaning in Jersey. I hope that when the tricky business of writing the regulations with regards to the size that perhaps one would have to be careful not to have the size too big but it made the opportunity for some of the smaller shops along, perhaps, the south side of King Street all to open, which could happen if there was a size that was selected which was sufficient for a medium-sized supermarket to open in the country Parishes but that reflected within the town could make a different aspect to the town openings. So I would hope the regulations which we do bring forward will be able to have flexibility which could control the ability of the majority of some of the smaller shops in town to be open because we have to be careful of that. If it was going to be ... I was a bit worried about the comments of the Constable of St. Helier who seems to be on the side of perhaps opening more shops. So I am a bit wary of what is coming forward. I wholeheartedly support this law going forward but the regulations I will be holding my breath on.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Connétable of St. Clement to reply.

6.1.21 The Connétable of St. Clement:

I thank all those who have contributed to an interesting debate. One or 2 Members have, somehow, presumed that this is a deregulation of Sunday trading. I did try to say in my opening remarks nothing could be further from the truth. We are not loosening Sunday trading. We are not deregulating Sunday trading. We are continuing to restrict Sunday trading and we are going to restrict Sunday trading if this law is approved in a stronger way than we do at present. The Deputy of St. Ouen asked: "How many more shops will be able to open?" The truth is, the reality is, probably, because it depends on the regulation, but a lot less that can open now because hairdressers are currently exempt from the Sunday Trading Law. They can open every Sunday, Christmas Day, Good Friday, whatever day they like. Tanning studios, the same. A laundrette, the same. Hire shops, the same. Tattoo parlours, the same. All those will now be encompassed in the Sunday Trading Law. If we do not approve this, we will be left with the law that we currently have which is basically the government-approved list of things that can be sold. Are Members aware, I wonder, that there is no size restriction on the shops that can apply for a Sunday Trading permit and one of the things right at the top on this government-approved list is food. Now, if the law remains as at present there is nothing to stop the major supermarket in St. Saviour, the major supermarket in St. Peter or the major supermarket in St. Helier applying for a Sunday trading permit. If they were granted that Sunday trading permit - and it is very difficult for the Constable to refuse it because food is right at the top of the government-approved list and that is the thing they sell most of - they would be granted a permit and could open every Sunday, every Christmas Day, every Good Friday, 24 hours a day if they so wish. That is the current law that we have. The law that I am proposing and putting forward today says: "No, we have the ability to restrict that situation by regulations because this is an enabling law", and I will come back to that in just a moment. What I was going to say to the Deputy of St. Martin is that we have difficulty making decisions. I would not worry about that today because we are not making decisions. We are creating an enabling law which will enable us to make decisions probably next year, if this law is approved, to come back with the regulations and that is when we will have the major debate as to who is affected and how. Senator Routier made a very valid point. He sees a difference between the south side of King Street and the small supermarkets which are opening in the country Parishes. The regulations are quite clear. If this law is passed, we will be able to make regulations, make different provisions for different classes of shops by reference to their size and nature of the impact on the peace and tranquillity of neighbourhoods and so on. So these sort of things, the flexibility the States will have which we have not got now. If somebody is granted a Sunday Trading permit now, they have a Sunday Trading permit every Sunday, every Christmas Day, every Good Friday, every Liberation Day, 24 hours a day. The Deputy of St. Mary asked about the appeals process. I have no reason to suppose an appeals process is human rights compliant. Again, that would come under ... and we have the power to make regulations to create that appeals process but at the moment there is no appeals process so that must be an improvement. The Deputy also asked about exemptions. Currently, if I remember correctly, foreshore concessions are exempt because they are on Crown property. Pharmacies are exempt, I think, for obvious reasons. Post offices are exempt, I do not think they should be and will not be in the regulations I bring back. Shops at the harbour, airport and Fort Regent are exempt. I can understand it at the harbour and the airport because these concessions have contracts which require them to be open while the harbour is open and while the airport is open, which is quite a reasonable thing to do and it would be; I do not think the right thing to do is to force them to close through another law. Cafés and so on come under the Places of Refreshment Law and not under the Sunday Trading Law. Hire shops and the Deputy's bicycle hire shop will come under the Sunday Trading Law.

The Deputy of St. Mary:

Former bike.

The Connétable of St. Clement:

The Deputy's former hire business will come under the Sunday Trading Law. It currently does not but another Constable has pointed out to me, under the regulation if there is a problem with noise, we could make the bicycles on a Sunday have their bells removed. [Laughter] But whatever we decide, whichever shops eventually we decide can or cannot open, clearly no one is forced to open 7 days a week. The Deputy referred to a letter from a garden centre. Currently the garden centres would, generally speaking, not be able to get a Sunday Trading permit because the list of goods that they could sell would be very, very limited and when we bring the regulations I intend to bring regulations which will restrict the size of shops that can open on Sunday. The States will decide what that size will be because the Deputy is quite right. In many cases all we would be doing is having 7 day trading and not taking any more money. The concern for family life that one or 2 Members stressed, including the Deputy of St. John, Deputy Pitman, certainly does them credit. But clearly, their concerns for family life extends only to people in the retail industry. They forget, conveniently, about the people who have to work in public houses, the people who have to work in hotels, the people who have to work in restaurants, the people who have to work in the hospital, the people who have to work at the airport, the people who have to work at the harbour, the people who have to work at the police station, the people who work in the televisions station and the radio station, at the cinemas, the ambulance station and probably a lot more besides. There are probably, I do not know this, but there are probably more people working outside the retail industry on a Sunday than there are inside it and, certainly, for longer. I appreciate Deputy Gorst's point but I reiterate again, he and Deputy De Sousa and, indeed, Deputy Le Claire, gave the impression that we were extending or creating Sunday trading. That is not the case. We are not introducing Sunday trading. Sunday trading exists and there is no appetite that I have detected, or I think the Chamber of Commerce has detected, or anybody has detected for wanting to extend Sunday trading otherwise it would already have been done, as I explained earlier. Other larger stores would have applied for permits to open. That is why I could not understand when Deputy Le Claire spoke about increased policing costs, increased clean-up costs. It is assuming there is going to be more and more Sunday trading but the point is, I do not believe that there will be because there is no appetite to do so and the question was asked: "Is the assumption that all shops are shut on a Sunday?" It is quite clear. The law - this is the law not the regulation - , a shop, if it is approved, shall not be open on any Sunday, Good Friday, Christmas Day or Liberation Day except by permit. So the assumption is that shops will close and the States will, by regulations, decide on what criteria that shops will be allowed to be granted a permit. Not me. Not the department. Not the Minister. The States will decide on those regulations. The Constable of St. Helier was absolutely right. There are people who need to work and there are people who want to work on a Sunday and the truth is, if anybody bothers to go and find out, the major stores have a waiting list for staff who want to work on the Sundays when those shops are open. Now, the Deputy of St. Ouen shakes his head. He has not bothered to check with those stores or with the people who work at those stores. There are waiting lists for work at those stores.

The Deputy of St. Ouen:

Just as a point of clarification, I have been an employer for 30 years and offered staff the opportunity to work 6 or 7 days a week and I know that many hundreds of staff have chosen only to work 6.

Senator T.J. Le Main:

But you paid them £2 an hour. No wonder they did not want to work. [Laughter]

The Connétable of St. Clement:

As I said, the Deputy has not spoken to the employers or the employees in the retail industry. He is making a judgment of his own employment practices goodness knows how many years ago, and I do not think that was in retailing. Sunday trading is not being extended by this new law. Sunday trading will be allowed by permit only and by the number of permits that are issued. What this law

is really saying is if a shop is permitted to open it should be able to sell all the goods that it normally sells during the week. We come back to the issue with the cat litter. At the present moment, cat litter should not be sold anywhere but in some shops it is openly on sale and people buy it, and there are pet shops that cannot open at all that could sell the cat litter. It is simply an absolute nonsense and absolutely unfair and I propose the principle.

The Deputy of St. John:

A point of clarification before the vote, for which I will ask for an appel. Can the Assistant Minister please clarify? He mentioned police, fire service, airport staff, *et cetera*, when he was referring to my comments about shop workers and the like. Does he not understand when he clarifies that those people will have days off in lieu within the fire service and any States employee where this will not happen in the private sector? They will be exploited.

The Bailiff:

That does not sound very like a point of clarification.

The Connétable of St. Clement:

Of course employees are treated properly and they have to be treated properly because there is such a thing as the Employment Law which requires employers to treat their employees properly. They are entitled to so many days off in a week or that will be abrogated over a fortnight. The exploitation that the Deputy of St. John was used to 30 or 40 years ago simply cannot happen today.

The Bailiff:

The appel is called for in relation to the principles of the Draft Shop (Regulation of Opening and Deliveries) (Jersey) Law. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 42		CONTRE: 4		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy of St. Ouen		
Senator P.F. Routier		Deputy S. Pitman (H)		
Senator T.J. Le Main		Deputy of St. John		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				

Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

The Bailiff:

Very well, Deputy Higgins, do you wish this matter to be referred to your Scrutiny Panel? Connétable, do we move then to the individual Articles? Because there is an amendment in Article 2, you had better propose Article 1 first on its own.

6.2 The Connétable of St. Clement:

Yes. Article 1 is simply the interpretation which, as I have said in my opening remarks, extends the definition of a shop to include the high shops, tanning studios, laundrettes and so on. So that is just the definitions there. I propose Article 1.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on Article 1? Would all those in favour of adopting Article 1 ... the appel on Article 1? Very well, the appel is called for in relation to Article 1. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 45		CONTRE: 2		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy of St. Ouen		
Senator P.F. Routier		Deputy of St. John		
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				

Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

So then, as I say, Connétable, there is an amendment to Article 2 so you had better propose Article 2 on its own.

6.2.1 The Connétable of St. Clement:

Yes, Article 2, similarly to the current law makes the assumption that all shops will be closed on a Sunday, Good Friday, Christmas Day and Liberation Day unless they have been granted a permit and this creates an offence to open on Sunday without a permit. I propose the Article.

The Bailiff:

Is the Article seconded? [**Seconded**]

6.2.2 Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009): third amendment (to Article 2) (P.111/2009 Amd.(3))

The Bailiff:

Deputy Green has lodged an amendment to Article 2 and, therefore, I will ask the Greffier to read the amendment.

The Greffier of the States:

1. Page 34, Article 2, in paragraph 1, after the words “Christmas Day” insert the words 26th December.

6.2.3 Deputy A.K.F. Green of St. Helier:

This amendment is about retaining and protecting family life and it is no coincidence that I have chosen to use the term “26th December” which, to me, is Boxing Day but this Assembly, by a very

slim majority, decided that Boxing Day this year is 28th December. This, in turn, means that the real Boxing Day will be a normal working day for those in the community that work weekends and unless dispensation is granted by the postal regulator, the post will have to by law be delivered on 26th December and shops will be open. To me this is unacceptable and is the beginning of the end of what is left of family life. There is no other holiday other than Christmas where families have a chance to get 2 days off together, 2 bank holidays off together, and I accept that I am too late for this year because if this amendment is accepted then it will need to go, as I understand it, to Privy Council and it cannot possibly be done this year but it can be done for the future. Over the years we have seen a steady erosion of all bank holidays and I want to ensure that 26th December is protected. I have stopped short of a complete ban on shops being open on the 26th. I have suggested that it should be by permit or by Sunday Trading permit, so I think I take into account some of the comments that are made by the Minister. It is all very well for those who only work Monday to Friday to consult with others that only work Monday to Friday all of whom probably take the whole of the Christmas break off from Christmas Eve through to New Year. I have heard the comments of the Chamber of Commerce and I am sorry, on this occasion I cannot agree with them. In fact, their comments could have come straight from Charles Dickens. Scrooge would have been very proud of them. One of the comments made by the Minister for Economic Development is that consumers may wish to stock up after Christmas. [Laughter] They may wish to and they will be able to with the limited Sunday trading that would be allowed on that day. I stop short of saying complete closure for Boxing Day, for the 26th, but post-Christmas sales like to start on the 26th. But will it be the end of the world if they start on the 27th and the families have a chance to be together for 2 days? The views of the majority were taken on board. The majority of whom? The majority of the people who wish to make money, the capitalists, or the majority of the workers who wish to be at home with their families? Because, believe me, that is what I am being told by those working in the shops. On the comment about staff not being compelled to work, clearly these people have never worked in retail [Approbation] because these staff will be compelled to work. There is no doubt about it and I can quote instances, not over here, but when my own family have worked in small retail shops and they have been forced to work. There is no other way of putting it. Do shop owners really value their staff and the staff's families so little as to begrudge them 2 days off at Christmas? Well, I have news for the Chamber. Their staff want, wherever possible, to be off, most of them. I have been stopped and contacted by many people agreeing with this amendment, including some managers and owners, who have stated and I quote: "We do not want to open on Boxing Day." By the way, just to confirm it, that is 26th December, the day after we celebrate the birth of Christ, not 28th December. They stated, some of them, that they have no option but to open because their competitors open. I urge Members to support this amendment and keep the whole Christmas holidays special for as many families as possible.

The Bailiff:

Is the amendment seconded? [Seconded]

6.2.4 Deputy D.J. De Sousa:

Thank God for commonsense politics. There is not really much to say after the speaker so eloquently put the case for this. I hope the whole House will get behind this and vote for it.

6.2.5 Deputy J.A.N. Le Fondré:

Yes, I would like to rise to support this amendment as well, especially as Deputy Green has just made reference to the last debate on Boxing Day, I would like to clarify why I am going to support this amendment because people may think it is slightly at odds with my stance on the earlier proposition and also what my stance is going to be on the forthcoming proposition later this week. The short answer is there is not an anomaly and the reason is this debate is about trading days and impacts on shops and business and, basically, what can open and eventually how they can operate. That is completely different to any impact on Employment Law, conditions of employment and the

creation of additional bank holidays. The 2 are not the same. The latter adds to existing terms and conditions which generally already, in my view, give appropriate protection. The former, what we are debating now, has little or no impact on employment matters and it is in my view a sensible solution to some of the dilemmas that were raised earlier, so that is why I am supporting it.

6.2.6 The Connétable of St. Clement:

I wish I could be so conciliatory but this has come about because of a decision made by the States about the Bank Holiday Law and because of that a number of Members ... and I sympathise with that. If I had been here I would have voted the same way as Deputy Green but because of that the Deputy has brought an amendment which causes a lot of anomalies and confusion in the new Sunday Trading Law if these are adopted. It will cause confusion and inconsistency because, firstly, one has to ask oneself, why 26th December? Whether it is Boxing Day or not, 26th December will be a Sunday, effectively, for the retail industry but not Easter Monday or not Spring Bank Holiday or any other religious festival. It does not seem to make a lot of sense and the Deputy is quite right. This will not come into effect for this year. In fact, this law will not even come into effect until after the regulations have been made, which will not be until next year, and because the Sunday Trading permits for 2010 will already have been issued it will be 2011 before this new Sunday Trading Law comes into effect. But just for a moment imagine that it was and this amendment was in place for this current year. 26th December, a Saturday, becomes a Sunday for shopkeepers and shop workers for no other reason than this amendment to the Sunday Trading Law but it will be a normal working day for everybody else, including the postal workers as the Deputy intimated. It is a Sunday for the shop workers and the shopkeepers, and a normal working day for everybody else. Now, 28th December, a Monday, becomes a bank holiday for everybody because of the decision we made a few weeks ago, except for shopkeepers and shop workers, shop staff, for whom it will be a normal working day. It will not come under the Sunday Trading Law. 26th December will but not the 28th. So unless this family, this husband and wife, both work in the retail industry, it is a very strange way of trying to keep families together because one will be working on the Saturday when it is a Sunday for the shop worker, and the other one will be working on the Monday when it is not. This is a very strange way of keeping families together. It is pushing them apart. It is, if you stop and think about it, clearly an absolute nonsense which could not be better designed to create unfairness, confusion and leave everybody absolutely bemused.

6.2.7 The Connétable of St. Ouen:

I am afraid I cannot agree with my colleague, the Connétable of St. Clement. [Approbation] When I was a child my grandmother always supplied us with an enormous amount of food on Christmas Day and Boxing Day. She did not have a fridge and she certainly did not have a shop open on Boxing Day to go and get any extras so she made sure that before Christmas came that she had sufficient. I think the Connétable of St. Clement demonstrated something which I thought the States had started to get out of which was finding a reason not to do rather than looking to do something. I think the proposition of Deputy Green is an excellent one. It tries to do something and we should support it.

6.2.8 Deputy J.A. Martin:

It is a pleasure this time to follow the Connétable of St. Ouen. The Constable of St. Clement, I always forget who he is and I [Laughter] ... I am getting more used to him now. He is saying that it is ludicrous. Why this - and I am sure he was in the debate when we had: "Will Boxing Day be the 26th." Unfortunately, he was not here so he may have not heard the learned advice I asked from the Attorney General: "Is there any law to stop shops opening on the 26th because the 26th is Boxing Day?" He said: "No, unfortunately, there is not. It covers Good Friday, Liberation Day and Christmas Day under the law as it stands today." So we would have been quite happy and this was a rift in the House, who benefits? But to tell me that Boxing Day does not come after 25th December, really is ... the Constable can always give a good argument but even he cannot persuade

me that 26th December is not the day after Christmas Day and is not Boxing Day. That is what this law is for. That is exactly what the Constable said. It may be too late for this year but we have another amendment which may not get so much support but it will be one year of giving people an extra holiday, but after the Sunday Trading Law or the laws to permit shops to open will be sensible, they will be supervised by the Constables, and they will keep them sensible, and that is why this is being done. The argument is exactly for why Deputy Le Fondré can support this one but cannot support the others. It is simply about who we are protecting and do we want ... forget keeping Sundays. Forget keeping Sundays special. All that has just gone through. This is about keeping Christmas and Boxing Day special and that is simply what it is and I support it fully.

6.2.9 The Deputy of St. Ouen:

I would like to draw the Constable's attention to page 5 of his own report where it says that: "There has been a creeping commercialisation of public and bank holidays [**Approbation**] and the majority of St. Helier shops are now open, for example, in the May and August bank holidays and many Christmas sales now start on Boxing Day." It goes on: "It was this creeping commercialisation that led the States to adding Liberation Day to the law in 1999 to ensure that this important day was observed as well as Good Friday and Christmas Day." That is to do with the current law. It goes on to say: "Unless the nature of specific days is protected then it is likely that many who work in the wholesale and retail sectors will not have the opportunity like the rest of the population to enjoy these as a common day off." Those are his words, not mine, written in his report. I would ask, what on earth are we doing debating this anymore? Please accept Deputy Green's amendment and let us move on.

6.2.10 Deputy T.M. Pitman:

I can be very brief in what I am going to say. Just as I will be supporting the Boxing Day 2009 proposition to rectify I think what many of us accept was the impossible position Members were placed in at the last session, I will be backing this wholeheartedly. This amendment, I think, really does go to the heart of family life and I applaud Deputy Green for bringing it. The Constable of St. Clement asks what difference between Easter Monday, *et cetera*, but I have to disagree. The Christmas period is different and it is extra special and this, as proposed by Deputy Green, will help keep it special. To echo my fellow democrat, the Constable of St. Ouen and his very well-made points, just as President Obama has famously said: "We have to become a can-do government." I will be supporting it and, as the Deputy of St. Ouen said, please everyone else support it and let us move on.

6.2.11 Deputy P.V.F. Le Claire:

I do support the proposition and I have been approached by a number of people. I was not available to use my vote on the important occasion so I do think that the scales would have probably tipped in favour of keeping the 26th as Boxing Day had the makeup of the Assembly been different. But it is quite interesting to listen to some of the people that have been speaking to us recently about these moves that the States has decided to undertake and it has been proposed next year that the States of Jersey starts their own calendar and perhaps we can move Shrove Tuesday to Wednesday [**Laughter**], Maundy Monday to Tuesday and we can move Christmas to January so that all of the decorations will be cheaper in the January sales. [**Laughter**] There is certainly a lot to play with if you look at the dates in the calendar and what a mess we can make of things. Really, though, the bottom line that is driving any change to a public holiday is the cost to the public sector and to the private sector in terms of wages and their staffing levels, and we all know that the cost of a public holiday is something that, obviously, has had something to do with these recent movements both in the U.K. and in Jersey. Saving it for a response in the main debate but there have been comments about the numbers of shops that have been opened and the denial of the numbers of shops that will be opened in the future. I will certainly be putting questions as to what the numbers are today and let us see what they are like in 2 years' time.

6.2.12 The Connétable of St. Helier:

The draft law as it currently stands, and which we are invited to approve, allows the States, by regulation... we may establish a scheme for the grant by the Constables of permits for opening shops on Sunday, Good Friday, Christmas Day or Liberation Day and it is a shame in a way we are not debating Deputy Gorst's amendment first because I think most of us would agree that these are very important days. Good Friday, Christmas Day, Liberation Day in particular are fundamentally important days for the Island. But what about Boxing Day? It was interesting that Deputy Trevor Pitman said: "We have to be a can-do Assembly." Because what we are doing if we approve this is we are being a cannot-do Assembly. We are saying: "You cannot go to a sale on Boxing Day" and I think that may please some people but clearly for as many people in this Assembly who regard Boxing Day as a traditional day to eat the vast quantity of food prepared on the previous day and spend more time with their presents, there are a significant number of people in the Island who like to go to the Boxing Day sales and, effectively, what we are doing is saying: "Well, we will not even consider doing this by regulation. We will take a decision now not to draft those regulations and put them before the Assembly. I think that is a mistake. I think it is saying you cannot do because we have always done things one way in our family and we are not going to allow Islanders, many of whom do not share that system that we have inherited and they would probably like to go to a shop on Boxing Day. I would also remind Members that while there are lots of other people who work on these days who are not in retail, retailers are facing a difficult time and if we are saying to retailers at the moment: "You can forget Boxing Day sales once this law is passed because we are not going to allow you to open at all", then I do not think we send out a very good message to the retail industry. So I am afraid I cannot support this amendment. I think it is a step too far. There are important days to the Island and I think we should fight to preserve them but if people want to open their shops on Boxing Day, subject to any regulations which are brought before this Assembly and debated, then I would say: "Please, let them do it."

6.2.13 Deputy M. Tadier:

I am glad to follow on from the last speaker and I would like to address the point that he has just raised. What I am concerned about is, I ask myself the question: "What kind of society have we become or are we becoming if we cannot put off the Boxing Day sales for another day so that the people who have to work in those shops can ... do they not also have a right to spend it with their families to eat the left over turkeys or whatever it is they might be eating the following day? I say that they also have a right and I suggest that the Island is not going to collapse if we have to wait until a Monday or a Tuesday to buy our discounted sofa. The world is not going to end. All it means is that we spend more time at home and we are reflecting and are there with the people that we care for. The reason that we have sales on Boxing Day is because traditionally that is the first day after the holidays on which the supermarkets can open. Now, is the Constable saying that if Boxing Day happens to fall on a Sunday that because traditionally we always have the sales on a Boxing Day that all shops should now be allowed to open on a Sunday if Boxing Day happens to fall on a Sunday because otherwise Jersey is going to melt down? Of course, this is a specious argument. But more generally speaking, I think certainly the amendment needs to be applauded. It seems Deputy Green, as has been said before, has taken on the advice of the Attorney General and he wants to regularise the law here. I think that there is a distinct lack of holidays in Anglo Saxon culture, certainly in Britain. I was just in France over the weekend for *Toussaint* and they have that holiday and it is a holiday in many countries and Europe, 1st November. That is one which we do not have. There are a whole number of holidays which are celebrated around the world, which we do not have. I think it is only right that the day after the 25th is a bank holiday for everyone. Also, I will be supporting that the Monday is also a bank holiday, so that nobody misses out. It is purely greed if we are saying that we want to allow people to open on these days. I think that is completely unnecessary. We should be thinking about the workers first and foremost and about the families. Just on one last point, I think we need to be thinking in more general terms about personal days. In the U.S. (United States), which is a secular country - if you do not take into account what

they write on their bank notes - certainly in terms of their legislature, they have a separation between church and state and they have done away with the idea of religious holidays - I am not saying that is a road we need to take in Jersey - but they do have a flexibility of approach in offering personal days to people in certain states, so that you can say this day is a special day for me, for whatever reason. It could be a birthday, it could be a religious holiday and then you are allowed to take that day off. It is a contractual right. That might be something we want to consider. Nonetheless, I think we should definitely support this amendment, we should get behind it completely and we should say enough is enough, we can forego that sale for an extra couple of days at Christmas time.

6.2.14 The Connétable of St. Brelade:

Just a couple of points which I do not think have been covered by other Members. My view is that we should not tamper with these dates at all. Some years we are lucky, some years we are not and that is the way it should run. The extra days which are worked by retail staff are, in my experience, considered as perks by those staff who work them. They contribute to their holidays and the extra benefits which they desire in their normal style of life. It is a form of saving that many take advantage of. In fact, as I think the Connétable of St. Clement mentioned, they are hours which are sought after by most staff that work them. In fact, there are many establishments which take on special Sunday staff to cover those particular areas where necessary. If this situation as proposed in this amendment were to take place this year - I appreciate it will not on this occasion - it would be an absolute commercial bonanza for the Monday. Imagine it, everybody else off, but shops open and I am sure most commercial outlets would have very big smiles on their faces. It shapes up to the whole week between Christmas and the New Year. Now, many non-retail staff take the week off. I mean, they use it as part of their Christmas holidays and it is part of their holiday and their annual leave. They take advantage either by staying at home with their families or going away. Retail staff will be working during this week, so it is the whole week that needs to be considered rather than just one day. I think we are running the risk of going down the aunty-knows-best type of government. I think we should stand back, move into the 21st century and allow commercial establishments to work in a sensible sort of way and not interfere too much. Thank you, Sir.

6.2.15 Senator A. Breckon:

The Connétable of St. Helier inspired me to say a few words and I have just been spurred on a bit more by what the Connétable of St. Brelade has said, because what I thought when they were both speaking was: "What about the workers?" There is a lot of play being made about leading up to Christmas and what is available to us, in retail, about Thursday nights, and maybe Friday nights and Sundays, whatever it may be. What about people with families that are working over that period? Do they perhaps not deserve a break on 26th December, which is Boxing Day, which is what I support? If shops are closed or it is limited trading, I do not see anybody starving when a week before people try and carry their own weight in groceries. You know, you see people and you have turkeys the size of small children. So nobody, I do not think, is going to starve. There will be places open where people can get things, so I think it is a case of doing what is sensible and right for those people, because they will not perhaps be unionised or able to represent themselves. It is perhaps a U.K. multiple thing that has been foisted upon us. We talked about the local shops and Sunday trading and owner-traders, they will not want it, because in the end it might be somebody taking a jumper back that their aunty has brought them. Now that is good for business, is it not? It is if people can get their money back and kids know these tricks. They know if they want to go and get some money, because they do not like whatever it is. So that could be a lot of the trade. So that can wait. They might look at it for another couple of days and even like it and get to love it and keep it, so there could be some actual benefits for businesses. I have just remembered something I saw 6 or 7 years ago. It was in Woolworths at the time, on Christmas Eve, taking the Christmas stuff out and putting saucepans and other stuff in which were not really necessary for us to have the next day or the trading day, but that was the ethos of the business. It was Boxing Day - or

whenever the day was - sale. Most of us could have lived and indeed did live without whatever they were trying to sell on those days. So I think, Members have mentioned previously about the family harmony and the benefits of doing this. I think this is a sign that we can show that we are supporting that value and we are also recognising the people that have worked in retail, that have done the late nights, that have done the Sundays, have done the extra hours, it is a time for them to have a little bit of break without that commercial pressure. I think we can show that. That is the reason I will be supporting this amendment.

6.2.16 The Deputy of St. Mary:

When I first read this report accompanying the main law, I hit on the same phrase as the Deputy of St. Ouen: "There has been a creeping commercialisation of public/bank holidays" and I wrote in the margin: "How?" How did that happen? We are hearing from some Members how it happened. We have to go the other way and we have to go with the amendment to reverse the tide and at least allow Boxing Day to be protected for the workers in retail. The other point I want to make is going back to the Connétable of St. Clement and the Assistant Minister - both simultaneously the same person - his spirited speech, going back a bit in this debate. It was a masterpiece of obfuscation and confusion. It was not shroud waving, it was something quite different, but anyway it was quite entertaining. But the issue here is about Sunday trading and whether we are going to include the day after Christmas Day - Boxing Day - into a special category where it is covered by Sunday permits. To compare Boxing Day with the Spring Bank Holiday just shows how weak the argument is.

6.2.17 Deputy A.E. Jeune:

I believe again, that the Connétable of St. Helier has put across his case very well, similarly, the Connétable of St. Brelade. If people do not want to open their shops on Boxing Day, they do not have to. If people do not want to shop on Boxing Day, they do not need to. Reference was made to creeping commercialisation. Well, many children if asked about Christmas anyway will reply: "Ooh, presents" not: "The birth of Jesus." I said in the main proposition that working in a service providing cover 24/7, I did not see evidence of family values being eroded. Certainly, where I worked, we worked on the basis that those with children would have first option of Christmas Day off, so they could be with the family, but they would be the ones who would work Boxing Day. So there are ways that you can work around these things. Again, it seems what we are considering here today on this particular issue are those persons working in the retail industry. Thank you, Sir.

6.2.18 Deputy G.P. Southern:

I do this reluctantly and with the greatest respect, but I think possibly we have heard all of the arguments and all the possible permutations on this argument. The facts are clearly laid before us. I made my mind up 20 minutes ago. I suggest everybody in here has made their minds up. May we proceed to a vote, otherwise we will be here until half past?

6.2.19 The Connétable of Trinity:

I will be brief. Maybe Deputy Green could do the dairy farmers a favour and find the cow that does not need to be milked on Boxing Day. **[Laughter]**

6.2.20 Senator J.L. Perchard:

Just briefly. I feel compelled to say a little something after Deputy Jeune's contribution. She and the Constable of St. Helier both made the point that it is a matter of choice if people want to open and want to shop on Boxing Day. Would they I wonder share the same opinion about Liberation Day? I think not. So we recognise that Liberation Day is a very important national holiday. I am sure Deputy Jeune and the Constable recognise that and would wish the shops to remain closed. Deputy Green, similarly, is promoting the idea that Boxing Day or 26th December is equally as important. I support him and wholeheartedly endorse the message from Deputy Southern that we move to the vote immediately.

6.2.21 Deputy S. Pitman:

I will be quick. I just refer to the Constable of St. Helier's comments that there are a considerable number of people wanting to go to Boxing Day sales. I would ask him, would those same people go to those shops knowing that it is more than likely that the workers have no choice but to work. This is the reality and I know because I have worked for several retailers and gave many hours for free. The Constable's reason really is as bad as the Chamber of Commerce's, which I read that they were concerned for Mrs. Bloggs who could not get the gravy for the turkey on the Boxing Day. It really is a poor excuse from the Chamber of Commerce. Boxing Day is a part of the Christmas celebration and Christmas is really a time for families. Thank you.

6.2.22 The Connétable of Grouville:

Very quickly. I just wonder, the comparison being made is between Good Friday, Easter Sunday and various other days. What is the significance of Boxing Day? There is no religious significance as far as I know. It is not Christmas Day.

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

Very quickly. I think we are confusing matters. Bearing in mind that this would only apply for a Saturday, every other day would go under the normal arrangements. So I think we are really labouring a point here.

The Bailiff:

I must confess from the Chair, it is very hard to have discerned any new points in the last few speakers.

The Connétable of Grouville:

For clarification, Deputy Maçon said this would only apply to Saturdays. It would not. It would apply to every 26th December, every year, whether it is Boxing Day or not.

6.2.24 The Deputy of St. John:

My train of thought has gone, for which I am pleased and most people would be happy to know. **[Laughter]** But as I did say I was not supporting this proposition, but I am supporting the amendment to the proposition, just so we might be able to get on with the vote and I ask for the appel. **[Laughter]**

The Bailiff:

I think Deputy Green would probably like to reply. Very well, I call upon Deputy Green to reply.

6.2.25 Deputy A.K.F. Green:

First of all, I thank all the Members that have spoken. I will just pick out a few quotes rather than go over it all again. The Constable of Trinity with his cows that only need milking 6 days a week. That is the point, is it not, that people that work in industries that have to be running have to be at work. They know that when they choose that as their job, so firemen, nurses, doctors, policemen, farmers and many others, I am sure I have missed a few - plumbers sometimes - they have to work Christmas Day and Boxing Day. But shops do not have to be open Boxing Day and that is the point. Just to pick up on a few other points, the Constable of St. Clement, if he really believes what he was saying, lives in a totally different world to the world I live in. Because, does he really think that the bank workers will be working 26th December whatever day you call it, whether it is a bank holiday, whether it is Boxing Day, whatever? Does he really think that those people will be at work on 26th December? No, they will not and we know they will not. It is just the poor shop worker who could be off. Some people cannot be off. I accept that, but we should prevent this creeping commercialisation as Members have mentioned. It is not often I disagree with my own Constable, the Constable of St. Helier, but does it really make a huge difference? Maybe I am a

simple soul. You can agree with that if you wish. If I have a £100 to spend in the sale, it is not going to make any difference whether it is the 26th or the 27th I am going to spend my £100. So give the shop workers a chance to have a day off. The Constable of Brelade: “Some years we are lucky, some years we are not”, let me put that another way. Some people are lucky, some people are not. The Constable has every Christmas off, every Boxing Day off, but many people do not, this is their opportunity to do so. I could not really understand the bit about taking the week off, because there are 7 days to the week, so if we make one day a Sunday Trading day there are still 6 other days for people to go shopping. Deputy Jeune: “If people do not want to open, they do not have to”, but the truth is they do if their competitors are open, because otherwise they are losing out and they have to be able to maintain their competitive position. Picking up on the comment of Deputy Maçon, although this would apply to every 26th December, unless it is a Saturday, the Bank Holiday Law or the Sunday Trading Law would apply anyway, because every other Boxing Day will be a Monday, Tuesday, Wednesday, so it is a bank holiday. Am I right?

The Connétable of St. Clement:

The current Sunday Trading Law does not and, as proposed, the new Sunday Trading Law does not apply to Boxing Day, Easter Monday or Spring Bank Holiday. If the amendment is accepted then it will apply to Boxing Day, but not those others. Boxing Day, only if it is the 26th. It will not apply to Boxing Day when it is on the 28th. **[Laughter]**

Deputy A.K.F. Green:

The point I am making that in the week it will be a bank holiday and it will not be moved from the 26th, so bank holiday rules will apply. On the Sunday, of course, when it is Sunday 26th, the Sunday Trading Laws would apply anyway. Yes?

The Connétable of St. Clement:

If the amendment is adopted the Sunday Trading Law will apply on any Sunday and on 26th December, but not on Boxing Day if it is on a day other than 26th December. **[Laughter]**

Deputy A.K.F. Green:

I think I am going to give up on this one. I do not know if I am not explaining it well or if the Constable is being particularly difficult. Boxing Day is 26th December, you can make it the 28th, you can make it the 29th. Boxing Day is the 26th. **[Approbation]** I commend the amendment and ask for the appel.

The Bailiff:

Very well. The amendment is paragraph 1 of the amendment of Deputy Green and I invite Member to return to their seats and the Greffier will open the voting.

The Deputy of St. Mary:

The amendment is important. The words are not Boxing Day, it is 26th December. That is the phrasing of the amendment.

The Bailiff:

Correct, yes it is. Very well, yes, Greffier, open the voting.

POUR: 34		CONTRE: 13		ABSTAIN: 0
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier		Senator S.C. Ferguson		
Senator B.E. Shenton		Senator A.J.D. Maclean		
Senator J.L. Perchard		Connétable of St. Helier		
Senator A. Breckon		Connétable of Trinity		
Senator B.I. Le Marquand		Connétable of Grouville		
Connétable of St. Ouen		Connétable of St. Brelade		

Connétable of St. John		Connétable of St. Saviour		
Connétable of St. Lawrence		Connétable of St. Clement		
Connétable of St. Mary		Connétable of St. Peter		
Deputy of St. Martin		Deputy R.C. Duhamel (S)		
Deputy J.B. Fox (H)		Deputy R.G. Le Hérisier (S)		
Deputy J.A. Martin (H)		Deputy A.E. Jeune (B)		
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

6.3 Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009) - Article 2 as amended

The Bailiff:

We now go back to Article 2 as amended. Does anyone wish to speak on Article 2 as amended?

6.3.1 Deputy P.V.F. Le Claire:

Very briefly, just to say that there have been some questions about the numbers not being increased. I am going to just let the Constable know now that I am going to table questions, what the activity is now and I am going to table those questions on an annual basis to see what the activity increases to. I am positive they will be increasing.

6.3.2 Senator A. Breckon:

Just a comment. Other Members have talked about the creeping commercialisation. Christmas Day: there are some shops open now between 10.00 a.m. and 2.00 p.m. There are about 4 or 5. There are pharmacies which open, which is not a problem, they have to do that under the law. There is a need for that. Some convenience stores are opening and I did witness a couple of times the staff cannot get there and they cannot get back. Many of them do not have transport. I have seen them once after a shop closed in the rain waiting to be picked up in a van. So I think that when regulations do come forward, it is something I think Economic Development should look at. I think we can manage without Christmas Day commercialisation, because if it is creeping it will creep a bit further.

6.3.3 The Deputy of St. Mary:

Just quickly, on paragraph 2 of this Article there is a mention of an offence and liable to a fine. I have a little memory buzzing in my head about the extent of that fine. Now, is that going to be defined in the regulations or is it defined elsewhere in the law because I do not think it is? For the record, if I could just clarify that, because I just have this fear about the level of the fine.

The Bailiff:

Does anyone wish to speak? Very well I call upon the Connétable to reply on Article 2.

6.3.4 The Connétable of St. Clement:

The fine is unlimited. Simply because the court will have to decide that if a person, individual or firm is guilty of an offence under this law, what would be proportionate? I think and it will be clearly understood that the difference between a convenience store on the corner of Belmont Road opening on a Sunday without a permit would be totally different from a major supermarket or hardware store on Queens Road opening. Therefore, it needs to be proportionate and the Court would decide on what would be the proportionate fine. Senator Breckon was speaking on the amendment of Deputy Gorst, which we are yet to come to. I am not sure what Deputy Le Claire is going to count under Article 2, but I will be prepared to answer any questions he has to put from time to time.

The Bailiff:

Very well. All those in favour of adopting Article 2 kindly show. The appel is called for in relation to Article 2. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 42		CONTRE: 4		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy R.C. Duhamel (S)		
Senator P.F. Routier		Deputy of St. John		
Senator T.J. Le Main		Deputy A.E. Jeune (B)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				

Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

6.4 Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009) - Article 3

The Bailiff:

Very well. Do you wish to propose Article 3 now, Connétable?

6.4.1 The Connétable of St. Clement:

This is exempting licensed hawkers from the Sunday Trading Law, because they are dealt with under Hawkers and Non-resident Traders Jersey Law, which in turn is being amended to reflect the Articles in the Sunday Trading Law, so they will have similar situations, but under a different law. This also enables the States under regulations to agree to the sort of exemptions I was speaking about before like the shops at the harbours, the airport, pharmacies and so on. I propose the Article.

The Bailiff:

Is that seconded? **[Seconded]** Very well.

6.4.2 The Deputy of St. John:

I must say that this is going to be double-standards in relation to shops at the airport and harbours. Given that this is States property, we are voting to allow business that contributes to the walls of States, indirectly, to trade.

The Connétable of St. Clement:

Could I interrupt the Deputy? Would you mind? It may well help. This simply gives the States power to make such exemptions. It does not make such exemptions. If we want such exemptions, I would have to come back with a proposition to do that.

The Deputy of St. John:

Yes, I appreciate that, but it is there. It also mentions trading permits for people who might wish to come over here and sell rugs and whatever else to the public. It does worry me that gradually this is getting moved out of the domain. I need to know whether or not the Connétables are going to be administering that side of the law or will that come under a different set of rules and regulations, because although the proposer has thrown me in my speech, I have got real concerns, because when we have double-standards operating by the use of alternative legislation, because it could be, as I say, a carpet salesman coming over here from the U.K. and wanting to take business away from local companies. We have seen that in the past where the odd Connétable has permitted this to happen. We need to keep abreast of these things. We need to keep abreast that we are not putting ourselves, as the Government, on the spot by allowing trading at the harbour and the airport and not in other parts of the Island. It is an area that does concern me and I hope the Minister will give more explanation on it than he has already. Thank you.

The Bailiff:

Does any other Member wish to speak on Article 3? Very well, I call on the Connétable to reply.

6.4.3 The Connétable of St. Clement:

Sorry I did not make myself clear, but what this Article does is give the States the power to make exemptions if they think it is appropriate. As they have agreed under the current law, and the current law exempts post offices from having to have a permit, pharmacies having to have a permit, shops at the airport and the harbour. The reason for that, of course, is that the shops at the harbours and the airport are concessions and in their contract they are required to be open while the airport and the harbour are open. It may be that the States feel that they should be forced to close on a Sunday. That would be a matter for the States when we bring forward regulations. It is simply an enabling article, which enables the States to make exemptions if the States so wish.

The Bailiff:

The appel is asked for in relation to Article 3? I invite Members to return to their seats. The Greffier will open the voting.

POUR: 42		CONTRE: 2		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy of St. John		
Senator P.F. Routier		Deputy J.M. Maçon (S)		
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				

Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

6.5 Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009) - Article 4

The Bailiff:

Do you wish to propose Article 4, Connétable? Can I say this, from the Chair it seems to me that all of Deputy Green's amendments are consequential on the decision already taken. So I was proposing we take them *en bloc*, so that then it is just a question of whether the Assembly wishes to start the debate upon Deputy Gorst's amendment tonight. So, would you like to propose Article 4, Connétable?

6.5.1 The Connétable of St. Clement:

Yes. Article 4: this is saying we have already passed Article 2, which makes an assumption that shops will not be open on Sunday, Good Friday, Christmas Day, 26th December and Liberation Day unless a permit is issued under Article 4. This is Article 4. This empowers the States to pass regulations to permit the Constables to grant permit. Members will see from this list, it gives a lot more flexibility than we have under the current law, where if the Constable grants the permit it is for every Sunday and it is for 24 hours a day on the Sunday. These regulations will enable the Constables to grant permits for different types of shops. For example, one might say shops up to a certain size may open every Sunday, but shops of a larger size may only open certain Sundays. There could be timing restrictions, restrictions on deliveries and so on. This is the power to give the States to make decisions about how the permits should be issued and we will be coming back with those regulations later, probably next year. I propose the Article.

The Bailiff:

Is the article seconded? [Seconded]

6.6 Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200- (P.111/2009) - Amendment (3) paragraph 2 (P.111/2009 Amd.(3))

As I say, there are 2 sets of amendments here. It seems to me the best course it to take Deputy Green's first, which are, as I say, consequential on the debate the Assembly has already had. So I will ask the Greffier to read paragraph 2 of Deputy Green's amendment.

The Greffier of the States:

2. Article 4(a), in paragraph 1 after the words "Christmas Day" insert the words "26th December". In paragraph 2 insert the following paragraph and renumber the remaining paragraphs accordingly and any internal cross-references accordingly: "(3) Regulations made under paragraph 1 may not include provision empowering the Minister by order to designate 26th December as a special occasion for the purposes of this law."

6.6.1 Deputy A.K.F. Green:

I do not think I need to say very much. I think we said it all previously. So I will just ask for the appel. I propose the Article.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on those amendments? All those in favour of adopting those amendments kindly show. The appel is called for in relation to the amendments of Deputy Green. I invite Members to return to their seats. This is paragraph 2 of the amendments. The Greffier will open the voting.

POUR: 38		CONTRE: 7		ABSTAIN: 0
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier		Senator S.C. Ferguson		
Senator B.E. Shenton		Connétable of St. Helier		
Senator J.L. Perchard		Connétable of Trinity		
Senator A. Breckon		Connétable of St. Brelade		
Senator A.J.D. Maclean		Deputy R.C. Duhamel (S)		
Senator B.I. Le Marquand		Deputy A.E. Jeune (B)		
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

There have been some lodgings: P.189 - Draft Planning and Building (Amendment No. 5) (Jersey) Law - lodged by the Minister for Planning and Environment. There have been 2 sets of comments presented: comments by the Privileges and Procedures Committee on the Provision of States Members lunches at certain meeting and car parking, P.171; comments by the Minister for Treasury and Resources on P.110 - Pension Schemes: dealing with the past service liability. The adjournment is proposed. Very well then, the Assembly stands adjourned until 9.30 a.m.

ADJOURNMENT