

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 31st JANUARY 2012

Road Traffic (Public Parking Places - Charges) (Amendment No. 3) (Jersey) Order 2012 – possible rescission.....	7
Deputy C.F. Labey of Grouville:.....	7
Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):	7
Deputy J.A. Martin of St. Helier:	8
Deputy G.C.L Baudains of St. Clement:	9
Connétable A.S. Crowcroft of St. Helier:	9
QUESTIONS.....	9
1. Written Questions	9
1.1 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING SPRINGFIELD STADIUM’S RESIDENTIAL PARKING AREA:	9
1.2 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING REPORTS OF ANTI-SOCIAL BEHAVIOUR AT SPRINGFIELD STADIUM IN THE LAST 2 YEARS:	10
1.3 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COST OF DISPOSING OF WASTE THROUGH THE ENERGY FROM WASTE PLANT:.....	11
1.4 CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INCIDENT IN SEPTEMBER 2011 WHEN THE STATES TOG WAS DAMAGED:.....	12
1.5 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TOTAL NUMBER OF 1(1)(k) RESIDENTS IN JERSEY IN 2011:	14
1.6 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE DECLARATION OF ELECTION EXPENSES BY ALL OF THE CANDIDATES FROM THE 2011 DEPURIES ELECTION:	15
1.7 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE PAYMENT OF THE BDO ALTO INVOICE RELATING TO THE FINANCIAL MANAGEMENT OF THE OPERATION RECTANGLE REVIEW:.....	15
1.8 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE TOTAL COST OF EXTERNAL INQUIRIES AND REVIEWS OF ALLEGED POLICE DISCIPLINARY ISSUES SINCE NOVEMBER 2008:.....	15

1.9	DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE COMPOSITION OF THE ELECTORAL COMMISSION:.....	16
1.10	DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CURRENT LARGE PROFILE OF THE RECLAMATION SITE AT LA COLLETTE:.....	17
1.11	DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING RECENT SPEED LIMIT CHANGES AND THE CURRENT SPEED LIMIT POLICY:.....	18
1.12	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE POSSIBLE 9NTRODUCTION OF BUSINESS PROPERTY OCCUPATION AND PAYROLL TAXES:.....	19
1.13	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ADDITIONAL POWERS TO CONTROL POPULATION UNDER THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 201-:.....	20
1.14	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE NUMBER OF INCOME SUPPORT RECIPIENTS CHARGED FOR G.P. CONSULTATIONS SINCE 2008:	21
2.	Oral Questions.....	21
2.1	Deputy R.G. Le Hérisier of St. Saviour of the Minister for Transport and Technical Services regarding a report on the taxi and cab industry:.....	21
	Deputy K.C. Lewis (The Minister for Transport and Technical Services):.....	22
2.1.1	Deputy R.G. Le Hérisier:	22
2.1.2	Deputy J.H. Young of St. Brelade:.....	22
2.1.3	Deputy R.G. Le Hérisier:	22
2.2	Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding the report of the Independent Police Complaints Commission into the complaint of Mr. Lenny Harper:	22
	Senator B.I. Le Marquand (The Minister for Home Affairs):	22
2.2.1	Deputy T.M. Pitman:	23
2.2.2	Deputy M.R. Higgins of St. Helier:.....	23
2.2.3	Deputy M.R. Higgins:.....	24
2.2.4	Deputy M. Tadier of St. Brelade:	24
2.2.5	Deputy M. Tadier:	25
2.2.6	Deputy T.M. Pitman:	25
2.3	Deputy J.H. Young of the Minister for Treasury and Resources regarding Income Tax allowance for non-corporate owners of residential properties whose properties were not in a suitable condition for letting:.....	26
	Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources):	26
2.3.1	Deputy J.H. Young:	26
2.3.2	Deputy T.A. Vallois of St. Saviour:	26
2.3.3	Deputy G.P. Southern of St. Helier:	26
2.3.4	Deputy G.P. Southern:.....	27
2.3.5	Deputy M. Tadier:	27
2.3.6	Senator A. Breckon:	27
2.3.7	Deputy J.H. Young:.....	28
2.4	Deputy M. Tadier of the Minister for Home Affairs regarding the report commissioned by an outside media consultant in relation to Operation Rectangle:	28
	Senator B.I. Le Marquand (The Minister for Home Affairs):	28

2.4.1 Deputy M. Tadier:	29
2.4.2 Deputy M.R. Higgins:.....	29
2.4.3 Deputy M.R. Higgins:.....	30
2.4.4 Deputy R.G. Le Hérisssier:	30
2.4.5 Deputy R.G. Le Hérisssier:	30
2.4.6 Deputy T.M. Pitman:	30
2.4.7 Deputy T.M. Pitman:	31
2.4.8 Deputy M. Tadier:	31
2.5 Deputy M.R. Higgins of the Minister for Home Affairs regarding the publication of a letter which precipitated the suspension of the former Chief Officer of the States of Jersey Police:.....	32
Senator B.I. Le Marquand (The Minister for Home Affairs):	32
2.5.1 Deputy M.R. Higgins:.....	32
2.5.2 The Deputy of Grouville:.....	33
2.5.3 Deputy T.M. Pitman:	33
2.6 Connétable P.J. Rondel of St. John of the Minister for Economic Development regarding the qualifications of the Tug Master involved in an incident in September 2011:	33
Senator A.J.H. Maclean (The Minister for Economic Development):.....	33
2.6.1 The Connétable of St. John:	33
2.6.2 The Connétable of St. John:	34
2.6.3 The Connétable of St. John:	34
2.7 Deputy G.P. Southern of the Minister for Economic Development regarding licences granted under the Regulation of Undertakings and Development (Jersey) Law 1973 for construction contracts of between 3 and 12 months in 2011:	35
Senator A.J.H. Maclean (The Minister for Economic Development):.....	35
2.7.1 Deputy G.P. Southern:.....	35
2.7.2 Deputy R.G. Le Hérisssier:	36
2.7.3 Deputy J.H. Young:	36
2.7.4 Deputy G.P. Southern:.....	36
Senator A.J.H. Maclean:	37
2.8 The Connétable of St. Helier of the Minister for Transport and Technical Services regarding the abandonment of plans for an extension to Green Street car park:	37
Deputy K.C. Lewis (The Minister for Transport and Technical Services):.....	37
2.8.1 The Connétable of St. Helier:.....	37
2.8.2 Deputy R.G. Le Hérisssier:	38
2.8.3 Deputy M.R. Higgins:.....	38
2.8.4 Deputy G.P. Southern:.....	38
2.8.5 Senator L.J. Farnham:.....	38
2.8.6 Deputy J.M. Maçon of St. Saviour:.....	38
2.8.7 The Connétable of St. Helier:.....	39
2.9 Deputy G.P. Southern of The Chief Minister regarding the Guernsey authorities' "deemed distribution scheme":	39
Senator I.J. Gorst (The Chief Minister):	39
2.9.1 Deputy G.P. Southern:	39
2.9.2 Deputy G.P. Southern:.....	39
2.9.3 Deputy G.P. Southern:.....	40
2.9.4 Deputy T.M. Pitman:	40
2.9.5 Deputy M. Tadier:	40
2.9.6 Deputy M. Tadier:	41
2.9.7 Deputy G.P. Southern:.....	41

2.10 Deputy J.H. Young of the Chairman of the Comité des Connétables regarding whether the owners of vacant properties were liable under the Rates (Jersey) Law 2005:	41
Connétable J.LeS. Gallichan of Trinity (Chairman of the Comité des Connétables):	41
2.10.1 Deputy J.H. Young:	41
2.11 The Connétable of St. Helier of the Minister for Home Affairs regarding the results of speed monitoring carried out by St. Helier Honorary Police officers on Victoria Avenue: 42	
Senator B.I. Le Marquand (The Minister for Home Affairs):	42
2.11.1 Connétable D.W. Mezbourian of St. Lawrence:.....	42
2.11.2 The Connétable of St. John:	42
2.11.3 Deputy R.G. Le Hérisier:	43
2.11.4 Connétable J.M. Refault of St. Peter:.....	43
2.11.5 Deputy J.A. Hilton of St. Helier:	43
2.11.6 The Connétable of St. Lawrence:.....	44
2.11.7 The Connétable of St. Lawrence:.....	44
2.11.8 The Connétable of St. Helier:	44
2.12 Deputy M.R. Higgins of the Chief Minister regarding the publication of the details of the contract with Matt Tapp Associates:	45
Senator I.J. Gorst (The Chief Minister):	45
2.12.1 Deputy M.R. Higgins:	45
2.12.2 Deputy M. Tadier:.....	45
2.12.3 Deputy S. Pitman of St. Helier:	46
2.12.4 Deputy S. Pitman:	46
2.12.5 Deputy T.M. Pitman:.....	46
2.12.6 Deputy T.A. Vallois:	46
2.12.7 Deputy T.A. Vallois:	46
2.12.8 Deputy M.R. Higgins:	47
2.13 Deputy T.M. Pitman of the Minister for Economic Development regarding the level of background checks undertaken before a candidate was proposed for appointment as a Commissioner of the Jersey Financial Services Commission:	47
Senator A.J.H Maclean (The Minister for Economic Development):.....	47
2.13.1 Deputy T.M. Pitman:.....	48
2.13.3 Deputy M. Tadier:.....	48
2.13.4 Deputy M. Tadier:.....	49
2.13.5 Deputy T.M. Pitman:.....	49
2.13.6 Deputy T.M. Pitman:.....	50
2.14 Deputy M. Tadier of the Minister for Housing regarding measures to ensure that habitable properties did not remain vacant for long periods:	50
Deputy A.K.F. Green of St. Helier (The Minister for Housing):.....	50
2.14.1 Deputy G.P. Southern:	50
2.14.2 Deputy G.P. Southern:	51
2.14.3 Deputy J.G. Reed of St. Ouen:	51
2.14.4 The Deputy of St. Ouen:.....	51
2.14.5 Deputy J.H. Young:	51
2.14.6 The Connétable of Trinity:	52
2.14.7 Senator A. Breckon:.....	52
2.14.8 Senator A. Breckon:.....	52
2.14.9 Deputy G.P. Southern:	52
2.14.10 Deputy M. Tadier:.....	52
2.14.11 Deputy M. Tadier:.....	53

2.15 Deputy R.G. Le Hérisssier of the Minister for Health and Social Services regarding the reform of the Children's Service:.....	53
Deputy J.A. Martin (The Assistant Minister for Health and Social Services) - rapporteur:.....	53
2.15.1 Deputy R.G. Le Hérisssier:.....	53
2.15.2 Deputy G.P. Southern:.....	54
2.15.3 Deputy T.M. Pitman:.....	54
2.15.4 Deputy M. Tadier:.....	54
2.15.5 Deputy R.G. Le Hérisssier:.....	55
3. Questions to Ministers without notice - The Minister for Home Affairs	55
3.1 Deputy T.M. Pitman:.....	55
Senator B.I. Le Marquand (The Minister for Home Affairs):.....	55
3.2 The Deputy of Grouville:.....	55
3.2.1 The Deputy of Grouville:.....	56
3.3 Deputy G.P. Southern:.....	56
3.3.1 Deputy G.P. Southern:.....	56
3.3.2 Deputy G.P. Southern:.....	56
3.4 Deputy M.R. Higgins:.....	57
3.5 The Deputy of St. Ouen:.....	57
3.6 Deputy M. Tadier:.....	57
3.7 Deputy R.G. Le Hérisssier:.....	57
3.7.1 Deputy R.G. Le Hérisssier:.....	58
3.8 The Deputy of St. Ouen:.....	58
3.8.1 The Deputy of St. Ouen:.....	58
3.9 Deputy T.M. Pitman:.....	58
3.10 The Deputy of St. Ouen:.....	58
3.10.1 The Deputy of St. Ouen:.....	59
3.11 Deputy T.M. Pitman:.....	59
3.12 The Connétable of St. John:.....	59
3.13 The Deputy of St. Ouen:.....	60
4. Questions to the Minister without notice - The Chief Minister	60
4.1 Deputy R.G. Le Hérisssier:.....	60
Senator I.J. Gorst (The Chief Minister):.....	60
4.1.1 Deputy R.G. Le Hérisssier:.....	60
4.2 Deputy T.A. Vallois:.....	61
4.3 Deputy J.H. Young:.....	61
4.4 Deputy T.M. Pitman:.....	62
4.5 Deputy M. Tadier:.....	62
4.6 Deputy M.R. Higgins:.....	63
4.7 Deputy G.P. Southern:.....	63
4.8 The Deputy of St. Ouen:.....	64
5. PERSONAL STATEMENTS.....	64
Senator A. Breckon:.....	64
PUBLIC BUSINESS.....	66
6. Draft Maintenance Orders (Facilities for Enforcement - Convention Countries) (Amendment) (Jersey) Act 201- (P.184/2011).....	66
6.1 Senator I.J. Gorst (The Chief Minister):.....	66

7. Draft Policing of Beaches (Amendment No. 10) (Jersey) Regulations 201- (P.192/2011)	66
7.1 Senator A.J.H. Maclean (The Minister for Economic Development):	66
7.1.1 Deputy J.M. Maçon:	67
7.1.2 Senator F. du H. Le Gresley:	67
7.1.3 Senator A.J.H. Maclean:	68
7.2 Senator A.J.H. Maclean:	69
7.2.1 The Connétable of St. John:	69
8. Jersey Consumer Council: appointment of Chairman (P.195/2011)	69
8.1 Senator A.J.H. Maclean (The Minister for Economic Development):	70
8.1.1 Deputy T.M. Pitman:	71
8.1.2 Deputy M.R. Higgins:	71
8.1.3 Deputy M. Tadier:	71
8.1.4 Senator A. Breckon:	72
8.1.5 Deputy R.G. Le Hérissier:	73
8.1.6 Deputy G.P. Southern:	73
8.1.7 Senator A.J.H. Maclean:	73
ARRANGEMENT OF PUBLIC BUSINESS	75
9. The Connétable of St. Helier (Chairman of Privileges and Procedures Committee):	75
9.1 Deputy G.P. Southern:	75
9.2 Deputy G.C.L. Baudains:	75
9.3 Senator B.I. Le Marquand:	76
9.4 Senator I.J. Gorst:	76
ADJOURNMENT	76

[9:30]

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

Road Traffic (Public Parking Places - Charges) (Amendment No. 3) (Jersey) Order 2012 – possible rescission

Deputy C.F. Labey of Grouville:

I want to speak on an item relating to the Road Traffic Law. I have asked the Minister for Transport and Technical Services if he might consider withdrawing clause 3 which refers to hybrid vehicles and the discounted rate they currently enjoy in the car parks. I cannot bring a proposition here today. The R&O was lodged, I believe, on 20th January so there has been no time to do anything about this particular issue before then. It is, I believe, in the Minister's power to rescind this particular clause if he were minded to do so. If not, then I do notice that one of the propositions that has been tabled today by Deputy Baudains is asking for the entire R&O or decisions from there to be annulled but if the Minister was minded just to withdraw or rescind this clause 3, that is my interest in this particular R&O.

The Bailiff:

Of course, it is a matter for the Minister but you do have the right ultimately, Deputy, to bring a proposition annulling the whole Order.

The Deputy of Grouville:

Yes, but that has already been tabled but he can do this particular clause on the floor of the House today, I believe.

The Bailiff:

I do not think he can today on the floor of the House. He can certainly tell you what he is minded to do. Minister, do you wish to reply?

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

Am I able to do that, Sir?

The Bailiff:

If you wish to say whether you have any intention ...

Deputy K.C. Lewis:

I am not minded to withdraw at the moment.

The Deputy of Grouville:

In that case, it will go to a full debate with Deputy Baudains' proposition annulling the whole thing, which is unfortunate because the States could lose out on the increase in car parking charges. The whole lot could go.

The Bailiff:

I am not entirely sure I am following you, Deputy. You were talking about one of the matters under B. I do not think that matter has been attacked by Deputy Baudains. He is seeking to annul Amendment No. 23 of the Road Traffic Law. That is Projet 10.

The Deputy of Grouville:

In that case, can I ask you, Sir, is clause 3 the hybrid vehicles clause in R&O, covered in Deputy Baudains' annulment or ...

The Bailiff:

I think we appear to be talking about completely different matters. Unless I have misunderstood the position, you are talking about R&O 12/2012.

The Deputy of Grouville:

Yes, Sir.

The Bailiff:

That has got nothing to do with the annulment which Deputy Baudains is bringing which relates to the Annulment of Road Traffic (St. Helier) (Amendment No. 23) (Jersey) Order, so they have got nothing to do with each other. If you wish to attack anything about Road Traffic (Public Parking Places - Charges) (Amendment No. 3) - which is what I understand you to be talking about - the Minister has indicated that he is not minded to change anything so if you want to do it, you will have to bring a proposition. It has got nothing to do with Deputy Baudains' proposition.

The Deputy of Grouville:

Okay, I will do that, Sir, thank you.

[9:45]

Deputy J.A. Martin of St. Helier:

There seems to be a bit of confusion here, they said we have not had a second roll call. Not asking me to do it, I was awake. **[Laughter]** On the R&O, I see where the Deputy of Grouville is coming from. The Order was made on 20th January and it comes into force on 1st February so is it my understanding that the charges will go up from tomorrow and if the Deputy wants to annul this and it gets passed ... I mean, that is the only way to rescind an R&O is to bring an annulment and then all the charges will go down again. It does not seem a very satisfactory way for the Minister to act. Maybe he should reconsider his position and bring this back with time. These could all go up. It is a matter of changing parking cards. I do not really know but that is the only way to deal with an R&O and it would be a full rescindment of the R&O because I had this under the Children's Law.

The Bailiff:

Minister, do you wish to respond?

Deputy K.C. Lewis:

Perhaps the Deputy of Grouville could outline exactly what her problem is with the R&O but if it is helpful to Members, then I am happy to withdraw that element that the Deputy of Grouville is unhappy with and bring that back separately.

The Bailiff:

I think you will have to think about it and take advice. You have, in fact, made the Order and it is now simply being tabled so if you want to, in fact, disapply it, you will have to make some further Order but that is really a matter for you, Minister. I think we have taken this as far as we can really, Deputy. You must take this up with the Minister outside the Assembly.

The Deputy of Grouville:

It would be extremely useful if he would withdraw clause 3 if he were minded ...

The Bailiff:

He cannot do that on the floor of the Assembly. He will have to make some further Order. He has made an Order and the Order presumably either has come into effect or is about to come into effect.

The Deputy of Grouville:

Okay, if he is willing to do that and if he is still adamant that he is going to bring that part back, then we can have a debate about it but thus far, with him lodging this on 20th January, this is the first opportunity this Assembly has had before everything comes into force tomorrow.

The Bailiff:

Yes, I think we have probably taken this as far as we can. This is simply for tabling at the moment.

Deputy G.C.L Baudains of St. Clement:

Would you indulge me for a moment, Sir? This is a problem which has occurred previously and will no doubt occur again. I wonder if I could ask Ministers if they could give longer periods between their Order being announced and it coming into force if possible because it is unsatisfactory to have to annul something which has been in force for a week or 2.

Connétable A.S. Crowcroft of St. Helier:

Could I just say that Privileges and Procedures are reviewing the internal workings of the States and will certainly take this into account in our review.

QUESTIONS**1. Written Questions****1.1 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING SPRINGFIELD STADIUM'S RESIDENTIAL PARKING AREA:****Question**

Would the Minister inform members how many private parking permits and commercial permits are granted for Springfield stadium's residential parking area?

Answer

There are several types of parking at Springfield. There is no specific residents' parking scheme within the grounds. There are:

- 50 spaces for three-hour disc parking for people who use Springfield facilities during the day.
- 44 spaces let from 7am until 6pm from Monday to Friday for commuters who work in town.
- 10 spaces let to Leeward Nursery as part of their agreement to rent part of the building.
- 5 spaces let on a full time basis (24 hours a day for 365 days a year).
- 3 spaces are kept for residents who have their houses in the Springfield grounds.

In addition, ESC administers the gyratory car park, which is a piece of land outside the grounds and separated by the road. It is closer to the Robin Hood junction. This has 43 spaces which are let on a 24 hour a day basis for 365 days a year.

1.2 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING REPORTS OF ANTI-SOCIAL BEHAVIOUR AT SPRINGFIELD STADIUM IN THE LAST 2 YEARS:

Question

Would the Minister advise whether there have been reports to the police of anti-social behaviour in Springfield stadium in the last 2 years and, if so, would he outline how many there have been, when these took place and the nature of each incident?

Answer

Since January 2010 there have been 26 reported incidents to the States of Jersey Police which relate to anti-social behaviour in Springfield Stadium. In some instances, despite timely responses, there were no persons present upon Police attendance. The incident title is allocated by the call taker, and is based on their interpretation of the information they are being given by the caller at the time.

Log created – date & time	Incident location	Incident report title
22/01/2010 21:04	Springfield stadium	Intoxicated youths
30/01/2010 21:55	Springfield stadium	Noise from within Stadium
30/04/2010 06:32	Springfield stadium	Fighting in stadium
15/05/2010 19:09	Springfield stadium	Causing damage to seating
11/06/2010 23:20	Springfield stadium	Noisy youths gathering
12/06/2010 21:15	Springfield stadium	Disruptive Youths
30/06/2010 18:46	Springfield children's park	Malicious damage
05/07/2010 20:05	Springfield stadium	Broken car window
31/07/2010 00:40	Springfield stadium entrance	Noisy youths
11/08/2010 19:09	Springfield stadium car park	Damage to a vehicle
31/08/2010 00:26	Springfield stadium	Noisy youths
17/09/2010 22:52	Springfield stadium	Youths drinking
25/10/2010 11:43	Springfield stadium	Strange male
28/02/2011 17:35	Springfield stadium car park	Reported use - illegal substance
13/03/2011 17:53	Springfield stadium	Youths causing damage

14/03/2011 19:00	Springfield stadium	Speeding motorbike
26/04/2011 22:13	Springfield stadium	People damaging seating
19/05/2011 20:37	Springfield stadium	Possible Drunk & Incapable
22/05/2011 11:48	Springfield stadium	Youths causing problems
09/07/2011 23:03	Springfield stadium	Youths making noise
03/10/2011 20:04	Springfield stadium	Noisy youths
16/10/2011 19:39	Springfield stadium	Kids causing problems
04/11/2011 03:45	Springfield stadium	Noisy Youths
05/11/2011 14:02	Springfield stadium	Fight taking place
12/11/2011 17:06	Springfield stadium	Problem youths
16/12/2011 23:03	Springfield stadium	Noise at Springfield

1.3 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COST OF DISPOSING OF WASTE THROUGH THE ENERGY FROM WASTE PLANT:

Question

Would the Minister inform members the overall cost per ton of disposing waste through the Energy from Waste plant (inclusive of all plant operating and maintenance costs such as turbines, flues, buildings, etc; consumables (including any flue cleaning and heating requirement); ash disposal and the amortisation of the plant)?

Would the Minister further advise what income, per ton of waste received, if any, is derived from the sale of electricity or other specified form of energy?

Answer

The disposal cost per tonne must be treated with caution as it is based on estimated figures for 2012 and has the potential to vary significantly depending on the input quantity and quality of the waste.

Costs for 2011 will not give an accurate value for the cost per tonne because the EfW plant was being commissioned for the first nine months of the year and is still in its testing period.

For 2012 it is estimated that the cost per tonne of waste will be in the order of £110. This cost is net of an estimated income of £26 per tonne for the generation of electricity.

These costs are calculated on the basis of a predicted throughput of 71,100 tonnes of waste and ash disposal in the engineered pits at La Collette. Full operational costs including manpower, maintenance, materials and amortisation have been used and are net of predicted income from the

sale of electricity generated. The costs do not include the delivery of waste to site, pre-sorting, recycling or shredding of waste.

1.4 CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INCIDENT IN SEPTEMBER 2011 WHEN THE STATES TUG WAS DAMAGED:

Question

What action, if any, has the Minister taken to establish how the Tug Master hit rocks with the States Tug on 2nd September 2011?

How was the Tug Master employed, who was responsible for vetting his application and has that officer now been disciplined and, if so, how?

Has the Tug Master been replaced and, if so, by whom?

Has the Tug Master's position been re advertised on-Island as well as in Marine Journals and, if not, why not?

Why did the Minister not advise the Assembly of the result of the inquiry before the matter was made public?

Why, at of the time of submitting these questions, has no formal statement been made on the subject by the Minister?

Is cost saving taking precedence over safety at sea?

Given that the Tug Master did not hold UK qualifications will the Insurance Company honour the claim or will taxpayers have to pick up the bill?

Given that the content of the Minister's answers to questions on this matter on 12th September 2011 and 11th November 2011 indicate that he did not have a full understanding of the situation within his Department, will he consider his position and resign?

Answer

What action, if any, has the Minister taken to establish how the Tug Master hit rocks with the States Tug on 2nd September 2011?

Exercising my powers under Article 165 of the Shipping (Jersey) Law 2002, as Minister for Economic Development I initiated an independent external investigation on 7 September 2011. That investigation was tasked to inquire into the circumstances of the incident and I am of the opinion that the published report answers that question.

How was the Tug Master employed, who was responsible for vetting his application and has that officer now been disciplined and, if so, how?

The tug master was employed through an independent agency, SeaMariner, on a fixed short-term contract between August and November 2011, after having gone through a full selection and

interview process. The agency was responsible for putting forward candidates for interview who had the appropriate qualifications and experience to undertake the role.

The officer responsible for overseeing the application process has been the subject of an internal investigation, resulting in disciplinary action being taken.

Has the Tug Master been replaced and, if so, by whom?

Yes, and we have employed the temporary services of a relief tug skipper from Alderney.

Has the Tug Master's position been re advertised on-Island as well as in Marine Journals and, if not, why not?

As part of our current integration programme, Jersey Harbours will shortly be advertising for a permanent and a relief tug skipper. This will involve both on and off-island advertising in appropriate marine journals and is likely to occur in February 2012.

Why did the Minister not advise the Assembly of the result of the inquiry before the matter was made public?

Following the International Maritime Organisation's agreed Code in these matters there is an absolute need for independence and freedom from political influence whenever a safety investigation such as this is carried out. I therefore made the report available for all to access at the same time - the public and States members alike.

Why, at of the time of submitting these questions, has no formal statement been made on the subject by the Minister?

As Minister, I agreed a formal introductory statement attached to the published report. Nothing else was needed as the accident investigation is not a political matter.

Is cost saving taking precedence over safety at sea?

No. Jersey Harbours is fully compliant under the Port Marine Safety Code.

Given that the Tug Master did not hold UK qualifications will the Insurance Company honour the claim or will taxpayers have to pick up the bill?

The claim has been settled in full by the insurance company. Since the report was made public the insurance company has asked for reassurance that the recommendations in the report have been addressed. Jersey Harbours have confirmed to them that eight out of the nine recommendations were fully discussed with all of the marine management staff and appropriate action, where necessary, has been taken to amend their operations procedures and port marine safety code. The ninth recommendation, which related to a buoy location, was discussed but a decision has been taken not to implement it as according to IALA¹ the buoy is correct and should be left to starboard when approaching St Aubin's Bay from sea.

Given that the content of the Minister's answers to questions on this matter on 12th September 2011 and 11th November 2011 indicate that he did not have a full understanding of the situation within his Department, will he consider his position and resign?

No.

¹ International Association of Marine Aids to Navigation and Lighthouse Authorities

1.5 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TOTAL NUMBER OF 1(1)(k) RESIDENTS IN JERSEY IN 2011:

Question

Further to his response to my written question of 17th May 2011, will the Minister provide updated figures for the total number of 1(1)(k) residents in Jersey in 2011; further still detail the number of such residents paying tax within the following tax bands:

Less than £5,000

£5,000 - £10,000

£10,000 - £20,000

£20,000 - £30,000

£30,000 - £40,000

£40,000 - £50,000

£50,000 - £60,000

£60,000 - £70,000

£70,000 - £80,000

£90,000 - £100,000

Those paying £100,000 and above

Answer

From latest figures available (Year of Assessment 2010) the number of high net worth individuals resident in the Island is 127 at 31st December 2010.

The specific figures in the bands requested by the Deputy are as follows:

1. Less than £5,000	23 individuals
2. Between £5,000 - £10,000	10 individuals
3. Between £10,000 - £20,000	14 individuals
4. Between £20,000 - £30,000	14 individuals
5. Between £30,000 - £40,000	7 individuals
6. Between £40,000 - £50,000	4 individuals

- | | |
|-------------------------------------|----------------|
| 7. Between £50,000 - £60,000 | 4 individuals |
| 8. Between £60,000 - £70,000 | 4 individuals |
| 9. Between £70,000 - £80,000 | None |
| 10. Between £80,000 - £90,000 | 4 individuals |
| 11. Between £90,000 - £100,000 | 4 individuals |
| 12. Those paying £100,000 and above | 39 individuals |

1.6 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE DECLARATION OF ELECTION EXPENSES BY ALL OF THE CANDIDATES FROM THE 2011 DEPURIES ELECTION:

Question

Will H.M. Attorney General advise whether or not all of the candidates from the 2011 Deputies election have complied with the Public Elections (Expenditure and Donations) (Jersey) Regulations 2011, which requires that they provide full details of their campaign expenses, irrespective of whether they were elected?

Answer

Candidates are required no later than 15 working days after the poll to deliver to the Judicial Greffier a written declaration of their election expenses. Two of the candidates who stood as prospective Deputies in the 2011 Deputies election and who were unsuccessful have failed to provide such a written declaration and this matter is receiving appropriate attention.

1.7 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE PAYMENT OF THE BDO ALTO INVOICE RELATING TO THE FINANCIAL MANAGEMENT OF THE OPERATION RECTANGLE REVIEW:

Question

Will the Minister clarify whether or not the invoice in the region of £14,000 (discounted from approximately £26,000) previously sent to the Education and Home Affairs Scrutiny Panel from the company BDO Alto relating to the financial management of the Operation Rectangle Review has now been paid by Home Affairs; what date this was finally settled and, if not settled, will he advise whether he will be requesting the amount to be paid by a scrutiny panel?

Answer

The Home Affairs Department, having taken advice, will not be paying the invoice for costs submitted by BDO Alto in the sum of £14,143.50, and has advised the company accordingly. Whether BDO Alto seeks payment from the Education and Home Affairs Scrutiny Panel is a matter for the company, although the company has been advised that the Panel is likely to take a similar view.

1.8 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE TOTAL COST OF EXTERNAL INQUIRIES AND

REVIEWS OF ALLEGED POLICE DISCIPLINARY ISSUES SINCE NOVEMBER 2008:

Question

Further to his answer to my written question 6643 of January 17th 2012 (relating to how much money had been spent on external inquiries and reviews of alleged police disciplinary issues since November 2008), would the Minister confirm whether the figures stipulated (amounting to £894,394) indicate the total, complete cost to the Island's taxpayers of aspects relating to these inquiries and, if not, will the Minister accordingly provide full details of any additional sums?

Answer

The answer to written question 6643 related to the cost of external inquiries and reviews as requested. It did not include the salary costs, including acting-up costs, in relation to suspended officers.

Of the four enquiries detailed in the first section of my response only one incurred internal costs including 'acting-up' cover and legal costs. The total cost to the States of Jersey Police of the 2008 enquiry by Thames Valley Police was £344,448, as indicated in my answer to Senator Breckon on 9 March 2010.

With regard to the Wiltshire Constabulary investigations, I would refer the Deputy to the answer I gave to his written question on 19 July 2010 which stated that the internal costs of 'acting-up' cover for the absence of the Chief Officer of Police were £234,854, thus bringing the total costs in relation thereto to £1,103,094.

This brings the total costs relating to all relevant matters to £1,467,626.

In addition to this there will have been some costs relating to local officers but these would have come out of the normal staff budget.

1.9 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE COMPOSITION OF THE ELECTORAL COMMISSION:

Question

Would the Chairman advise whether he personally supports moves to change the fully independent status of the Electoral Commission, as agreed by a large States majority decision in March 2011, and, if not, who will be acting as Rapporteur when the matter is brought to the Assembly for debate?

Would the Chairman advise whether the proposal was only considered by the Privileges and Procedures Committee following the Chief Minister's decision to support Senator Bailhache's desire to chair the Commission?

Answer

My views on the composition of the Electoral Commission were indicated in the answer to a question at the last States meeting. I believe that the current States Assembly should have the opportunity to debate whether or not States members should be appointed to the Commission. It

makes little difference, therefore, what position is taken by the Privileges and Procedures Committee. Either the States would be debating a proposition for an independent Electoral Commission with an amendment to allow States Members to serve on it, or *vice versa*. The members of PPC were divided on which route to take and have by a majority lodged 'Electoral Commission: composition and terms of reference' (P.5/2012), to which an Amendment has been put to allow the debate to take place as anticipated.

Under the circumstances I foresee no difficulty in proposing P.5/2012, and expect that the majority of the time spent debating the issue will be devoted to the amendment.

The suggestion that PPC should draft a proposition that would, if adopted, enable States members to serve on the Electoral Commission, was initially considered by PPC as presently constituted at its first meeting on 14th December 2011. It is my understanding that the Chief Minister announced his intention to support Senator Sir P.M. Bailhache as chairman of the Electoral Commission on 16th November 2011, before I had been appointed as Chairman of PPC, and before the Committee as presently constituted had been established. It therefore follows that the proposal could only be considered by PPC after the Chief Minister made his decision to support Senator Bailhache.

1.10 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CURRENT LARGE PROFILE OF THE RECLAMATION SITE AT LA COLLETTE:

Question

Would the Minister, with regard to the current large profile of the reclamation site at La Collette, advise:

- (a) the present height above mean high water of the earthworks near the Energy from Waste Plant;
- (b) the current height above mean high water of the mound at the south west corner;
- (c) whether these are due to be increased/decreased and, if so, when,
- (d) details of the planning permission, if any, granted for these works;
- (e) details of what consultation, if any, has taken place in relation to possible pollution from this infill and the resulting loss of the view of most of St Aubin's Bay and the Noirmont headland from the east of the Island?

Answer

- (a) The height of the earthworks (known as the North Mound) above mean high water, near the Energy from Waste Plant, is 19.5m
- (b) The current height above mean high water of the mound at the south west corner is 18.5m.
- (c) The North Mound is a landscaping feature which was constructed as part of the Energy from Waste Plant as part of the overall Planning Permission for the project. It is now complete and to its finished height. There are no plans to change its height. The mound at the south west corner is a temporary stockpile of material for aggregate recycling. Its height will diminish as the material is processed over the next two years.
- (d) Planning Permission for the North Mound was granted under Planning Application No's. PP/2007/0050 and RM/2010/2086.

Planning Permit 17742 (18 October 1991) granted planning permission for the formation of a breakwater that created the La Collette II reclamation project. Planning Permit 17742/B (12

September 1995) gave permission for infilling of the area created by the breakwater and allowed for superfilling over and above the height of the breakwater where the site was to be used for the disposal of ash from the incinerator at Bellozanne. This was located on the north-eastern area of the site and allowed for superfilling up to 8m above the level of the top of the breakwater.

Superfilling on site at all locations, including the mound in the southwest corner, is permitted by La Collette Development Framework (P96/2000), which was approved by the States in July 2000.

- (e) The waste management activities carried out at La Collette by TTS are regulated by the Department of the Environment under the Waste Management (Jersey) Law 2005 and Water Pollution (Jersey) Law 2000. TTS manage activities to prevent pollution of the environment and have a deemed Licence in place for all activities on the site. The waste management licence for the site requires a management plan, which includes the monitoring of environment, to be followed. TTS have consulted with the Department of the Environment throughout the formulation of the monitoring plan and this process is ongoing. Public consultation as required under the Waste Management (Jersey) Law 2005 is scheduled to take place in 2012 and a waste management licence can then be issued.

The combined effects of all TTS operations at La Collette has been independently reviewed by Rob McInnes, of Bioscan (UK) Ltd, a leading expert in Environmental Impact Assessments and Ramsar interface issues. He concludes that TTS has established appropriate operational, management and mitigation procedures to reduce risk to the marine environment to internationally agreed acceptable levels.

1.11 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING RECENT SPEED LIMIT CHANGES AND THE CURRENT SPEED LIMIT POLICY:

Question

Given recent speed limit changes where many urban areas remain at 40mph whilst limits have been reduced on some rural main roads with no accident records and, in one case, a road bordered by a single house, would the Minister inform members how he ensures consistency and provide details of his current speed limit policy?

Answer

The current speed limit policy was approved by the States in 2005. In summary it is: -

40mph all-island speed limit (30 mph all-island for vehicles over 3.5t laden weight)

30 mph on urban/built-up areas

20mph on housing estates and discrete residential areas

20mph part-time in areas outside of schools

15 mph on green lanes

The previous Minister for TTS established a speed limits review group and presented the group's review and proposals to the States in April last year, but the States agreed to a request from the Environment Scrutiny Panel to defer the debate, as the panel did not consider the review group's work to be adequate. The previous Minister subsequently informed the Panel that the matter would be referred to the Road Safety Strategy Group. That group has been established and will identify proposals to reduce the number of road injuries on our roads and will advise on the role speed limits have to play.

The Minister for TTS receives numerous requests for speed limits from the Parochial Authorities and I concur with my previous Minister that it is not satisfactory to ignore those requests whilst waiting for further review of speed limit policy. Consequently the previous Minister approved requests for six locations to be added to those areas subject to a 30 mph limit and I have recently approved the required Traffic Order. These are generally in urban areas where parochial authorities have identified a justification for lower limits in order to improve road safety and protect the local community.

Whilst a consistent approach is desirable, inevitably in practice there has to be some degree of flexibility in determining the exact location of speed limits.

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE POSSIBLE INTRODUCTION OF BUSINESS PROPERTY OCCUPATION AND PAYROLL TAXES:

Question

What consideration, if any, has the Minister given to the introduction of a Business Property Occupation Tax and a Payroll tax to address the absence of tax revenue from zero-rated companies?

What consideration, if any, has the Minister given to the findings of the European Union's Court of Justice dated 15th November 2011, which ruled out a Business Property Occupation Tax and a Payroll tax proposed by Gibraltar on the grounds that they were materially selective and inherently favour offshore companies with little or no physical presence?

Will the Minister outline what other options, if any, he has for generating revenue from zero-rated companies?

Answer

Responses have been provided in the order asked.

1. Companies that are subject to income tax at the 0% rate contribute significantly to Jersey's revenues in a number of ways, including through ISE fees, company registration fees, social security contributions in respect of their employees, and most importantly, by employing the majority of Jersey residents who are in employment, who then pay taxes on their income.

Every possible measure, including property taxes and payroll taxes, is being examined in order to determine its suitability and its compliance with the EU Code of Conduct on Business Taxation.

2. The findings of the European Court of Justice are being closely examined. It is considered that the judgement is helpful, insofar as it provides more detail on one of the measures by which Jersey's tax regime is judged. It demonstrates the importance of ensuring that the 0% company income tax rate is the standard rate of tax, applying not just to the majority of Jersey companies, but also to the majority of companies doing business in the Island.
3. Other options which have been mentioned previously in the States Assembly include the potential extension of the 10% or 20% tax bands to include some other types of company, and the introduction of some form of charge. Further details will be made available in the next few months.

1.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ADDITIONAL POWERS TO CONTROL POPULATION UNDER THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 201-:

Question

What additional powers, if any, will the Chief Minister have to control population under the Control of Housing and Work (Jersey) Law 201- and how does he propose to use them?

Answer

The Control of Housing and Work (Jersey) Law 201- has been drafted to ensure that the Minister has robust, extensive and readily enforceable legal powers to control the ability of newcomers to work and be housed in Jersey.

In particular, the following have been seen as significant improvements around our ability to manage the ability of newcomers to find work:

- All persons starting work must have a registration card clearly showing their residential status (Article 24) making it clear to employers and the Population Office what residential status every worker holds.
- The number of Registered and Licence persons that a business may employ will be capped, including powers to licence these employees on an individual named basis, and as to where they may live and for how long they may work for the undertaking (Article 27)
- All undertakings must provide statements of their employees (Article 32) at required periods which can be matched against registration records and the licence of the undertaking to ensure compliance.
- A licence may be varied, ceased, or revoked by the Minister as required (Articles 29, 30 and 37) and powers as to obtaining information and entering premises are clarified (Articles 33, 34, 35).

As to housing, the following are seen as particularly beneficial:

- The Law will require all persons to confirm where they live, including Registered persons (Article 9) and will allow data to be obtained from any Department (Article 10) to keep these records up to date to support compliance with housing conditions.

- The new Law will require all new properties to be Qualified unless the Minister says otherwise with reference to the interests of persons with Entitled status (Article 15)

Further information can be found in P37/2011, “Draft Control of Housing and Work (Jersey) Law 201-”, including a detailed report on the benefits of the Law.

These powers will be used to support and achieve the policies of the Assembly.

1.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE NUMBER OF INCOME SUPPORT RECIPIENTS CHARGED FOR G.P. CONSULTATIONS SINCE 2008:

Question

Will the Minister inform members how many recipients of Income Support have been charged since 2008 for GP consultations instead of having clinical components and special payments?

Answer

General Practitioners (GPs) are responsible for the charges levied for consultations.

The Income Support system acknowledges the cost of GP visits in three separate ways:

1. The living component provided for each adult and each child in an Income Support household incorporates an allowance to pay for up to four GP surgery visits per person per year.

As at 31 December 2011, 11,438 Income Support participants were eligible for a living component including an allowance towards their GP costs.

2. If anyone in the Income Support household has a medical condition that requires more than four GP visits per year, an additional clinical cost component can be paid at one of two rates:

Five to eight visits per year - £156.52 per annum

Nine to twelve visits per year - £313.04 per annum

As at 31 December 2011, 2,224 Income Support participants were eligible for a Clinical Cost component towards their additional GP costs.

3. Special Payments are also available to help those who need additional visits on a case-by-case basis.

2. Oral Questions

2.1 Deputy R.G. Le Hérisier of St. Saviour of the Minister for Transport and Technical Services regarding a report on the taxi and cab industry:

When will a report on the taxi and cab industry be published and what consultative process, if any, will occur?

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

The States-approved Sustainable Transport Policy provides a timetable for T.T.S. (Transport and Technical Services) to gather evidence and develop proposals for taxi regulations by 2012 and implement these by 2015. In order to meet this timetable, T.T.S. have undertaken detailed research into the operation of the taxi industry and the quality of customer service it provides. A report into taxi regulation in Jersey is in the process of being finalised and will be issued shortly for consultation with the industry and other relevant interested groups.

2.1.1 Deputy R.G. Le Hérissier:

Will the Minister tell us what aspects of the J.C.R.A. (Jersey Competition Regulatory Authority) report on the industry have been accepted by his department and what aspects have not been accepted?

Deputy K.C. Lewis:

I do not have the detailed list with me but I think many, if not all, have been accepted.

2.1.2 Deputy J.H. Young of St. Brelade:

Would the Minister advise the Assembly whether during the consultation period on the new policy, in view of the very old nature of the regulatory law and the policy, is he currently enforcing those very much out of date rules?

Deputy K.C. Lewis:

All rules are enforced until they are superseded by new ones.

2.1.3 Deputy R.G. Le Hérissier:

Could the Minister inform us whether his department will be recommending that all holders of taxi/cab licences must remain resident on the Island and must be active participants in the exercise of their licences?

Deputy K.C. Lewis:

That will form part of the consultation which will be going out shortly and I invite the Deputy to reply then.

2.2 Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding the report of the Independent Police Complaints Commission into the complaint of Mr. Lenny Harper:

Is the Minister aware of the report of the Independent Police Complaints Commission into the complaint of Mr. Lenny Harper and, if so, would he advise whether it states that the Metropolitan Police Interim Report, which was a factor in the suspension of the former Chief Officer and allegedly criticised the former Senior Investigating Officer, contained no such criticism of these officers and, if so, would he apologise or resign?

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

This question relates to the circumstances of the original suspension of the former Police Chief by the former Minister for Home Affairs. I think because there are so many new Members, I am going to have to refer to people by their actual names so that is of Mr. Power by former Deputy Andrew Lewis. That suspension was the subject of a detailed report consisting of 51 pages, which was

commissioned by the Chief Minister on behalf of the States of Jersey, which is called the *Napier Report*. I am aware that a report into the complaint of Mr. Harper exists but I have not seen it. The Metropolitan Police report was requested by Mr. Warcup with the agreement of Mr. Power in order to advise the States of Jersey Police both on high level issues and in relation to individual investigations forming part of the Historical Child Abuse Inquiry. Mr. Warcup then subsequently requested an interim report for reasons which I have stated before. He subsequently referred to the interim report in a letter written to Mr. Ogley and that letter was considered by Mr. Lewis as part of the matters he considered in the suspension hearing. Mr. Napier considered both the interim report and the letter of Mr. Warcup. He certainly considered the details of the interim report because he makes detailed reference to issues therein which he could only have found by so doing. He does not at any point in his report suggest that the section of that report quoted in the letter of Mr. Warcup did not, in fact, exist in the report. I also checked this. There was a whole series of questions to me in 2010 and eventually I checked the exact nature of the documents and also I checked that the words contained in the letter did, in fact, exist in the report. The Metropolitan Police report was not a disciplinary report and I would not expect it to contain direct criticism of individual officers. Frankly, I am completely puzzled as to what Deputy Trevor Pitman thinks that I have said or done in relation to this which warrants an apology or resignation.

2.2.1 Deputy T.M. Pitman:

How many supplementaries can I have? A quote from the findings of the Independent Police Commission: “In reality, having reviewed the report written by D.S.U. (Detective Superintendent) Sweeting” - sorry, I have got to name him and his team - “it is clear that no such criticisms are levelled at Mr. Harper.” Paragraph 5.4. “The report was neither critical nor damning.” Indeed, does the Minister - and I wish he would stop taking the flak for his predecessor - not agree that we should not have a situation where someone is suspended on the basis of a letter written claiming that there is something in a report which no one is allowed to see? Indeed, the Minister who suspended the individual was not allowed to see it and when you read the report, it warrants no such action at all.

Senator B.I. Le Marquand:

I am not sure that the words that Deputy Pitman just read out are inconsistent with what I said. I would not expect any such report to contain detailed or any criticism of individual people. It was an overall assessment of the situation. There undoubtedly was a problem in relation to the original suspension in that the reference in the letter of Mr. Warcup to the interim report was considered by Mr. Lewis even though he did not see the report itself. I found myself subsequently some months later in exactly the same position and decided not to consider the part of the letter which contained that for that very reason.

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

I have got a number of questions on this so I will just start with this one. The former Minister for Home Affairs, Deputy Lewis, told this Assembly that what he had been told was contained in the interim report and was highly damaging. I will not quote him but he gave the House the view that he had no choice other than to suspend the Chief Officer because he had to investigate the allegations of gross misconduct in terms of management supervision and everything else. So in other words, basically, he was told in the letter that he was given by the Chief Executive at the time that this guy was basically out of control: “Something has got to be done and you have got to suspend him.” Now, does he think that that was sufficient based on just a letter from the Deputy Chief of Police at the time to the Chief Executive who had already been planning from 24th September to look at disciplinary matters with the Chief of Police? Does he think that was justification to suspend him?

Senator B.I. Le Marquand:

I have been asked to express an opinion on somebody else's matters. I do not think that is within the normal rules of answering questions. It is very difficult for me to express an opinion because I do not know precisely all the materials that were before Mr. Lewis in relation to that but I do accept there was a difficulty in relation to the usage of the Metropolitan Report in circumstances in which the Minister did not see it. I also accept that a letter was written by Mr. Ogley in relation to this matter to Mr. Lewis in which Mr. Ogley put his own gloss, as it were, on some of the information which was produced and that may also, of course, have influenced Mr. Lewis but I cannot say.

2.2.3 Deputy M.R. Higgins:

Could I just follow up? The main question I am trying to ask is if the House was told at the time that the report contained such damning evidence that gave the impression of gross misconduct in terms of management supervision, *et cetera*, do you not think that misled the House into a suspension when there was no such evidence in the interim report?

Senator B.I. Le Marquand:

It is very difficult. I am being asked to express an opinion which a predecessor has done at a particular time. I accept that what he did and the manner in which he did it is open to criticism. I personally have always held the view that, irrespective of content, the procedure that was followed in relation to that matter was incorrect but I simply do not think it is fair that I am being asked to express a view, as it were, on the performance of a predecessor in relation to matters without knowing exactly what he considered. I would accept that on the basis of what he said to the Assembly, there were certain weaknesses undoubtedly.

[10:00]

2.2.4 Deputy M. Tadier of St. Brelade:

I understand that the Minister was not around at the time and that is perhaps where the difficulty arises. First of all, will he clarify that were he around at the time that he would have at least insisted on seeing what the report said for himself before making a very serious decision to suspend a Chief Police Officer without having seen the report. So first of all, was that a mistake, quite categorically, yes or no; and secondly, because the Minister has subsequently said that he supports the suspension even though he did not support the way in which it was done suggests that he thinks it is okay to say that the means justifies the end and that it is all right to suspend somebody when the process is not correct, to do that unlawfully and then find the evidence for that later. Is that the correct way to do business?

Senator B.I. Le Marquand:

That question was so long that I think I have now forgotten the first half of it.

The Bailiff:

The first part was hypothetical. It was ...

Senator B.I. Le Marquand:

I think I agreed with it.

Deputy M. Tadier:

To clarify, I would be happy if the Minister would just answer the second part of the question.

Senator B.I. Le Marquand:

But I now cannot remember that. **[Laughter]** In relation to the first half, I think the answer I have already given indicates that I do not think that use should have been made of the material relating to this report without the Minister having looked at it and that is obvious that I think that because I found myself exactly in the same position and then chose to delete, as it were, the reference in the letter of Mr. Warcup to that for exactly that reason. Now, I have, I am afraid, forgotten the second half. There is meant to be only one question, is there not, Sir?

2.2.5 Deputy M. Tadier:

If I have a supplementary, that might help the Minister. I think I obviously took a leaf out of the Minister's first response which was also very lengthy and I could not quite remember the very beginning of that answer. The point that is being made here is that if the process was not being followed and the suspension was made and it was not based on due process, then we have a choice of a suspension either being made for valid reasons or for political reasons. So one is a process, one is to do with the fact that the job was not being done or the other alternative - which seems to be the case - that this was a political decision being made to get rid of an officer. So my question to the Minister is can he confirm that the criticisms of local journalists on the internet over here that this was a political suspension, politically motivated and not one for which the Chief Police Officer should have been suspended is correct? Will the Minister confirm that this was a political suspension and that there was no physical evidence at that time, no reason to suspend the Chief of Police?

Senator B.I. Le Marquand:

No, I do not agree with that. I have agreed that the procedure followed was not correct. That is, in fact, of course, what Mr. Napier found but Mr. Napier also found that there was no political motivation, that this was properly followed through. I do not think that people can selectively choose parts from the *Napier Report*. Members of this Assembly must also remember that I reviewed the matter, that I reconsidered it, that I found that, in fact, the suspension was justified but that decision was attacked by Mr. Power by a judicial review before the Royal Court and my decision was not overturned.

2.2.6 Deputy T.M. Pitman:

Where to begin. If the Minister has read the so-called interim report, is he aware that it was not written by a working police officer, it was written by a civilian, and it is very selective in what it quotes? Does the Minister think that that is an appropriate way to go forward, effectively ending someone's career and ruining their life because that is what this political decision has done?

The Bailiff:

That was your question, Deputy. The rules are quite clear you ask one subject in a question.

Senator B.I. Le Marquand:

I have noted that among the papers flying around on blog sites are allegations that this interim report was not produced by the Superintendent who was named before. I have to say that is the first time I have come across that particular allegation. I would be very grateful if somebody would send me a copy of the I.C.C. (Independent Complaints Commission) Report so that I can have a look at that. I can then go back and have a look at the electronic form of the document which I have seen before which I have described before to this Assembly and see whether that is correct or not.

2.3 Deputy J.H. Young of the Minister for Treasury and Resources regarding Income Tax allowance for non-corporate owners of residential properties whose properties were not in a suitable condition for letting:

Before putting my question, I would just like to say I recognise my question does require me to make a declaration of interest under Standing Order 106(2) because of a property that a close member of my family inherited in the last few years. So having done that, may I make the question? In view of the 3,103 vacant private dwellings reported in the 2011 census, will the Minister inform the Assembly whether non-corporate owners of residential properties whose properties are not in a suitable condition for letting currently receive income tax allowance against rental income for any capital expenditure incurred in bringing their properties into lettable condition? If not, will the Minister review this?

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

Before I answer I too, I believe, have to make a declaration. I have a family member who has a property that comes under this category. Having said that, firstly I would say that it is not yet clear how many of these vacant private dwellings are properties that are not in a suitable condition for letting. For example, some may be new-builds that are not yet occupied or others may be where the owners are away on a long-term holiday. I believe that further analysis of the underlying data will be carried out by the independent Statistics Unit. The Income Tax Law allows a deduction to be made from rents charged to tax for spending on maintenance and repairs when property has fallen into a state of disrepair while being let. There is no provision to allow a deduction of this expenditure if the money was spent before the property was let. The Minister has committed to conduct a review of property taxation, which will look at how property income is currently taxed. This will aim to discourage unfair practice relating to property ownership and to determine whether the tax system can be used to encourage behaviour which is beneficial to the Island.

2.3.1 Deputy J.H. Young:

I thank the Minister. I would like, please, for him to clarify his answer. In view of the need for economic incentives for the building industry, would his review of the income tax law include widening the scope of the income tax relief, which I believe comes in Article 52, and to allow all property expenditure for refurbishment against tax and will that include removing the restriction on any relief on energy saving measures, all of which is, I think, in line to modernise the income tax law in line with his reply?

Deputy E.J. Noel:

Unfortunately for the good Deputy, I am reluctant to agree to that, the main reason being that tax policy should be made on sound evidence and the independent Statistics Unit has yet to carry out the full analysis of the 3,103 unoccupied properties and until we have a better understanding as to the nature of those properties, then it would be inappropriate to make amendments to our tax legislation.

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

Could the Assistant Minister advise why areas such as these were not part of the recently conducted Fiscal Strategy Review, which resulted in a G.S.T. (Goods and Services Tax) rise?

Deputy E.J. Noel:

The potential amount of tax involved I believe would be quite small and that is the main reason why these types of areas were not considered in the review that was carried out in 2009, I believe.

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

As part of his review, has the Assistant Minister considered talking to the Parish authorities to agree a set of carrots or sticks to get these properties back on the market? What time scale is he thinking of reporting in? When will he report?

Deputy E.J. Noel:

Again, I go back to the work that is going to be carried out by the independent Statistics Unit. When we have a better understanding of the makeup of these 3,103 properties, we will have a better steer on which direction to take and if that means liaising with the Comité des Connétables to gather further information, we will do that.

2.3.4 Deputy G.P. Southern:

Will the Assistant Minister answer the question? When is it his intention to report his findings back to this House?

Deputy E.J. Noel:

It depends on the outcome of the information provided by the Statistics Unit. Depending on their findings, the report back to this House may or may not be required. If their findings come up with figures that there are 3,000 properties that are newly-built that are vacant, then there is little point in coming back to this House. If there are a significant number of properties that have fallen into disrepair that could be brought back into the housing market, then, yes, that is a matter that can be brought back to this House.

Deputy G.P. Southern:

May I just make a general point about answering questions here? We have got a simple question here. When is it intended to come back? It could be this year, next year, the year after. It could be months; it could be within a year. Whatever the answer is, this Minister does not want to answer.

The Bailiff:

Deputy, please do not continue speaking when the Chair is speaking. The Deputy has given an answer which is that he does not know. Now you may not like that answer but it is an answer to the question.

2.3.5 Deputy M. Tadier:

Will the Assistant Minister confirm whether he thinks it is completely inappropriate to give taxpayers' money to multiple property owners to do up their places so that they can then let them out to other people who cannot afford to either buy or even affordably rent properties in the Island? Is this a good use of taxpayers' money as a principle?

Deputy E.J. Noel:

I have quite some sympathy with Deputy Tadier there. I do not personally think - this is a personal view - that taxpayers' money should be used to subsidise landlords who have a substantial property portfolio.

2.3.6 Senator A. Breckon:

The Assistant Minister a number of times has mentioned the work being done by the Statistics Unit into the empty properties. Can he say which part of the Census Law allows them to look in more detail at information they have received?

Deputy E.J. Noel:

The simple answer is no, I do not know the answer to that. I do not know what part of the Census Law would allow them to look more deeply. From what I understand, they are working within their remit to provide a better breakdown of the figure that they have published.

Senator A. Breckon:

Is that a yes or a no? Can the Statistics Unit look at this within the Census Law or not?

Deputy E.J. Noel:

I thought I was quite clear. I do not know if they can or not.

2.3.7 Deputy J.H. Young:

In view of the Assistant Minister's reply to Deputy Tadier's question, could I ask him to clarify whether his review will include an economic assessment of the benefits of providing incentives to generate additional economic growth, thereby increasing tax revenues rather than seeing it as a loss of public money?

Deputy E.J. Noel:

Yes, any changes to our tax system, albeit how large or small, have to look at all the factors concerned to make sure that there are no unforeseen results that could cause a detriment to our economy and Islanders.

2.4 Deputy M. Tadier of the Minister for Home Affairs regarding the report commissioned by an outside media consultant in relation to Operation Rectangle:

Can the Minister inform Members whether the report written on 8th October 2008 by an outside media consultant in relation to Operation Rectangle was commissioned by the former Chief Executive of the States and the former Chief Minister and not by the States of Jersey Police?

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

In answering this, I think I want to refer to the name of the individual. The reason for that is because there is a question for the Chief Minister about that individual, he is named there, so I cannot see any problem in my doing that unless you rule otherwise.

The Bailiff:

If it is essential.

Senator B.I. Le Marquand:

But I think it is confusing otherwise when there is a question.

The Bailiff:

Very well.

[10:15]

Deputy M. Tadier:

Can I just add that it says "former Chief Minister" but, of course, that is 2 Chief Ministers ago now so it is probably helpful if we do refer to names.

Senator B.I. Le Marquand:

I would assume that the question relates to Mr. Tapp - that ties-in with the question of Deputy Higgins - who was a specialist media consultant who was appointed by Mr. Warcup in order to advise the States of Jersey Police on media-related issues. Following a disagreement with Mr.

Power as to the correct way forward, he resigned. He was then asked by the Chief Executive, Mr. Ogley, with the consent of the Chief Minister at the time - acknowledging consent to the Chief Minister at the time, Mr. Walker - to produce a report, which he did. That report was not available until after the original suspension. The involvement of Mr. Ogley in this and Mr. Walker and Mr. Tapp's involvement is all covered at some length in the *Napier Report* and Mr. Napier does not express any concerns in relation to the part which Mr. Tapp played or, indeed, Mr. Ogley in this way and I am frankly puzzled as to why there is now excitement about Mr. Tapp's role when this has been in the public domain for quite a long time.

2.4.1 Deputy M. Tadier:

Firstly, if I can thank the Minister because a similar question was asked on 20th April 2010 and at that time, there was an ongoing inquiry so the Minister had to be slightly more cagey in the answer that he was able to give on that occasion. I suspect that the reason that this has been given some import by certain journalists and certain individuals in our Island is because it exactly confirms the suspicion that this was a political act and it was not the Police Chief and that department which decided that there was need for the Police Chief to be suspended. Rather, it was a decision of the Chief Executive Officer who, as we know, has now been if I can say "paid off" - I do not know if that is the appropriate expression. So does the Minister acknowledge that with so many people having resigned, the Chief Executive Officer and Mr. Warcup, who ostensibly resigned because he was getting harassment, but it could be for other reasons, that this is something which is of political interest? Will the Minister seek to give a full statement to the media outlining the timeline, the chronology, and the reasons for the suspension?

Senator B.I. Marquand:

There are so many questions again in that one.

The Bailiff:

There are only 2. Was it a political act and will you make a statement?

Senator B.I. Marquand:

No, it was not a political act. It was quite apparent by the time that Mr. Tapp was asked to produce his report that there were serious concerns in relation to the way in which the media handling had taken place. That was apparent fairly early on, in fact, but by the time we are getting into October 2008, the storm clouds were definitely gathering in relation to that. It was by then known that the so-called skull fragment was not a skull fragment at all but was some other type of material and it seems to me that it was part of the duty of the Chief Executive at the time to try and start to gather evidence which would become relevant to subsequent decisions. There is absolutely nothing political about that.

The Bailiff:

Will you make a statement?

Senator B.I. Marquand:

I will talk to the press but I am not going to go into enormous length or enormous technical details.

2.4.2 Deputy M.R. Higgins:

Does the Minister not find it rather strange though that Mr. Tapp was brought in by the Deputy Chief Officer of Police to write a report, it was then felt that his services were not required by them. He is then invited by the Chief Executive who had already from 24th September been making inquiries with the Solicitor General and others about bringing disciplinary charges against the Chief of Police. Does it not look like the media thing was part of a political process of getting rid of him?

Senator B.I. Marquand:

No, the fact that already inquiries were being made in terms of possible disciplinary matters is fully consistent with Mr. Ogley taking the view that he should be gathering evidence together. Clearly, Mr. Tapp very strongly disagreed with the way in which matters were carried out. Incidentally, Mr. Tapp's evidence of what he had to say in relation to matters was included as part of the *Wiltshire Report*. They clearly treated him as being an expert with the right knowledge and ability.

2.4.3 Deputy M.R. Higgins:

Going back to Mr. Ogley's role in this, Mr. Ogley commissioned this report with the former Chief Minister, Mr. Frank Walker, and the report was used as part of the justification for his dismissal. Mr. Ogley, according to Napier, said that one of the reasons for the suspension of the Chief Officer of Police was the fact that he would not agree to the media strategy. Will the Minister for Home Affairs please go through all this and produce chapter and verse for the media and for Members here because there are so many elements of it now coming to the front showing that it was a political act. Will he revisit it and put out all the information?

Senator B.I. Le Marquand:

It is not a political act. I have heard absolutely no evidence from that and I stand by the report of Mr. Tapp in relation to that particular area. Members are very quickly forgetting that the concerns of Mr. Warcup were fully justified by the *Wiltshire Reports* when they came out. That is the substantive report in relation to what happened where there were failures and so on.

2.4.4 Deputy R.G. Le Hérissier:

Given this never-ending saga and given the miasma of allegations and counter allegations, could the Minister comment on whether the constitutional manner in which we have dealt with this was sufficiently robust and independent or would he reform it so that we never get into the situation again where so many people are involved and the independence and integrity of an independent Police Chief, as should be, is heavily compromised?

Senator B.I. Le Marquand:

That is part of my work programme because once hopefully the States of Jersey pass the new Police Force Law, I have left the issue of disciplinary codes and such matters for the Police Chief to be dealt with by regulations so that the States will have a full say in relation to that. Clearly, we have got to get the procedures right for the future. I totally agree with Deputy Le Hérissier on that.

2.4.5 Deputy R.G. Le Hérissier:

Would he not agree that the involvement of other civil servants in trying to manage a Police Chief was totally wrong in retrospect?

Senator B.I. Le Marquand:

No, I do not agree with that. Members of this Assembly must understand that Mr. Ogley, as Chief Executive, had a particular role of oversight. Indeed, within the Civil Service system if I can refer to the wider system, I appreciate the Police Chief is not a civil servant and has a particular status, he would have been the person who would have had oversight at the officer level of the Police Chief in relation to matters in relation to which it was proper to have such oversight. In my view, someone will always have to have that. There has to be a proper balance and I am seeking to achieve that balance in the new law between operational matters and other matters and such safeguards but, nevertheless, there has to be some level of oversight at Civil Service level.

2.4.6 Deputy T.M. Pitman:

I am almost tempted to ask if the Minister could tell the House, particularly new Members, what other substance apart from in mammals you find 1.6 collagen; I do not think you find it in coconuts. But my question is the Minister keeps referring again to the *Wiltshire Report* as the ultimate findings. This is the prosecution case that was never able to be put to Mr. Power because the Minister, I will have to use the word “chickened out” - ran away - and would not give him a fair hearing in court. Would the Minister not agree with that?

Senator B.I. Le Marquand:

I very much resent the suggestion that I chickened out or would not give a fair hearing. The fact is that the reports took so long in arriving and a procedure that then followed that, if I got the documentation, took so long... and then Mr. Power then brought forward his resignation date by 6 months which rendered it impossible to deal with the matter. The fact is that Wiltshire did not set out a prosecution case. They produced a balanced report. It is available to Members, both in a redacted form and in full form. They consider what he is saying and they come to judgments on that. It remains, in my view, the definitive report on this matter.

2.4.7 Deputy T.M. Pitman:

Talking about balance and fairness, would the Minister then finally make Mr. Power’s 62,000 words available to all so we can have some real light on the matter?

Senator B.I. Le Marquand:

I have been working on that for quite some time but I have hit significant difficulties. I had to take specialist advice from counsel on issues relating to libel. That has thrown up some complicated issues. I am still working on it but it is complicated. It is not a matter of just taking out certain names. It is a question of whether or not I can properly put in the public domain certain matters without risking libel and I have to be fair, not just to Mr. Power but to others. The work is continuing and we will complete it as soon as we can.

2.4.8 Deputy M. Tadier:

I think the reason this is serious is because the Minister somehow and at some time needs to explain why when a media consultant is taken on by the States of Jersey Police, only to resign, books his flights home, and then he immediately gets a phone call from the Chief Executive and the Chief Minister saying: “We want you to do a report for us” because he would not have been able to do that report for the Chief Minister because he was already working on other reports subsequently, so it suggests that one way or the other the States of Jersey - the Chief Executive, Bill Ogley - who has now resigned or retired and the former Chief Minister, Frank Walker, wanted to get Mr. Tapp to do a report one way or the other. That is one of the questions that needs to be answered because ...

The Bailiff:

Is that your question, Deputy?

Deputy M. Tadier:

That is my question for now. I am going to wait until next week and ask some more or do some writing but there are other questions to be asked but I think that is the first point that needs to be asked. Does it seem strange to the Minister that when somebody has been commissioned to do a job for one person, resigns, and gets a phone call immediately to do a job from another department when he has already booked his flights home allegedly?

Senator B.I. Le Marquand:

No, I do not find it strange. No doubt, Mr. Ogley discovered that Mr. Tapp was very concerned in relation to the press aspects of the handling of the case. I do not find it surprising at all at a time

when documents and matters have been collated with a view to possible disciplinary matters that he be asked to do his report. As I say, it is all dealt with in the *Napier Report*. Mr. Napier found nothing untoward about it.

2.5 Deputy M.R. Higgins of the Minister for Home Affairs regarding the publication of a letter which precipitated the suspension of the former Chief Officer of the States of Jersey Police:

Will the Minister publish the letter from the then Deputy Chief Officer of the States of Jersey Police to the then Chief Executive of the States in November 2008 which precipitated the suspension of the Chief Officer of the States of Jersey Police and, if not, why not?

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

It is my understanding that that letter was previously leaked and appeared on blog sites and so if the Deputy really wants to find the contents of the letter, I am sure he can do that but I have to make the decision as to whether it is in the public interest to release this particular letter. At the moment, I am not minded so to do. It is a letter which was considered by the *Napier Report* in detail. It was also considered as part of the failed attempt by Mr. Power to overturn the suspension decision made by me in March 2009. It also makes reference to the Metropolitan Police Report and the Metropolitan Police have consistently objected to it being used as a part of a disciplinary process. If I release the letter, then inevitably there will follow a demand to see that report and I do not think that that is appropriate. It reflects the concerns of Mr. Warcup in November 2008. However, the definitive report in matters concerning Mr. Power is now the report of the Wiltshire Police. Frankly, I am not convinced that it is in the public interest to release this at this time and as I said before, if Members really want to find it, it was leaked on to websites some years ago and they can find it there but I do not at the moment propose to release it.

2.5.1 Deputy M.R. Higgins:

I am pleased the Minister for Home Affairs has confirmed that whatever letter is on the blog is accurate so I will go and look for it, but what concerns me about this letter and the whole process is the fact that the interim report of the Metropolitan Police was used as the justification for suspending the Chief Officer of Police and yet Mr. Sweeting - the police officer who was leading the investigation into the review of the case, which again I stress was not for disciplinary purposes - was not even aware that the interim report existed or had been published at the time when he spoke with the former Senior Investigating Officer, Lenny Harper, and Andy Baker from A.C.P.O. (Association of Chief Police Officers) after its publication, so he knew nothing about it. So this is why it is crucial that we get this letter out and we get to the bottom of this interim report and how it was brought forward. Does the Minister not agree that until these questions have been answered, this is going to rumble and rumble and it is going to unfortunately carry on probably for the rest of this session of the Parliament until answers are brought together?

[10:30]

Senator B.I. Le Marquand:

As I have already indicated, if somebody would send me the Independent Complaints Commission report and information which is now being put to me that the interim report was not produced by the officer who was just named, if they would send me that detail, I can consider it. I will then go and look again. This will be the third time I am looking at the documents but I will go and look again. I am much less diffident now about looking at these documents for the simple reason that the disciplinary matter is now over, it was very difficult while it was going on and I will see who sent the email. It may be that it was the person that we mentioned before, Mr. Sweeting who sent

the email, in which case I am afraid he has forgotten what he did. But I will check it if people will kindly send me the information to enable me to ...

Deputy M. R. Higgins:

A point of information to the Minister, it was a Mr. Brittan who signed the report.

2.5.2 The Deputy of Grouville:

Will the terms of reference of the Committee of Inquiry into historic child abuse cover these sorts of issues and the issues that have been raised thus far, thus handing it over to an independent person to review once and for all?

Senator B.I. Le Marquand:

That is a matter for the States to decide. I think it is unlikely that the Chief Minister will recommend that as part of a proposition.

The Bailiff:

Do you wish a final question, Deputy Higgins? I am sorry, Deputy Pitman.

2.5.3 Deputy T.M. Pitman:

Does the Minister not concede that it is a pretty sorry indictment of our Government that people can find out more information about what is going on by going on to the internet and read investigative bloggers, or whatever one wants to call them? What I really would like to ask the Minister, given what has been said by the Members, does he not think this should form a crucial part of the Committee of Inquiry into the historic abuse saga, and that would be a way to get to real bottom of people under oath?

Senator B.I. Le Marquand:

No, I think that would be a complete waste of money. We have already spent a great deal of money on the Napier report. Unfortunately some Members will not accept its conclusions in this area, they want a best of 3 competition. If it goes against them next time they will want best of 5, and if they lose that one they will want best of 7.

2.6 Connétable P.J. Rondel of St. John of the Minister for Economic Development regarding the qualifications of the Tug Master involved in an incident in September 2011:

Further to the Minister's assertions on 12th September 2011 that the Tug Master involved in an incident in September was highly qualified with a foreign-going Cargo Master unlimited certificate, has the States insurance company been made aware that the Master's qualifications are not recognised in Jersey or the UK and, if so, will Jersey now have to refund the sums paid to meet the cost of the States tug's repairs?

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

The insurance company was made aware of the Master's qualifications and have received a copy of the accident investigator's report. In response to the report they have asked for reassurance that recommendations have been addressed. They have not raised any issues relating to the Master's certificate or indicated that the claim, which has been settled in full, is being reviewed.

2.6.1 The Connétable of St. John:

Had the report findings been reported to the insurance company prior to making the results of the inquiry public, and, if so, were the company informed? Likewise, I note in the MECAL report that

it is signed off by MECAL Jersey. That being the case did the insurance get made aware that on the Financial Services website that MECAL Jersey Limited were dissolved on 4th February 2010? Is this the same company that signed off the report on this accident? I will submit to the Minister the 2 documents from Financial Services and the bit of report where it says it for his use.

Senator A.J.H. Maclean:

Thank you. The claim with regard to the incident was made immediately, the insurance claim was paid in full in early November, the accident report was finalised in mid-November and obviously was published in a public forum. As I have already pointed out, the insurance company in question was made aware of the outcome and details of that particular report. As far as the company is concerned, MECAL... they are an international company, as the Connétable will be well aware - the International Marine Consultancy Certifying Authority in fact - and they are perfectly and appropriately placed to carry out this investigation. I have not been made aware of any incidences in relation to the company locally that would have any impact on the report that they undertook.

2.6.2 The Connétable of St. John:

Supplementary? Given that I raise these documents, that have been passed to the Minister, it is signed off on behalf of MECAL Jersey, an international company or not, on the Financial Services website, from which I downloaded this morning, on 4th February 2010 the company is reported as being dissolved. I am asking is this one and the same company?

Senator A.J.H. Maclean:

I cannot read this, the writing is too small. But nevertheless I am more than happy to check the point that the Connétable raises. What I will say is that content of the report was also checked and, in fact, the fact that MECAL was carrying out this particular investigation on behalf of the regulatory authority - that is in this instance Economic Development and not Jersey Harbours - they were checked with M.A.I.B., that is the Marine Accident Investigation Board, as to whether or not MECAL was appropriate and they were satisfied that they were a perfectly appropriate organisation to carry out the report. With regard to this company's registry point that the Connétable has raised, I am certainly happy to check into that and report back.

The Bailiff:

Final question then, Connétable.

The Connétable of St. John:

Other Members may wish to ...

The Bailiff:

No, no other Member has indicated a wish to at all.

2.6.3 The Connétable of St. John:

I am only going to be given one final question. I have about 5 or 6 that need to be asked because I think it is wrong that the Minister is not up to speed on the subject matter. In particular where lives could be at risk and were at risk... and we saw the accident in Italy recently where a vessel hit the rocks. So given that you are only giving the opportunity to ask a final question I am asking the Minister, since he is not up to speed and he has been in this office now for coming up to 4 years, is he going to consider his position and resign because this is a resigning matter.

Senator A.J.H. Maclean:

No, is the short answer and, no, is the long answer. The Connétable is venturing a lot of opinion and I am afraid it is opinion that perhaps he is dressing up as fact. This incident he is comparing

with the tragedy that happened in Italy. It is significantly different, it has been independently investigated, the report was critical in certain areas, in fact there were 8 recommendations of which 7 have been adopted by the Harbours Department and I am satisfied in that respect that all necessary actions have been taken and I would just say that both the Connétable and the *Jersey Evening Post*, for that matter, have to a degree been sensationalising this particular issue with inaccurate and misleading comments. I think we should be comforted here that issues that were raised have been addressed and, as I say, I am satisfied.

The Connétable of St. John:

On a point of clarification, could the Minister tell me where I am incorrect? I will willingly stand by this document if it is proved to be correct. I did say it came off the internet from the Jersey Financial Services Commission, and it is on their website. I asked if it was correct that this company had been dissolved and, likewise the other document I gave him, the report which I photocopied and it says: "For and on behalf of MECAL Jersey" it does not mention about the U.K. (United Kingdom). The report was done "MECAL Jersey". So is this company trading without being registered?

Senator A.J.H. Maclean:

I said that the Connétable has asked a valid question. I will seek to clarify the particular point and revert back to him. I am happy to circulate other Members with the answer, which I will do.

2.7 Deputy G.P. Southern of the Minister for Economic Development regarding licences granted under the Regulation of Undertakings and Development (Jersey) Law 1973 for construction contracts of between 3 and 12 months in 2011:

Will the Minister inform members which 20 companies were issued licences under the Regulation of Undertakings and Development (Jersey) Law 1973 for construction contracts of between 3 and 12 months in 2011, and indicate what building projects these were for and how many locally qualified and non-locally qualified employees were approved under each licence?

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

I am going to disappoint the Deputy because I cannot name the 20 companies or the number of employees per entity. My department has been asked this question before and has previously sought legal advice on this type of disclosure. The advice confirmed that although no statutory prohibition exists in disclosing licence information there is, and I quote: "Implied duty of confidentiality in respect of information obtained in the exercise of information obtained in the exercise of statutory functions can, and in the case of the Regulation of Undertakings and Development (Jersey) Law, does exist." The advice goes on to say that this duty of confidentiality is greater when it comes to more sensitive data. To my mind these details relate to people who have been employed by specific undertakings. However, what I can tell Members is that much of the work undertaken by these 20 companies was largely subcontracting for local main contractors. This involved a total of 140 non-locally qualified individuals during 2011.

2.7.1 Deputy G.P. Southern:

Is the Minister aware that in the construction industry in particular the use of short term contracts and the licences attached to them are the most obvious way of avoiding the R.U.D.L. (Regulation of Undertakings and Development Law) regulations on employment of locals over non-local employees? Will he seek to close this particular avenue which enables companies to get away with not employing locals to do jobs that locals could perfectly well do.

Senator A.J.H. Maclean:

I am always more than happy to look at issues that circumvent the law, as Members would expect. What I can say is that in the construction industry as a whole no more than 7 per cent of total employees are, in fact, non-locally qualified. That is in the construction industry as a whole. That might be surprising to Members but that level of non-locals in the construction industry is lower than many perhaps perceive. But, as I have said, I am more than happy to consider any areas of abuse if they can indeed be proven.

2.7.2 Deputy R.G. Le Hérisier:

Would the Minister not concede that he has, in a sense, hidden behind procedural advice and would he not further accept that given the strong political concern on the issue of training in the industry, the issue of whether there is proper succession planning, proper apprenticeship schemes, *et cetera*, means that he should be talking continually to the big employers and carrying out very rigorous inquiries into their employment policies. There is an awful lot of anecdotal information of which he must be a recipient. Why is he not engaged in ongoing discussion?

Senator A.J.H. Maclean:

The Deputy will be pleased to know that I am and he will also be pleased to know – and perhaps surprised – that it is in fact the larger construction firms that take on board their responsibility with regarding to training, apprenticeships and so on. They do take a high percentage in that regard. If anything, one might say that there is more work to be done with smaller companies. Indeed we engage broadly across the spectrum of the industry to try and improve training skills and to ensure that local people have a fair and good opportunity to get jobs in the construction industry. The level of employment in construction is high at the moment, which I am pleased to say.

Deputy M. Tadier:

I do not need to ask my question now.

2.7.3 Deputy J.H. Young:

In view of the present unemployment situation and the strategic importance of the construction industry to local people, would he not be prepared to take further advice on whether or not the disclosure of this information is an important public policy matter and overrides the provisions which he referred to preventing him from disclosing this? Would he give an undertaking to the House that he will look at the overriding public interest, which I would suggest to him is a data protection exception for disclosure.

Senator A.J.H. Maclean:

This is clearly - and I understand - a sensitive issue. I would say in answer to the Deputy's question that in fact the new Control of Housing and Work Law will indeed give some additional controls, it will also allow for a little bit more flexibility in terms of changing licences and it will also provide for the publication on a register of companies which will give more detail, hopefully to Members and to members of the public.

[10:45]

I think that is a step forward. I do take the Deputy's point but I think if we are going to be more open and more transparent - which I would favour - we can do it in terms of looking forward, not look backwards when obviously companies have been operating under a particular regime and that is the issue and the legal advice that we have had. So looking forward I think we can have a different process to perhaps we have had in the past.

2.7.4 Deputy G.P. Southern:

The Minister misunderstood the thrust of my question, it was not about avoiding the regulations, it was about using the regulations. These are regulations contained in our R.U.D.L. Will the Minister consider tightening up these R.U.D.L. regulations on short-term contracts and will he further explain exactly how the new Control of Housing and Work Law will be used to tighten up in this particular area?

Senator A.J.H. Maclean:

Short term contracts... and I think the Deputy is referring in particular to the 3-12 month contracts. I have mentioned already the subcontractors largely that come into the Island as a result of main contracting work, largely in relation to specialist roles. Obviously when assessing these matters the department has to consider whether or not the expertise is available on-Island for such specialist roles. The department also has to consider whether or not local companies have had an opportunity to tender, should that expertise exist locally. We are - I would hopefully give some reassurance to the Deputy – tightening-up on the regulation of undertakings. There are, indeed, less non-locally qualified people working in the Island - not just I might add in construction but in many other industries - than there was some considerable time ago. I think that is absolutely right in the current climate. We want to get local people into jobs and it is right that we look carefully in order to do that. The final point, the Deputy asked about the Control of Housing and Work Law: this law does give an opportunity to have more controls and be more transparent, as I have already pointed out. I think with that coming into force, obviously it is going to be towards the end of the year, it does not mean that we should not continue to tighten-up and be responsible in terms of the application of the law as it stands.

Deputy G.P. Southern:

The question was would he issue a document, if you like, explaining how this is going to tighten-up in this particular area, because it obviously needs it, and can he release the figures that show how many of these 140 jobs were, in fact, specialist?

Senator A.J.H. Maclean:

Yes, I will.

2.8 The Connétable of St. Helier of the Minister for Transport and Technical Services regarding the abandonment of plans for an extension to Green Street car park:

Would the Minister explain why previous plans for an extension to the Green Street car park have been abandoned in favour of allowing the relocation of the police station on part of the site?

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

Firstly I would note that I am not the sponsoring Minister for the project to develop a police station at Green Street car park and the land does not belong to T.T.S. but rather the States of Jersey. Regardless of this I can confirm that an option to extend Green Street car park was considered approximately a decade ago. I believe this was not progressed past the feasibility stage due to funding constraints at that time and no plans as such were produced.

2.8.1 The Connétable of St. Helier:

Could I perhaps press the Minister and ask him whether he feels an extension to Green Street car park would fit in with this parking strategy being a very popular and well situated car park to service the town?

Deputy K.C. Lewis:

I think parking provision for town is absolutely essential and should this project go ahead approximately 517 parking spaces would remain at Green Street car park following the proposed works and so the site would remain a large and important parking facility for the east of town.

2.8.2 Deputy R.G. Le Hérissier:

Would the Minister confirm that he is going to bring pressure to bear upon the Constable of St. Helier in order to review the impact of the residential parking scheme which has drastically reduced the number of available parking spaces?

Deputy K.C. Lewis:

I would not dream of putting pressure on my good friend and colleague the Constable of St. Helier, but I am more than willing to work with the Constable of St. Helier to locate, find and utilise any parking spaces in town.

2.8.3 Deputy M.R. Higgins:

Just a point of clarification from the Minister. He mentioned how many car parking spaces are going to remain, how many car parking spaces will be lost if the police station is constructed there?

Deputy K.C. Lewis:

That would be 91.

2.8.4 Deputy G.P. Southern:

I am glad to hear that the Minister will be working with the Constable to examine possible increased parking spaces in town. Will he, in particular, examine with the Constable the possibility of Meccano style, if necessary temporary, buildings to meet the increased demand for car parking in town and in what timescale?

Deputy K.C. Lewis:

Open to all ideas and the timescale is as soon as possible.

2.8.5 Senator L.J. Farnham:

Would the Minister agree that there is an opportunity now, given the vital importance of getting on with relocating the police station that an opportunity exists to re-examine the Green Street car park with a view to enlarging it and creating more spaces, and perhaps a project that could be carried out at the same time as the rebuild of the police station, although providing a short term loss of parking space could produce more parking spaces and provide very good value for money if dealt with as part of the same project?

Deputy K.C. Lewis:

Absolutely, that indeed is being looked at among many other ideas.

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

Does the Minister find himself slightly bemused by this question in that both he and the Constable of St. Helier both supported the draft Island Plan with its reduction in parking spaces, and indeed the sustainable transport policy which also advocated the reduction of parking spaces?

Deputy K.C. Lewis:

I would not say I am bemused. We traders in turn have to work, eat and live. We all come into town from time and time and business has to thrive. We are trying to reduce it, we are improving the bus service with our Connex partners at the moment, week after week more ideas are coming

on, more buses are coming on line and we need to reduce traffic flows into town. Many ideas are coming forward which we are looking at.

2.8.7 The Connétable of St. Helier:

Would the Minister agree with me that the Island Plan proposed the reduction in traffic levels, not a reduction in parking for shoppers and residents, and would he further agree with me that the resident's parking scheme was initially advanced by the Public Services Committee of the day under the former Constable of St. Helier and it is a policy that has been supported by successive Assemblies?

Deputy K.C. Lewis:

Absolutely. It is going back some time, I am not sure, maybe 10 years, maybe more, but I would agree on that point with the Constable of St. Helier. But I repeat, I am more than happy to work with the Constable of St. Helier to increase parking capacity. There is, incidentally, a spare capacity of at least 250 spaces daily at Pier Road which can be utilised.

2.9 Deputy G.P. Southern of The Chief Minister regarding the Guernsey authorities' "deemed distribution scheme":

I have just noticed the absence of Senator Ferguson. Is the Chief Minister aware whether the Guernsey authorities have submitted a "deemed distribution scheme" which is substantively different to our own as part of their submission to the E.U. (European Union) code group on Zero/Ten proposals and, if so, would he state what impact this might have on the current Jersey scheme?

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

I understand that Guernsey has made a submission to the E.U. code of conduct group regarding their Zero/Ten tax regime, including their provisions for deemed distribution. The deemed distribution rules that Guernsey implemented when they introduced their Zero/Ten regime were different in some aspects to those implemented by ourselves. I understand that it is likely that Guernsey will seek to defend their deemed distribution provisions as being compliant with the E.U. code of conduct on business taxation. If the E.U. code of conduct group considers Guernsey's approach to deemed distribution to be compliant with the code then naturally we will consider the extent to which we may wish to implement similar provisions.

2.9.1 Deputy G.P. Southern:

Is the Chief Minister quite relieved that this initiative has taken place from the Guernsey authorities because it seems increasingly likely that his Minister for Treasury and Resources will not find a way to produce increased tax revenue from zero-rated companies in the Island?

Senator I.J. Gorst:

I am not sure what it is that I have to be relieved about. As I said, it is my understanding that Guernsey will seek to defend their deemed distribution provisions, it will of course be a matter for the code group and it would be far too early for me to be relieved or not with regard to what the code group might decide.

2.9.2 Deputy G.P. Southern:

Does the Chief Minister then, in that case, not accept that in the ongoing uncertainty in the taxation field with relation to this issue is of concern to businesses on the Island?

Senator I.J. Gorst:

Absolutely not, there is, as far as I am concerned, no ongoing uncertainty with regard to Jersey's provisions. They have been deemed to be compliant or not harmful by the code group and that is something that we should be pleased about. It is something that gives confidence to business and we can now move forward and get on with extending and building that confidence within our community.

2.9.3 Deputy G.P. Southern:

In the light of his responses, does the Chief Minister accept that the answers to question 12 given today by the Minister for Treasury and Resources indicate that it is looking decreasingly likely that a solution will be found to the problem of generating revenue from zero-rated companies in Jersey?

Senator I.J. Gorst:

The position that the Minister has taken, and I have supported, has been one whereby this was an area that we would need to address and consider in due course once our regime had been found to be not harmful by the code group. We are now in that position. The Minister has given a commitment that he will undertake to review whether it is possible or not. I have got to say that of course it has always been a very difficult area. This is a matter of personal opinion and not one of the Council of Ministers; I have always been of the view that it might easier to carefully consider extending either the 10 or 20 per cent rates. But this is a matter which will need to be reviewed, as I say that is a personal preference. Again, I accept that it is a very difficult area. While I am on my feet perhaps I should alert you to the fact that Deputy Pitman has been trying to raise a question for a number of minutes now.

The Bailiff:

Yes, it has just been drawn to my attention. I am sorry, his light is hidden. Deputy Pitman.

2.9.4 Deputy T.M. Pitman:

I was going to say I have been flashing for so long that I have forgotten what I was going to ask but what I would like to ask the Minister, we hear a lot about working together with our sister Island and that is obviously a good thing, could he explain to what degree this new scheme from Guernsey has been discussed in conjunction with himself and would it not have been better if we had all progressed on the same footing? Could he clarify that for us?

Senator I.J. Gorst:

It is not a new scheme, it is their Zero/Ten regime which Guernsey introduced in actual fact slightly earlier than ourselves. I believe that we both have the same strategic aim, perhaps sometimes our sister Island uses slightly different tactics to ourselves but we both have the aim of defending, if possible, our Zero/Ten regime and as I have said in previous answers I am pleased the code group have now found ours to be non-harmful and I believe that now Guernsey are following that same route and hope for the same outcome.

2.9.5 Deputy M. Tadier:

Does the Chief Minister agree with the Head of Tax for KPMG Channel Islands who, on 6th January this year, was reported to say that we need to sort out how we can recoup the taxes lost by removing the deemed distribution of full attribution laws from Zero/Ten? If not, why not?

[11:00]

Senator I.J. Gorst:

I was not aware of that comment. I have to say in actual fact it is just another way of asking the same question that Deputy Southern asked some moments ago. As the Minister for Treasury and Resources has been at pains to recount, it is in actual fact a cash flow issue with regard to deemed

distribution but it does mean that we need to consider whether there are other changes that perhaps can be made to Zero/Ten, as I have said, very carefully, to see if more tax can be taken via that regime.

2.9.6 Deputy M. Tadier:

If I can have a supplementary in that case because, in fact the Chief Minister is therefore saying he does not agree with the Head of Tax for KPMG Channel Islands because he does not call it a cash flow issue, he calls it a loss in taxation to which a solution needs to be found. So can the Minister confirm that first of all he agrees with the Minister for Treasury and Resources and he does not agree with the Head of Tax for KPMG Channel Islands Practices?

Senator I.J. Gorst:

As I said, I am not aware of that particular statement or article. I would need to consider it to its full extent to say whether I can agree or disagree with it. So it is not for me to make those sorts of statements across the floor of this Assembly without having the full facts in front of me.

2.9.7 Deputy G.P. Southern:

Far be it for me to pour cold water on the thoughts of the Chief Minister, whether private or otherwise, but does the Chief Minister not recognise that to suggest increasing the number of exemptions which already have 20 per cent for utilities and 10 per cent for finance to the zero rate for general company taxation goes directly in the face of the advice of the E.U. authorities which state that zero must clearly be, if that is what you are going for, the rate applicable to most companies on the Island?

Senator I.J. Gorst:

The Deputy's question serves to illustrate how difficult this area is.

2.10 Deputy J.H. Young of the Chairman of the Comité des Connétables regarding whether the owners of vacant properties were liable under the Rates (Jersey) Law 2005:

Consistency requires me to make the same declaration as I did on my previous one. Will the Chairman inform the Assembly whether the owners of the 3,103 properties reported as vacant in the 2011 census were liable under the Rates (Jersey) Law 2005 to a rates charge equivalent to that payable had these properties been occupied and, if not, would he be willing to discuss proposals for an equivalent "empty rate" with the Comité and the Minister for Treasury and Resources?

Connétable J.LeS. Gallichan of Trinity (Chairman of the Comité des Connétables):

Maybe I should also say I am property owner. Basically I would like to confirm to the Deputy that all properties, if they are vacant also, have exactly the same rate payment. There is no free rates, they all pay rates whether they are occupied or unoccupied.

2.10.1 Deputy J.H. Young:

I thank the Chairman for the answer but in view of the article in the Parish Rates Law I am puzzled by it because I would like him to clarify how an occupier can pay rates if they are not identified on the register?

The Connétable of Trinity:

I will explain. It is the landlord that pays the full rates, not the occupier. Obviously if they are unoccupied the owner of the property pays the full rates for the year.

2.11 The Connétable of St. Helier of the Minister for Home Affairs regarding the results of speed monitoring carried out by St. Helier Honorary Police officers on Victoria Avenue:

Is the Minister concerned about the results of speed monitoring carried out by St. Helier Honorary Police officers on Victoria Avenue and would he explain what steps will be taken to address this problem?

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

This both a good and challenging question and I thank the Connétable for it. I also thank him for bringing to my attention the details of the 111 people driving at speeds of 59 miles an hour or over on Victoria Avenue during a 6-day period in January. I am, of course, concerned in relation to this, particularly I am concerned that a few of the speeds were very high indeed. This will, of course, have included emergency vehicles but that does not really explain the numbers. However, the figures themselves do indicate how difficult it is to enforce the law because although 111 sounds a lot in a 6-day period it is about one every hour and a quarter. So if you had a police officer out for 2½ hours they probably would only catch 2 people. The Police Chief is rather proud of the fact that the number of serious accidents last year went down from 63 to 40, although the start of this year has not been good. We have already been putting more emphasis on this in 2011 and the 2012 Policing Plan has put much more emphasis on road safety. The police will continue to put whatever resources they can into this but I thank the Connétable for the question.

2.11.1 Connétable D.W. Mezbourian of St. Lawrence:

As we all know, the problem of speeding is ongoing and increasing and certainly not only on Victoria Avenue. As Deputy I was frequently contacted by parishioners; as Connétable even more. To combat the problem why has the Minister not approved the introduction of speed cameras?

Senator B.I. Le Marquand:

That would not be my decision alone because in a sense it is a peculiar situation where road safety issues are in a sense joint between myself and the Minister for T.T.S. Speed cameras are, first of all, controversial. There are those who think that they are cash cows, *et cetera*. They are also expensive. It is not generally understood. People assume that a vast profit is made from them but, in fact, they cost money to run and the system costs money to run. We have got in reserve, as it were, the Lastec equipment which was equipment bought some time ago by the States of Jersey Police which enables an officer to set up a system where it photographs cars so you can see the number plate and so on. Not necessarily who the exact driver is. Unfortunately the police were unable to continue operating that because it generated so much paperwork, but I do understand that there are currently some discussions with the Honorary Police in relation to that. The problem is that if you start generating far more cases do you have the resources - the people and the paperwork - to deal with the underlying administration? Exactly the same issue would apply in relation to a speed camera.

2.11.2 The Connétable of St. John:

Given the Minister's comments about emergency vehicles over a 6-day period I would not have thought the numbers of 111 were too high. That said, would the Minister agree with me that all speed limits as was reported by the Environment Panel last year, should be evidence-based. Before reducing speed limits or increasing speed limits a full review should be carried out, not as happened recently on a number of roads in the Island the Minister for T.T.S. has signed an Order whereby a number of road limits have been reduced but no evidence has been produced other than this is the whim of a number of Constables. It should all be evidence-based.

Senator B.I. Le Marquand:

The judgment as to what the appropriate speed limit on a particular road is is a very difficult judgment. The responsibility for that is not mine of course and so I am really being asked a question which is not within my area of responsibility. But I think it is a very difficult decision. I have considerable sympathies with whoever is the Minister balancing the conflicting demands, as it were, of the public on the one hand and road safety on the other. It is very difficult. It is a judgment in every individual case.

2.11.3 Deputy R.G. Le Hérissier:

Would the Minister not accept that he was guilty of a statistical fallacy when he suggested that it is not really a major problem because when you look at the average ... but surely the issue is to look at the trends and to look at where there is bunching of speeding and at what times it occurs in order to provide the evidence base that the Constable of St. John was talking about.

Senator B.I. Le Marquand:

The point I was trying to make was not that it is not serious and not that I am not concerned about it, but the practical difficulties of enforcement when people are going on average once every hour and a quarter in relation to this. But such information is incredibly helpful and this is one of the advantages of the smiley faces or frowning faces, depending on what you are doing in terms of speed, that they do provide this sort of information which then means the particular areas can be targeted appropriately.

2.11.4 Connétable J.M. Refault of St. Peter:

I am very disturbed to hear the Minister for Home Affairs stating that these speeding cases are not being done because of the amount of paperwork it is consuming. May I ask the Minister for Home Affairs to work alongside the Minister for T.T.S. and the Comité des Connétables to bring forward the necessary legislation to allow some form of photographic evidence and reduce the amount of paperwork to a pro forma which can be sent via the internet nowadays rather than wet signature as they still require.

Senator B.I. Le Marquand:

I wish it was as simple as that. Part of the problem, I have to say in relation to the past use of Lastec was that it was a bit indiscriminate, in the sense that they were processing matters which were relatively low speeds. I can remember on one occasion a particular gentleman who was caught, I think from memory, doing 37 miles an hour going down into the underpass in one direction and then was prosecuted for going 37 miles an hour in the opposite direction about half an hour later. If one is going to use the Lastec - and I am very happy to talk to the Police Chief and others about the use of it - then really we have to be more sensible in our use of it and to ensure that it is being used in the more serious cases. Part of the difficulty is that guidelines put out for prosecutors by Attorney Generals and so on in the past have been requiring them to take to the Parish Hall inquiry relatively low speeds over the speed limit and that then forced the situation where they were being jammed-up frankly. I think we actually need to get together T.T.S., myself, probably the Attorney General's Department and the police and see if we can do better, but thank you for the question.

2.11.5 Deputy J.A. Hilton of St. Helier:

I was talking to one of the honorary police officers who collected some of this data and I was truly horrified at some of the speeds that were recorded that he showed me, and we are talking of ... one speed in particular that caught my attention was 105 miles an hour at 2.23 p.m. on the afternoon of 20th January. Obviously people will be aware that there are a lot of residents who live along Victoria Avenue, park on the avenue, and young and elderly people trying to cross that road. There is a big issue with people speeding along Victoria Avenue. I think from my conversation with the

honorary police officers they were very, very keen to use the States of Jersey equipment as far as the Lastec was concerned but they also said to me that they were more than prepared to process the data themselves because they realise it takes up an awful lot of officer time. Can the Minister just confirm that he will go back to the Chief of Police just to continue to encourage closer working with the States of Jersey Police and St. Helier Honorary Police on this matter and for possibly the Lastec equipment to be made available to the Honorary Police as soon as possible?

Senator B.I. Le Marquand:

Yes, I will and I should have mentioned the Honorary Police, of course, among the parties who would be involved in such a discussion. In my instructing notes it indicates that the Head of the Criminal Justice Department is seeking to progress the establishment of a camera partnership with the honorary police and the aim of partnership is to find funding for a post in order to cover the administration involved in processing the offenders in this way. I am not sure where we are going to find the funding from in the present climate but that is indicative; the police are already treating this very seriously and I will put my own weight behind that.

2.11.6 The Connétable of St. Lawrence:

I would just like to go back to the issue of speed cameras. Clearly the system that we have in place at the moment is not working and I am sure that all Connétables would agree with me when I say that the Honorary Police are having to spend a lot of time undertaking road speed checks. I would like the Minister to clarify, because he did not earlier, who does have the final say on the introduction of speed cameras, and if it is him, will he commit to undertake a review of their viability?

[11:15]

Senator B.I. Le Marquand:

I do not know the answer to that question as to who has the final say. It may require legislation, of that I am not clear. But it seems to me that a matter of such importance would require some kind of ratification or decision by the States because it is controversial. There are those who are passionately against the use of speed cameras, there are those who are passionately in favour and I think that a final decision would have to be made but it clearly needs to be looked at again as part of a process of overview. Again, I thank the Connétable for her question.

2.11.7 The Connétable of St. Lawrence:

Has the Minister committed to undertake a review?

Senator B.I. Le Marquand:

I think I have committed myself to try to set up a working party jointly with the Minister for T.T.S. who will hopefully agree to that with the States Police, with the Honorary Police and with somebody else. There was another group. Comité des Connétables: yes, always extremely welcome on these occasions. Let us see if we can make an improvement.

2.11.8 The Connétable of St. Helier:

Deputy Hilton has ably asked the question about using Lastec that I was going to ask so could I just ask the Minister if he agrees with me that the vast majority of road users in Jersey drive in a considerate manner and we do not want to criminalise people who may stray over 30 miles an hour in the underpass. However, does he agree with me that to have someone recorded at driving at 94 miles an hour at 3.00 p.m. in the afternoon or at 90 at 5.30 p.m. in the evening is a matter of extreme concern? Will he further agree with me that by raising this matter I did not intend any

criticism of the States of Jersey Police because I value their partnership and will he pass on my thanks to the Chief Inspector of Police?

Senator B.I. Le Marquand:

Yes, I thank the Connétable for this question, I saw it as very positive and I think the outcome of the questioning session has been very positive indeed. The other party, of course, is the Attorney General's Department because of the policy. That was the problem with Lastec, it was generating so many - many of which were very low - and they felt obliged to process them. I think we have to be a bit more sensible.

2.12 Deputy M.R. Higgins of the Chief Minister regarding the publication of the details of the contract with Matt Tapp Associates:

Will the Chief Minister publish full details of the contract, if any, with Matt Tapp Associates and fully explain the company's role in the suspension of the former Chief Officer of the States of Jersey Police and various news releases relating to Haut de la Garenne and, if not, why not?

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

Matt Tapp Associates were commissioned by the former Chief Executive of the States of Jersey with the knowledge of the former Chief Minister on 8th October 2008 to produce a report with the following single term of reference: "To make an assessment of the external communications activity pertaining to the Haut de la Garenne investigation (February 2008 to October 2008)." This work was agreed by correspondence between the former Chief Executive and Matt Tapp Associates. There was no formal contract but Matt Tapp Associates were paid through the usual order invoice process. The Matt Tapp report was received on 23rd November 2008, which was after the date of the initial suspension of the former Chief Officer of the States of Jersey Police.

2.12.1 Deputy M.R. Higgins:

Can the Chief Minister confirm, though, that the information that Mr. Tapp gave them on 8th November was part of the justification used as part of the suspension process of the Chief Officer of Police?

Senator I.J. Gorst:

I find myself in the same difficulty as the Minister for Home Affairs, I am being asked the justification for the decision made by the previous Minister for Home Affairs and whether the information ... what information was used in order to make that decision and assessment. As I have said, the actual report was not received by the Chief Executive until 23rd November and therefore it seems to me ... I do not see how that report could have been used in that initial decision making process.

2.12.2 Deputy M. Tadier:

Can the Chief Minister either confirm or look into the very serious allegation that the document used on 12th November was in fact part of the Tapp report and it was presented to the then Minister for Home Affairs, Deputy Andrew Lewis, as the Met. report and Deputy Andrew Lewis was misled, and that this is a very serious allegation if it is true. It is an allegation that might result in a chief executive officer having to resign or even a deputy police officer having to resign. So can the Minister either confirm whether this is true or, if not, look into those allegations?

Senator I.J. Gorst:

I am not sure, I am being asked to comment on an allegation coming from where with relation to a report which was only received by the Chief Executive on 23rd November, which was a good

number of days after the decision to suspend was made. If the allegation had substance I should have thought that Mr. Napier, when he reviewed the initial suspension, would have considered it and therefore it potentially would have been in his report. I do not recall any comment in that regard in that report.

2.12.3 Deputy S. Pitman of St. Helier:

Would the Chief Minister tell Members who paid the media consultant Mr. Tapp? Did it come out of the police budget, Home Affairs or the Chief Minister's Department?

Senator I.J. Gorst:

A very good question. The invoice which I have in front of me was addressed to the Chief Executive, approved for payment by the Chief Executive, he being the accounting officer of the Chief Minister's Department. I can therefore simply make the assumption from those 2 facts that it was paid from the Chief Minister's budget.

2.12.4 Deputy S. Pitman:

Does the Chief Minister know how much the report cost and, if not, would he endeavour to provide this information to Members?

Senator I.J. Gorst:

As I said in answer to the Deputy's earlier question, I have the invoice in front of me and therefore, yes, I do know how much it costs. I am assuming the Deputy would like me to tell her? Yes, okay. The cost of the report was £2,500 before V.A.T. (Value Added Tax), including V.A.T. obviously that comes to £2,937.50.

2.12.5 Deputy T.M. Pitman:

I hope you are not going to say this is too wide of the mark, but could the Chief Minister liaise with his Minister for Home Affairs to ascertain whether there was another consultant's report on media, during the Met. report, which rubbished a lot of what Mr. Tapp came up with?

Senator I.J. Gorst:

I can, of course, consult with the Minister of Home Affairs but the Deputy is raising issues of which I am unaware.

2.12.6 Deputy T.A. Vallois:

Could the Chief Minister explain why there was no contract agreed between the Chief Executive and Matt Tapp Associates?

Senator I.J. Gorst:

I cannot, simply to say it is a small amount and therefore one would not necessarily have a formal contract as such. However, as I said, it was agreed via email correspondence. I have not been able to locate that email correspondence but if I, in due course, am able to do so then I imagine that that will give the details of the instruction to carry out the work. Having said that, of course, as I have said in my opening answer, the terms of reference for that piece of work was the sole one which I outlined.

2.12.7 Deputy T.A. Vallois:

Supplementary? Can I ask the Chief Minister whether, in actual fact, it is within an accounting officer's right to fulfil a service under public administration without having a formal contract agreement, even though he is a budgeting officer. However, being able to be accountable for that

going forward, or if the Public Accounts Committee wanted to pick that up then could he explain to me whether it is within policy to do so.

Senator I.J. Gorst:

The Chairman of P.A.C. (Public Accounts Committee) has a very good point. As I have said, I have not been able at this point, in the short time available, to locate the emails whereby it was requested that this work were undertaken. Of course the Chief Executive Officer is accountable, P.A.C. are entitled to review all the accounts and question officers upon their duties with regard to spending, that is absolutely right and proper, and I am obviously able to say today as I have done, that this work was instructed, undertaken in the course of that work. That is part of accountability which is right and proper.

2.12.8 Deputy M.R. Higgins:

Will the Chief Minister liaise with the Minister for Home Affairs and publish both the Tapp Report that was commissioned on 8th November and 23rd November so we can do a comparison between the 2 because I believe they were one in the same.

Senator I.J. Gorst:

Two points of interest there, and I noted from the Order Paper that a previous questioner asked the Minister for Home Affairs about a report which was written on 8th October. As I said here, the Chief Executive instructed the production of a report on that date, but that report was only received by him on 23th November. Therefore, I am not sure to which report, on 8th October, the Deputy might be referring. When it comes to publication of the Matt Tapp report which was received by the Chief Executive Officer on 23rd November I shall ask for it be fully redacted. I understand there might be approval process required by Matt Trapp and Associates but I will certainly endeavour to publish that report in a redacted form.

Deputy M.R. Higgins:

Just a supplementary on that. Just a point of clarification for the Minister in particular. The Minister for Home Affairs might be able to obtain the report of this commissioned on 8th, which was the one that was supposed to be for the States of Jersey Police. So if we can get both of them we would be much further on.

The Bailiff:

Very well, we will come next to a question which Deputy Trevor Pitman will ask of the Minister for Economic Development.

2.13 Deputy T.M. Pitman of the Minister for Economic Development regarding the level of background checks undertaken before a candidate was proposed for appointment as a Commissioner of the Jersey Financial Services Commission:

What level of background checks, if any, are undertaken before a candidate is proposed for appointment as a Commissioner of the Jersey Financial Services Commission?

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

The background checks that are undertaken before a candidate is proposed for appointment as a Commissioner for the Jersey Financial Services Commission are as follows: firstly the taking up of references; secondly, consulting with the existing commissioners and the executive directors of the commission; and thirdly, undertaking open source checks and checks via the commission's enforcement division.

2.13.1 Deputy T.M. Pitman:

Supplementary? I am very unhappy to have to ask this because I do not feel that I should. But does the Minister really think it is fair and proper, and the Constable of St. John raised this in the in camera sitting 2 weeks ago ...

The Bailiff:

I hope you are going to ...

Deputy T.M. Pitman:

No, I certainly will not be mentioning any names. Does the Minister think it right and does a show a good and proper system in place when a Member has to stand up and raise issues - very serious issues - about allegations that have been made in front of members of the public under oath at a scrutiny hearing, because I felt very awkward, I had to do that, I could not ignore it. Does that suggest to the Minister that this process is in any way effective enough?

Senator A.J.H Maclean:

I am thoroughly satisfied with the process, I am not thoroughly satisfied with the questions that are being asked in open forum such as this. The purpose for in camera is for exactly that reason so that Members can ask questions they deem suitable and appropriate during a process such as this. Not today.

Deputy T.M. Pitman:

Sorry, that is not really a fair answer. I have not named the gentleman and I would not but when it was put to the Minister he said: "Well, none of this has been substantiated." I know individuals who have been interviewed by police so there has been some kind of inquiry, is the Minister aware of this and should he not have made that knowledge available to Members before leaving them in a situation where I certainly had to abstain because I could not vote yes or no?

[11:30]

Senator A.J.H Maclean:

It was the Deputy's choice to abstain if he was not satisfied with the answers that he was given. The recruitment process, as I have already stated is a very robust and complete process that I am thoroughly satisfied with and so, for that matter, are the Jersey Appointments Commission and indeed the commission themselves, and the Board of Commissioners. I think I prefer to leave it there. I think it is perfectly satisfactory.

2.13.3 Deputy M. Tadier:

I know we are on delicate ground here because obviously things that happen in camera are not to be discussed. My question though is the Minister ... I think basically what Deputy Trevor Pitman is asking here is that if an allegation is made during any appointment process and the Minister knows about it but then deliberately or consciously withholds that information from Members, is that not a very serious issue and one that should make Members and the Minister consider his own position?

Senator A.J.H. Maclean:

I am not withholding any information from anybody at all. Some rumour, some speculation, has been raised in an in camera debate, none of which has been substantiated, and as far as I am concerned that is the end of the matter. The Members were perfectly aware that the particular proposition was being brought forward. The opportunity existed to come forward and ask me to look into the matter, which I would have been more than happy to do, instead of that it was raised

during the debate in camera and now continues to be raised in the public forum which I think is inappropriate. Thank you. **[Approbation]**

2.13.4 Deputy M. Tadier:

If I may have a supplementary? The point here ... the simple question is first of all, did the Minister know, and presumably he was privy to what the background checks were for those individuals, what the allegations, or the previous investigations, had been. Secondly, does he not think that it would have been appropriate for other Members to know that first coming from the Minister rather than coming from a Back-Bencher who, I believe, on his conscience had to raise any issues which he thought were relevant to that debate?

Senator A.J.H. Maclean:

I have nothing further to add. There was no information that came forward to me that concerned me or, indeed, the commissioners or indeed the Jersey Appointments Commission. I am perfectly satisfied with the process and I feel that the matter is now closed.

Deputy M. Tadier:

Can I raise a point of order because the question has not been answered? The question was did the Minister know, previously, of the allegation that was made by a Back-Bencher that concerned him and concerned certain other Members. If the Minister did know that then I think he had a duty to inform other Members, that is all the question. I just want a yes or no.

Senator A.J.H. Maclean:

I hear a lot of speculation. I hear a lot of rumour. I am not prepared to pass on anything unless it is substantiated. I have heard nothing that has been substantiated. Consequently, there was nothing to say to Members. If the Member in question, the Deputy, had concerns he could have raised it with me. I would, more than happily, have looked into the matter. I have since raised questions directly and again nothing has been substantiated. I have nothing further to add.

The Bailiff:

Very well, Deputy Trevor Pitman, do you wish a final question?

2.13.5 Deputy T.M. Pitman:

Yes, I do not want to labour the point but it is fine for Members to stamp their feet but these are very serious allegations and the Minister's words on that day were that: "Nothing had been substantiated" which, to me, suggests that he knew. Now, surely, other Members should have known. I know that police inquiries have been made, did the Minister, at least, know that? If he knew that surely he should have advised other Members, just out of fairness. To say the matter is closed really is not good enough.

Senator A.J.H. Maclean:

I am sounding like a parrot. These are opinions, they are speculations; nothing has been substantiated. What I suggest is that the Deputy considers the source of the rumour and considers how reliable that source is likely to have been.

The Bailiff:

One moment, I think the question, Minister, was whether you were aware of the fact that there was a rumour.

Senator A.J.H. Maclean:

I am aware of very many rumours. As I have said, one cannot make decisions based on rumours.

Deputy T.M. Pitman:

Final supplementary?

The Bailiff:

One more, yes.

2.13.6 Deputy T.M. Pitman:

What we are getting at is when these checks were made was there anything on a police file, or whatever, because my source is not just some blog, or whatever. I know an individual was interviewed about these allegations and I must say, just for the record, it is not former Senator Syvret, although he was the one who raised this at Scrutiny. So that is why I am concerned, it has not just come from one source.

Senator A.J.H. Maclean:

I was not speculating who the source was. I just said the Deputy might like to re-examine the source that he got this information from. No, I was not aware of any particular police records or anything else of that nature. As I have said, nothing was raised during the recruitment process and as far as I am concerned it was a thoroughly comprehensive robust recruitment process and the J.F.S.C. (Jersey Financial Services Commission) and the board, themselves, were perfectly satisfied with the outcome, as indeed I am.

2.14 Deputy M. Tadier of the Minister for Housing regarding measures to ensure that habitable properties did not remain vacant for long periods:

Given that the 2011 census revealed that there are a total of 3,103 properties lying vacant in the Islands and that there are waiting lists for social housing, will the Minister explain what course of action he is willing to take, or he will be taking, to ensure that habitable properties do not remain vacant for long periods but are used to house the population?

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

The 3,103 properties vacant at the time of the census represent approximately 6.5 per cent of our housing stock. Interestingly, this is the same vacancy rate reported in the 2001 census. Properties may be vacant for a number of very good reasons. The problem is that I do not know what those reasons are. What I do know is that in the 2001 census 80 per cent of the vacancies were short term, for example, during refurbishment or having recently been completed or while waiting for a tenant and a small number were caused by long holidays and a few people in nursing homes. For that reason I am keen to get accurate information and on the day these figures were released I went to the Statistics Unit and asked them if they could give me more information. That they are currently working on and I await that information.

Deputy M. Tadier:

Just to clarify, the Minister said that figure represents 6.5 per cent of our housing stock. Can he just confirm he means of housing stock in the Island not simply in his department?

Deputy A.K.F. Green:

Yes, sorry, that was a bit vague, 6.5 per cent of the Island's housing stock.

2.14.1 Deputy G.P. Southern:

Since it is my understanding that the Minister for Housing, or the Housing Department, has a substantial record of every unit of accommodation on the Island, can he not research this

information himself within the department without needing to call on the services of the Statistics Unit to ask further questions of their own data?

Deputy A.K.F. Green:

The short answer to that is no, I cannot. We do not have that detailed information.

2.14.2 Deputy G.P. Southern:

Is the Minister for Housing aware that there is increasing concern among the population that many new properties are lying empty because they are just there for investments and are not even 'buy-to-let'?

Deputy A.K.F. Green:

I have heard the same comments made and I am concerned about that but I have to wait until I have got accurate information before I can make any decisions or discuss the matter with my colleagues at the Council of Ministers. We cannot do it on rumour. We have to do it on facts. Those facts are being gathered for me now.

2.14.3 Deputy J.G. Reed of St. Ouen:

Will the Minister confirm that it is rather misleading to identify these 3,000 units of accommodation as property when, indeed, they are in fact dwelling units and will he explain the difference between what is classified as a dwelling unit and a property. Thank you.

Deputy A.K.F. Green:

I am not sure that I can do justification to explaining the difference between a dwelling unit and a property. But the Deputy is quite right we are talking about homes, units of accommodation. There could be several units of accommodation in one building. So what we are talking about are units of accommodation – addresses - that are vacant at the present time.

2.14.4 The Deputy of St. Ouen:

Would the Minister confirm that units of accommodation and dwellings would include lodging accommodation within a house?

Deputy A.K.F. Green:

Yes, lodging accommodation but not holiday accommodation.

2.14.5 Deputy J.H. Young:

Would the Minister agree that given the number of important strategic issues in relation to housing, particularly pressure from the construction industry to increase the amount of construction and dwellings, the need for housing and the degree of under occupation, that it may be that this is consistent with previous years but is it not important that we examine this in much more detail? Can he commit to bring a detailed report of his researches to the House which sets out all the reasons and the periods that a property is not being occupied? Would he also examine the possibility of a 'carrot-and-stick' approach to trying to reduce this problem?

Deputy A.K.F. Green:

What I have already done is to ask for more detailed information. We cannot make strategic decisions, or plan for the future, without accurate information. I am aware of the need for housing our community. I am aware, on the social housing list alone, there are 505 families that are waiting for their homes but we have to invest in our properties. We have to have a strategic way forward that is based on fact and accurate information. I have asked for that information. I am working

hard to improve it. When I have got that information I am certainly quite happy to share it with Members.

2.14.6 The Connétable of Trinity:

Would the Minister confirm whether this number of properties includes houses that are up for sale at the present time?

Deputy A.K.F. Green:

Yes, that would include houses that are up for sale but not occupied at the present time.

2.14.7 Senator A. Breckon:

The Minister, a couple of times, has mentioned accurate information. Would he give the House an undertaking to carry out an all-Island residential housing survey because information is already available with the Parishes, with the Post Office, with the utilities and, I would suggest, even with his department? Could he give some undertaking that he will co-ordinate that and publish that so we can make some sense out of it?

Deputy A.K.F. Green:

I cannot commit to carry out an all-Island survey at the present time because that would involve a tremendous amount of resources but what I can say is the new Control of Housing and Work (Jersey) Law 201- that is coming into force, hopefully, sometime this year, will give us - because we will have one database - much more accurate information on the homes and people in the Island. I went to a presentation last night where we were shown the sort of information that may be available to us. So that information will be available soon in a useful format.

2.14.8 Senator A. Breckon:

Could I ask the Minister if, perhaps, he would consider using people who are not employed who would be capable of carrying out this work, who could produce such a report at not a great deal of cost?

Deputy A.K.F. Green:

As I have already said, I believe that information will be available in another format soon. There is no need to duplicate work.

2.14.9 Deputy G.P. Southern:

I thank this particular Minister for promising to report back to this particular House. Can I ask the question I asked the previous Assistant Minister, does he have an idea of when he might be doing so? What is his aim?

Deputy A.K.F. Green:

I would like it to be sooner rather than later but I am in the hands of the officers that need to analyse all these records and give me the information. That is all I can say on that.

2.14.10 Deputy M. Tadier:

I regret putting the first part of the question in because that seems to have been diversionary. The actual question which I would like the Minister to answer is what course of action will he be taking to ensure that habitable properties which remain vacant for long periods are used to house the population. That is the question and that does not matter whether the figures is 3,000 or 600, which the Minister is suggesting: that is still a significant number.

Deputy A.K.F. Green:

I do not know the answer to that at the present time because it does depend on the information we have. If we have got a significant problem we will be discussing it at the Council of Ministers and bringing forward proposals. But let us see if we have got a problem, what the issues are, how we can solve them. I am concerned but I need accurate information before I can make decisions on that.

2.14.11 Deputy M. Tadier:

Can I have just one supplementary on that? Does the Minister acknowledge - and I think he has acknowledged it - that they do not have the figures available and this is because we do not have any form of any meaningful regulation in Jersey for rental properties. So people can be renting out properties left, right and centre or not and the Housing Department will be completely blissfully unaware of what is going on in the private sector. Surely, if we are to make to progress the social rented and private sector need to be working together in a joined-up way. Will the Minister look at regulating landlords so that he knows who is renting out properties and who is not?

Deputy A.K.F. Green:

As I said the new Control of Housing and Work Law database will give us much more useful information and I think will resolve the issues that the Deputy has around us not knowing what is going on.

2.15 Deputy R.G. Le Hérissier of the Minister for Health and Social Services regarding the reform of the Children's Service:

Given the multitude of reports on the subject of the Children's Service, what are the Minister's key objectives with regard to reforming the service?

The Bailiff:

I gather the Assistant Minister is to answer this one.

Deputy J.A. Martin (The Assistant Minister for Health and Social Services) - rapporteur:

I thank the Deputy for his question.

[11:45]

Yes, nothing stands still and since the Care Inspectorate was over early last year the Children's Policy Group has seen an early draft and has pulled together 45 recommendations up to now but when we presented, the other day, to States Members there was a suggestion from Deputy Hilton that we should look at the courts. This will be discussed by the Children's Policy Group. As to the key objectives I think in the reports that have looked into different services there is one overlying issue which is early intervention, meaningful communication and definitely cross-departmental working and I hope to do that with the questioner very soon.

2.15.1 Deputy R.G. Le Hérissier:

In the report, quite rightfully - and people may gulp at this point - there is praise placed upon the Minister and the Assistant Minister for their energy and enthusiasm which is excellent news. But there are some very worrying comments about the support from this Assembly, about the fact that there is a punitive approach taken by a minority of Members to the service, for example. Would the Assistant Minister explain how she and her team intend to redress this issue and to start getting this Assembly onside and behind the Children's Service?

Deputy J.A. Martin:

Yes, it was quite worrying because when I speak to individual Members I find that they have knowledge, and maybe this was not captured by the Care Inspectorate, but there is definitely room for improvement. The Minister, me and the officers have already discussed induction looking across Health and Social Services. Everybody knows what the hospital does. We have had people around the hospital. We need to do exactly the same with Children's Services and we are planning to do that very soon.

2.15.2 Deputy G.P. Southern:

I have 2 questions here about the Children's Policy Group Improvement Plan 2011 to 2013 and when it says recommendation 25 ... compliance, it has yes. Is it not the case that ... **[recording inaudible]** too expensive and has been abandoned ... **[recording inaudible]** ... and on the following page, page 10, it talks about recommendation 31, which talks about 2 more centres such as the Bridge and N.S.P.C.C. (National Society for the Prevention of Cruelty to Children). It says final completion date quarter 1, 2012, i.e. in the next 2 months. Are you sure that that is going to be achieved, 2 more centres like the Bridge and will be achieved in the next 2 months. I do not believe that is a realistic plan.

Deputy J.A. Martin:

Yes, we have taken on more social workers and I am not sure, I will get back to the Deputy, whether that does make us Lord Laming compliant. Yes, I was reading this earlier and we are definitely not going to have another Bridge but we are working closely with the Bridge to improve their services. So, I think, it was being discussed, being on a small Island, we do not need 3 places where they are doing the same work but we do need to concentrate on the work that is being produced at the Bridge and the N.S.P.C.C.

Deputy G.P. Southern:

May I come back with a further question on recommendation 30?

The Bailiff:

Well, I am sorry, then, no, that is another question. Other Members want to ask supplementaries.

2.15.3 Deputy T.M. Pitman:

Could the Assistant Minister give us some assurances on the urgency in which they are tackling advocacy for young people because I know when I think back to the Vulnerable Children's Review which I did - Senator Breckon was chair with Deputies Le Hérissier and Southern - it was one of the things we were pushing for and yet we seem to say the same things again and again. Could the Assistant Minister just give us some hope for the future?

Deputy J.A. Martin:

Yes, I can. I was at a presentation with the Care Inspectorate and the advocacy provided is from the Youth Service and we are planning - it is in the recommendation - early on in the Service Improvement Plan, to work with the Youth Service to have a dedicated officer for a youth forum which includes all children. I must just say that all these reports were not into Children's Services, they were commissioned by different departments - Education, the Chief Minister - and so the recommendations we have pulled together are high on the "looked after" children and again it does come down to working across all departments for all our children.

2.15.4 Deputy M. Tadier:

Following on from the various reports, can the Assistant Minister explain what discussions are taking place between the Minister for Health and Social Services and the Minister for Home Affairs on the issue of females under 17, who are offenders, being housed with adults at the prison?

Deputy J.A. Martin:

This, again, is one of the recommendations. The Minister for Home Affairs is on the Children's Policy Group and these issues do arise. It was a recommendation from the ... I think it was the Howard League for Penal Reform that recommended this. Again, we need to work together and if it is feasible we do need to do something.

Deputy M. Tadier:

Supplementary, if I may?

The Bailiff:

I am sorry; we are just coming up to the end of time, so I am going to ask Deputy Le Hérissier whether he wants a final question.

2.15.5 Deputy R.G. Le Hérissier:

In reading the report it is very much like the curate's egg; there were some good things, there were some not so good things. The thing that I think will puzzle any reader of the report is its great intentions, a long list of reports, as the Assistant Minister said, but a history of non-completion in crucial areas. What are they putting in place that will stop a repetition of what appear ... in some areas there has been excellent work, but in some areas there has clearly been a false start and there, clearly, is not the right across the board political support to move this forward. What is the Assistant Minister intending to put in place to overcome this?

Deputy J.A. Martin:

Well, I think I have already started with the Assistant Minister for Education. We put 4 social workers in schools. I met with him and the Chief Executive of Education who is going to do a dedicated piece of work on what are these 4 social workers doing and are they in the right places. So, as I said at the beginning, it is all about communication, working together, getting the support of States Members and we will only get the support of States Members when we fully get the situation across. There are problems in Jersey, severe problems faced by some families and this has a very, very damaging effect on some children and we need to get that across to everybody. Those are the people we are working with, with the help of Education, Home Affairs, Social Security, I have already met with them. It is definitely a joint effort. I hope that I have allayed the Deputy's fears that while this team is on the case we are moving forward. Thank you.

3. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

Very well, that concludes questions on notice so we now come to questions without notice and the first period is to the Minister for Home Affairs.

3.1 Deputy T.M. Pitman:

Could the Minister for Home Affairs clarify what were the reasons for the raid that took place, by police, last year on the German Consul? Computers were removed, I believe, and they should not have been removed. What has been the outcome of those actions?

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

That is a current operational matter and I cannot comment on current operational matters.

3.2 The Deputy of Grouville:

Does our society enjoy the same protections as do American citizens under the fourth amendment of their constitution, namely the right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures?

Senator B.I. Le Marquand:

Not in that wording but, of course, the European Convention on Human Rights, which is directly applied into Jersey, has respect for family life and therefore I suspect it has equivalent protections.

3.2.1 The Deputy of Grouville:

Does the clause “the respect for family life” protect people from what I have just described? What assurances can the Minister give this Assembly that the protection of family life means that people are protected and secure in their houses with their papers and effects against unreasonable searches?

Senator B.I. Le Marquand:

The human rights question is quite a complicated one because it crosses different borders but there is a general right for family life and privacy but that is subject to exceptions, obviously, in relation to criminal matters but then it must be in accordance with a lawful process and whatever happens must be proportionate and necessary.

3.3 Deputy G.P. Southern:

Can the Minister state whether his Order enabling English language tests for some but not all immigrants, and the exemptions, I believe, are those on work permits and EU entrants is ... so some but not all immigrants to Jersey is discriminatory and therefore non-human rights compliant?

Senator B.I. Le Marquand:

That is not my understanding. My understanding is that it is mirroring what has already happened elsewhere in the British Islands and it is a language test in relation to people seeking to apply for a work permit to enter the Island.

3.3.1 Deputy G.P. Southern:

Has the Minister for Home Affairs sought legal advice as to whether this is, in fact, a discriminatory act?

Senator B.I. Le Marquand:

No, I have not. I relied upon the advice and reports which I received from my officers and it is my understanding that it mirrors the position in the U.K. where, clearly, they would have taken such advice.

3.3.2 Deputy G.P. Southern:

Would the Minister circulate that advice?

Senator B.I. Le Marquand:

Am I being asked to circulate the reports which I received from my officers? I would be surprised if that was not a public document already. I will have to look at it.

Deputy G.P. Southern:

It will be.

Senator B.I. Le Marquand:

I will have to look at it and see what it says, whether it is a public document or not. I suspect that it is already a public document but I will have to check that.

3.4 Deputy M.R. Higgins:

Can the Minister for Home Affairs advise Members whether the acting Chief Officer of Police received any payment over and above his normal salary when he left his position and if so, for what?

Senator B.I. Le Marquand:

That is a matter to do with terms and conditions in relation to a particular individual and it is confidential.

3.5 The Deputy of St. Ouen:

Following an answer to a question to the Constable of St. Helier, perhaps the Minister could confirm whether the speeding equipment used by St. Helier's Honorary Police force and other Parishes is able to differentiate between police in emergency vehicles that are legitimately speeding to or from an accident and the normal private cars?

Senator B.I. Le Marquand:

If the reference to the data provided to me by the Connétable of St. Helier then the answer to that question is no it is not because it is simply recording speeds and times of vehicles but there is no one there to make a judgment.

3.6 Deputy M. Tadier:

The Minister said earlier that the letter between Mr. Warcup and Mr. Ogley was published on a local blog but that does not seem to tally with my knowledge. So, if it is the case, can the Minister confirm which blog he is talking about?

Senator B.I. Le Marquand:

I cannot. I am under the impression, and I may be incorrect on this, that it was publicised before. Indeed, I am also under the impression that a rebuttal of the terms of the letter written by the former Chief Constable of Gloucestershire was circulating at about the same time. I could be wrong on that. I am going from memory.

3.7 Deputy R.G. Le Hérissier:

I may be slightly off topic. Would the Minister confirm whether or not, because of the rebuilding at the prison, that some programmes - like the horticultural programmes - are going to be much reduced in scale? If so, what other actions are being taken to ensure this very successful programme remains and grows?

Senator B.I. Le Marquand:

Well, it is correct that as a result of the rebuilding works and the preparatory works in terms of further stages that the area of the horticultural zone is being reduced.

[12:00]

It is also correct that as a result of that that some - I am not sure if it is one or more - of the heated areas will need to be demolished. There was already an issue in relation to the age of some of that and the boiler needing replacement. However, to demonstrate a continuing commitment to the area a decision has been made to rebuild a heated area, albeit a smaller one, together with some classrooms for future training. So there is an ongoing commitment to the maintenance of this. At the end of the day the total heated area is going to be less than at present.

3.7.1 Deputy R.G. Le Hérissier:

Does the Minister know by what per cent less?

Senator B.I. Le Marquand:

I do not. It is a matter that I was intending to have a look again at some time during this week but I do not know the answer to that. Obviously, there are also unheated tunnels and areas up there as well which I do not believe are affected by this.

3.8 The Deputy of St. Ouen:

Could the Minister inform Members when will the police motorbikes be fully operational?

Senator B.I. Le Marquand:

Well, my latest information on that was by April because there was a need to train additional officers in relation to that. They were bought last year and required a running-in period which has been taking place. It is now necessary to train additional officers so that there are 2 officers on each of the 5 shifts who are able to utilise these. But the latest information I had was that would be happening by about April due to the training period of additional officers.

3.8.1 The Deputy of St. Ouen:

So in that case are the bikes operational even though at a limited extent at present?

Senator B.I. Le Marquand:

I do not think they are. They have been out and about but that has been part of the running-in process. I am not ... I do not think that any of the shifts have started operating at this point in relation to their use.

3.9 Deputy T.M. Pitman:

Earlier the Minister said that he was working away to try and redact the 62,000 word document of the former police chief so it could be published. When does he think he might reach that position where he can do it and distribute it to Members? If it helps I am willing to go halves on a bottle of Tipp-Ex.

Senator B.I. Le Marquand:

Well, I hope within 3 months. As I have said before, it is not a matter of Tipp-Ex. The problem is that the advice I have received has indicated that there may be whole chunks which will need to come out because of them having a very low level of relevance to the actual issues and naming third parties. I say ... I hate, as a lawyer, to confess that I found the legal advice that I received quite difficult to understand but I am going to need to sit down with other lawyers to make sure I have understood, precisely, what we need to do and then the correct tests can be applied. It is not a Tipp-Exing issue at all in this particular case.

3.10 The Deputy of St. Ouen:

As the Minister is a member of the Children's Policy Group, I would like to ask the Minister what efforts will he make to ensure that all of the actions, as identified in the Implementation Plan, which has recently been produced, will, in fact, be effected and within the time scales identified.

Senator B.I. Le Marquand:

I think it is fair to say that most of the actions in relation to the most recent report, I assume it is the most recent report - the Scottish ladies - falls within the remit of the Minister for Health and Social Services but the other 2 Ministers have a general oversight here and this is clearly now on our

agenda for meetings regularly and we will take joint responsibility in ensuring that things are taken forward. Although, as I say, it does, primarily, lie in the area of one Minister.

3.10.1 The Deputy of St. Ouen:

So does the Minister believe his hands are tied even though he is part of the Children's Policy Group, that he is reliant on the Minister for Health and Social Services to, indeed, deliver a lot of the recommendations?

Senator B.I. Le Marquand:

I think that is inevitable. The nature of the Children's Policy Group, obviously, has work which cuts across 3 different Ministries. Obviously, the Minister in any individual area has the primary responsibility. The same would apply, shall we say, in relation to the prison. If it is in a prison, where it is my area of responsibility, or vetting and firing ... sorry, that is not a good example. Matters related to the Public Protection Unit, where it is my responsibility in relation to that. But, I think we have accepted a joint role and responsibility in relation to this although the primary responsibility for delivery must remain within the specific area of a Minister. Unfortunately, there is no other way of doing this and it is an improvement on the previous system where 3 Ministries operated separately without co-ordination.

The Deputy of St. Ouen:

Another supplementary with regard to the question?

The Bailiff:

I think you have just had 2. I think I will go to one other Member I can see and I see another one now. I will come back to you if there are no other Members.

3.11 Deputy T.M. Pitman:

Is the Minister aware of an individual walking into a police station with a dangerous catapult and knives, handing himself in? Is the Minister aware that apparently the case was dismissed of having an offensive weapon and is there any justification for that?

Senator B.I. Le Marquand:

I am sorry, I am not aware of the particular case. If this was a matter that came before the courts and was then dismissed, I do know what the correct test in law is in relation to that but that is not really within my area as Minister for Home Affairs.

3.12 The Connétable of St. John:

I had one question I was going to ask but I have changed my mind on that one. Will the Minister give us details of what his workload is this coming week and how many meetings he has got to attend, please?

Senator B.I. Le Marquand:

Well, of course, this is a quiet week because the Minister keeps Wednesdays and Thursdays apart but I have a meeting at lunchtime to do with [Laughter] the Police Location Group. Tomorrow I kept clear but I will now have, hopefully, some time. Thursday I have kept clear. Friday I have a meeting with Senator Bailhache in relation - and I had hoped Senator Le Gresley, but that may not be possible - to the Committee of Inquiry on the historical abuse matters.

The Bailiff:

Well, I think this is taking up a lot of time.

Senator B.I. Le Marquand:

Yes, I am sorry. **[Laughter]**

Deputy T.M. Pitman:

Can the Minister circulate his diary in an electronic format to all States Members?

3.13 The Deputy of St. Ouen:

I would like to ask the Minister would he undertake to work with the other Members of the Children's Policy Group to determine which Minister would have overall responsibility for the various actions - each action - contained in the Implementation Plan so we can have greater transparency and accountability in moving forward?

Senator B.I. Le Marquand:

Well, this Minister does not like giving undertakings but I will certainly work with my colleagues. I am under the impression that most of what is there is in the ambit of Health and Social Services but if there is anything in Education and in Home Affairs we will need to ensure that it is actioned by the particular Minister.

4. Questions to the Minister without notice - The Chief Minister

The Bailiff:

Very well, that brings questions to the Minister for Home Affairs to a close so we move now to questions to the Chief Minister.

4.1 Deputy R.G. Le Hérissier:

Given the concerns that were raised earlier about a media consultant that was employed, I wondered if the Chief Minister could inform the House how much he is in control of the use of the Information Department and particularly when, as we know with information, it sometimes spills over into spin? How much is the Chief Minister consulted about initiatives in that area?

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

I wonder if the Deputy could clarify what he means by the Information Department because, of course, I.T. (Information Technology) areas are now referred to Information Systems Department or is he talking about the Communications Department?

Deputy R.G. Le Hérissier:

Yes, the Communications Department.

Senator I.J. Gorst:

I am not sure that that has anything to do with the answer that I gave in relation to the question asked of me by Deputy Higgins. Of course, the Communications Department is a central department, the oversight is from my department and that is right and proper. Each department, however, does and can feed into that department for help with their individual communication strategies normally around particular initiatives that they might be undertaking.

4.1.1 Deputy R.G. Le Hérissier:

Supplementary. Could the Chief Minister inform us, is he asked for advice on how a story should be presented to the public?

Senator I.J. Gorst:

Am I asked for advice in my role as Chief Minister potentially by other Ministers? Yes, I am. As one would expect we try to have a collegiate approach across the Council of Ministers involving the Communications Department because we recognise that in the past Government has not necessarily been good at communicating. Good communication is important. Of course, what we must guard against is what has become known as spin because I do not think that helps, but good appropriate communication is absolutely fundamental.

4.2 Deputy T.A. Vallois:

Is the Chief Minister satisfied with the current H.R. (Human Resources) policy? What support is he providing to the newly appointed H.R. Director to address the problems that are ongoing and that he is not left fire fighting like the last director?

Senator I.J. Gorst:

That is a very good question. Inevitably, when a Minister moves into a new department that Minister sees areas which need improvement, potentially a resource and people allocation. No doubt the Minister for Social Security is saying the same about his department. But it has become apparent to me in very early course that one of the areas that I am going to need to concentrate on throughout the next 3 years strongly is the area of human resource. I have asked for some work to be undertaken and uniquely, perhaps, in Ministerial government, it is an area which is appropriately also covered by a committee, that committee is the States Employment Board. I want to work closely with the States Employment Board to make sure that it is properly resourced; that we have got the right people in the right places because I am afraid to say it is my opinion that it is far from fit for purpose as it stands. I believe that, perhaps, if we put much resource in, we have the right people in the right places, then in the long run that is going to save us a lot of money and it is going to have a much more motivated workforce that we can rely on. Thank you.

4.3 Deputy J.H. Young:

Given our dependence on the finance industry and the damaging effects of uncertainty for the future and pressures from ... uncertainty of Zero/Ten, attacks from the U.K. Members of Parliament and Eurozone, can the Minister outline to the Assembly what are his thoughts on developing long term strategy? Have we, for example, got a think tank of local experts and practitioners that he, his Assistant Ministers and officers are working on to try and provide a framework for a route out, if there is one, of the uncertainty?

Senator I.J. Gorst:

If I had a magic wand to remove uncertainty from the future that, I believe, would be a very valuable tool. I do not have such an instrument. However, I do not believe that uncertainty can be viewed from 2 directions. First of all I do not think that Zero/Ten is, any longer, uncertain. The E.U. Code Group, as I have mentioned earlier today, has said that our provisions and our Zero/Ten is not harmful and thereby removing uncertainty. Of course, there is great uncertainty across the Eurozone so the question is right in that respect. As that uncertainty continues, inevitably, other jurisdictions are looking, in one respect, for people or other jurisdictions to blame but also considering their own domestic legislation and how they might make changes to that and that, of course, may have effect upon us. I said in answer to a question some moments ago, with regard to H.R. the issues that I was finding there, and although this is an area which is largely delegated to my Assistant Minister, with regard to international affairs there is also work that needs to be done there because it fits fairly and squarely in that area. We need to be getting out more. We need to be making representations to other jurisdictions, particular in the United Kingdom, in the European Union and further afield.

[12:15]

But I believe this uncertainty, perhaps he is talking about Vickers, comes with great opportunities for us as a jurisdiction. We have always, in the past, been nimble and sought to find new markets for the products that we are offering and the expertise that we have. We still have that expertise here and I believe that we can find new markets and we can meet those uncertainties in a way which will benefit the long term interests of our community. Sorry, I am aware that I have waffled on a bit there.

The Bailiff:

It was a very general question but I would invite both Members and Ministers to try and keep it concise.

4.4 Deputy T.M. Pitman:

My question is to do with the Committee of Inquiry into historic abuse brought successfully by Senator Le Gresley. Could the Chief Minister confirm that a proposal/suggestion was brought to the Council of Ministers by his Assistant Minister, Senator Bailhache, to scrap that Committee of Inquiry and, hopefully, confirm that the Council of Ministers will not be bowing to that?

Senator I.J. Gorst:

As the Deputy knows, the area of a Committee of Inquiry has been a difficult one. The previous Council of Ministers, of which I was a member, lodged a report suggesting that a Committee of Inquiry was not an appropriate way to proceed at that point. Senator Le Gresley lodged a proposition saying the reverse, that there should be a Committee of Inquiry. This Assembly agreed that there should be a Committee of Inquiry and instructed the Chief Minister and Council of Ministers to come forward with terms of reference for that inquiry. Inevitably, some new Members of this Assembly will be of the opinion that a Committee of Inquiry is not necessary. Therefore, it is incumbent upon me as Chief Minister to come forward with terms of reference for that Committee of Inquiry. As I said, each Member will have to consider whether that is the appropriate way forward and I believe that that is right and proper. It should be in the hands of this Assembly to make that decision and not one individual Member. I suspect that, when I am in a position to lodge those terms of reference, they will potentially be amended and that is absolutely right and proper as well.

4.4.1 Deputy T.M. Pitman:

I think Senator Le Marquand said he was meeting the Chief Minister's Assistant Minister to do with this. So could the Chief Minister clarify what Senator Bailhache's role would be in this and would he not be conflicted?

Senator I.J. Gorst:

That appears to be a question for Senator Bailhache and not me. As I said, some new Members of the Assembly inevitably will not feel the Committee of Inquiry is the right way forward and others will remain of the view that, equally, they do not think it is the right way forward. As I have said, it is a difficult area. I am committed to bringing forward terms of reference for a Committee of Inquiry and I stand by that commitment that I gave.

4.5 Deputy M. Tadier:

Would the Chief Minister provide an estimate of how many jobs may be at risk in the finance industry should the British Government pursue the removal of the stamp duty loophole as recently reported in the *Times* and, I think it was yesterday, in the *J.E.P. (Jersey Evening Post)*?

Senator I.J. Gorst:

I must apologise, I was reading a note. Is the Deputy asking me to give an estimate of the number of jobs should the U.K. change their legislation when it comes to stamp duty?

The Bailiff:

Yes.

Senator I.J. Gorst:

I am not in a position to be able to do that. Inevitably those structures will be across a wide range of financial services firms and, as I said in answer to a question some moments ago, just because one piece of legislation changes it does not mean to say there are not opportunities elsewhere for those people who are employed by those financial services firms.

4.5.1 Deputy M. Tadier:

I appreciate the answer. First of all, will the Minister confirm that this is an area of concern for him? Given the significance and the implication if this does materialise any time soon, would the Minister consider making a statement to the House to reflect the seriousness of this state of affairs?

Senator I.J. Gorst:

I do not quite understand the Deputy's interpretation of the seriousness of the matter. It is not for me in my position in this Assembly to come forward making statements every time another jurisdiction might change its domestic legislation.

4.6 Deputy M.R. Higgins:

Can the Chief Minister confirm or deny that the former chief executive, who was reportedly paid £500,000 when he left the Island, threatened to take the States of Jersey to an industrial tribunal or court on the grounds of constructive dismissal? If he can confirm this, can he also confirm that it was because of actions attributable to the Minister for Treasury and Resources?

Senator I.J. Gorst:

I have no knowledge of the matter to which the questioner refers.

4.7 Deputy G.P. Southern:

Again, this is a "when" question and I am not having very good luck with those today. Every fortnight I rush down to the postman to get my States of Jersey Order Paper and turn to Section K: Statements of Matters of Official Responsibility. When will the Chief Minister bring to the House such a statement on what the co-ordinated plan is for dealing with unemployment on this Island, because I think we have waited long enough? He is been in the position for at least 2 months and we have seen nothing. Unemployment numbers, especially among the young, rise and rise and rise and we have no co-ordinated plan for dealing with that and making sure we do not have a lost generation. When will he come to the House with a co-ordinated plan?

Senator I.J. Gorst:

I thank the Deputy for his question. There is indeed a co-ordinated plan. The plan is more co-ordinated than it has ever been before and the Deputy will be aware of the public statements that I have made with regard to that plan. However, he should not ... and I believe it is inappropriate to try and indicate that things are going to suddenly get easier because we have a co-ordinated plan. I have been absolutely certain and clear that I am of the opinion that, unfortunately, the issue with regard to unemployment is inevitably going to worsen throughout the course of 2012. That does not mean that we should not continue to put in place appropriate proposals and programmes, as we are doing, in a co-ordinated fashion to ensure that we limit that growth in unemployment and, in due course, throughout the next 3 years and as part of the Strategic Plan, ensure that that number

reduces. There is a co-ordinated plan. As I said, it is more co-ordinated than ever before and I hope that this Assembly will approve the Strategic Plan which has as one of its highest priorities getting people back to work.

Deputy G.P. Southern:

The Chief Minister just then went on to talk about the plan and talk about the Strategic Plan. Strategic Plans are not concrete and I do not see very much concrete activity on the part of the Council of Ministers for getting young people in particular back into meaningful work.

The Bailiff:

That was not a question, Deputy. What was your question?

Deputy G.P. Southern:

You are right. I do apologise.

4.8 The Deputy of St. Ouen:

Prior to the in committee debate on the Strategic Plan, will the Chief Minister provide States Members with not only a summary of the responses received up to that point from the public consultation but also information on the overall resources required to deliver that plan?

Senator I.J. Gorst:

A very good question from the Deputy of St. Ouen. I am not exactly sure of the timing. I believe that I could provide a summary of responses. To date there has been a steady response rate to the Strategic Plan. I cannot necessarily speak on behalf of Treasury, whether they will be in a position to have their resources statement fully prepared by that date, but I will certainly give an undertaking to ask them to endeavour to do so. Even if they cannot give a more detailed resource plan, I will ask them to try and provide a high level resource plan.

5. PERSONAL STATEMENTS

The Bailiff:

We come next to Personal Statements and Senator Breckon, the retiring Chairman of the Jersey Consumer Council, will make a statement about the work of the council.

Senator A. Breckon:

As outgoing Chairman I wish to outline some of the issues that the council has faced and place on record my thanks to those who have made valued contributions. The council has been fortunate to have members from a variety of backgrounds and organisations who have contributed significantly to the deliberations and achievements over the years. The council first met on 28th June 1995 and, since then, has met on more than 140 occasions. The voluntary time given by members during the existence of the council to date exceeds 12,000 hours. This is a considerable achievement and is a significant factor as to why the council has worked. My sincere thanks to all those involved, especially Advocate Anita Regal who has represented the Jersey legal professional since the council was established. It is worth remembering that when the council was established in 1995 there was no Competition Law or Jersey Competition Regulatory Authority, no Financial Services Commission, no Fair Trading Law and other legislation beneath it. Although the States approved the principle in 1992, it was never carried through. Newsletters have become well accepted by the Jersey community, with over 50 issues having been published since 1996 and with each issue now delivered to over 4,000 Jersey residential addresses. Legislation is still lacking in some basic areas. Consumer credit: presently a code exists and this was 5 years in the making. Regulation of estate

agents has had a law-drafting brief prepared by Economic Development but has not found favour. The Rental Deposit Scheme has still not appeared after some 15 years. A Financial Ombudsman Service was one of the recommendations of the Edwards Review in 1998. Although this generally found favour and was approved by the Finance and Economics Committee in 2002, it is still not on the statute book. I took this to the States 4 or 5 times before law-drafting was approved in 2009. A Depositor Protection Scheme in Jersey came about from external pressure following the scenes over 3 years ago when savers queued in towns and cities in the U.K. to withdraw their savings from the Northern Rock Building Society. Consumer legislation must be approached with a different outlook on a can-do and will-do basis because it does have benefits for the Island, both internally and externally. So I believe that there is still much to do to apply pressure to put some basic safeguards in place for consumer protection. Jersey could, I believe, learn a great deal from the Isle of Man, which does have an Office of Fair Trading and a Financial Services Ombudsman and their version of the Citizens Advice Bureau, along with Trading Standards and a Consumer Advice Service under one roof. This may be something cost-effective for Jersey to work towards for mutual benefit. The Council was established before Ministerial government was on the horizon and there are some very real conflicts between Ministerial areas of responsibility and consumer interests. Ministers cannot be poacher and gamekeeper. It is not possible for some Ministers to say: "Maximise profits from Jersey Post, Jersey Telecom, the Jersey Electricity Company and Jersey Water and increase fees, charges, *et cetera*," for example, for bus fares, parking charges, *et cetera*, and then claim to represent the public or consumer interest. What the public interest is has never been answered in this regard. A question that has often been asked is: "Is the Consumer Council political?" I would say: "Yes, when it has to be. Some things are too important to leave to the politicians." Since before the Council was established and to the present day, the charging of U.K.-equivalent prices inclusive of value added tax and ferry services are still very emotive issues. Having said that, V.A.T.-inclusive prices are still commonplace in the High Street and are still problematic for those ordering or buying goods outside the Island for local delivery. Despite strong and targeted publicity campaigns, the over-charging is still going on. The excuse is that Jersey is a more expensive place to do business. However, this has never been either demonstrated or proven. The question may rightly be asked: "Which part of the U.K. is Jersey more expensive than?" This is a subject that requires an in-depth cost-of-doing-business survey: Jersey versus the U.K.

[12:30]

Ferries travelling to and from the Islands for well over 40 years have been a very emotive issue for the community. Price, levels of service, reliability and different operators have all generated lots of public interest and will continue to do so for the foreseeable future. G.S.T. (Goods and Services Tax) has become the emerging issue with a 2 per cent increase in June 2011, taking the tax to 5 per cent. This has added to the price of many already-expensive goods; for example, a 2 per cent increase in G.S.T. added 12 to 15 pence a gallon to the price of petrol. Basic foodstuffs and household bills have suffered from similar hikes. Each one per cent of G.S.T. is estimated to collect £16 million in tax. Therefore, £80 million is collected annually at a rate of 5 per cent. I believe this is having a detrimental effect on the local economy with disposable incomes reducing against high levels of inflation and taxation; a recipe for further downward economic impact. It has been my pleasure to serve as Chairman of the Council since 1995. Thousands of people have been in contact over those years, raising all manner of issues, and also I have received some terrific support from officers and Council members for which I thank them most sincerely. Also, I have enjoyed a good working relationship for consumer benefit with movers and shakers in the community. Managing directors of utilities, telecoms, postal, retailers, supermarkets and many others, including States departments, have all responded to some consumer challenges; some more enthused than others, but I believe they have added to the work and contribution of the council for

which I thank them. With best wishes to the new Chairman and all the members of the council who seek to serve in consumer interests in the coming years. **[Approbation]**

PUBLIC BUSINESS

6. Draft Maintenance Orders (Facilities for Enforcement - Convention Countries) (Amendment) (Jersey) Act 201- (P.184/2011)

The Bailiff:

Thank you, Senator. There are no matters of Statements on Matters of Official Responsibility. So we come then to Public Business and the first matter is Draft Maintenance Orders (Facilities for Enforcement - Convention Countries) (Amendment) (Jersey) Act (P.184) lodged by the Chief Minister and I will ask the Greffier to read the Act.

The Deputy Greffier of the States:

Draft Maintenance Orders (Facilities for Enforcement - Convention Countries) (Amendment) (Jersey) Act 201- The States, in pursuance of Article 22 of the Maintenance Orders (Facilities for Enforcement) (Jersey) 2000, have made the following Act.

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

I know it is a little unorthodox but I wonder if I could just start by just following on from Senator Breckon's statement and thank him for all the good work that he has done on behalf of the consumers of our community for the last number of years. Thank you. **[Approbation]** This is a straightforward amendment which amends the Maintenance Orders to include the jurisdiction of Ireland. I maintain this amendment.

The Bailiff:

Is the Act seconded? **[Seconded]** Does any Member wish to speak? Very well, all those in favour of adopting the Act kindly show. Those against. The Act is adopted.

7. Draft Policing of Beaches (Amendment No. 10) (Jersey) Regulations 201- (P.192/2011)

The Bailiff

We come next to the Draft Policing of Beaches (Amendment No. 10) (Jersey) Regulations (P.192) lodged by the Minister for Economic Development and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Policing of Beaches (Amendment No. 10) (Jersey) Regulations 201-. The States, in pursuance of the powers conferred upon them by the Order in Council of 26th December 1851, Article 92 of the Road Traffic (Jersey) Law 1956 and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, have made the following Regulations.

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

This amendment is to the Policing of Beaches (Jersey) Regulations 1959 which, in essence, consists of 2 parts: prohibited acts - what you cannot do on the beach - and acts for which written permission of the Minister is required. That is what you cannot do unless, of course, you ask first. The amendment before Members today was driven by a specific request to hold an international polo tournament on the beach later this year, a request that could not be considered under the current regulations. By proposing this amendment today, it also offers us the opportunity to tidy up the regulations in 2 other areas, one of which has been of specific interest and, I might say, concern

to a number of Constables and relates to parking on a slipway. Therefore, the 3 proposed changes contained within this amendment can be best summarised as follows. The first: to permit, subject to the permission of the Minister for Economic Development and the relevant Parish Constable, the riding of horses and ponies on beaches in equine events to be held at times when riding is otherwise prohibited. This change, if approved by Members today, will allow us to consider the proposed international beach polo tournament to which I just referred; an event that the organisers hope can take place in September on the beach at St. Brelade's Bay. Current regulations prohibit the riding of horses and ponies on the beach between the hours of 10.30 a.m. and 6.00 p.m. during the period of the year commencing 1st May to 30th September. The second proposed change will be the introduction of a time restriction while parking on slipways listed in the Schedule of Regulations. The schedule is a list of slipways or parts of slipways where parking is permitted in designated areas. This change follows problems over many years experienced in a number of Parishes where vehicles and/or vessels have been left on slipways for substantial periods of time - sometimes, I might add, even abandoned - and it has come to light that the relevant authorities have no power to remove such vehicles or vessels unless they are causing a specific obstructions. Those slipways listed within the Schedule of Regulations do not require Ministerial permission and, therefore, may be parked upon at any time. Currently, the only restriction on parking on these slipways is that parking is only permitted within a designated area. No time restrictions have ever been imposed. This particular change to the regulations will see a time restriction on parking on slipways. This will be effected by imposing a 12-hours in 24-hours parking restriction. To assist the Parish authorities in policing the above restriction, powers will be given to remove illegally-parked vehicles and this will include the recovery of any expense incurred in the removal and possible custody therein. The third proposed change is the inclusion of Dicq Slipway, St. Saviour to the Schedule of Regulations; in other words, to include it on the list of slipways where parking is permitted in a designated area. This follows problems experienced by some St. Saviour Parish authorities. Vehicles have been parked illegally at the top of the slipway, blocking access to the slipway for emergency services. After consultation, which, of course, included the emergency services, the proposed solution to this problem has been agreed and that is to allow parking on the western side of the slipway from the point south of the existing beach concession. Parking is currently permitted on all slipways listed in the Schedule of Regulations and not the Dicq Slipway, which was not previously on the schedule to which I have just referred. The Dicq Slipway is particularly wide and parking could be accommodated on one side without a problem. The inclusion of the Dicq Slipway within the Schedule of Regulations will allow parking on the western side of the slipway from the point south of the existing beach concession. In terms of resource implications, a financial implication will arise as a result of these changes. The production and erection of '12-hours in 24-hours' signs will be required for each of the 24 slipways listed in the Schedule of Regulations. The total cost of this work has been estimated at £3,200. This work should be undertaken by our good friends at Transport and Technical Services, but the cost will be borne by Economic Development. There are no other resource implications that will arise as a result of this amendment. I propose the amendment.

The Bailiff:

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

7.1.1 Deputy J.M. Maçon:

All I would like to say is I would like to thank the officers of E.D. (Economic Development) for taking the time to contact the Deputies. Often there is a perception that the Constables are the only consultees in these matters, but I would very much like to offer my thanks to the department for that. I was very impressed.

7.1.2 Senator F. du H. Le Gresley:

Just a small request to the Minister. I note in the financial and manpower implications there will be signs erected on the 24 slipways. I have noticed that there are signs on some slipways that remind users of the beach not to leave litter and not to play loud music and these signs are looking very, very old. I was wondering if this might be the opportunity to combine the sign about the parking with the renewal of those signs, particularly as the playing of loud music is very unpleasant in the summer when you are trying to enjoy the beach. I am sure our visitors would particularly appreciate that.

The Bailiff:

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

7.1.3 Senator A.J.H. Maclean:

I will simply just thank Deputy Maçon for his comments. Yes, we like to liaise with Deputies and Constables when we are consulting on matters such as this as widely as is feasible. So I thank him for his comments. Senator Le Gresley, I was not aware that the signs were looking a bit tired, but certainly we can have a look and see if improvements can be made and roll it out. It sounds like a good suggestion and I am happy to consider it as part of the work. I maintain the amendment.

The Bailiff:

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

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S. Pitman (H)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				

Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Bailiff:

Deputy of St. Martin, this matter falls within your scrutiny panel. Do you wish to have it referred to the panel?

Deputy S.G. Luce of St. Martin:

No, thank you, Sir.

The Bailiff:

Then we come to the individual regulations. Do you wish to propose them *en bloc*, Minister?

7.2 Senator A.J.H. Maclean:

Yes, please, Sir, one to 5, if I may.

The Bailiff:

Are they seconded? **[Seconded]** Does any member wish to speak on any of the individual regulations?

7.2.1 The Connétable of St. John:

I would just like to thank the Minister for taking note and putting in place these regulations because it is going to help our tourism, I am sure, through the polo events that will be held. I know one young man, who we all know, who is in a polo team, will be coming over and partaking. He will be talking to you, I think, next Thursday, 9th February, about his visit to Westminster. Therefore, on behalf of young Rondel, I am thanking the Minister.

The Bailiff:

Does any other Member wish to speak? Very well, all those in favour of adopting regulations one to 5 kindly show. Those against. The regulations are adopted. Do you propose in Third Reading, Minister?

Senator A.J.H. Maclean:

Yes, please, Sir.

The Bailiff:

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

8. Jersey Consumer Council: appointment of Chairman (P.195/2011)

The Bailiff:

We come, finally under Public Business, to Jersey Consumer Council: appointment of Chairman (P.195) lodged by the Minister for Economic Development and I will ask the Greffier to read the proposition.

Deputy J.H. Young:

Sir, I have to declare an interest in this item. A close member of the family is an employee of the candidate and I withdraw from the Assembly.

The Bailiff:

Very well, thank you.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 2nd February 2011 regarding the future mandate for the Jersey Consumer Council and, in consideration of (b)(ii) of P.182/2010, to approve the appointment of Rose Edith Colley as Chair of the Jersey Consumer Council for a term of 3 years with immediate effect.

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

Before I address this proposition I would just like to take the opportunity to speak briefly about the outgoing Chairman of the Consumer Council, Senator Alan Breckon. The Senator made a statement a few moments ago about his work in the Consumer Council and I would like to endorse much of what was said. I think it would be accurate to say that the Senator was a driving force behind the setting up of the Council in 1995 and has been largely responsible for much of the success that it has achieved in terms of protecting the interests of consumers within the Island. As Chairman since that time, he and his board members have carried out some sterling work in representing the interests of consumers. I looked back at P.182/2010 which set out detail of a new mandate for the Consumer Council. It began a process which led to where we are today. In that proposition Senator Breckon kindly provided information for the appendix which summarised the large number of consumer matters tackled over the years, many of which the Senator has referred to and I do not propose going through them again but simply to endorse and thank him for all that he has done in that respect. I would now like to move on to today's proposition, which is to seek approval from the Assembly for my recommendation that Mrs. Rose Colley is appointed as the new Chair of the Consumer Council for a period of 3 years. I referred previously to P.182, which was debated early in 2011. This set out a new mandate for the Consumer Council and, while a number of relatively minor changes were made, there were 2 fundamental amendments included in the new constitution.

[12:45]

The first was that the council should be established as a distinct independent legal entity, able to rent accommodation and enter into employment and research consultancy contracts in its own right. I am pleased to say that the council has been set up as an incorporated association as sanctioned by this Assembly in July of last year. The other fundamental change to the constitution was the removal of the requirement that the chair of the council had to be a Member of the States. This, of course, brings me nicely back to the reason for this proposition today, which is the formal approval by this House that Rose Colley is appointed Chair with immediate effect. I shall just give Members some background on how Mrs. Colley was selected. The Jersey Appointments Commission was involved right from the outset when a job description and advertisement was designed and agreed. I would like to publicly thank Mr. Ken Soar of the Commission and indeed Mr. Colin Powell who gave considerable time in assisting with the short listing of applicants, as well as being active

members of the selection board. There were in fact 11 applicants for the post and I must say that the quality of all those applicants was absolutely of the highest order which made the job of selection of the board exceedingly difficult. As we now know, Rose Colley was offered the role subject of course to the approval of this House today. There is a brief C.V. (Curriculum Vitae) of Mrs. Colley in the proposition so I do not propose to repeat that. I would suspect indeed that many Members here today have either met or know of Mrs. Colley following her recent Senatorial election campaign. It really only remains for me to say that I have great pleasure in recommending that Members approve the appointment of Rose Colley as the new Chair; I am certain that she will lead the Council into a new area of strong representation and support for Jersey consumers in what are extremely challenging times for everyone. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

8.1.1 Deputy T.M. Pitman:

I would like to echo what the Minister said about the previous outgoing Chairman, I think he has done a great job, [**Approbation**] really represented the people of Jersey and I think he deserves a lot of gratitude for that. I would also just say that I wish Mrs. Colley, should she be selected, the best of luck; she seems a nice, genuine person. What I would say is that it does seem that it is not the best way forward to nominate someone who has just come out of an election and is clearly probably going to be standing again. I do want to know from the Minister what will happen in the year before the next election because I would imagine that the new Chairman would have to remove herself just so she does not have an unfair advantage; so perhaps he could clarify that.

8.1.2 Deputy M.R. Higgins:

I am rising to say that I cannot support this appointment and I am doing so for 2 reasons. The first one is that the post would be filled by a member of the legal profession which in my view is one sector of the Jersey economy that needs to be investigated because of the excessive fees and the poor quality of service that is being provided by some lawyers. I just cannot believe that a lawyer will tackle these issues because it means tackling their own profession. I would also say too that our legal system does need to be reviewed because most of our citizens cannot afford justice; they either have to be on income support so they can get legal aid or they have to have excessive incomes, everyone else is left out and I just do not believe that a lawyer is the person to tackle their own profession. Secondly, because of specific complaints that I have received from constituents who have used the nominee, who has not provided itemised bills for her services or responded to letters that they have sent asking for itemised bills or to explain why she has not followed instructions in recent court cases. With that in mind I just do not feel that I can support this nominee.

8.1.3 Deputy M. Tadier:

Just to provide my input, I do not know this individual extremely well, although we have conversed when she was on the election campaign. I would just like to say that I cannot speak for everything that Deputy Higgins said there but certainly it does not seem to me that the issue of her being a lawyer is really a problem. I made a strong point in my particular manifesto saying that legal fees do need to be looked at, the Deputy is quite right, because there are issues with access to justice in Jersey; but I have also spoken to Advocate Colley directly and it seems to me that the firm she works for is not really where the problem lies because this is a small firm that deals in a lot of social legislation and she is very aware of the issues that face the legal industry and the legal community in Jersey; so if anything she is going to open to those areas being looked at. But, nonetheless, Deputy Higgins is entitled to his own opinion. The other issue that I wanted to raise here, and it is not that I have a particular problem with this, is the fact that we have gone from a

position where this has been unpaid and we have had some very good work which the Senator has put in which has been unpaid; to a position where this is attracting a £10,000 per annum honorarium. Now, if we are going to pay someone what does not seem like an exorbitant sum, that seems quite proportionate; what I want to know is how the decision was made because we are simply told a decision was made to offer an honorarium, we are not told anything else. Also we are told that part of that money is coming from Economic Development; that is to say that Economic Development fund the Consumer Council to a tune of £100,000 every year. We are not here to debate the implied potential conflicts of interest that exist there because how on earth can a Consumer Council which is being paid for by the Economic Development Department turn around and scrutinise effectively sometimes policies which affect prices in Jersey; that is a completely different question. But surely in these austere times the question has to be asked if they can afford to pay £10,000 in a year for something which was previously done for free; that suggests that there is some fat in the system. So I will simply leave it at that; I am not saying the position should not be paid, I think certainly if someone is doing a job and they are providing value for money that is fair enough but the Minister has a duty to give us more information as to how this decision was arrived at and why.

8.1.4 Senator A. Breckon:

Just a couple of issues that Members have touched on. I do not think it is an issue really for the legal profession to be represented - as I said in my statement earlier - Advocate Anita Regal has been a member since 1995 and made a significant contribution. The same with the business elements; the Hospitality Association and the Chamber of Commerce do not have a business hat on, they are there as organisations of the community, as indeed are the legal profession. I do not think it is an issue, indeed the constitution of the Council says that there will be a member of the Jersey legal profession as a member so in fact there will be 2 members. Not only the Chairman, if the House will approve this, but also another member. Also we have been fortunate again, we had a solicitor of the Royal Court, Mr. Philip Syvret was also a member of the legal profession and made significant contributions. So knowing the workings of it, for me it is not an issue and I know, along with politicians and journalists, lawyers are maligned but perhaps we should be thankful for that because on occasions it will give us some light relief. The other thing, Mrs. Colley is indeed keen and what we did do is we arranged a meeting on 11th January where her and prospective new members met with the existing members and they are keen to go. I met with officers yesterday and Members will have seen an article published in the *Jersey Evening Post* on Saturday. I would say that it is a positive future, I think she will give excellent leadership, she will lead from the front and she will move things on and that is what it is about. The fact that there is an honorarium I think is circumstances; the Minister for Economic Development also proposed quite recently that there be a board overseeing the Harbours and Airport, those positions are paid. I did say to him partly in jest that as Chairman if I was paid the same amount as the Chairman of that board I think he owes me £1.4 million for days of service, but that is still a matter of negotiation, but that is at £700 a day so I am waiting to speak to him later about that to see if there is anything in the way of a settlement. I do know the process, some of the members who applied did contact me, I spoke to them, and I can say, without revealing any details, there were some excellent members of the Jersey community who were willing to put themselves forward. The fact that there was an honorarium is not an issue, it is just something where somebody's time will be taken up - and in this case it will be Mrs. Colley - where the media will contact them at different hours of the day and it is probably right in the current climate as well that somebody is compensated; not necessarily for their time but just as a token really - although some might say it is a fairly big token - to compensate in some way for that and to give some recognition to that. Having said that, I think it is a very, very positive appointment and it will move things forward. I know some have their doubts but I hope they will reconsider that and I hope this will get the unanimous support of the House.

8.1.5 Deputy R.G. Le Hérissier:

Just 2 points. I would like to thank Senator Breckon for ... I know he has slaved mightily and there have been times when he could barely get into his office because of the file boxes of the Consumer Council and I would like to thank him. There are 2 points; I am unhappy with some of this and I am going to upset my dearly esteemed colleague, Deputy Higgins. My view is, as with all these issues, if for example the Council wishes to investigate the legal profession it is very simple; the Chairman steps aside, the Council can monitor it and can appoint its own monitor for this to happen. In a small community I am afraid in many ways we are all conflicted. The second issue, it was raised about issues with billing procedures. I do not know, this may be the case, again my view is I do not think very few of us would get away in this respect. If our backgrounds were to be investigated I do not think many of us would make it into the States on these criteria quite frankly, not on the criteria of dishonesty but on the criteria of weaknesses in our makeup, weaknesses in our approach. I get very annoyed when one aspect is pulled out, it is seen in isolation and we do not give the right to that person in terms of respecting their human rights, as much as we may have views about that person we do not give them the right to answer back. That is all I am saying. I think that if a lot of us were put to the test we would quite frankly fail and I just find this an utterly embarrassing and wrong procedure, not because we should not look at these things - I agree with the kind of comments in a sense that Deputy Pitman was making earlier - but this is not the way, 51 people to be a recruitment panel and to bring out entirely random information at the last minute in public is not in my view the right way to deal with it. I will on that ground and, with encouragement from the Constable of St. John, sit down.

8.1.6 Deputy G.P. Southern:

Just briefly; I find it deeply ironic that we have just said that a politician should not be in charge of this particular body and here we are about to appoint a prototype politician. So I will welcome her in the House in 3 years' time, which I am sure she will be there, but I will not be voting for her for this particular position because I think she is political.

Deputy T.M. Pitman:

Could I just ask your guidance on a possible conflict of interest, Sir, because it has just occurred to me that although I do not know the lady I obviously know of her, but she is part of the same lawyers' firm that represent my wife and I. I just thought I should flag that up. I do not think she is going to give me any discount.

The Bailiff:

Not a problem, Deputy, I do not think. I call upon the Minister to reply.

8.1.7 Senator A.J.H. Maclean:

I thank Members for their comments, some of which were disappointing, and I think Deputy Le Hérissier picked up on some of the disappointing elements. Just briefly, Deputy Pitman, clearly if Mrs. Colley chooses to take up another post or run for election then of course she would consider her position and I am sure would resign. It would be inconceivable, although not impossible, for her to remain as a politician as we have had in the past, it does not exclude it. But at the end of the period, the term which is set at 3 years, there clearly would be an election process and anybody else can put their names forward. Deputy Higgins did disappoint me; not just about the legal fees issues which he raised and I think Deputy Hérissier covered that, there is a board and the board would clearly oversee any future investigation into the industry legal fees and appoint somebody and if there was a conflict of interest - as there would be in this instance - then it would be somebody else to take that forward. But it was mainly Deputy Higgins' comments and opinions and the personal nature which I thought was inappropriate, it did strike me as somewhat grandstanding. It

disappoints me - and it came up earlier on today - that if there were genuine concerns they could have been raised in privacy with me before we got to the debate. It was not necessary to raise on the floor of the House.

[13:00]

Deputy Tadier mentioned the honorarium, yes, there is a fee which is listed at £10,000; that is in line with a number of other honorariums and I believe is a fair and reasonable amount for the post in question. The question was also raised about Economic Development funding this; well, yes, we are; he suggested I think to quote from him there was fat in the system, in fact we have been very diligent in delivering our C.S.R. (Comprehensive Spending Review) target, the 10 per cent over 3 years, by reprioritising and, yes, we have got funding that we have allocated to this important task. As indeed we have in terms of the grant that the Consumer Council quite rightly gets which is up for negotiation on an annual basis. We will continue to support it from a financial point of view which is absolutely the right thing to do to ensure that consumers have proper and effective representation. I thank the other Members that spoke; Deputy Le Hérissier, I endorse his comments; and Deputy Southern I do not endorse what he said but, nevertheless, I thank him for standing up. I maintain the proposition and ask for the appel.

The Bailiff:

The appel is asked for then in relation to the proposition, I invite Members to return to their seats and the Greffier will open the voting.

POUR: 34		CONTRE: 6		ABSTAIN: 2
Senator P.F. Routier		Connétable of Trinity		Deputy S. Pitman (H)
Senator A. Breckon		Connétable of St. Mary		Deputy T.M. Pitman (H)
Senator A.J.H. Maclean		Connétable of St. Ouen		
Senator B.I. Le Marquand		Connétable of St. Brelade		
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy M.R. Higgins (H)		
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. John				
Connétable of St. Martin				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérissier (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy S.J. Pinel (C)				

Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				

ARRANGEMENT OF PUBLIC BUSINESS

The Bailiff:

Very well. That concludes Public Business. There is one matter which has been presented during the course of the day, Report 13, presented by the Minister for Treasury and Resources concerning certain land transactions on Victoria Pier and 2 Hungerford Villas; that will be in Members' pigeonholes. Then we come to arrangement of Public Business for future occasions and I invite the Chairman of the P.P.C. (Privileges and Procedures Committee) to speak.

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

Arrangement of Public Business is, as set out under M in the Consolidated Order Paper, with just a couple of alterations or potential alterations. From the next sitting on 21st February I have consulted the Chief Minister and P.8/2012 - Appointment of a Member to the Regeneration Steering Group - is to be withdrawn from that sitting and also I would like to propose to Members that P.177/2011 - Standing Orders: Answers to Questions - in the name of Deputy Southern is not taken at the next meeting for the simple reason that P.P.C. have now set up sub-committees, one of which is to review the Standing Orders and internal procedures of the States. Deputy Southern has just today told me that he would like to be on that sub-committee and clearly it will be looking at the matters that he proposes to raise in this debate. I suggest to Members that we do not need to have the debate at the next sitting, we should wait for that sub-committee - including Deputy Southern - to do its work.

9.1 Deputy G.P. Southern:

May I just reply to that? I think I am willing to have it postponed but it was lodged a long time before this sub-committee was set up and concerns an issue which I think is an important one, although it is quite a small one, so I do not wish to withdraw it, I think we should debate it at some during the year but it will not take us that long and I think it is worth having that debate.

The Bailiff:

Very well, so we will mark it as deferred to a future date.

Deputy G.P. Southern:

Park it somewhere down the road.

9.2 Deputy G.C.L. Baudains:

I wonder if I could ask the Assembly to take P.10 at the next sitting on 21st February, the Annulment of Road Traffic (St. Helier) (Amendment No. 23) (Jersey) Order 2011. I do not think it is something which should be hanging around for a long period of time and it should not take too long to debate.

The Bailiff:

The Greffier has reminded me, Deputy, I do not think it will have been lodged quite long enough. When was it lodged, Greffier? It now requires to be lodged for 4 weeks and it was lodged today so I am afraid you will have to have it after that.

9.3 Senator B.I. Le Marquand:

I think I should in fairness explain to the Members of the Assembly why the Draft States of Jersey Police Force Law (P.182/2011) has been put back. The primary reason is that it needs to be taken at the same time as a piece of legislation which has been worked on by the Comité des Connétables and that has hit some delays. But I am hopeful that can be lodged in time so that it could be taken on 20th March. Also as a result of very helpful advice obtained by my new scrutiny panel at their request I am going to seek to make some minor amendments, these are really drafting improvements, nothing really of great substance, but nevertheless they are improvements and I thank them for that, so I need time to lodge an amendment for that. Just to explain this long awaited draft law, I am afraid it has to be put back because of difficulties in the related law.

9.4 Senator I.J. Gorst:

It occurs to me that I should be asking at this point for the States to agree to an in committee debate at the next sitting on 21st February on the Strategic Plan so I shall endeavour, as the Deputy of St. Ouen has requested during question time, to see if I can provide those supplementary pieces of information as well for that debate.

The Bailiff:

First of all then you are asking that there be, during 21st February, the in committee debate on the Strategic Plan? Yes, very well. Do Members agree to that? Very well, any other observations? So do Members agree to the Public Business for the next occasion as set out there, apart from P.177 and P.8 which will be deferred and with the addition of the in committee debate? Very well, thank you very much, that concludes the business of the Assembly. We will now close and reconvene on 21st February.

ADJOURNMENT

[13:07]