

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 19th JULY 2010

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[14:30]

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

PETITION

1. Deputy J.M. Maçon of St. Saviour will present a petition in relation to the replacement of the heating systems at Le Clos Gosset

1.1 Deputy J.M. Maçon:

If I may very quickly, I present this petition to the States Assembly on behalf of the elderly residents of the maisonettes of Le Clos Gosset. I am sure that the Minister for Housing will give the petition due consideration and take the opportunity to meet with the residents to fully understand their concerns. Members will also note the accompanying proposition on their desk for them to digest over the summer.

The Deputy Bailiff:

Greffier, do you have a copy of the proposition? I understand, Deputy Maçon, the proposition is in the course of arriving but it has not yet arrived. I was just confirming that Standing Orders have been complied with.

Deputy J.M. Maçon:

I am most grateful, Sir.

QUESTIONS

2. Written Questions

2.1 SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR HOUSING REGARDING THE DELEGATION OF EVICTION POWERS:

Question

Would the Minister advise why he has chosen to delegate to his Chief Officer the power to agree to the eviction of States tenants due to rent arrears or other breaches of the tenancy agreement?

Will the Minister give exact details of how many tenants currently have rent arrears and the total amount of rent arrears outstanding?

Can the Minister advise whether his Department is on course to achieving the 2010 Business Plan target of reducing the percentage of rent arrears to 1.6 percent of gross rental income and, if not, whether he intends to use the power of eviction more frequently in the future or whether, in the current economic climate, he will exercise a more sympathetic stance?

Answer

I have chosen to delegate certain functions to my Chief Officer to ensure that the efficient operation of key areas of the business are not delayed due to myself or my Assistant Minister being unavailable. Those delegated powers will seldom be exercised and where they are will be within the policies and guidelines already in place which ensure that eviction is an absolute last resort in the enforcement of the tenancy agreement. In the last 12 months the department has only pursued two evictions for rental arrears and in each case the tenant had failed to engage and address their rental obligations. The current arrears policy has been developed in partnership with the Tenants Forum and is therefore supported by those it serves.

In the States Business Plan for 2010, submissions for which were made in May 2009, the department set out that it would aim to achieve a rental arrears reduction to 1.6% against gross

rental income and charges before the close of 2010. Reference to the departmental 2010 Business Plan, submissions for which were prepared in September 2009, will show that that target was deliberately adjusted to 1.8%. The reason for this, as the Senator has suggested in his question was the deepening recession and the department's concern that striving for the target of 1.6% would have too great an impact on those tenants who were trying hard to address their arrears.

As at July 2010 there were 777 rent accounts in arrears with a combined value of £678k. This represents 1.8% of gross rental income and charges and therefore achieves the restated 2010 Business Plan target. This has been achieved without unnecessarily resorting to evictions and I am of the view that the 1.6% target is still achievable albeit over a slightly longer period.

The Housing Department's approach to tackling rent arrears has been one of its key successes in recent years and has seen total arrears fall from £1m in January 2008 to £678k today. This has additionally helped steer 544 customers from the burden of debt.

2.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING A FUTURE HARBOURS AND AIRPORT BOARD:

Question

Following the announcement that a Board is proposed for the Airport and Harbours, will the Minister advise whether any meetings have been held with a Shadow Board/group of people to discuss the setting up of an interim Board, and if so would he provide details, including who was present, and advise whether any politicians (current or former) were also present?"

Answer

The issue of future governance arrangements for Jersey Harbour and Jersey Airport is integral to the Economic Development Department's (EDD) oversight of both ongoing operations at the trading bodies and the Comprehensive Spending Review.

A number of meetings to discuss future governance arrangements have been held between the Economic Development Minister, Assistant Ministers and senior officials from EDD, Jersey Harbour and Jersey Airport culminating in the announcement that a single "Shadow Board" will be appointed to provide private sector non-executive oversight.

No former politicians have been present at these meetings.

2.3 SENATOR B.E. SHENTON OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE COST OF A PLANNING APPEALS CLAIM:

Question

Given that Page 53 of the Annex to Financial Reports and Accounts 2009 states that £625,618 was transferred from the contingency vote to settle a planning appeal claim, can the Minister please give full details of this claim, and the total cost?

Answer

The amount transferred from the contingency vote was not in relation to a planning appeal as stated in the reports, but relates to the negotiated compensation settlement payment to D B Cummins Ltd

in the “Trinity Infill Case”, and the final payment to the lawyers acting for the Minister for Planning and Environment in the matter.

This arose from the Environment and Public Services Committee’s modification of a planning permission that would have allowed a field in Trinity to be used as an inert waste dump. Modification, or revocation, of a planning permission carries with it a right to compensation.

As previously indicated to Members on 2nd June 2009, in reply to a question from Senator Perchard, I am unable to specify an exact figure for the negotiated compensation settlement but can confirm the total cost including legal fees was in the region of £700,000.

2.4 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE SCULPTURE WHICH WAS FORMERLY IN THE AIRPORT DEPARTURES HALL:

Question

Would the Minister advise what has happened to the sculpture known as ‘Flight’ that was in the Airport Departure Hall and included a wishing well which was used by visitors and residents, the monies from which was then given to charities.

Would he also advise whether all other charity boxes have been removed from the Airport and, if so, explain why and confirm when they might be returned?

Answer

Further to a request from the Minister for Health, the sculpture of mallard geese, which was removed from its site at the airport during last year’s refurbishment of the airside departures lounge has been donated to her department for placement in a new public space at the General Hospital.

It was always our intention when the sculpture was removed that it would be moved to a location that would allow it to be seen again by the general public. Jersey Airport, having considered a number of alternative sites, none of which proved suitable, decided to accept the generous offer from the Health Department.

I can confirm that during the refurbishment programme, a number of charity boxes were removed from the ground floor area of the airside lounge. Since the completion of the works two aviation charity boxes for Channel Islands Air Search and RAFA have been re-sited in the first floor atrium. Other boxes have been collected by the respective charity for use elsewhere.

Jersey Airport has decided that in an effort to be fair to all rather than have a multitude of individual collection boxes as previous, a single collection box will be sited in the departures hall with the proceeds divided amongst an alternating list of charities. A suitable box will be provided shortly.

Jersey Airport regularly supports charitable collections and fundraising events. Most recent collections have included Side by side’s Madeira and Haiti Disaster appeals, the Red Cross, Cancer Research and Help a Jersey Child. Collection tins are also placed on the Information Desk and occasionally on the check-in desks.

2.5 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING WAITROSE'S PROMOTION OF LOCAL PRODUCE:

Question

What measures and conditions, if any, is the Minister planning to lay down when Waitrose takes over certain outlets from Sandpiper, that they should support local produce?

Answer

In our initial discussions with Waitrose, we certainly highlighted that local producers and suppliers should be engaged wherever possible which they seemed keen to do. The recent Waitrose press release included the following paragraph " in line with its commitment to local sourcing, Waitrose is planning to sell a wide range of food produced within the Channel Islands and will be working closely with local suppliers".

Following a recent meeting with Waitrose Directors, Jersey Enterprise is in discussion with Waitrose regarding the facilitation of a B2B event with suppliers and producers.

As with all new undertakings commencing business in Jersey, a full business plan will be submitted by Waitrose and considered with their Regulation of Undertakings licence application.

2.6 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR HOUSING REGARDING HOUSING QUALIFICATIONS FOR PRISONERS:

Question

Would the Minister advise whether persons arrested on arrival in the Island, who are then sentenced to more than 11 years at H.M.P La Moye, can actually gain their Housing Qualifications whilst in Prison whilst never having worked in the Island or had any real connection to it?

Answer

In the circumstances outlined of a person arrested on arrival in the Island, who becomes subject to a long prison sentence, that person would NOT normally be deemed to be accruing a period of ordinary residence that would ultimately allow them to qualify for housing consent under the Housing (General Provisions) (Jersey) Regulations 1970.

Instead, the Minister looks to where a person is *ordinarily* resident, with reference to their choice of residence, and their normal, or settled place of residence.

So, for example, there are applications for residential qualifications made by individual prisoners who will be immediately pre-release, but who were established residents, perhaps being locally born, before going into Prison. These are persons whom the Probation Service are looking to support back into the local community with regard to housing and employment, and who have firm local connections.

In each case, the varied and often complex circumstances would be considered to establish the place of ordinary residence.

2.7 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE ENCOURAGEMENT OF COMMUNITY AND VOLUNTARY SERVICES AS PART OF THE STRATEGIC PLAN:

Question

Can the Chief Minister outline what has been done since the approval of the Strategic Plan in respect of the three commitments in section 8 (to encourage community involvement and voluntary service, work with the Parishes to develop community initiatives and preserve, enhance and promote community values)?

Answer

Enhancing the role of the community is a key component of promoting social inclusion on the Island and one to which the Council of Ministers is strongly committed. Promotion of community values and the enablement of civil society require changes in behaviour and attitudes. These processes take time to achieve but we are already putting into place mechanisms which will allow this to happen. A central feature thus far has been to develop a relationship with the Third Sector through the creation of a Social Policy Forum. This Forum, made up of representatives of the voluntary sector, is designed to act as a link between the public and the States on social policy issues, and is currently investigating ways in which the community can contribute to supporting the ageing population. This work will be complemented by the plans H&SS are developing with the parishes and the Third Sector to help maintain the independence of older people. As a start, an Information Sharing Protocol that will identify those in the community who may require additional support has been developed to promote stronger working between the Parishes and the States.

Moreover, the Housing and Planning departments and some parishes are also working together to provide “lifetime homes” in which older residents can live independent lives in the community. Parish communities will continue to benefit from Sheltered Homes developments, as has been the case in Trinity and St. John, and which will be extended to further parishes like St. Peter and St. Ouen over the coming years. These initiatives are being driven by Parish Connétables with the support of departments, and help to build and maintain communities.

Furthermore, States departments continue to work to develop community-based initiatives, which will help preserve, enhance and promote community values. Housing tenants associations supported by the Housing Department, for instance, have enabled States housing tenants to become more involved in their neighbourhoods and to have influence over the decision-making process for issues affecting their communities. Such associations have allowed people to come together to represent their views and concerns, helping to encourage participation and a greater sense of community.

It should also be noted that major policy issues such as the Fiscal Strategy Review (FSR) being undertaken by the Minister for Treasury and Resources and the Island Plan being undertaken by the Minister for Planning and Environment have provided opportunities to support community involvement in States decision-making, and Islanders have been actively encouraged to participate in these consultation processes. By various means, including public consultation and public meetings in parishes, views of Islanders have been sought about major policy issues and how they may be affected by them.

In addition to work being carried out on Island, Jersey is also a member of the British-Irish Council and is actively engaged in the Social Inclusion work stream. Over the next two years the BIC will be focusing on how community cohesion can be achieved through use of the Third Sector and how wider civil activity can be enabled. This work stream provides Jersey with a valuable opportunity to learn, in a supportive way, from our partner administrations as we look to promote social inclusion

and community values. It also enables us to contribute to that work stream the particular benefits of the Jersey honorary system and the strength of an Island community.

2.8 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE PUBLICATION OF SALARIES AND ORGANISATIONAL CHARTS FOR ALL STATES DEPARTMENTS:

Question

Following on from the comments to P.71 from the Chief Minister, will he formally undertake to publish, by department, salaries in bands of £5000?

Further, to aid States members as they consider efficiency savings in the public sector, and to help the public to understand “where the money goes”, will the Minister also undertake to publish, by department, organisation charts which show, in outline, who does what within each department?

Answer

As the States Employment Board offered to do in its Comments on P71/2010, I am prepared to publish in bands of £5,000, by department, the numbers of staff who have salaries of £60,000 and above.

As members should be aware, Departmental Business Plans contain organisation charts which are updated annually and are available on the States of Jersey website.

2.9 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE LATEST RESEARCH ON PEAK OIL:

Question

Further to his answer to written question 5517 on 6th July 2010, would the Minister confirm that the report, when published, will include the latest research/findings/consensus on peak oil and its likely social and economic effects and that it will give references to the documents and reports it cites?

Answer

In responding to the Deputy’s adopted amendment to the Strategic Plan requesting an annual report on Peak Oil and Climate Change the Council of Ministers were clear that what was being requested was an action arising from the strategic aim of implementing an Energy Policy as included in the Plan under Priority 13

As I indicated in my answer to Question 5517 progress against the Energy Policy for Jersey will be reviewed and reported on annually. The Council of Ministers were clear that any work to evaluate the use and cost of oil within the economy will be part of that Policy and monitoring would be at a level commensurate with existing resources within the work currently planned for the Energy Policy.

The report I produce will be fit for purpose. It will not be an academic study but will include references to source material where appropriate. Issues such as peak oil and climate change adaptation strategies have to be addressed at a wider scale than just Jersey and membership of institutions such as the British Irish council (BIC) are vital for an informed approach. By reflecting

the best practice and information collated and acted upon by larger and relevant jurisdictions Jersey can not only fulfil its international obligations but also be part of larger conversations over strategic issues. Jersey can also benefit from the ongoing work carried out in these jurisdictions which reflects the critical mass of expertise and resources available to them relative to their populations and size of government.

2.10 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING REDUCTIONS IN EXPENDITURE:

Question

Given that in his written answer 5520 on 6th July 2010, the Minister claimed that 64% of the 2% cuts were efficiency savings and 36% were service reductions, would the Minister provide for members a listing of the 2% reductions in expenditure, classified under these two headings?

Answer

The split of savings between efficiency savings and service reductions is as per the attached table:

SUMMARY OF COUNCIL OF MINISTERS SAVINGS PROPOSALS

Ref	Proposal	Savings £	Posts FTE	Efficiency £	Service Cuts £
CHIEF MINISTER					
CMD-S1	Remove budget for fees relating to review and projects	30,000		30,000	
CMD-S2	Reduce funding for Communications Unit	27,700	1.0		27,700
CMD-S3	Reduce use of consultants, admin & Fiscal Policy Panel support in Economics Team	10,000		10,000	
CMD-S4	Reduce recruitment budget for the Law Draftsman	24,000		24,000	
CMD-S5	Reduce the Legal Advisory Panel budget	26,700		26,700	
Sub-Total:		118,400	1.0	90,700	27,700
ECONOMIC DEVELOPMENT					
ED-S1	Growth in funding for the Incubator and Innovation Initiatives, renewable energy, e-gaming and Intellectual Property legislation, reduction in Jersey Enterprise grants	(313,000)		30,000	(343,000)
ED-S2	Competition Law - reduction in grant	100,000		100,000	
ED-S3	Overheads - Efficiency Savings	204,000		204,000	
ED-S4	Funding for the Financial Ombudsman	(100,000)			(100,000)
ED-S5	Reduction in funding for Route Development, destination marketing and PR	175,000			175,000
ED-S6	Reduction in grants to events	138,000		138,000	
ED-S7	Reduced opening hours in Jersey Tourism Visitor Services reception.	36,000	1.0		36,000
ED-S8	Additional support to JFL, grant to fund the States share of the JFSC for Anti-Money Laundering unit.	(750,000)			(750,000)
ED-S9	Remove funding for TV sub-titling service, reduce funding for the Beach Lifeguard service, intellectual property and service reductions	295,000			295,000
ED-S10	Reduce the Gambling Commission grant	100,000		100,000	
ED-S11	Reduce Grants and Area payments	118,000			118,000
ED-S12	Legal Fees for the dissolution of JMMB	116,000		116,000	
ED-S13	Cease funding to subsidise the provision of School Milk	183,000			183,000
ED-S14	Terminate employment of a UK representative	44,000			44,000
Sub-Total:		346,000	1.0	688,000	(342,000)
EDUCATION SPORT & CULTURE					
ESC-S1	Cease primary school PE enhancement initiative	120,000			120,000
ESC-S2	Introduce property occupancy charge for the States fee-paying schools	80,000		80,000	
ESC-S3	Restructuring the Special Education Needs Service and the way emotional and behavioural support is delivered to primary school children	165,000	2.0	165,000	
ESC-S4	Re-defining core business for schools and colleges at ECS	298,000		200,000	98,000
ESC-S5	Cease annual payment to Durrell to allow free entry and teaching time for school parties	33,000			33,000
ESC-S6	Review management structure of Highlands College	210,000	3.3	210,000	
ESC-S7	Youth Service senior management restructuring	50,000	1.0	50,000	
ESC-S8	Review management structure in technical maintenance team	37,000	1.0	37,000	
ESC-S9	Cessation of summer lifeguarding service at Havre Des Pas Pool	25,000			25,000
ESC-S10	Savings to be identified once the major reviews have been completed	1,270,000			
Sub-Total:		2,288,000	7.3	742,000	276,000
HEALTH & SOCIAL SERVICES					
HSS-S1	Restructure Environmental Health/Health Protection dept.	51,000	2.0	51,000	
HSS-S2	Reduce public health admin staff costs	80,000	2.0	80,000	
HSS-S3	Redesign sports injury outpatients clinic	6,000	0.1		6,000
HSS-S4	Replacement of blood gas analysers & reorganisation to reduce cost of consumables & lab management	18,000		18,000	
HSS-S5	Pharmacy skill mix review & reprofile of out-of-hours service to reduce cost of service	74,000		50,000	24,000
HSS-S6	Improve theatre skill mix to reduce theatre cost	20,000		20,000	
HSS-S7	Cease non essential minor surgical procedures & equipment efficiencies; reprofile day surgery on-call service	26,000		18,000	8,000
HSS-S8	Reduce physio services	153,000	2.9	65,000	88,000
HSS-S9	Remove vacant counsellor post	55,000	1.0		55,000
HSS-S10	Redesign OT services	45,000	0.5		45,000
HSS-S11	Remove vacant CAMHS post	55,000	1.0		55,000
HSS-S12	Comply with NICE prescribing guidelines	20,000			20,000
HSS-S13	Reprofile needs assessment of clients	15,000		15,000	
HSS-S14	Reduce Department of Electronics charge, ambulance overtime & admin efficiencies	58,000		56,000	
HSS-S15	Additional pharmacist & rationalising GP/Consultant prescribing to support prescribing efficiencies	188,000		188,000	
HSS-S16	Invest in a nurse bank/workforce IT system.	34,000	1.0	34,000	
HSS-S17	Medical devices & equipment management.	50,000	-	50,000	
HSS-S18	Reduce gardening & non-essential engineering maintenance; reprofile project management costs; engineers' overtime efficiencies.	362,000	8.5	192,000	160,000
HSS-S19	Reduce linen service & amalgamate 2 kitchens at St Saviours.	175,000	7.0	175,000	
HSS-S20	Procurement savings from corporate procurement project	750,000		750,000	
HSS-S21	Organisation wide management restructure	400,000	6.0	400,000	
HSS-S22	Recurrent reduction in all H&SS third party provider SLA	140,000		140,000	
HSS-S23	Improved efficiency in cremation service	15,000		5,000	10,000
HSS-S24	Primary care service costs to be transferred to Health Insurance Fund	910,000		930,000	
Sub-Total:		3,700,000	32.0	3,237,000	463,000
HOME AFFAIRS					
HA-S1	Removal of discrimination legislation budget	100,000			100,000
HA-S2	Reduction of police staff posts/Police overtime	221,000	3.8		221,000
HA-S3	Reduction of police Police overtime	93,000		93,000	
HA-S4	Closure of Police Facility / Reduction in non staff costs	167,000	2.5	69,000	98,000
HA-S5	Replacement of Multi-Functional Officer with a Clerk	29,000		29,000	
HA-S6	Customs and Immigration - Staff reductions	109,000	2.0		109,000
HA-S7	Reduce number of Unit Managers by one post / Reduction in Prison Overtime / Reduction in the Prison Perimeter Fence Renovation Programme	135,000	1.0	125,000	10,000
HA-S8	General Reduction in Prison non-staff expenditure	30,000		30,000	
HA-S9	Reduce the amount of financial support to BaSS projects	15,000			15,000
HA-S10	Jersey Field Squadron - Reduction in Operating Costs	55,000		32,000	23,000
Sub-Total:		954,000	9.3	378,000	576,000

HOUSING					
HSG-S1	Roll-out of electric heating will replace gas and oil systems thus saving on the cost of servicing and inspecting the existing heating devices	76,000		76,000	
HSG-S2	With digital TV, maintaining tv aerial service no longer required.	35,000		35,000	
HSG-S3	Reduce tenant participation budget	10,000			10,000
HSG-S4	Staffing rationalisation, reduced training and temporary staff provision together with a general reduction in departmental running costs	100,000		100,000	
HSG-S5	Reduced licence fees and maintenance costs for IS systems	65,000		25,000	40,000
Sub-Total:		286,000	-	236,000	50,000
P&E					
PE-S1	Restructuring file storage and management / removal of staff relocation budget	50,000		50,000	
PE-S2	Reduction of consultancy budget	12,000		12,000	
PE-S3	Replace current vacancy with part-time alternative	30,000	0.5	30,000	
PE-S4	5% reduction in energy efficiency grants	54,000			54,000
PE-S5	Fisheries and marine Service efficiencies	4,000		4,000	
PE-S6	Veterinary officer: Reduction in major contingency training	5,000		5,000	
PE-S7	Delay in recruitment and reduction of equipment maintenance until outcomes of Met service review are complete.	28,000		28,000	
PE-S8	Efficiencies from review of IT and building maintenance contracts	25,000		25,000	
Sub-Total:		208,000	0.5	154,000	54,000
RESOURCES					
RES-S1	Restructure Corporate Infrastructure to reduce by 2 posts & reduce equipment replacement	144,000	2.0	120,000	24,000
RES-S2	Restructure business support to reduce by 1 post	60,000	1.0	60,000	0
RES-S3	Restructure HR business partnering to reduce by 1 post	50,000	1.0	50,000	0
RES-S4	Vacate HR learning and development premises at Highlands	15,000		15,000	0
RES-S5	Restructure architects to reduce by 2 posts.	120,000	2.0	120,000	0
RES-S6	Re-profile 2011 building maintenance	244,000		244,000	0
RES-S7	Reduce staff CIP qualification programme	13,000		0	13,000
RES-S8	Procure to pay				
RES-S9	HR/OD Support				
RES-S10	Managed print service				
Sub-Total:		646,000	6.0	609,000	37,000
SOCIAL SECURITY					
SS-S1	Freeze inflationary uplift on Jersey Council for Health and Safety Grant	1,000		1,000	
SS-S2	Restructuring of JET management with saving in salaries	17,000		17,000	
SS-S3	Reduction in JACS discretionary spend and reduced annual uplift for Employment Tribunal	9,000		9,000	
SS-S4	Removal of GST Bonus budget (current take-up £300k)	638,200			638,200
SS-S5	Restrict Residential Care Fee Uplift to 2.8%	167,000		167,000	
SS-S6	Reduce Recently Arrived Discount Scheme budget	179,000			179,000
SS-S7	Reduce the housing adaptations budget by 50% as average spend over the last 5 years had been £45,000	54,000			54,000
SS-S8	Remove Christmas bonus for people in receipt of Survivor's allowance and pension, 100% Long Term Incapacity Allowance, Invalidity Benefit, residents not in receipt of Jersey OAP and all non-residents, remove pensioner entitlement below age 65	439,000			439,000
SS-S9	Employ 3 Interventions Officers to prevent fraud/non compliance on Income Support to generate net savings	250,000		250,000	
SS-S10	Freeze rents and accommodation component of income support for net saving net	228,000			228,000
SS-S11	Corporate efficiency savings	12,000		12,000	
Sub-Total:		1,994,200	-	456,000	1,538,200
TREASURY					
Tres-S1	Savings on bank charges due to automation & reduced staff due to less bank reconciliations	27,000	0.5	27,000	0
Tres-S2	Reduced consultancy/temp support; reduced training	21,000		13,000	8,000
Tres-S3	Reduce number of audit days per annum by 17 (3%)	10,000		0	10,000
Tres-S4	Cancel contracts of seasonal staff, a permanent administration clerk and substantial reduction of training budget	117,000	2.5	88,000	29,000
Tres-S5	Additional tax investigator to generate increased tax revenues of £250k per annum	(57,000)			-57,000
Tres-S6	Reduce annual payment into States self-insurance fund (equiv to 3.5% reduction).	97,000		97,000	0
Sub-Total:		215,000	3.0	225,000	-10,000
TRANSPORT & TECHNICAL SERVICES					
TTS-S1	Reduction in overtime across the waste directorate	44,000		44,000	
TTS-S2	Reorganising service in Highways maintenance	79,000	1.0	79,000	
TTS-S3	Restructure drainage infrastructure team	105,000	2.0	105,000	
TTS-S4	Reduction in overheads and restructuring of the waste management general site maintenance sector	61,000	2.0	61,000	
TTS-S5	Cleaning Section - Restructuring and review of processes and overtime coupled with reduced equipment purchase	75,000		75,000	
TTS-S6	Re-engineering of Parks and Gardens, review of plus payments, reduced plant and vehicle hire	279,000		279,000	
TTS-S7	Efficiency savings in bus service in line with Jersey Bus Network Review 2010	150,000		150,000	
TTS-S8	DVS: Reorganisation of management structure	32,000	1.0	32,000	
TTS-S9	Reorganisation of administration services and decommissioning of legacy IT systems	30,000	0.5	30,000	
Sub-Total:		855,000	6.5	855,000	0
NON-MINISTERIAL					
Bailliff					
B-S1	Reducing access to official publications that are aids to the judicial process and delivery of judgements	1,500			1500
B-S2	Reducing the budget for Liberation Day celebrations	14,000			14000
B-S3	Remove part of the expense funding for incidental costs associated with training and conferences etc	4,500		4500	
B-S4	Termination of at least one incoming visit of a foreign dignitary or States head	3,500			3500
B-S5	Reduce budget for ceremonial and civil events	1,500		1500	
Sub-Total:		25,000	-	6000	19000

Law Officers					
LOD-S1	Savings accruing from recruiting staff instead of buying in services	150,000		150000	
Sub-Total:		150,000	-	150000	
Judicial Greffe/Viscounts					
JG/VD-S1	Cease payment of an annual grant to Jersey Law Information Board	100,000		100000	
JG/VD-S2	Delete a vacant post in Viscounts	33,000		33000	
Sub-Total:		133,000	-	133000	
Official Analyst					
OA-S1	Delaying equipment replacement. Approximately 1/3 equipment budget. Additional minor and continuing efficiency savings	13,000		13000	
Sub-Total:		13,000	-	13000	
Lt Governor					
Lt-Gov-S1	Rental adjustments, restructuring of housekeeping and admin teams	28,000	1.0	28000	
Sub-Total:		28,000	1.0	28000	
Data Protection					
DPC-S1	Reduction of admin expenses for 1 year only	6,000		6000	
Sub-Total:		6,000	-	6000	
Probation					
P-S1	Removal of Community Service Manager part time post.	32,000		32000	
Sub-Total:		32,000	-	32000	
C&AG					
CAG-S1	Reduction in non-audit fee expenditure	10,000		10000	
Sub-Total:		10,000	-	10000	
States Assembly					
States-S1	Reduction in Scrutiny budget	33,000		33000	
States-S2	Reduction in inter parliamentary budget	3,000		3000	
States-S3	Efficiency Savings	22,000		22000	
Sub-Total:		58,000	-	58000	
Grand Total		12,065,600	67.6	8,106,700	2,688,900
			Add back EDD growth	-1193000	1,193,000
				6,913,700	3,881,900
				64%	36%

2.11 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE MAINTENANCE OF ISLAND ROADS:

Question

Following his written answer 5515 on 6th July 2010, in which the Minister advised that 11km of highway was of high priority for maintenance, can he explain what that means and advise whether there are cost implications and/or implications for the safety of road users if the work is not undertaken. Furthermore would he advise what the statutory position is regarding the Department's task to maintain the Island's roads in a safe condition?

Answer

As discussed in the response to written question 5515, the Highways Maintenance Section prioritises resurfacing works by using the Jersey Pavement Management System (JPMS). JPMS is a rigorous, objective means of assessing the roads that are highest priority for treatment.

The process is that every three years a condition survey is carried out along each of the States' main roads. Defects are recorded to enable each 100m section of road to be given a score, known as the 'criticality total'. The criticality total is compared to a treatment threshold value dependent on the category of road. The road category is a function of the number of people that might use it as well as the key infrastructure it might link, i.e. schools, the airport, the harbour, etc.

If the criticality total exceeds the treatment threshold value, then it is multiplied by a factor related to the road category to produce a ranking value. The higher the ranking value of a section of road, the higher its priority for treatment. The treatment ranking values are currently assessed as follows:

Ranking Value	Description
70 – 100	High Priority for treatment
50 - 70	Medium to High Priority – Monitor

30 - 50	Medium to Low Priority – Monitor
0 - 30	Low priority – No action

The October 2007 Condition Survey revealed that there was 13km of road with a ranking value between 70 and 100, i.e. a ‘High Priority for treatment’. Approximately 2km of this road has now been resurfaced, leaving the 11km referenced in the response to written question 5515.

JPMS can also be used to model the future condition of the network as a function of highway maintenance investment. The model indicates that a budget of £2.7m (2007 figures) is required annually to maintain the current situation, i.e. 13km of roads with a ranking value of 70 – 100. If this funding is not available, the length of road with a ranking above 70 will increase. Since the ranking value is linked to condition, this would also suggest that the number of defects will increase.

The presence of any defect in road can contribute to an accident. It is for this reason that Highways Maintenance attempts to repair any significant defects in the highway within three days of being identified, although this may not always be possible.

In terms of liability, the relevant legislation is ‘La Loi sur la Voirie 1914’, which specifies that “The States shall be directly responsible for the administration of the main roads and shall meet all costs of construction and other expenses” and that “The States shall appoint a Committee (now Minister) for the administration of main roads, authorised to take all necessary measures for suitable maintenance of the main roads”. The law is silent on any specific duties of the States or their Committee with regards to superintendence or maintenance.

However, a Judgment of the Royal Court (Ref: Judgment of the Royal Court [2003] JRC150, Dobson v. Public Services Committee) states that the highway authority has an absolute duty to put the roads “in such good repair as it renders it reasonably passable for the ordinary traffic of the neighbourhood at all seasons of the year without danger caused by its physical condition.” Notwithstanding this duty, the Judgment continues that under Jersey Law there is no liability for breach of statutory duty arising from the non-performance of the duty to repair the highway.

2.12 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING COMPLAINTS AGAINST THE HONORARY POLICE:

Question

Will the Chairman advise how many formal complaints there have been against honorary officers (with a breakdown by parish) in the last two years (2008 and 2009) and how many were upheld, and what the rank of officer against whom the complaint was brought was?

Will the Chairman advise if the Constable is involved in anyway in the complaints/disciplinary process of any complaints of misconduct or other wrong doing of honorary police officers, and if so how?

If there is involvement, will the Chairman explain in what capacity and under what authority this involvement takes place?

Will the Chairman give the names of the six Connétables who still hold warrant cards and if there has been any discussion on the Comité of the appropriateness of Connétables having these?

Answer

In view of the limited number of certain officer holders in some parishes I do not consider it appropriate to provide the following break-down by Parish as it could result in an officer being identified.

	2008	2009
No. of formal complaints against honorary officers	5	6
No. of complaints upheld	1	5
Rank of officer against whom the complaint was brought	Centenier x 2 Vingtenier x 1 CO x 2	Centenier x 2 Vingtenier x 1 CO x 3

The Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 set out the duties and responsibilities of the Constable in relation to the complaints/disciplinary process and these are set out below. The Constable is not involved other than as required by the Law.

Authority for involvement Capacity which involved in Involvement

Law Article Connétable
19 19 19 Where a complaint is submitted to a Connétable, he or she shall take any steps that appear to him or her to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of

Law Article Connétable
20 20 20 1. maintain a register of complaints submitted
2. record in the register details of the complaint, steps taken to deal with complaint, and outcome.
3. notify a complainant in writing of the outcome of the complaint.
4. make the register available to the Jersey Police Complaints Authority when so requested
5. make the register available to the Attorney General when so requested

Law 21	Article	Connétable	<p>1. record the complaint in the register; and notify the Attorney General that the complaint has been made.</p> <p>2. comply with the direction and inform the Attorney General of the outcome of the complaint where the Attorney General is satisfied that a complaint may be dealt with informally.</p> <p>3. when so requested by the Attorney General, request the Chief Officer, States Police, to appoint a member of the Force or a police officer from some other force, in either case of at least the rank of inspector, to carry out an investigation.</p>
Law 22	Article	Connétable	<p>Refer to the Attorney General any matter which appears to the Connétable to indicate that a member of the Honorary Police may have committed a criminal offence or an offence against discipline; and is not the subject of a complaint.</p>
Law 23	Article	Connétable	<p>Request the Chief Officer, States Police, to select another member of the Force or police officer from some other force and notify the Authority of the person the Chief Officer proposes to appoint where an investigation is supervised by the Authority and the Authority is not satisfied with the person first appointed.</p>
Law 24	Article	Connétable	<p>Receive reports and statements from the Jersey Police Complaints Authority where the Authority has supervised an investigation.</p>
Regulations Article 3		Connétable	<p>When directed by the Attorney General to deal with a complaint informally, the Connétable must seek the views of the complainant and the member concerned about the matter; take such other steps as may appear to the Connétable to be appropriate; give the member concerned the opportunity to respond to the complaint, at the member's option, orally or in writing; and give to the Attorney General a copy of the outcome of the complaint.</p>

Regulations Article 4	Connétable	Will be consulted by the Attorney General before he suspends an officer where the officer has been charged with a criminal offence; or there has been a complaint, report or allegation which indicates that a member of the Honorary Police may have committed an offence against discipline, whether or not it has been investigated.
Regulations Article 6	Connétable	When so requested by the Attorney General, request the Chief Officer, States Police, to appoint a member of the Force or a police officer from some other force, in either case of at least the rank of inspector, to carry out an investigation.
Regulations Article 8	Connétable	Receive a copy of the report of the investigating officer.
Regulations Article 28	Connétable	Receive notification of findings of a disciplinary hearing
Regulations Discipline Code	Connétable	Officers must report to the Connétable of the parish in which they serve any proceedings for a criminal offence taken against them

In my statement on 17th November 2009 I advised members that at present the Connétables of St Brelade, St Clement, Grouville, St John, St Mary and St Peter hold a 'warrant card'. The cards were issued to these Connétables as a proof of identity should it be required. There has been no discussion on the Comité of the appropriateness of Connétables having a warrant card other than the Comité recalling that, although the States had agreed, in principle, to the policing powers of the Connétable being removed, and that Connétables no longer took any part in policing, the legislation had not yet been amended and they remained the head of the Parish Honorary Police and were thus entitled to hold a warrant card. I will, as Chairman of the Comité, be meeting with H M Attorney General in due course to discuss this matter further.

2.13 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING POLICE REPRESENTATION IN NATIONAL ASSEMBLIES:

Question

Will the Chairman advise if she is aware of any other national assembly, other than Jersey's, which has representatives who are police officers, and, if so, will she list them?

Will the Chairman advise if the Privileges and Procedures Committee will investigate whether it is best practice for police officers to be permitted to sit in the States Assembly as voting members?

Answer

The Privileges and Procedures Committee has not had cause to investigate whether other national assemblies have representatives who are police officers.

The Connétable is the only police officer permitted to sit in the States Assembly as a voting member. Connétables are not present in the Assembly as police officers, but as parish representatives, and are only able to be present due to the non-operational nature of their rôle, as outlined by H.M. Attorney General during oral questions on 6th July 2010.

Having discussed this matter at its meeting on 13th July 2010, the Committee has no current plans to review this matter.

2.14 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING POLLING STATION OPENING HOURS:

Question

Following the recommendation in the recent report of the Public Election Working Group to change the opening hours of the polls from 8am to 9am, will the Chairman advise whether any analysis was undertaken on the potential reduction this would have on voter turn out before this recommendation was made and can she advise whether this is something the Committee unanimously supports?

Answer

Deputy Tadier is requesting information about the research undertaken by a Working Party which he sat on, and I did not. While the Committee as a whole does not know what research the Working Party undertook, I imagine the Deputy himself does as he was a member.

The Committee received the report of the Working Party at its meeting on 29th June 2010 and presented it to the States on 2nd July 2010, with a foreword from the Committee inviting feedback on the Working Party's findings and recommendations (R.94/2010 refers).

The Committee did not, discuss the recommendations in detail, as it was agreed that members would wish to consider the Working Party's recommendations alongside any submissions received from interested parties upon the close of the consultation period.

Comments on the report of the Public Elections Working Party are invited by close of business on Friday 30th July 2010.

2.15 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE REMAINING CREDITORS OF WOOLWORTHS PLC:

Question

Will the Minister advise if there are any remaining creditors of Woolworths Plc yet to be paid?

How many creditors were there in total and how many of the creditors who made claims were paid and how many were not?

What proportion of these were Jersey creditors and what proportion were not?

Can the Minister confirm that local creditors are not being given preference over non local creditors?

Answer

The Minister is not responsible for the affairs of Woolworths Plc in Jersey. The Deputy should refer any enquiries to the Viscount who has certain duties relating to the company's business and affairs in Jersey pursuant to an Act of the Royal Court dated 2nd March 2009. However, *in that context*, the Minister has been advised by the Viscount:

Q. Will the Minister advise if there are any remaining creditors of Woolworths Plc yet to be paid?

A. The unsecured creditors have yet to be paid.

Q. How many creditors were there in total and how many of the creditors who made claims were paid and how many were not?

A. There were 22 admitted creditors in total. Of these, 3 priority creditors have been paid.

Q. What proportion of these were Jersey creditors and what proportion were not?

A. With the exception of 1 creditor from Guernsey, all of the creditors are Jersey based.

Q. Can the Minister confirm that local creditors are not being given preference over non local creditors?

A. The Viscount has presented to the Royal Court a Representation seeking direction on a number of matters including the further treatment of outstanding creditors. This Representation is set down for hearing in September 2010.

2.16 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING VODKA PRODUCTION IN THE ISLAND:

Question

Given the Assembly's commitment to the diversification of the Island's industries in the Strategic Plan, and the need for new growth areas in these times of economic uncertainty, will the Minister advise if he would support the idea of Vodka production in the Island and, if so, what steps he will take to bring this about?

Answer

Yes.

Vodka distillation production would assist diversification and a pilot study to further investigate production and marketing is being funded under the Rural Initiative Scheme.

If the pilot study is successful the applicant would begin commercial production

2.17 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INSTIGATION OF OPERATION BLAST:

Question

Would the Minister advise on whose instructions it was that Operation Blast was instigated and whether the instructions came from outside or within the Island?

If from off-Island was it from UK Security Services or elsewhere?

What action, if any, is to be taken to notify a member of the content of any file held on them?

What action, if any, will the Minister take against the instigator and can he confirm that the files are now closed?

Answer

Operation Blast was instigated on the instructions of the Chief Officer of Police. There were no instructions from outside the Island and no involvement of any outside group of individuals in relation to its instigation.

Members of the 2005 – 2008 States can contact the Acting Chief Officer if they wish to know what is held on them. He will not be able to inform them of any information received from the UK Intelligence Services.

The disciplinary proceedings against Mr Power have been discontinued due to the lack of time for completion.

2.18 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE ST. HELIER MARINA:

Question

Given that berth holders were told the Marina would be closed from January 2010 for alterations, has the income for winter contracts dropped in comparison to last winter and, if so, by how much?

When will the proposed works be undertaken or has the work been abandoned?

Is the Minister satisfied with the take up of large super yacht moorings, and, if so, could he share with members what progress, if any, has been made in accommodating such vessels 12 months of the year?

Answer

Marina occupancy fell generally last winter and Winter Contract income for St Helier Marina fell by £25,000 when compared to the same period in 2008/9. However, Jersey Marinas ended the year

8% above budget for 2009 with increased contract berths released and higher charges levied against larger vessels.

Following public consultation last winter, it became clear that the conceptual plans for future marina developments required further consideration, including the reconfiguration of St Helier Marina.

In a letter to the Boat Owners Association and Yacht Clubs, I instructed that all work to progress current marina development plans, including Phase 1 of the Jersey Harbours plans would be suspended.

Jersey Harbours will be forming a Marina Development Task and Finish Group (MDG) which will replace the Marine Leisure Growth Group. The MDG will have an independent Chairman and will comprise officers from Jersey Harbours, boat owners representatives nominated by Jersey's Yacht Clubs and Associations, and up to three others from the marine trade and industry. The group will be tasked with producing options for development of marinas that will be commercially evaluated and considered as part of the East of Albert Project by the East of Albert Project Board.

The process should be seen as part of the broader East of Albert project and also take into account the draft Island Plan. The Chairman of the MDG and the Harbour Master will be invited to join the Project Board, chaired by the Deputy Chief Executive of the States of Jersey.

The MDG will form part of the remit of the new Shadow Board for Jersey Harbours and Jersey Airport, and will be responsible for co-ordinating all consultation activity with boat owners and other stakeholders and delivering a set of agreed options for evaluation.

This co-ordinated approach will be able to carefully consider and balance all commercial and leisure opportunities through a clear, transparent and independent process.

2.19 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SUSPENSION PROCESS IN RELATION TO THE RETIRING CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

Will the Chief Minister clarify the full reasons as to why the report into the issues surrounding the suspension process of the Chief Officer of the States of Jersey Police - promised to the Assembly to be completed in six weeks - has instead not been completed prior to the announcement that all disciplinary measures were to be dropped; further still, when will this report be completed and made available in full to all States Members?

Answer

The original timescale for the completion of the independent review into the suspension of the Chief Officer of Police was six weeks as stated in the Deputy's question. Unfortunately, due to difficulties in arranging convenient dates for interviews and travel disruptions caused by the Icelandic volcanic ash cloud, it was not possible to complete the interview process with one of the key witnesses during the Mr Napier's first visit to Jersey. A second visit had to be arranged to that suited both people.

All of the interviews were completed by 9th June 2010 and I am awaiting the final report. Unfortunately, due to other work commitments, Mr Napier was unable to complete his final report immediately after the interview process was complete.

I have been advised by Mr Napier, that he is currently writing his final report which should be completed by the end of July. Once the report has been issued and all parties concerned have had the opportunity to consider any findings, it will be published in full.

2.20 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE RIGHT OF REPLY FOR THE RETIRING CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

Would the Minister confirm whether he has allowed the development and disseminating of information to the public of only critical evidence against the suspended Chief Officer of the States of Jersey Police whilst simultaneously accepting and supporting an investigation process that refused to receive or include evidence and witnesses that could contradict such evidence and, if so, does the Minister feel this to be congruent to the fundamental principles of natural justice?

Would the Minister further inform members whether he considers it correct in terms of natural justice that, having announced the abandonment of disciplinary action against the Chief Officer of the States of Jersey Police, he subsequently sought to use evidence from these inquiries to justify the suspension when the Chief Officer of the States of Jersey Police will himself have no right of reply?

Answer

I have put in the public domain redacted copies of four relevant reports. The three Wiltshire reports were very carefully investigated and the Chief Officer of Police was provided with the statements of key witnesses in order to enable him to provide his own lengthy and detailed statements. These statements were then taken into account by the Wiltshire Police in reaching their conclusion.

I am satisfied that the investigation was fairly carried out.

I discontinued the disciplinary process two weeks before the Chief Officer of Police's retirement solely out of lack of time and so that I could make statements to Members prior to the summer recess. I then owed a clear public duty to inform the public of Jersey as to what I know about the matter and this I have done at the earliest possible date.

The Chief Officer of Police has already exercised his right of reply and will no doubt continue to do so either directly or through his political supporters. I believe that the public of Jersey will now be able to make up their own minds on what happened in 2008.

I also believe that there are lessons to be learned from the past and changes which will need to be made for the future and I now want to focus on these.

2.21 DEPUTY T. PITMAN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ANTI-SOCIAL BEHAVIOUR AT THE ALBERT QUAY:

Question

Given that anti-social behaviour late at night by young car drivers and motorcyclists has been a problem since at least August 2006 and continues to impact on residents of the Albert Quay Apartments, will the Minister advise whether there is any obstacle preventing the designation and sign posting of the area approaching the Lifeboat Café as a 'restricted access' area between the hours of 9.00pm to 6.00am; further still, will he support such a move and ensure that it is implemented over the course of the summer?'

Answer

The Harbours (Jersey) Regulations 1962 permit the Minister for Economic Development to restrict or prohibit access to any part of a harbour or part thereof, where he decides it is necessary or expedient to do so.

However, the decision to restrict access to an area of the harbour is not something which would be taken lightly. I do not believe that public access should be restricted to any area of the harbour unless there are some very persuasive arguments and the action is proportional to the problem.

The cost of implementing the measures suggested would be excessive and enforcement difficult to manage with the number of legitimate users who would still require access. Visiting yachtsmen require access to numbers four and five pontoons, there are businesses located on the Albert Pier, the passenger terminal, private parking and a popular fishing area. Not forgetting the fact that the Lifeboat Station itself is situated on the other side of the junction which clearly requires emergency access at all time for both crew and the Ambulance Service.

In respect of the anti-social behaviour of a number of car drivers and motorcyclists, the Deputy will be aware that Jersey Harbours have already provided and paid in excess of £15,000 for traffic calming measures on the road approaching the café. We continue to be in consultation with both the residents of the flats and States of Jersey Police as we have been for some time now to look for proportional responses to the current problem.

2.22 DEPUTY T.A. VALLOIS OF ST. SAVOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING INCOME RECEIVED AS A RESULT OF THE 2006 FISCAL STRATEGY REVIEW:

Question

Could the Minister advise the exact amounts of income received per year from the taxes that were introduced as a result of the 2004 Fiscal Strategy Review?

Answer

The only new tax introduced as a result of the 2004 Fiscal Strategy Review was the Goods and Services Tax. The yield from it is as follows:

2008 £32 million (8 months only)

2009 £47 million

The other tax raising measures introduced as a result of the 2004 Fiscal Strategy Review were the Income Tax Instalment System (ITIS) and 20% means 20%.

The best estimate of the yield for each year of assessment from ITIS, including proportional tax allowances raised primarily through taxing seasonal workers who previously avoided the tax net, is as follows:

2006 £3.4 million

2007 £3.8 million

2008 £3.7 million

2009 figures are not available yet

The best estimate of the yield, for each year, from 20% means 20%, is as follows:

2007 £6.1 million

2008 £8.4 million

2009 £10.6 million

2.23 DEPUTY T.A. VALLOIS OF ST. SAVOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING SUSTAINABLE ECONOMIC GROWTH:

Question

Given that a structural deficit cannot be met with spending cuts and increases in taxation alone, could the Minister advise what strategy he will be putting in place to achieve sustainable economic growth?

Answer

EDD, as the Department with responsibility for delivering Priorities 1 and 2 of the 2010-2014 States Strategic Plan, is working closely with both business and its strategic partners, to ensure conditions are put in place to stimulate future economic growth.

On Tuesday 29th June, the Department held a Strategic Stakeholder Forum for local businesses, States Departments and Scrutiny representatives, as the first stage in developing a revised Enterprise Strategy, due for completion by the end of 2010.

This will redefine the strategic priorities, establish key initiatives and provide focus for EDD efforts in diversifying the Jersey economy and reinvigorating economic growth.

2.24 DEPUTY T.A. VALLOIS OF ST. SAVOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PRIORITY 4 OF THE STRATEGIC PLAN 2009 TO 2014:

Question

Given that under Priority 4 of the Strategic Plan 2009-2014, it was agreed that the Treasury and Resources department would "examine whether borrowing is an alternative and optional way forward for long-term capital projects", could the Minister explain the current status of this examination and whether this has been considered throughout the spending review?

Answer

Stage 2 of the Comprehensive Spending Review includes a review of the forward capital programme. A key element of this review will be affordability and funding of future capital programmes. This will lead to consideration of borrowing as a potential funding source if appropriate.

2.25 DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF THE INTERIM HOSPITAL DIRECTOR:

Question

Would the Minister advise what the weekly cost of employing the interim Hospital Director is, showing a distinction between salary and other costs?

Answer

The total weekly cost of employing the interim Hospital Director is £5,133, this includes the total cost paid to the agency. Of this, the interim receives £4,600 per week worked, from which he meets his own accommodation and travel costs.

3. Oral Questions

The Deputy Bailiff:

We have 22 questions today and, as Members will be aware, only 2 hours. I see the questions without notice are for the Chief Minister and the Minister for Home Affairs and I am likely, in accordance with usual practice, to take that into account in connection with supplementary questions addressed to those 2 Ministers.

3.1 Deputy J.A. Martin of St. Helier of the Minister for Planning and Environment regarding the delivery of up to 2,500 new homes on the St. Helier Waterfront and within the town of St. Helier:

Further to his response to a written question on 23rd March 2010 could the Minister give further details in relation to the proposals contained within the draft Island Plan regarding the delivery of up to 2,500 new homes on the St. Helier waterfront and within the town of St. Helier.

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

The town for the purposes of the Island Plan comprises St. Helier and the surrounding urban area. The housing sites falling within this area will deliver the necessary housing. As a guide the following is a list of possible delivery of new homes albeit that some sites are still subject to planning: 660 new homes at Castle Quay, 80 at Westwater and Zephyrus, 300-400 on the Esplanade Quarter, 220 new homes at Westmount, 40 at Le Normandie, 35 at Plat Douet Road, 130 at the Revere Hotel, 150 at the Metropole, 55 at Wesley and over 100 units at the Ladies College in extended sites. Around an additional 400 homes will be delivered through the North of Town Masterplan bringing the total to around 2,200 and the balance required will be comfortably delivered within the 10 years of the plan.

3.1.1 Deputy J.A. Martin:

Is the Minister saying that the figures he delivered on 23rd March are completely wrong, because in the first 5 years there are 100 Category A houses and in 2018 there are 200 Category A - all the rest are Category B - these are flats; so which figures are right? Today's figures or the ones on 23rd March?

Senator F.E. Cohen:

They are both right. The question did not ask Category A or Category B. The question asked in relation to the delivery of 2,500 homes. It is hoped of course that all new sites, subject to the approval of the Island Plan proposals, will themselves deliver an element of affordable housing and this is stacked at 12.5 per cent initially, and 15 per cent within 5 years. So, both figures are correct.

3.1.2 Deputy J.A. Martin:

Perhaps I would just like to labour the point; the Minister has said there is no Category A housing proposed at all on the Waterfront over the next 10 years and if he loses 300 spaces in a very near surrounding Parish where will Category A, first-time buyers and social housing, go? It is not in St. Helier Waterfront and it is not in the town.

[14:45]

Senator F.E. Cohen:

I obviously have not made this clear. The proposal is that Category A housing - affordable housing, let us call it - will be delivered through the proposals contained in the Island Plan which is that 12.5 per cent initially or 15 per cent of all housing will be of the affordable category but that of course is subject to the approval of this House.

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

I would be interested in knowing what the affordable category is?

The Deputy Bailiff:

I am sorry?

Deputy P.V.F. Le Claire:

The Minister responded by saying that these homes would be in the affordable category. I would like to know what an affordable category means.

Senator F.E. Cohen:

Affordable housing is a variety of different housing. For the purpose of most of the legislation it is Category A housing.

The Deputy Bailiff:

That question does not come as a supplementary to this particular question in any event.

3.2 Connétable A.S. Crowcroft of St. Helier of the Minister for Planning and Environment regarding the future of the Le Seilleur building in Oxford Road in the context of the revised North of Town Masterplan:

Would the Minister undertake to determine the future of the Le Seilleur building in Oxford Road as soon as possible to prevent the site from being further degraded and, given the potential the building has for providing complementary facilities to the Millennium Town Park, will he consider its future as part of the revised North of Town Masterplan?

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

The Le Seilleur building is administered by Property Holdings and it is not under the control of the Minister for Planning and Environment. This is a really important building in the context of the new town park and it is not hard to imagine a restored building being a key focus of the regenerated area. Indeed it is identified as a landmark building in the North of Town Masterplan. However a practical approach will be required to the historic buildings issues and I have already made it clear that I will take such an approach. I am very keen to see this building brought back into use and will assist any reasonable proposals emanating from Property Holdings.

3.2.1 The Connétable of St. Helier:

Is the Minister aware of the current state of the building, the fact that it is suffering from rainwater damage and the ingress of pests? Would he agree to take urgent steps to make sure that its condition is not further degraded if it is to have any future use in connection with the town park?

Senator F.E. Cohen:

I did see the building about 2 years ago and I agree it is in a pretty poor state. I am perfectly happy to undertake to have another look at the building and, if necessary, to instigate a requirement to keep it wind and watertight. But I am unable to go any further than that because I do not have the powers to do so.

3.3 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the publication of the accounts of all organisations which received public grants:

Given that the 2010 Business Plan required that the accounts of all organisations which received grants, including housing trusts, subject to *de-minimis* provisions, be published in the form of reports to the States, would the Minister explain why, mid-July, we have only seen the accounts of the utilities and advise when we can expect to see the accounts?

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

I have 8 total questions, I will be sharing the first 2 to my Assistant Minister Noel and the last one to Deputy Le Fondré.

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

In our departmental business plan we committed to have a process in place by the end of June 2010. To that end we have asked all departments to ensure that they request accounts from grant-receiving bodies to be provided within 6 months of the year-end, which is a reasonable timeframe of what are typically charitable organisations. That is, at the earliest, at the end of June. It has therefore been a matter of only 2 weeks since you would have expected the accounts to be provided for the 2009 year-end, other than the utility accounts. The detailed list provided in the 2009 States accounts, a whole year ahead of the target date set in the Treasury departmental business plan, provide good information as to how grant money is spent and by which department. We have already spoken to the Senator to discuss the process for providing the accounts and we have suggested the Senator meet with us over the summer recess to determine the best way forward.

3.3.1 Senator S.C. Ferguson:

I will meet with the Assistant Minister but I would ask that given the provisions were based on the Public Finance Law for the C. and A.G. (Comptroller and Auditor General) and given that tax accounts must be in by May, is July really unreasonable?

Deputy E.J. Noel:

For many of the bodies receiving funds the account year-ends are not necessarily 31st December and, as such, to be in the position that we are in now is perfectly reasonable, and I would just like to

say, again, that we are willing to work with the Senator over the summer recess to ensure that we find a suitable solution.

Senator S.C. Ferguson:

I thank the Assistant Minister for his reply. Next Monday?

3.3.2 Deputy P.V.F. Le Claire:

I wonder if the Assistant Minister can throw some light on the fact that the audited accounts of the Jersey Heritage Trust have not been available for the last year and a half at least. How is it that we are able to have propositions tabled to this Assembly to give them more money in grants totalling up to £400,000 when these have not been considered in the round? Can he throw some light on these issues please for us?

Deputy E.J. Noel:

I think that is more a question for the Minister for Education, Sport and Culture and not for the Treasury Department.

3.3.3 Deputy P.V.F. Le Claire:

It is in relation directly to the fact that the question... and this does arise I believe out of a supplementary. The Senator's question was: "Given that the 2010 Business Plan required that the accounts of all organisations which receive grants, including housing trusts, be published in the form of a report to the States, would the Minister explain, *et cetera*?" Now the Minister is obviously in a position to explain from this question, which mine arises from, and he is passing the buck to the Minister for Education, Sport and Culture.

The Deputy Bailiff:

The question is a proper supplementary, do you have anything to add, Assistant Minister?

Deputy E.J. Noel:

No, Sir.

Deputy P.V.F. Le Claire:

So the answer is pass the buck to the Minister for Education, Sport and Culture?

3.3.4 Deputy J.A. Martin:

I am interested in the question and the answer. Including housing trusts, could the Assistant Minister tell me what form of grants housing trusts receive from the States because I am not aware of any?

Deputy E.J. Noel:

I believe that the only possible form of grant that the housing trusts may receive would be under the agreements that we have with some of the housing trusts to guarantee the amount of interest that they pay on loans.

3.4 Senator F.duH. Le Gresley of the Minister for Treasury and Resources regarding the options contained within the Fiscal Strategy Review Green Paper in relation to personal taxation:

Can the Minister advise whether options contained within the Fiscal Strategy Review Green Paper to raise additional personal tax, if approved by the Assembly, would result in 1(1)(k) category residents being subject to a 30 per cent higher rate of income tax on income above £100,000 and, if not, why not?

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

The simple answer to the Senator's question is no. However, 1(1)(k)s have a special tax regime relating to them, which is contained in Articles 135A and 135B of the Income Tax (Jersey) Law. The Fiscal Strategy Review Green Paper makes it clear that we are conducting a review of the pre 2005 and post 2005 1(1)(k) tax regime and we will be making an announcement on this matter in the December budget.

3.4.1 Senator F.duH. Le Gresley:

Would the Assistant Minister take the view then that to change the tax arrangements for 1(1)(k) category residents would be immoral when he is prepared to put forward such an option for the rest of Jersey's personal tax payers?

Deputy E.J. Noel:

No, I do not share that view. The view I have is that we have to look at this issue and we have given an undertaking to look at this issue.

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

I wonder why the Assistant Minister answered so quickly and said "no" to the question when the whole idea of the review is to look at all measures of tax. Will he look at the 1(1)(k)s?

Deputy E.J. Noel:

I could answer the question very simply before because it was a straightforward answer. I believe in giving straightforward answers, in this case we are looking at it.

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

I think that meant that the Assistant Minister is not looking at it. Could I ask him, given his answer, does he adhere to the Leona Helmsley belief that tax is for little people - and I do not mean diminutive people?

Deputy E.J. Noel:

Being short of stature, I believe that taxes apply to all people. I do not share that view. We have a mildly progressive tax system and long may that continue.

3.4.4 Senator S.C. Ferguson:

Given that there are only 12,000 or so people who pay tax at the full 20 per cent, can the Minister tell us how many people earn more than £100,000 a year?

Deputy E.J. Noel:

I do not have those figures to hand but I am willing to get those and pass them on to the Senator.

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

In the light of the forthcoming debate on the Annual Business Plan, does the Minister not consider that to announce tax changes, which are alternatives to cuts being made in the Annual Business Plan, as late as December is inadequate for this House to properly consider the regime and the programme of cuts that are being proposed?

The Deputy Bailiff:

I am not sure that cuts are related to income tax, Deputy. I will come back to you with a different question reformulated in just a moment.

3.4.6 Deputy M. Tadier of St. Brelade:

Would the threshold for £100,000 apply as a household income or simply for individual income?

Deputy E.J. Noel:

This is, I believe, an item that is going to be answered in a question later on this afternoon, but my understanding is that the example given in the Green Paper is based on our current tax system whereby if it is a married household it would be their combined incomes; if it was an unmarried household it would be their individual incomes?

3.4.7 Deputy M. Tadier:

Why is this not made clear in the consultation paper? Clearly this is a very important distinction. There may be people out there who would be very happy to support a higher income rate for £100,000 on personal income for an individual but not for a family. Will the Assistant Minister undertake to make this clear in any future consultation so that the public can give an informed opinion on the matter?

Deputy E.J. Noel:

I am happy and hopefully the public, through answering this question today, will have a better understanding.

The Deputy Bailiff:

Deputy Southern, do you wish to reformulate your question on the basis of tax, not on the basis of cuts, which is not the subject of the question?

3.4.8 Deputy G.P. Southern:

I will certainly reformulate it in terms of the supply of public services which are intended to be reduced, there are 2 mechanisms by which one can deliver public services. One can decide to deliver fewer public services or one can raise taxation. The issues here are should we not be considering taxation at the same time as we are considering the proposed cuts and will the Assistant Minister endeavour to produce figures or to produce tax measures in time for the Annual Business Plan debate?

Deputy E.J. Noel:

Tax measures are dealt with once a year in the budget and that is when we will be bringing forward, after this consultation period, proposals for any tax increases.

3.4.9 Deputy M. Tadier:

In the very first question the Assistant Minister was very quick to say, no, it would not result in 1(1)(k) residents being subject to a 30 per cent tax rate. Could the Assistant Minister confirm that a Green Paper is effectively a consultation with the public and we cannot give firm answers until the public have given their opinions and if the public do say we want this higher rate of income tax to apply to 1(1)(k) residents as well, then that should be taken into account, and the Minister is wrong at this point to give such a categorical answer?

Deputy E.J. Noel:

Yes, we will give due credence to the results of the consultation programme, and I do not believe that I am wrong in answering the question directly.

3.4.10 Senator S.C. Ferguson:

Does the Minister consider that a system where 18 per cent of individual taxpayers pay 60 per cent of the tax arising from individuals; does the Minister not consider that that is in fact a progressive system?

Deputy E.J. Noel:

Again I believe in short answers. No, that is not necessarily correct. You could have a non progressive system using such statistics. Quite equally you can have a progressive system using those statistics. You have to look at more detail than that.

[15:00]

3.4.11 Senator F.duH. Le Gresley:

Could I ask the Assistant Minister if I would be wrong to assume that raising the rate of G.S.T. (Goods and Services Tax) is in fact the preferred option?

Deputy E.J. Noel:

The good Senator is wrong, it is not a presumption. We are going through a consultation period. That period finishes its initial stage at the end of August and we will listen to what is being said.

3.5 Deputy T.M. Pitman of the Minister for Treasury and Resources regarding the cost of the interim Treasurer of the States:

Will the Minister advise how he considers that the outlay of £950 per day, the cost of 4-star hotel accommodation and £90 per day subsistence allowance to the Interim Treasurer of the States is justifiable at a time when many Islanders are struggling to make ends meet and detail when these costs were first met and the total cost to date of his accommodation and subsistence claims?

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

I should start by clearing up something, that the £95 in fact per day includes the cost of accommodation and subsistence. It is not just for subsistence, and it is for 4 days a week. The £950 agency fee includes all the pension and social security, national insurance costs as well. So I fully understand the legitimate questions that Members may have on all costs associated with employing staff. This Assembly agreed last year in the Business Plan that the Treasury should be strengthened and the individual concerned was recruited to be the Interim Director of Finance for the States of Jersey to improve financial management across the States and over a very short period of time. Because of the absence of the Treasurer himself, due to illness, the individual will also be appointed as Interim Treasurer. In other words, performing both of the roles. £950 is not in fact his earnings, but, as I say, the agency fees. The fees paid are to secure the services of a highly qualified and professional individual experienced in being a short term finance director. I think the interests of all Islanders are served best by having a strong and performing Treasury which is increasing the oversight of spending. If we are to achieve the objectives of both the comprehensive spending review and the fiscal strategy reviews this will ensure that taxes are kept low, quality of services remain high and the people that Deputy Pitman raises the point about are safeguarded for the longer term.

3.5.1 Deputy T.M. Pitman:

Given that in recent times we have also appointed a Deputy C.E.O. (Chief Executive Officer) at around £140,000 a year, I think, and additional staff at Treasury, as the Minister has referred to, to help us save money, on behalf of taxpayers, could I ask how much money does the Minister believe we will have to spend before we save some?

Senator P.F.C. Ozouf:

This is an easy issue to score political points over in terms of bringing in people. I regret the *J.E.P. (Jersey Evening Post)* comments which are casting almost this view that you should not be bringing in people in order to manage the organisation. The States of Jersey is an organisation which spends in excess of £800 million a year and needs strength in financial management. If we are going to achieve saving cuts of £50 million then we are going to need good people and good information in order to deliver them.

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

I accept that we need good management and good people coming in to assist but will the Minister explain if it is common practice for people coming over on temporary secondment in this way to have to attend functions, like we have had recently with the Royal visit, with their spouse coming over specifically from the U.K. (United Kingdom) to attend that function, is that common practice? If so, are the people of Jersey having to pick up the bill to have that person who is temporary in the Island attending these functions?

Senator P.F.C. Ozouf:

I am not going to deal with personnel issues on a micro-level. I think if we continue down this path of almost suggesting that it is inappropriate for somebody of that seniority discharging the functions of Treasurer of the States who should not attend what is normal functions for such a high-ranking official in the States of Jersey to attend. I think that it is a sorry state of affairs. The individual has been appointed in order to do a job. In fact, is doing 2 jobs. I know because I work with the individual and I know just how many hours that individual is working. It is not quantity, it is also quality. I am afraid that the States financial arrangements did need to be strengthened. We need to save money and we need the appropriate people to do it, and that individual is doing so and doing so extremely well. He actually needs our support as Members in terms of controlling public spending not... and I know the Deputy has not been critical - but he needs our support.

3.5.3 The Deputy of St. John:

Given the Minister's comments in his opening response to the previous question, does he think that temporary employees, as this person is, should have exactly the same rights as sitting employees who are here for 12 months year on year.

Senator P.F.C. Ozouf:

The Interim Treasurer of the States is without question probably in the top 2, top 3 positions in the States of Jersey, and the Deputy refers to an official function where it is not my decision, it is the decision of others that invite those individuals to share in those official functions. I think there were 2 official functions he has attended that I am aware of, and I think it is quite right that he does for the period of time that he has been appointed as Acting Treasurer of the States.

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

Would the Minister not say, despite his bullish reply, that we were told time after time that the previous Treasury was in very good hands, we have been told that about the police service, we have been told that about a range of services? Secondly, would he not agree that the Interim Hospital Director, according to figures provided today has been paid £1,026 a day? Is he more valuable than the Treasurer?

Senator P.F.C. Ozouf:

First of all, as difficult as it is to say, many people who I have asked from the private sector, and indeed from contacts I have in the public sector, indicate that to get an individual of this particular experience and this ability is good value. I would have suggested that the private sector is employing people at much higher per day rates for the period of time. I will be making a statement about the Treasury later on, with your leave. I want to be clear, the Treasurer and the Treasury performed well for all of the period of time, prior to Ministerial government, and for the period after. But clearly things have changed. This Assembly has made a situation that we need to save money. Income has gone down, spending has gone up. We need to strengthen financial oversight and strengthen financial management. That is not critical that everything was wrong in the past but things have changed and we need to change, and this Assembly needs to take some difficult decisions and some tough decisions from good information in order to stop taxes going up.

3.5.5 Deputy D.W. Mezbourian of St. Lawrence:

Is the role of the Interim Treasurer any different to that of the former Treasurer and has he made any recommendations for change and improvements within the department?

Senator P.F.C. Ozouf:

That is a very good and astute question. The difficulty I think that I have had is that at the point of Ministerial government the finance function was not brought together in an overall co-ordinated way. That is not the dictatorship which has been suggested by some people in terms of a joined-up finance function, and it was not. I think, with the benefit of hindsight, that was a mistake. Finance should have been brought together more formally, accounting officers need their own finance director, but I think all Members would understand if I said that finance directors do need to report to an overall finance director of the States. So to answer the Constable's question, the Interim Director of Finance was brought in to be an overall finance director for the States of Jersey as a whole. At the same time, or shortly after, unfortunately the Treasurer went off ill and that individual has been discharging both functions. In fact, he has been doing the 2 jobs. How we move forward from now is the subject of something I am going to be saying later on, so I hope that answers the Constable's question.

The Connétable of St. Lawrence:

I did ask if there were any recommendations for change.

Senator P.F.C. Ozouf:

I do apologise. Yes, I have received formally as Minister, not for publication, interim reports by the then Interim Finance Director setting out an improvement plan, setting out a way that we are going to reorganise, centralise, in order to assist the finance function across the States of Jersey. That is working. No consultants brought in with long-winded reports. Actioned straightaway, as I promised the States, in the Business Plan next year. It is uncomfortable but it is working.

3.5.6 Deputy T.M. Pitman:

Unlike most supermarkets, we seem to be getting one for the price of 2. Could the Minister say definitely when this arrangement will finish and is it a fact that the Treasurer, who is off, is never going to come back?

Senator P.F.C. Ozouf:

I am going to defer that question until the statement I make at statement time, unless you wish me to have leave to issue a statement earlier.

Deputy T.M. Pitman:

Can it not be answered?

The Deputy Bailiff:

The statement will be made shortly, Deputy.

3.5.7 Deputy T.M. Pitman:

Perhaps the Minister could say whether the Treasurer as he is, is going to be made scapegoat for the problems with the contract in the incinerator?

Senator P.F.C. Ozouf:

This Assembly is the Island's Parliament of which I think that people should be treated properly and the Treasurer himself has performed extremely well as Treasurer of the States but is subject to a statement that I am going to be making shortly.

The Deputy of St. John:

On a point of clarification, this is question time. The Deputy put his question as it should be put and the Minister is refusing to answer it as it should be answered. As a Back-Bench Member the Member has a right to put his question and the Minister should not be trying to hide behind the statement he is going to make later.

Senator P.F.C. Ozouf:

I apologise but I will have 10 minutes of answering and I will be full and frank in the statement I will make and I think that will become clear when I make the statement.

The Deputy Bailiff:

Might I add that questions are for Members and how questions are answered are for Ministers and Ministers take whatever consequences there are of the way they answer the questions.

3.6 Deputy G.P. Southern of the Minister for Treasury and Resources regarding targets for additional tax revenues from personal taxation:

Will the Minister inform Members why he has set targets for additional tax revenues from personal taxation, but has not done so for revenues from businesses; outline what measures, if any, he has under consideration for raising tax from non-local, non-finance companies who currently trade tax free in the Island; and advise whether he will be coming to the Assembly with proposals for taxing business and, if so, when?

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

The business tax review makes it clear that there is an intention to maximise the revenue from businesses without jeopardising our competitiveness. As an offshore centre, we benefit greatly from keeping our corporate tax rates competitive. Non-local, non-finance companies do not trade tax-free in the Island. They pay social security contributions, as do their employees, business rates and their employees also pay income tax and G.S.T. It is true that they do not pay corporate tax in the Island but we must remember that they pay corporate tax in their home jurisdiction and often at higher rates than paid by locally-owned companies here in Jersey. This is not to dismiss the fact that such businesses pay less corporate tax in Jersey but not necessarily less tax overall than they did before the introduction of Zero/Ten. It may be possible, and I hope it is, that through the business tax review we can identify how this can be addressed under the current Zero/Ten regime or any of the alternatives that are set out in the consultation paper. The consultation period for the business tax review runs until 30th August and a summary of the responses will be published later in the year. An announcement regarding the outcome of the review will be made at the point of the budget lodging later on this year.

3.6.1 Deputy G.P. Southern:

Does the Minister have a figure for how much tax is not currently being paid because of the Zero/Ten regime by non local, non finance companies?

Senator P.F.C. Ozouf:

The best estimates that were crafted at the time, and well ventilated in this Assembly, I believe are in the region of £10-15 million. That is something that has been well rehearsed in this Assembly. The previous Minister for Treasury and Resources had the identical determination to try and find a solution, which was viable and would collect that type of money, and I share that enthusiasm and I am sharing the work in terms of trying to find a solution. We have not found one yet, and I would point out to the Deputy, neither did Guernsey or the Isle of Man.

3.6.2 The Deputy of St. John:

I am in receipt of a letter here that the U.K. are introducing - as of September - taking from Flybe employees, who are Jersey residents, a third of their wages because of the time they spend in the U.K., i.e. on flights when they drop in to fuel up in the U.K. and come back. So a third of their wages will be taxed in the U.K. This is a real concern given that we were told that Jersey people would pay tax within the Island and companies would be paying off-Island. Now it appears the U.K. Treasury have changed the goalposts, what action is the Minister going to take? Because if Flybe are going to be charged in this way, or their staff, is the Minister going to be looking into this on behalf of Flybe and all the other companies whose staff will be probably drawn into this net in the foreseeable future?

[15:15]

Senator P.F.C. Ozouf:

I am not sure that that is a direct relevant question to the original thing, but I will answer it anyway.

The Deputy Bailiff:

I thought it just squeezed in.

Senator P.F.C. Ozouf:

It just squeezed in. I have to say to the Deputy that I believe that this is an exceptional case. I do not believe that there is an automatic rollover for other companies that are employing people in the U.K. I am aware of the issue. I spoke to 2 pilots over the weekend who were affected by this and I must take some discussions up with the Chief Minister exactly how we represent properly the interests of those individuals. I am not about to give tax advice to the entity concerned on the floor of this Assembly, but I believe that there is possibly a way round. Not a way round, an appropriate way round. If they are pilots based out of Jersey and they are employed out of Jersey, then they should be paid out of a Jersey entity. The issue is that they are employed out of a U.K. entity, as I understand it, and therefore the U.K. Treasury is legitimately charging tax. It is a matter that Flybe need to sort out, but we will of course make representations as appropriate to the U.K. Treasury for these individuals.

3.6.3 Senator S.C. Ferguson:

I understand that Guernsey is considering an overall business tax of 10 per cent for all companies. Have we discussed this during our discussions with Guernsey?

Senator P.F.C. Ozouf:

I do not think that Guernsey is proposing an overall 10 per cent tax in business because I do not think that they would have very much of an offshore financial centre or international financial centre business left. Of course, as the Senator will know, Jersey and Guernsey and the Isle of Man and the other offshore centres provide tax neutrality for the underlying business transaction that does not occur within the Island. So, if they are, I am alert to the consultation which is remarkably similar to ours, which is no surprise in relation to business tax; what they are proposing is their preferred potential solution of a territorial system of tax. That is different from a flat rate of 10 per cent tax and it is a territorial tax which is in our consultation and I believe does have some merit in terms of consideration as a potential solution to Zero/Ten; but I also state that Zero/Ten is not non-co-compliant and I believe it is co-compliant. If it is in the best interest of Jersey we will change.

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

Going on from what the Deputy of St. John said, does the Minister believe there will be other U.K. companies who will be affected similarly, or will it only be airlines and, as a result that, will affect all our other airlines. Sort of: "Who are you? Are you registered?"

Senator P.F.C. Ozouf:

It is probably not appropriate to deal with the specifics of an individual company, because I am aware of some of the reasons why there is a specific issue with Flybe. Nothing inappropriate; it is just a function of the fact that those pilots are probably operating in U.K. airspace to a greater extent than perhaps pilots that will be on long haul or other European destinations. It is not an issue that they are going to be ... they are able to offset their tax as I understand it from the U.K., because obviously we have got a double tax treaty between Jersey and the U.K.; but I am not aware that there is any further problem that I have been briefed on so far of any other companies. But we will assist these individuals as appropriate.

3.6.5 Senator A. Breckon:

It is understood that there is some general leakage, and against the current background where we are looking to perhaps introduce charges and raise taxes, and there were failures in the result of perhaps some property tax and a tax on employees under Regulation of Undertakings and Development. Coming back to the original question, can the Minister say what measures, if any, he has under consideration for raising tax from these companies?

Senator P.F.C. Ozouf:

I have already mentioned the territorial system of tax would present a solution to it, in terms of taxing those entities, because the concept of territoriality is that you tax it in the territory where the activity takes place. So that is very clearly a solution. If we maintain Zero/Ten, clearly we need to find a variant of the already discussed Blampied proposals or otherwise. We have already put in place half of the Blampied proposals in terms of superannuation funds. That is good; that is working. But clearly there still is to be a solution found to the underlying issue. But the Senator and the Assembly have my categorical assurance that we will work on this over the summer, and if we can find a solution, of course we want to gather that £10 million or £15 million tax back. That is in everybody's interest to do so.

3.6.6 Deputy M. Tadier:

I look forward to the day when we can talk about tax neutrality for personal income in Jersey as well, but in the meantime I would ask the Minister for Treasury and Resources, does he believe that personal taxation should be done in principle on disposable income rather than on the totality of earned income, and given that the cost of living has gone up in Jersey dramatically in recent years, would he be in favour of increasing the threshold for unearned income?

Senator P.F.C. Ozouf:

I had a very interesting morning with Hautlieu students and talking about tax and spending, and in fact one of the questions was very similar. I think the Deputy is suggesting that we go ... it is almost some liberal policy from the U.K. of increasing the exemption limit for earned income. I would just remind the Deputy very carefully that we already have one of the highest exemption limits around for earned and unearned income. I think there should be similar arrangements for earned and unearned income as a matter of general principle. Work does need to be rewarded. But we are looking at the whole issue of social security and income tax, and looking at how the collection can work, and also the fairness issue of the total tax and social security contributions. I would just remind him that he mentioned the concept, I think, of businesses paying tax. It is ultimately people that pay tax, and we have got to find a fair and mildly progressive system for tax.

3.6.7 Deputy G.P. Southern:

In the 2011 Annual Business Plan there is as a target of £22 million additional taxation to be raised from personal taxation. Why is there no target, or no estimate, of additional taxation that might be raised equally from businesses as well?

Senator P.F.C. Ozouf:

I think it is quite clear that you cannot put a target for business tax. What does the Deputy expect me to do? Put a target of £75 million worth of business tax? This year in terms of collection is based upon last year's figures. I do not know the profitability of the financial services industry and the other businesses sectors in Jersey. I can make some estimates, but I cannot start putting targets for business tax because it is so mobile and it is so unpredictable and it is so volatile. The Deputy winces, but it is true. No Treasury ... sorry, I did not hear what the Deputy said.

The Deputy Bailiff:

We are not going to have a debate.

Senator P.F.C. Ozouf:

I just thought it was something unparliamentary, but I do not know. The fact is that you cannot have a target for business tax when you do not know what the performance in the long term of the economy is. I have published a G.A.A.P. (General Accepted Accounting Principles) which is to be dealt with if we are to keep the deficit below £50 million next year. That is the target for additional taxes.

3.7 Deputy D.J. De Sousa of the Minister for Treasury and Resources regarding the Criminal Offences Confiscation Fund:

Can the Minister inform the Assembly who was responsible for setting up the Criminal Offences Confiscation Fund, upon what criteria funds can be drawn down and whether this fund was originally established to fund rehabilitation of offenders?

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

I think Members now know why I asked my Assistant Minister to do the first 2. The C.O.C.F. (Criminal Offences Confiscation Fund) was established under Article 24 of the Proceeds of Crime (Jersey) Law 1999 to receive the proceeds of assets recovered under a confiscation order or received under an asset-sharing agreement. Article 24 specifies that the funds held should be applied in promoting supporting measures that prevent, suppress or deal with criminal conduct and the consequences thereof, facilitating any enactment dealing with criminal conduct or discharging obligations under asset-sharing agreements and meeting the expenses of administering the fund. The purpose of this fund is therefore broad and does not specifically address the funding of the rehabilitation of offenders. The fund is manager-controlled by the Minister for Treasury and Resources and is a special fund under the purposes of the Public Finances Law. Monies paid into the fund do not form part of the income of the States. The law requires the Minister to consult with the Attorney General and other persons or bodies as appropriate before applying monies in order to ensure that the funds are drawn down in accordance with the law, and a steering group has been set up to govern the use of the C.O.C.F.

3.7.1 Deputy D.J. De Sousa:

Can the Minister inform Members how much of the money from this fund has gone back into rehabilitation of offenders?

Senator P.F.C. Ozouf:

I would need to have notice of that question. I do not believe that any of the funds from all of the notes and research that I have carried out on the C.O.C.F. in the last few weeks has gone to rehabilitation of offenders directly. But that is not a criticism; I think that is an issue for the general Council of Ministers to put allocations for rehabilitation of offenders in the Minister for Home Affairs' budget. C.O.C.F. is only applicable for one-off expenditure, not recurring expenditure, because you cannot guarantee the funding stream. If you want money for rehabilitation of offenders or more, then that needs to be built-in to the base budget of Home Affairs' budget.

3.7.2 The Deputy of St. John:

The Criminal Offences Confiscation Fund, in the debate in the last sitting on the last day of the last sitting, the Minister said while debating this particular fund that there were no assets left within that fund. Yet several days later at a presentation in the Oules Room, the Acting Treasurer of the States said there was something in the region of £7.9 million in that fund. Will the Minister confirm or otherwise that that is correct, and if so, does he believe he misled the House several days earlier in the comments he made about no funds being available in that fund?

Senator P.F.C. Ozouf:

I do not believe I did. I made it very clear, first of all when I lodged the proposition for court and case costs that there was certainly no prospect of any asset seizure. I am advised that there was an asset seizure in relation to one criminal case that was made, and now those funds are sitting in the C.O.C.F. But they have not been transferred to the Consolidated Fund. That will be something that will happen later on this year. I was very clear to Members that I was inviting Members to set a budget which I think is an important thing that this Assembly does in relation to these costs; not simply almost slip it below the line and simply slip money from the C.O.C.F. without Members setting a budget. So there will be a draw-down from the C.O.C.F. and that will happen later on this year. I will undertake to tell Members exactly when that happens and the circumstances around it later on in the year.

3.7.3 The Deputy of St. John:

Does the Minister not believe he was not properly briefed to come to this Assembly and give us the information he did on the day in question, given he tells us how closely he works with his Treasurer? Therefore I have got real concerns that in my case I voted on the information I was given by the Minister in good faith, and although I am not permitted to withdraw that vote, I would not have voted the way I did if I had known there was £7.9 million sitting in that fund or about to enter that fund.

Senator P.F.C. Ozouf:

The Deputy has a fearsome reputation for being a tough questioner, and I just remind him that I was asking the Assembly to approve a budget, and that was the right thing to do; and even if we had known then - and I was quite clear that there was a prospect of a seizure - I could not guarantee it, and it is not my decision of anything of the acts of the court or anything. I think the Attorney General's office and the Law Officers have done a fantastic job in relating to getting asset seizures and getting awards of costs and looking after the interests of the Island; and certainly that money is now available in order to apply to that budget which has been approved quite properly for the first time by this Assembly. I would ask him, even if he did know that there was £7.9 million potentially there, which we did not know at the time, he would not change his vote.

3.7.4 Connétable D.J. Murphy of Grouville:

This Criminal Offences Confiscation Fund originally was 2 funds, I believe. There was a drugs fund which was differentiated from the criminal fund, and part of the strategy then was that the take from the drugs fund would be used for the rehabilitation of offenders. Has that changed since the amalgamation of the 2 funds?

Senator P.F.C. Ozouf:

I think that may answer Deputy De Sousa's very good question about rehabilitation. I think the Connétable is right. It is 2 separate funds, then merged; they are 2 funds, the Drug Trafficking Confiscation Fund is set up under Article 24 of the Drug Trafficking Offences Fund and that receives funds under confiscation orders, or similarly asset-sharing agreements in relation to Drug Trafficking. Funds are and should be applied in promoting and supporting measures that may assist in prevention, suppression or otherwise dealing with drug trafficking or the misuse of controlled

drugs. That is a separate issue, and I think I now understand what Deputy De Sousa's points are in relation to rehabilitation of offenders. I will certainly do a further note to Members on that fund as soon as I am able to; it may assist Members. I am sorry if there has been a confusion. It is 2 funds.

3.7.5 Deputy D.J.A. Wimberley of St. Mary:

That might half answer my question, because I heard the Minister at the outset talk about prevention and suppressing of criminal conduct as the goal of the Criminal Offences Confiscation Fund, and I just wanted to ask him if there was a documentary trail for the change of emphasis, because it certainly does not seem to be used for those purposes now.

[15:30]

Could he make sure that in that report which I think he has just promised to Members, that he does cover the 2 funds and how they have slipped around in terms of what they are used for?

Senator P.F.C. Ozouf:

I will do. But nothing that I have seen in relation to these funds has been used to slip around. What I have realised in examining this issue is that there is a greater need for transparency in terms of publication of the funds. But I was incorrect, I have to say, in answering a previous question to the Deputy of St. John a while ago. These were not party to the States accounts. That was wrong, and I apologise for that. They are not States money; they are separately constituted funds. I am currently in discussions with the Treasury for an appropriate way of disclosing that information in terms of an appropriate transparent arrangement.

3.7.6 Deputy D.J. De Sousa:

Can the Minister then inform Members when it was realised that the funds were so desperately low from this fund, and who is overlooking the whole accounting of the fund, and whether they knew in advance that these funds would be empty?

Senator P.F.C. Ozouf:

It is not something that we can budget for like income tax. I am afraid I have no control and this Assembly has absolutely no control over asset seizures and the other sources of the funds. They are entirely non-political, they are unpredictable and indeed, I was aware that there was likely to be a seizure of some magnitude; I did not really know the details of it but that was ... I was informed of that and that was going to fund last year's court case costs but it did not come; and so then we had to apply carry forward balances for court case costs. It is not possible to budget, I am afraid, for these funds because of the nature of the income, but the income is probably there and it will be properly reported.

3.8 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the allocation of a 1(1)(j) category licence application in respect of the wife of the former Chief Executive of the Health and Social Services Department:

Would the Chief Minister advise whether, following the resignation of the former Chief Executive of Health and Social Services Department, it was determined that a 1(1)(j) category licence application should be made in respect of his wife, working within the Human Resources Department, and, if so, whether this was granted?

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

The short answer is no, not at this stage. Before releasing any personal data as to whether this or indeed any individual application was approved, and therefore going into this person's housing and employment status, the legitimate rights of an individual employee to privacy need to be balanced against the legitimate rights of the public to information. In particular, in the absence of a statutory framework, there must be a pressing public interest case for personal circumstances to be disclosed.

Any such deliberation must take into account the nature of the question, the seniority of the employee and the expectation of privacy that could reasonably be held. In this particular case, I cannot see what pressing public interest could exist in confirming the housing status of such an employee. Until such time as I know this, I am not prepared to disclose the information. I am happy for the Member to explain his specific concerns which can then be considered. Finally, I can assure Members that decisions as to housing status are taken with rigorous regard to published procedures and policies and I am confident they are properly applied.

3.8.1 Deputy M.R. Higgins:

I believe that there is a public interest in this particular housing category. The lady in question did not come to the Island and was given a 1(1)(j) category in her own right, but came as a result of coming with her husband who resigned, if we remember correctly, for personal grounds before 2 damning reports on the Health and Social Services Department were tabled. I think many members of the public will be surprised to learn that he is still living in the accommodation after having thought that he had left the Island, as I say for personal reasons, and also when the public believed that he received a considerable enhancement for going. So, I think this is a case of where there is one rule for certain members of the senior civil service and one for everybody else.

The Deputy Bailiff:

Is there a question there, Deputy?

Deputy M.R. Higgins:

Yes, Sir. Is that not the case that there is a definite public interest and the public should know this because it seems you are getting around the situation of trying to maintain the housing conditions of the previous Chief Executive?

Senator T.A. Le Sueur:

The interest of the Deputy seems to be more in that of a former States employee rather than the current person of whom the question is asked. On that basis I fail to see how this takes into account the public interest of this particular employee.

3.8.2 The Deputy of St. John:

Can I ask the Chief Minister whether or not strings have been pulled to allow a transfer of a 1(1)(j) cat essentially employed person to occupy accommodation from a husband to a wife?

Senator T.A. Le Sueur:

I find the suggestion that officers would be involved in string-pulling and manipulation to be abhorrent. Certainly, as I said, decisions are taken with rigorous regard to public procedures and policies.

3.8.3 Deputy F.J. Hill of St. Martin:

Will the Chief Minister inform Members - or confirm maybe - that it is very, very rare for anyone living in the Island to be given a 1(1)(j) category? Normally 1(1)(j) categories are given to those who have come to the Island to do a specific job. Will the Minister confirm that?

Senator T.A. Le Sueur:

I have got no information to know whether that is a fair comment or not.

The Deputy of St. Martin:

Could I ask the Minister to check and make that information available to all States Members, because I believe that what I am saying is correct?

Senator T.A. Le Sueur:

It may be correct, but I fail to see how it can be relevant to the particular case.

3.8.4 Deputy J.A. Martin:

If the Minister is very reluctant to answer the case specific; is the job in Human Resources Department able to be done by anyone that is not a 1(1)(j) category?

Senator T.A. Le Sueur:

I am sure if the job could be done by someone local then the Minister for Housing would not have gone to 1(1)(j) category licence in this particular situation.

3.8.5 Deputy M.R. Higgins:

Perhaps in fact I should be asking the Minister for Housing for his reasons if he has granted one, but I do think it is quite scandalous.

The Deputy Bailiff:

That was not a question.

3.9 Deputy R.G. Le Hérissier of the Chairman of the Comité des Connétables regarding the cost of Heavy Goods Vehicle licences:

Are senior citizens required to pay higher fees in respect of Heavy Goods Vehicle Licences and if so, why?

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

The short answer is no. Under the Road Traffic (Jersey) Law 1956 and the Motor Vehicles (Driving Licences) (Jersey) Order 2003, a person who is over 66 years of age may only be granted a one-year licence to drive vehicles in categories (c) and (d). Therefore those who are over 66 years of age and who wish to continue to hold a licence to drive categories (c) or (d) must renew their licence each year and the law requires that they must satisfy the issuing authority each year of their fitness to drive. There is therefore an annual cost for each of the medical certificates and for the grant of the driving licence. The restrictions on those over 66 years being granted only a one-year licence is applied by most countries throughout the European Union. Applicants for a licence which includes categories (c) or (d) and who are between the ages of 45 years and 66 years must also submit a medical certificate when applying to renew their licence, as must an applicant for a first licence including categories (c) and (d). The fee for those over 66 years is therefore no higher than any other person; the cost just occurs more frequently. I would further point out **[Laughter]** that these annual licences, as all other licences, are produced by the Parish of St. Helier for the other Parishes of the Island at a cost recovery basis.

3.9.1 Deputy R.G. Le Hérissier:

Would the Chairman of the Comité not acknowledge that he is somewhat embarrassed at the discrimination he is applying in his own Parish in this regard, and what steps will he take to eliminate it?

The Connétable of St. Ouen:

I accept that the matter was brought to the attention of the Deputy by a parishioner of St. Ouen, but this parishioner has in fact brought it before the Comité des Connétables on a number of occasions, and through the use of other States Members. The Member has been advised exactly what his status is in law, and unless there is a move to change the law, the Connétables are obliged to undertake this charge.

3.9.2 The Deputy of St. John:

Not having the highway code or my driving licence with me, could the Minister please tell us what categories of vehicles (c) and (d) cover that we need an examination for?

The Connétable of St. Ouen:

Yes: (c) is a Motor vehicle use for the carriage of goods whose maximum authorised mass exceeds 7.5 tonnes; (d) is a motor vehicle for the carriage of passengers with more than 8 seats in addition to the driver's seat, but excluding any vehicle included in category (d)(i), a motor vehicle for the carriage of passengers but not for hire or reward, with more than 8 seats, but not more than 16 seats in addition to the driver's seat.

The Deputy of St. John:

I would like to thank him.

The Deputy Bailiff:

Very well. We have now come to the halfway point in our question time for all questions. I thought Members would like to know that; and we are not quite halfway through questions.

The Deputy of St. John:

Does that mean I have extra time?

The Deputy Bailiff:

I think probably not.

3.10 The Deputy of St. John of the Minister for Home Affairs regarding when copies of the Wiltshire Police Report were issued to the media:

Can the Minister confirm that copies of the Wiltshire Police Report were issued to the media before elected States Members and those people who were subject to the inquiry, and if so, would he confirm when and why and advise whether it is now policy for Ministers to have government by the media in preference to open government by elected Members?

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

While I understand the general concerns of the Deputy of St. John, in my view the important issue is that in relation to important matters the States Members should be briefed sufficiently early before any press coverage so as to be able to respond to press inquiries for further information or any other response. That occurred in this case. This was a very complicated briefing involving, even in the shortened version, 3 quite complicated documents. If the press had not been given plenty of notice in relation to these then there was a significant danger of sensational and inaccurate reporting. There was probably sensational danger in any eventuality, but that is another matter; and that sensational and inaccurate reporting of course is not in the public interest. Although it is correct that the press were provided copies at 4.30 p.m. on 9th July and States Members only on 12th July after the Business Plan briefing, because the general briefings took place on 13th July and because there was an embargo on the press using information, in my view States Members had more than adequate time to prepare. In relation to Operation Blast, in fact the States Members were provided with copies and briefed earlier than the press. In this provision of documents to other people, of course, the Chief Officer of Police had had the reports for very long periods of time in advance and notice was given to people who were public-facing and whose names were going to appear that that would happen. Apart from that I understand that they did not receive copies.

3.10.1 The Deputy of St. John:

It is more for clarification that anything else. Would the Minister in future when he is dealing with these types of sensitive issues please brief the Members prior to the media, and if the media have to wait an additional 48 hours, the problem being that some Members cannot attend your briefings and

we either get them on the internet and have to download them or get a hard copy depending on the size of the document. Would the Minister in future... I think the thing to do with these delicate matters that we have been dealing with and are likely to be dealing with again in the future is make sure that Ministers come first and not the media?

The Deputy Bailiff:

Will you not do it again, Minister, is the question.

Senator B.I. Le Marquand:

No, I cannot promise to do that. I will make an individual decision in each individual case. It was entirely my decision and I believe it was appropriate, notwithstanding the Deputy of St. John's wagging his finger at me in an offending way.

3.10.2 Deputy M. Tadier:

Given that the Minister has failed to give the reassurance that the Deputy of St. John wants, I would probably suggest a proposition to that effect, Deputy. But to the question, I would ask the Minister does he not find it curious that Jersey is perhaps one of the only places where we are in the strange position of members of the media leaking confidential information which has been embargoed to democratically elected States Members? Does the Minister not consider this first of all curious, and secondly completely unacceptable, as that adds to those - shall we call them conspiracy theorists - who already think that there is an unhealthy familiarity between the media and government?

Senator B.I. Le Marquand:

Deputy Tadier has evidence that members of the press have leaked matters which were subject to embargo. I would be very pleased to receive it because we will then have to review policy in relation to those particular members of the press.

[15:45]

Deputy M. Tadier:

To respond to that, I am sure that any self-respecting States Member would not ...

The Deputy Bailiff:

This is question time, not a response time. Do you have a question?

3.10.3 Deputy M. Tadier:

My question which is - and I will finish the statement by: "Do you agree, Minister?" - that any self-respecting States Member should not be in a position to have to cover his sources, it should be the other way round where journalists do not reveal their sources and I suspect that Members of the States Assembly would also not reveal their sources but we should not be in this position; does the Minister not agree?

Senator B.I. Le Marquand:

Sir, I am afraid I totally fail to understand the question.

3.10.4 The Deputy of St. Mary:

It is indeed bizarre that the media tell us what is going on. Does the Minister agree, first of all, that this matter does divide our community and arouses great suspicion of improper government conduct? I am not saying whether that is right or wrong, I am just asking you to agree that this is a divisive issue personally. Secondly, that because of that the public perception is of the utmost importance and thirdly - they are all connected - does he agree that it is most unfortunate that the report was only 30 per cent there and so the media could only report on the basis of summary and not on the basis of the evidence?

Senator B.I. Le Marquand:

I agree that this issue is a divisive issue. The difficulty that I had was that by the time I had made a decision to go ahead with expediting matters so that the matter would be before this Assembly before the summer break, there was not sufficient time to complete the redaction process in detail. Indeed, as one of the Members mentioned at one of the meetings, some of the redaction process was not that well done and renders some of the pie chart difficult to understand. My intention is that the redaction process will continue and that further parts of the reports, the very lengthy central parts, will indeed be produced eventually in a redacted form.

The Deputy of St. Mary:

Can I ask for supplementary to that, Sir?

The Deputy Bailiff:

If you do then your colleague Deputy Trevor Pitman will not have his question because we have just 2 more questions to come, Deputy Trevor Pitman and then the final supplementary.

3.10.5 The Deputy of St. Mary:

Yes, the Minister is telling us that a report that he has had in approved final form since December 2009, he has not been able to redact it before a briefing last week.

Senator B.I. Le Marquand:

Yes, that is absolutely correct because my expectation initially was that I would be able to complete disciplinary proceedings. Members of this Assembly must remember that the Chief Officer of Police brought forward his retirement date by a period of almost 6 months which made it extremely difficult to complete that process and the decision to go ahead with redacting and which parts to redact was made fairly late.

3.10.6 Deputy T.M. Pitman:

You cannot say that we are not gentlemen on this side of the House. Given that we have heard about a document that is only 30 per cent of the document, could the Minister clarify that, in effect, even that document is only 10 per cent of the material that was available to him and will that ever likely be available to States Members, I suppose the media as well?

Senator B.I. Le Marquand:

The parts of the document which are being put out are the very key parts, the very central parts, namely the executive summary and also the recommendation with relation to future charges and the findings of fact. Of course there is, in addition to this, enormous quantities of material, file upon file of material by way of evidence. It is not normal in relation to such matters for the full details of the evidence to ever become public.

3.11 The Deputy of St. Martin of H.M. Attorney General regarding the employment of legal staff from outside the Island to prosecute minor cases in the Magistrate's Court:

I gather there was some difficulty finding out who was going to answer this question but I am going to ask the Attorney General. Will Her Majesty's Attorney General inform Members whether legal staff have been employed from outside the Island to prosecute minor cases in the Magistrate's Court and, if so, would he outline the reasons why, how often such a system was sought and how much has it cost?

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

On one occasion in May this year a Jersey-qualified advocate, who is also practising as a barrister in the United Kingdom, was instructed to prosecute several minor motoring cases which had been

listed for trial in the Magistrate's Court. The need for this arose from a temporary but exceptional staff shortage due to illness, arranged leave and promotion within the Criminal Division of the Law Officers' Department. The cost for 2 visits to Jersey, one for preparation and one for presentation in court, was a total of £750. Because the advocate in question already had connections with Jersey there was no requirement to pay for any travelling or accommodation expenses. This is the only occasion, as far as I know, on which legal staff have been employed from outside the Island who appear in the Magistrate's Court.

3.11.1 The Deputy of St. Martin:

I am grateful for the answer but could I ask the Attorney General whether consideration has been given maybe to employing associate prosecutors? These associate prosecutors would take a lot of the work off qualified lawyers, it may well be a saving too and maybe it is time now to give consideration to employing such people who are known in the C.P.S. (Crown Prosecution Service) as associate prosecutors?

The Attorney General:

I am grateful to the Deputy for his suggestion. I have not given consideration to associate prosecutors and I confess to the Assembly I have not heard the expression before now. If the Deputy would like to give me information of course I will consider it.

3.11.2 The Deputy of St. John:

Will the Attorney General advise whether or not Centeniers still prosecute in the Police Court, as they have done since time immemorial, and if they do would it not be possible, as we are told they are minor motoring matters, for them to continue in the way they have done for generations?

The Attorney General:

My understanding is that Centeniers do not conduct prosecutions in the Magistrate's Court where there are pleas of not guilty. The cases that were under consideration in this were all not guilty pleas and therefore they would not have been prosecuted by Centeniers.

3.11.3 The Deputy of St. John:

Supplementary, Sir. Could the Attorney General inform us when this changed, what year, please?

The Attorney General:

I cannot, I am afraid, give precisely the dates upon which that changed but it has been practised for a number of years, that all not guilty pleas are dealt with in the Magistrate's Court by qualified legal advisers.

The Deputy Bailiff:

Final supplementary, Deputy?

The Deputy of St. Martin:

No. Maybe I will just help the Deputy of St. John as I believe it was 2007 following the Cooper opinion.

3.12 Deputy M. Tadier of the Minister for Home Affairs regarding the Comprehensive Spending Review cuts across all departments:

Can the Minister explain why, during a recent Scrutiny hearing, he described the 2 per cent Comprehensive Spending Review cuts across all departments as a "blunt tool" and advise whether he is in agreement with fixed percentage cuts across the board and what he would see as a less blunt tool for making savings?

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

In fact the way the current budget proposals have ended up, as far as Home Affairs is concerned, have not ended up as a straight percentage cut but I will make some general comments. Percentage cuts across each department are a blunt instrument because they assume, firstly, that all departments are starting from a similar position financially and, secondly, that the items cut will be of equal importance. A 2 per cent cut at a particular stage might be very easy for one department whereas a 5 per cent cut later might be very difficult or *vice versa*. There needs, in my view, to be a process whereby the importance of cuts, the relative importance of the items being cut in one department, is assessed against those in other departments. The practical problem of course which arises is that this takes a great deal of time and when time is short the tendency is to revert to cuts across the board.

3.12.1 Deputy M. Tadier:

I thank the Minister for his response, I generally agree with that. Could I ask whether his concerns about this blunt tool were raised with the Council of Ministers and if not why not and if they were what the response of the Council of Ministers was to that?

Senator B.I. Le Marquand:

As I said at the start, certainly as far as Home Affairs is concerned, we did not end up with a straight 2 per cent because there were issues of growth being taken into account as well. I cannot speak on behalf of my colleagues but I suspect there is a movement in later percentages towards greater flexibility in approach and that I certainly would welcome.

3.12.2 The Deputy of St. Mary:

We were informed by the Minister for Economic Development on the Economic Scrutiny Panel that the process by which the 2 per cent, 3 per cent and 5 per cent had been arrived at was evolved and I think it is evolving further. Could the Minister tell the House whether there is, again, any audit trail of, first of all, how the 2, 3 and 5 were arrived at and then how they evolved into something else?

The Deputy Bailiff:

In relation to the Home Affairs Department, Deputy?

The Deputy of St. Mary:

In relation to the Home Affairs Department and therefore by implication to other departments.

The Deputy Bailiff:

The Minister can only answer of his own department.

Senator B.I. Le Marquand:

I am grateful, Sir, I was just about to say that but I think I have now been asked questions in relation to general financial policy which would probably be better to be asked of the Chief Minister or indeed the Minister for Treasury and Resources.

The Deputy Bailiff:

Do you wish to clarify that, Deputy?

The Deputy of St. Mary:

I am not sure that the Minister is going to clarify. It is very difficult to see which ...

The Deputy Bailiff:

No, for you to clarify your question. He can only answer a question for which he has official responsibility, understanding ...

The Deputy of St. Mary:

He is also a member of the Council of Ministers and maybe he cannot clarify anything about that at all what goes on there.

The Deputy Bailiff:

He does not answer questions for the Council of Ministers. Deputy Tadier.

3.12.3 Deputy M. Tadier:

My supplementary was only partially answered - the second supplementary. I was not asking him to speak for his colleagues but I simply want to know, given the fact that he has just told us he does not think that the 2 per cent cuts across the board is a very effective way of making cuts for the very simple reason that every department is different and does not have the same starting position, would the Minister explain if he raised this issue with the Council of Ministers, in particular with the Minister for Treasury and Resources? Did he tell him that this was not something in his mind that was an effective tool, if not, why not?

Senator B.I. Le Marquand:

Yes, certainly in relation to Home Affairs I made my position very plain to my colleagues at a very early stage that Home Affairs did have particular growth issues and particular issues in relation to increments. I have said that so many times in this Assembly that people probably know what I say by heart now.

3.12.4 Deputy M. Tadier:

Did he dissent, in that case, from the 2 per cent cuts?

Senator B.I. Le Marquand:

I dissented from the replying to Home Affairs without consideration of growth issues.

3.13 The Deputy of St. Mary of the Minister for Transport and Technical Services regarding community involvement and buy-in to the new Town Park:

Given the importance of achieving community involvement and buy-in to the new Town Park, which techniques of consultation and participation have been chosen for the Town Park design process, why have they been chosen and what were the sources of advice used to make the choice?

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

During the life of the Town Park project significant consultation has been carried out with regard to what should be included in the new park and how the park should be laid out. My department is in possession of this material and is liaising with the Town Park Implementation Group who have been involved with the collecting of this data. This information will be used as a baseline for the park design with a new consultation process about to start which will verify and update this data. The new consultation process will be in 2 phases, with the first phase being launched on Wednesday. This will include the delivery of 3,000 questionnaires to homes, schools and businesses in the area and the opening of a website for online responses. In addition there will be 3 drop-in events early in August where the public can attend and give their views on what they would like to see in the park. This first phase of the consultation will complete on 26th August following which an analysis of the results will be carried out and then a draft park design will be completed, based on the results of the consultation. The second phase of consultation will commence on 29th September which will be centred on the draft park layout. There will be a design weekend in early October which will be an opportunity for members of the public to talk to the design team and to express their views on the draft park layout prior to the design being finalised. The second phase of

consultation will close on 29th October following which detailed drawings will be produced and a planning application submitted. This process has been chosen to capture the consultation work carried out to date and to give people who have not expressed a view in the past a chance to do so. The standard consultation methodology will give everyone who wishes to express their views the opportunity to do so and to engender a feeling of community involvement with the design of the park.

3.13.1 The Deputy of St. Mary:

Just a point of detail really, the drop-in days, will they be all day and into the evening to make sure that everyone can go to those days?

The Connétable of St. Brelade:

As yet to be decided but we are keen to involve as many of the community as possible so we will probably try and spread them over the period of the day and evening.

3.14 Deputy R.G. Le Hérisier of the Chief Minister regarding reforms to the disciplinary process for public employees:

What reforms, if any, of the disciplinary process for public employees will be put forward as a result of the issues arising from the suspension of the Chief Officer of the States of Jersey Police?

[16:00]

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

I need to make it clear to Members that the disciplinary code for the Chief Officer of Police is radically different from the procedure for public employees. Accordingly, no changes to the disciplinary process for public employees are planned as a result of issues arising from the suspension of the Chief Officer of the States of Jersey Police, since the disciplinary code for the Chief Officer is, as I say, totally different from that of other employees. I am aware that the Minister for Home Affairs has expressed some concern about the disciplinary code as in relation to the Chief Officer of Police and if he intends to make any changes to that the Human Resources Department will be available to assist him if required. On a separate matter I can confirm that the disciplinary processes for States employees do meet the standards of A.C.A.S. (Advisory, Conciliation and Arbitration Service). Having said that there may still be a need to review those procedures from time to time.

3.14.1 Deputy R.G. Le Hérisier:

Would the Chief Minister not concede that there are indeed some similarities which have been a source of great concern to the public? Firstly, the length that such inquiries take, be they with the police or be they in non-police parts of the public service, the complexity of the process, the apparent inability, if rights are asserted, to directly engage with the person as a witness at the information collection stage and I wonder if the Minister could comment on that because it strikes me there is this tension between the need to give justice to the people who have been subject to these codes and the need to convince the public that the thing can be run so that justice is done by delivering results in a reasonable amount of time.

Senator T.A. Le Sueur:

Yes, I do consider there are some similarities and matters, like the length of separation and the complexity and the involvement of employees, was and is already being addressed irrespective of anything coming out of the results of the suspension of the Chief Officer of Police. That is a matter which is ongoing but not directly as a result of this suspension.

3.14.2 Deputy T.M. Pitman:

Following on from Deputy Le Hérissier really, does the Chief Minister know if it is possible and, if so, will he consider inserting a clause so that no Chief Executive Officer, for example, under suspicion or allegation of breaching his contract, could be classed as a witness to avoid questioning in any inquiry?

Senator T.A. Le Sueur:

I will certainly consider it. I would need to have a lot more information about the advantages and disadvantages of that but I will certainly say it is worth looking at.

3.14.3 Deputy A.E. Jeune:

Would the Chief Minister agree, as a member of S.E.B. (States Employment Board), to work with the Minister for Home Affairs to ensure that a contract, as that given to the last Chief Officer of Police, does not ever happen again?

Senator T.A. Le Sueur:

If the Minister for Home Affairs requires my assistance in amending any contracts then the Human Resources Department would be glad to assist in that respect. I think the Minister has made it quite clear that there may need to be reforms to the way in which contractual arrangements are made in the future but that is a matter which I have total confidence in and to be able to address.

3.14.4 The Deputy of St. John:

If changes are to be made to the working practices of any new police chief, will it be necessary to delay the appointment process for his successor and how long can we have the Acting Police Chief in place in this type of scenario?

Senator T.A. Le Sueur:

I have to keep pointing out that the appointment of a police chief and all those procedures are matters for the Minister of Home Affairs. I do not think that it is particularly relevant to ask me whether that should cause any delays. Certainly I would have thought that it was in everyone's interest that that probably should take place as soon as possible but that the contract should be properly drawn-up.

The Deputy of St. John:

Sir, on a point of clarification, the Chief Minister is the person who appoints his Ministers and therefore it is right that he answers the questions and not tries to push it across to one of his subordinates.

The Deputy Bailiff:

The Minister for Home Affairs is responsible for the appointment, through the States, of the Chief of Police and he also has to face Questions without Notice in due course, so we will come to the Deputy of St. Martin.

3.14.5 The Deputy of St. Martin:

Maybe the Chief Minister will confirm, as from today, there is now only one States employee who is suspended, so quite clearly a number of reforms have taken place as a result of the work done by S.E.B., and in suspensions in particular, but will the Minister accept that maybe there are definitions required, something like a definition of what does a "neutral act" mean so that we really know what a neutral act is? Also, where there is a conflict of interest that conflict of interest is also clearly defined. I do have sympathy for the Minister for Home Affairs. He knows that he has found himself placed in such a difficult position simply because of the conflict. Would the Chief Minister really take it to heart to define a number of the issues that come out here so that we do not have this farce that we have just experienced now for the last 2 or 3 years?

Senator T.A. Le Sueur:

Certainly, as far as the first part of the question is concerned, the number of employees suspended, when I asked last week there were 2: if it is down to one then the Deputy knows more. That is a step in the right direction, I am sure he would agree. As to the definition and changing our procedures to improve on definitions, yes, as I say, if there is a need to review the procedures we will do so. I just do warn that trying to tie things down in precise definitions often ends up creating more difficulty than not but certainly we will have a look at it.

3.14.6 Deputy R.G. Le Hérissier:

Would the Chief Minister not accept that there are, as he partly accepted, similarities between the 2 cases? Could he arrange for the States Employment Board and Human Resources to come back with a report to this House identifying lessons learnt because the public have got the impression that the system is out of control, it goes on for ever and never seems to come to any satisfactory conclusion for either party? Could he come back to this House with a report drawing lessons from both the police and the other suspensions?

Senator T.A. Le Sueur:

I am preparing, in due course, to come back to the House with a report on the suspensions which fall under my control or the control of the States Employment Board. I do not think it is in the remit of the States Employment Board to report on the defects, if any, of the disciplinary code relating to the Chief of Police but that does not matter, as I said before, you have a Minister for Home Affairs. But certainly if there are matters which he would care to draw to the attention of the States Employment Board I can assure him and Members that we will be happy to listen to him.

3.15 Senator F.duH. Le Gresley of the Minister for Home Affairs regarding the publication of extracts from the Wiltshire Police Report:

Can the Minister advise whether he consulted with the States Employment Board and/or the Chief Minister before he decided to publicise extracts from the Wiltshire Police Report and whether the Chief Officer of the States of Jersey Police was made aware of the likelihood of such disclosure in the letter he was sent dated the 8th July 2010, in which the Minister indicated that the disciplinary process was to be discontinued?

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

I did consult with the States Employment Board. I briefed the Chief Minister and the Council of Ministers in relation to what I intended to do and I believe that I had their support. The Chief Officer of Police was aware of my intentions prior to my letter to him. Indeed, on 5th July 2010 I received a letter dated 28th June 2010 from his representative who was aware of my intention to cause the Wiltshire reports to enter the public domain. Furthermore, the effect of my making a statement during a speech on 7th July 2010 was to bring my intention to the attention of the Chief Officer of Police quicker than my letter of 8th July 2010 which also explained to him my intentions. In that letter I warned him that I would shortly be making public the outcome of the various investigations made by the Wiltshire Police Force, together with a report from accounts. But of course I had said in this Assembly before that I was going to do that and, in any eventuality, got his notice before. Frankly, it is obvious from the way in which the Chief Officer of Police responded, prior to my briefings to Members, and has responded subsequently that he was very well prepared for this.

3.15.1 Senator F.duH. Le Gresley:

Page 2 of the main report that was presented by the Minister refers to an obligation to confidentiality and if I may quote it says: "The outcome of any particular case arising under the discipline code would not, as a general rule, be publicised." It also refers to the report being an independent disciplinary investigation and I would point out that the front of the Minister's report

referred to an investigation into the management and supervision of the historic child abuse inquiry by the Chief Officer, which are different things; could the Minister advise whether he considers his decision to discontinue the disciplinary process is an outcome under the terms of the obligation to confidentiality?

Senator B.I. Le Marquand:

Yes, I do indeed. That was the whole reason why it discontinued early rather than letting matters run out in terms of time. That was so that I could today be answering questions in this Assembly in relation to the matter. It is quite clear from the disciplinary code that the Minister has discretion as to what to do with the material, once the disciplinary process has finished. I exercise that discretion in favour of the public interest in this matter being absolutely overwhelming in favour of my bringing to the attention of the general public the material and the matters which had come to my attention in relation to that matter. I felt, as I indeed said in my press statement and indeed my briefing to colleagues, that I was under a public duty to do so.

3.15.2 The Deputy of St. Mary:

I am fascinated that the Minister exercised his discretion in favour of the public interest. Can he explain to Members why he has published extracts from the Wiltshire Police Report and not a word of the 94-page rebuttal, in effect, by the former Chief of Police or the summary indeed which is also missing? We have absolutely one side of the story and not the other. How can that possibly be in the public interest where it is essential that this perception of fair behaviour is upheld?

Senator B.I. Le Marquand:

I would explain why it was necessary to only publicise at this stage certain parts but the point here is this, this is the assessment of a professional body, namely the Wiltshire Police, particularly the Chief Police Officer there, and having considered all the evidence, having considered all the case, having considered the account or accounts of the Chief Officer of Police, that this is his judgment. These are his findings of facts. Frankly, I find it absolutely amazing that the Deputy of St. Mary and other Members of this Assembly should suggest that I should have suppressed that information, that I should have held that back from the public. I thought that the Deputy of St. Mary and other such Members were always in favour of openness in relation to such matters. Suddenly it appears, when it does not suit them for political reasons, that that openness is no longer a matter in issue.

3.15.3 The Deputy of St. Mary:

I shall be sending the Minister a list of questions, none of the answers to which are in the redacted report with which we have been presented with and hopefully he will be able to reply to those. Again, how can the Minister think that it is in the public interest, on a highly divisive issue, to present one side to the media without a shred of the other side? I just find it unbelievable that he thinks that can be seen as fair.

Senator B.I. Le Marquand:

This is absolutely not one side. This is a judgment produced by an independent senior police officer after taking expert advice, after spending a great deal ... this is his opinion in relation to the matter. It is not one side whatsoever. He has fully taken into account the statement or statements of the Chief Officer of Police and of other witnesses who may have given evidence in favour. This is the key issue, this is a judgment, as it were, as far as we have got to so far on the matter.

3.15.4 Deputy T.M. Pitman:

I almost feel I should ask for a definition of judgment. Could I ask the Minister - and I stand to be corrected as always - he has made reference to the fact that the Chief Police Officer brought forward his retirement, being a major reason why disciplinary proceedings could not continue and happen. I am sure in Scrutiny the Minister told us, even if the Chief of Police had stayed until the

end of his contract disciplinary proceedings still could not have taken place. So is that not being a bit disingenuous, if the case?

Senator B.I. Le Marquand:

It would have been tight, there is no question, it would have been tight to complete the whole process, bearing in mind that there are 3 stages to the disciplinary process, even after I have received the reports and the underlying evidence.

[16:15]

The first stage being a hearing conducted by myself, that would have required numerous preliminary hearings to determine what was the appropriate procedure in relation to issues of disclosure of documents, in relation to issues as to witnesses to be called live, *et cetera* - proprietary work. Then there would be the main hearing and after the main hearing there was then a right of appeal to a group of people, composed from people outside the Island who had been especially brought over for that purpose. Thereafter, after the right to appeal, the process was that the Minister could either take on board the effect of the appeal or not take it on board, but make a decision on that. Finally the matter would have to come to the House. I have expressed the view that this was a very complex matter which would have taken a great deal of time, but one thing that is absolute certain is that once the Chief Officer of Police had given his earlier notice, and once I only received the documents in February of this year, it was not going to be possible to proceed and to complete that entire process.

3.15.5 Deputy C.F. Labey of Grouville:

Would the Minister confirm who redacted the Wiltshire Police Report and other reports, who drew up their terms of reference, under whose authority, and just so we can absolutely clear, it is not just names that have been removed, what percentage of the reports was released to the public?

Senator B.I. Le Marquand:

The report was redacted after consultation with myself as to which parts we would seek to redact and which parts we would not, effectively, jointly by a person working for the Law Officers' Department and the Deputy Chief Executive to the Council of Ministers. There was reference there to terms of reference and I am afraid I will need to have greater clarity as to what the Deputy of Grouville means by terms of reference in this context.

The Deputy of Grouville:

I mean, what terms of reference did they have for redacting the report? Clearly it was not just the names that they had to remove. I would like to know what instructions they were given in order to redact the report.

Senator B.I. Le Marquand:

Well, instructions were given in terms of agreement as to which parts we could reasonably attempt to achieve at this stage and which we could not. Because there were some very long sections, particularly in relation to the first report. But in terms of the redaction process itself, the intention was, first of all, to achieve anonymity for individual witnesses and for other people referred to in the reports who are not public facing. Also, in a very small quantity of cases, to remove information which was of a personal nature.

3.15.6 Senator F.duH. Le Gresley:

Does the Minister now accept that this precedence means that all States employees now run the risk of the contents of disciplinary reports being put in the public domain?

Senator B.I. Le Marquand:

This was an unprecedented case of huge public interest and huge public concern following on the events of February 2008 and a subsequent press conference in November 2008. Also, Members of this Assembly must remember that the Chief Officer of Police, through his political agents and on blog sites and other ways, has caused huge amounts of material of his own case to be put into the public arena in any eventuality. That, in my viewing, is in breach of the terms of the confidentiality clause. When you have a matter of such huge public interest, public interest is overwhelmingly in favour of the people of Jersey knowing the best information that I can provide as to what happened.

3.16 Deputy T.M. Pitman of the Minister for Home Affairs regarding his responsibility for the suspension investigation for the Chief Officer of the States of Jersey Police:

Thank you, and it most definitely is not personal. Given that the Minister has presided over the suspension investigation for the Chief Officer of the States of Jersey Police, where deadlines were missed, budgets overspent, and ultimately no disciplinary charges were brought, how much has this process now cost the taxpayer to date and does he accept responsibility for the situation and if not, why?

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

I did not preside over a suspension investigation. What happened under the code is that I requested a report in relation to this matter, initially I requested a report on the first matter from the Chief Executive to the Council of Ministers; on the second matter from the Deputy Chief Executive. The process that then followed was a process which we would normally follow in relation to any investigation in relation to a senior police officer. Namely, that an outside force was appointed in order to conduct the investigation. Here it was the Wiltshire Police and they were acting as an outside and independent agency. I could not properly intervene in the investigation process as that would have undermined its independence. From time to time I received estimated dates for completion. In the case of the Haut de la Garenne matter this slipped from March 2009 initially to May 2009 to July 2009 to September 2009. Eventually I received an interim report in October 2009 which was confirmed as final in December 2009, but the underlying evidence was not received until February 2010. I did not receive the Haut de la Garenne financial report until February 2010. In relation to Operation Blast there was similar slippage with the report not being received until May 2010 and the evidence in June 2010. I did my best insofar as it is open to me to avert delay, but was unable to control that delay. I inherited a disciplinary process which was both complex and ambiguous. Once the Chief Officer of Police decided to deny all failures on his part and once it became clear that Operation Blast needed to be investigated, expenditure became unavoidable. However, the reports are of immense value in informing Members of this Assembly and the general public as to what happened. If no disciplinary reports had been available then, in my view, an investigation of some kind would have been required in any event. Furthermore, Operation Blast was required - not only because an investigation would have been required in any event - but also because of the involvement of other senior officers. The total costs in relation to the first Wiltshire reports are £572,532. In relation to Operation Blast the figure has now gone up to £295,708. The cost of cover for the absence of the Chief Officer of Police are £234,854, up until tomorrow the final date. In addition to that there are the costs of the BDO Alto accountant's report of £64,000.

3.16.1 Deputy T.M. Pitman:

Given that we have already heard that the actual redacted version is just 10 per cent of the evidence, including that 62,000 word document from the Chief of Police, does the Minister believe we have got value for money with investigators who have run up, by my estimations, £52,000 in entertainment bills and £123,000 in travel, not to mention nearly £11,000 in other costs, whatever they might be?

Senator B.I. Le Marquand:

I have no idea how Deputy Trevor Pitman has deduced costs of £52,000 for entertainment bills.

Deputy T.M. Pitman:

Through an answer the Minister gave some weeks ago.

Senator B.I. Le Marquand:

I would need have more notice in order to provide a detailed response to a question of this nature.

3.16.2 Deputy T.M. Pitman:

Could I ask a further one then? In the centre that I ran in a previous career, an accountant would not accept a large amount of money filed away under miscellaneous or other costs. Why is it acceptable here?

Senator B.I. Le Marquand:

If the Deputy wishes to ask me for a greater level of detail in relation to matters then I am sure that my accounts staff can produce those details.

Deputy T.M. Pitman:

Well I am asking.

The Deputy Bailiff:

Do you have them now, Minister, I think that is the question?

Senator B.I. Le Marquand:

No, I do not have them now. I could not possibly expect this level of detail in terms of a question.

3.17 Deputy M. Tadier of the Minister for Treasury and Resources regarding the 20 per cent tax rate:

Given that the Minister has in the past said that the 20 per cent tax rate is sacrosanct, will he advise what other tax model, if any, he also sees as sacrosanct and what the logic is of including such an item for possible amendment in the current Green Paper on taxation proposals?

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

I have been a strong supporter of Jersey's long standing 20 per cent rate of tax because of the stability and the certainty that it brings the Island and the reputational benefit it brings. In fact, the mere proposal of changing the 20 per cent rate of tax attracted headlines in the *Financial Times* for 2 days last week. I am concerned and remain so that - and the Green Paper points this out - a higher rate of tax could mean that higher earners in the Island would have a real incentive to move elsewhere and that businesses and individuals would relocate to other places. Not the United Kingdom but other places that we compete with and which would be a negative effect on the economy. If this were to happen, and this would affect all Islanders, not just high earners, that would be bad. However, the option of a potential 30 per cent rate of tax is included in the consultation because the Council of Ministers want to hear what the evidence is, if that were to happen. We want to hear from people and businesses that would be directly affected and what the consequences would be. Only then would I be in a position to recommend to the Council of Ministers, and ultimately this Assembly, the best way to raise personal tax is to address the part of the structural deficit that will need to be dealt with by taxation and in a way that is least damaging to the economy.

3.17.1 Deputy M. Tadier:

The Minister started off by giving us a whole host of reasons for why the 20 per cent tax rate should not be changed; stability, *et cetera*. Then he goes on to say: “But we will nonetheless include as one of the options ...” The first part of the question still needs to be answered, I believe, about what other elements of Jersey’s tax model he also sees as sacrosanct.

Senator P.F.C. Ozouf:

Well I did not answer the question because I do not think there is necessarily anything that I have said in the past that should be sacrosanct. If the Deputy wants to draw me out then clearly I think that a 10 per cent rate for financial services is something that is very important - a tax neutrality - but the underlying business activities are very important; delivering tax neutrality in terms of having a zero rate is our way of delivering tax neutrality in the absence of double taxation agreements, *et cetera*. So if drawn, I can put other matters to the Assembly but it is the 20 per cent I previously said is sacrosanct, so I have made my views known.

3.17.2 Deputy T.M. Pitman:

The Minister used the word “evidence”, I believe. Surely, I hope you would agree with me, if as a very high earner I respond to this document and say: “If you increase my tax I will leave.” That is not evidence, it is just an opinion. It is just self-interest. How can that be classed as evidence, with due respect?

Senator P.F.C. Ozouf:

Well of course as a member of Scrutiny I would imagine that Deputy Pitman knows what evidence is versus opinion. So I am very clear that certainly, for example, competitive evidence would be clear, a clear statement that the jurisdictions that we compete against have absolutely no intention of changing their 20 per cent tax rate and they would be seeking to take businesses and jobs that we would be charging a higher rate of tax. That would be evidence. A competitive landscape of other international financial centres and what their tax proposals would be, together with businesses, and I have to say that businesses are pretty forthcoming in the way that they can balance their own interest in the balance of the national Island interest of Jersey. I welcome all of the comments that have been made from the business community; I want them to keep coming, keep giving me information that we can base good decisions.

3.17.3 The Deputy of St. Mary:

On page 3 of the consultation document into private taxation there is a table which shows that if income tax is raised to the 30 per cent, economic efficiency and competitiveness would suffer a negative result. That appears to suggest that the Minister thinks that people take these location decisions of where to live entirely on the basis of the tax rate and I wonder if the Minister - and can he answer this - has any evidence that people would move and whether there are not other factors which influence people’s decision of where to live and where to work, and has he and his team done any research on the literature to study how and why people take the decisions of where to live and work?

[16:30]

Senator P.F.C. Ozouf:

There are, as the Deputy quite rightly says, other factors in location business - the quality of regulation, the standard of living, the great restaurants, the fantastic place that Jersey is to live. They are all compelling reasons why you would come to Jersey and you would attract business to Jersey. But tax remains an important issue. I know that as a result of that *Financial Times* article, which I will, subject to data protection and making sure that it is all right to send around to Members, I will send it round to Members, I know that many of our competitors drew great glee from the statement that we were going to change our 20 per cent rate of tax. There were phones buzzing in the City of London and elsewhere that effectively were saying that they would be better

locations in the longer term. There is a huge amount of evidence available to this, I hope the Deputy is not as complacent as to think that just because Jersey is a fantastic place we do not need to care about tax rates. It is an important competitive issue and we should be alert to it, but I am listening to the consultation to see how far we can push tax rates to achieve the legitimate aim of many Members to have a progressive tax system.

3.17.4 Deputy G.P. Southern:

Is the Minister aware that one of his options in his Green Paper on taxation - the lifting of the ceiling on social security contributions - effectively kicks-in around £43,000 and, therefore, impacts upon those middle earners who are already hit by 20 means 20. Will he consider, given that he could raise £45,000 from lifting the ceiling altogether, to removing the double hit by removing 20 means 20 from this particular sector of our earners?

Senator P.F.C. Ozouf:

Deputy Southern confuses me because I just do not know who he thinks we can tax. I am afraid that this Assembly has to understand that if you want to raise £20 or £30 million of revenue then you have to target the majority of the income. If Members want to propose - and I will give them a working model because it is useful for decision making - if they want to lift, as was said earlier in question time, it is all right if the income tax raises £150,000 or £200,000 for a married couple, then the amount of revenue raised is going to be far less. There are no easy answers here. We have to understand that it is not other people that pay tax, it is all of us and it is going to be affecting little Jersey and no, we have had a debate about 20 means 20. I think 20 per cent rate of tax is a fair amount of tax to pay and that is why we have withdrawn the allowances, 20 should mean 20 over and above a certain limit.

3.17.5 Senator S.C. Ferguson:

I have referred earlier to the fact that there are only 12,000 - 18 per cent - of the total, paying tax at the 20 per cent rate. Will the Minister issue some more basic information on that so that Members can understand that something like 37,000 people who are paying income tax pay in the marginal rate, 12,000 pay in the 20 per cent rate and the balance of the 66,000 pay no tax at all because of our high low exemptions. Will the Minister issue a summary of these figures to Members so they can understand the parameters within which we are working?

Senator P.F.C. Ozouf:

I will try.

3.17.6 Deputy M. Tadier:

I am astounded, it is the Minister himself who has included this 20 per cent tax increase proposal in his Green Paper and he tries to turn it round on us as if we are the ones to blame. He has clearly just stated that the one thing he sees as being sacrosanct is the 20 per cent tax rate. So the question is, why was it included in the consultation paper and why were other elements which are not sacrosanct, such as the absence of capital gains tax and inheritance tax specifically, are not included in the tax proposal given that they are not sacrosanct?

Senator P.F.C. Ozouf:

Obviously things have changed and the reality of dealing with a deficit means that we are having to look at, and this Assembly is going to have look at, the whole range of taxes. I would have thought that the Deputy and supporters of higher rates of tax would have said it is a good thing to hear what the views of the public and business in competitiveness issues are and putting in the consultation. I thought the Deputy would criticise me if we would not have included in it. My views are known, they are on record, but I have to be completely open to hear the views of the Island community, which is something that many Members want to hear the evidence for. Capital gains tax: I am afraid it is the same thing as just proposing a higher rate of tax on incomes over £200,000. It raises

very little revenue for a huge administrative cost. It undermines the financial services industry and Deputy Tadier, if he wants to come in and have some tutorials on the reality of taxation and what we could realistically raise, then he can come and spend some time in the Treasury in the summer.

3.18 The Deputy of St. Martin of the Minister for Home Affairs regarding the establishment of on Independent Custody Visitor Scheme for Jersey:

Will the Minister give an update on the establishment of the independent custody businesses scheme for Jersey?

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

I am grateful to the Deputy of St. Martin for such a friendly question. **[Laughter]** I will of course, as I do on such occasions, give him credit for the fact that this was his idea and he has given a great deal of help to the Home Affairs Department on this. I am pleased to be able to inform this Assembly that we are nearly there, that we have now trained 7 volunteers, they have been provided with information, and a chairperson has been appointed. They will shortly be attending a familiarisation visit at police headquarters and then will be issued with identity cards and then will be able to commence unannounced visits. So we are very nearly there.

3.18.1 The Deputy of St. Martin:

I am delighted to hear this; could I just ask the Minister what has been the delay? Because I know we were hoping to get this off the ground in February, then it went to March, but we are now into July and probably will be September before we get going?

Senator B.I. Le Marquand:

Although I hesitate to admit this there was some delay caused by the need for the necessary police checks and there was also issues of logistics associated with bringing the trainer over from the U.K. at a time when we could have 7 out of the 8 people. There was also time taken to organise I.D. (identification) cards. Those have been the 3 major causes of delay.

3.18.2 Deputy M. Tadier:

In a similar vein, given that the independent custody visitor scheme does allow those on it to visit as and when they want to and have free access, will the Minister consider giving the same access to the Jurats who are currently on the Board of Visitors for the prison so that they can go when they want to?

The Deputy Bailiff:

That relates very loosely to the subject matter of the question.

Senator B.I. Le Marquand:

This is pretty loose, but I am able to inform Deputy Tadier that Jurats are indeed able to go when they want to, it is just that they tend to prefer to go when they can be accompanied by an officer. But they can turn up at any time without giving notice.

3.18.3 Deputy M. Tadier:

Indeed, I think the question probably should have been phrased in the sense that the review that we carried out showed that the Jurats never make unannounced visits and that they are not minded to otherwise, and would the Minister perhaps advise the Board of Visitors that they should, or reiterate to them, that they do have the opportunity to visit and that they can do so if they want to?

Senator B.I. Le Marquand:

If my memory serves me correctly, in their last annual report they indicated that they do sometimes do this now. I am going entirely from memory, of course.

3.19 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the potential impact of the 30 per cent rate on incomes over £100,000 applied applied to individuals or households:

Given that on 6th July 2010 his Assistant Minister was unable to clarify whether the 30 per cent rate on incomes over £100,000 proposed in his Green Paper applied to individuals or to households, and how it might apply to married or cohabiting couples, will the Minister do so now and state by how much revenue would be decreased if the higher rate applied to individual incomes?

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

The 30 per cent rate in the Green Paper is an option for consultation and obviously not a detailed proposal. For the purposes of the paper it was assumed that the rate would apply to individuals and married couples under the existing provisions of the Income Tax Law. If, once we have listened to the consultation responses, the option merits further consideration, it would be appropriate to look more closely at the complex issues of how marriage and cohabiting couples are treated and how best to apply any 30 per cent rate. It has not been possible to estimate in the 3 days since having notice of this question the impact on the revenue if married couples could be assessed on an independent basis. I should also state assessment is something that also we are looking at generally as a long term ambition of the income tax system generally.

3.19.1 Deputy G.P. Southern:

Does the Minister not recognise that there is a world of difference between taxing individual incomes of over £100,000 and taxing married couples where quite easily middle earners could reach that target and be subject to the 30 per cent rule? Does this confusion, this lack of clarity in the consultation paper, not skew his results completely?

Senator P.F.C. Ozouf:

I am quite surprised. I have had very positive feedback from the consultation, being that it was very clear and people understood it. Obviously there is the detailed paper beneath it which is available for any member of the general public on the internet. What is clear is that - and I am not going to cast any particular pointers at anybody - married couples know they have one assessment. It is not difficult to know that if you bring in a high rate for over £100,000 then that will be applied for a married couple and it will apply for individuals. We have 2 separate systems in Jersey, married couples and individuals. I personally think that we should be going for individual assessments and that is something that I am looking at, as I have said.

3.19.2 Deputy G.P. Southern:

The question was about the consultation process and this lack of clarity demonstrated by his own Assistant Minister only a fortnight ago is reflected in the consultation paper. There is a world of difference. Does he not accept the consultation is somewhat damaged?

Senator P.F.C. Ozouf:

I do not think the consultation is damaged at all. I am not aware that this issue has not been understood by the public meetings that I have had, and I have got another public meeting tomorrow lunchtime. It has been very clear in the presentations I have made and it has been very clear from the questions that have been posed in the feedback that I have received. I think it is very clear that if we have done something positive by raising it in question time, and the media will report it further to clarify, then that is a good thing.

4. Questions to Ministers Without Notice - The Minister for Home Affairs

The Deputy Bailiff:

Very well, that brings an end to the time allocated to oral questions with notice. We now come to Questions to Ministers Without Notice and the first question period is for the Minister of Home Affairs. I have no option but to see Senator Ferguson who has the privilege of the first question.

4.1 Senator S.C. Ferguson:

In view of the criticism of the former Deputy Chief Officer of the States of Jersey Police in relation to expenses in the recent Wiltshire Police Report, and of the BDO report, at a time when he was responsible for the professional standards unit, will the Minister be reviewing the cases where the D.C.O. (Deputy Chief Officer) was making judgments on officers and compelling to leave the police service? Will he also be reviewing the complaints file for that period?

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

The question makes a valid point in relation to the behaviour of the former Deputy Chief Officer of Police. I think I have the name in this case, Mr. Harper, in relation to totally unacceptable expenditure on accommodation and meals for himself and colleagues. It is deeply unfortunate and ironical that a person who was apparently on a mission to root out corruption in the States of Jersey police should have behaved in this way. However, there is no intention to reopen previous disciplinary matters in relation to which the former Deputy Chief Officer played a role, bearing in mind that the Deputy Chief Officer is normally responsible for suspensions only and not for full hearings. The Senator added an extra question to what was written down. I am afraid I cannot now recall what it was, I would be grateful if she could repeat that.

4.1.1 Senator S.C. Ferguson:

Will the Minister also review the complaints dealt with over that period where it happened that a complaint was made about the Deputy Chief Officer? It was reviewed by the Professional Standards Unit and the letter to the complainant saying that there was no case to answer was also signed off by the Deputy Chief Officer about whom the complaint had been made.

Senator B.I. Le Marquand:

I have to say, the latter does sound a little strange that someone would sign off something in relation to a complaint about themselves. No, it is not my intention to review matters. Frankly, I am well aware that there were outstanding complaints against the former Deputy Chief Officer of the States of Jersey Police which were never investigated or proceeded with simply because he had ceased to hold that office.

[16:45]

4.2 Deputy K.C. Lewis of St. Saviour:

Now that the investigation into Operation Blast is complete, what does the Minister intend to do with the Operation Blast files kept on States Members? As far as I am concerned, the Minister can publish mine but will these files be viewed by States Members? Will they be kept locked away in a safe or will they be destroyed?

Senator B.I. Le Marquand:

I have never viewed these files and, indeed, made every effort to ensure that I did not do so until such time as I would have had to have done so as part of a disciplinary hearing. The situation is that the operation of the files was closed down by the Acting Chief Officer as soon as he became aware of them. I understand that, fairly recently, there has been a notice served upon the States of Jersey Police by the Data Protection Officer in relation to those files requiring their destruction but there is a problem with that happening immediately because there still remain outstanding certain disciplinary matters and, of course, the issue is still outstanding as to whether anybody might eventually face criminal charges in relation to this matter. But I can assure Members that these are

being kept most securely and purely for those purposes and that the files will be destroyed once they can be. There may, of course, be some individual elements of information contained in the files which can properly be kept, the information that is, in some more appropriate format.

4.3 Deputy A.E. Jeune:

While I believe that any right-minded person abhors abuse of any kind to anyone, especially children and others who are vulnerable, and we would seek to bring to justice any perpetrators and ensure that the care and treatment of victims and perpetrators is provided, would the Minister agree that while there have been very regrettably cases of abuse in Jersey, there are those for whom Haut de la Garenne gave them safety and security when they needed it most and they have predominantly happy memories of their childhood at Haut de la Garenne and of those house parents who cared for them and the environment which they were fortunate to have enjoyed.

The Deputy Bailiff:

I am not sure, Deputy, this is a matter within the responsibility of the Minister for Home Affairs.

Deputy A.E. Jeune:

But would he not agree that there have been, despite all the appalling media coverage and everything else, for those good memories of the place that I believe the media and others have tried to bring down Jersey and it is not all like that.

The Deputy Bailiff:

Minister, to the extent you are able to answer that, if you wish.

Senator B.I. Le Marquand:

I fully concur with the opening remarks of Deputy Jeune. The people who have been hurt most in relation to the whole issue are victims of sexual crimes, particularly children who have been victims. I absolutely personally abhor such offences and I am determined that people will be brought to justice, if that is possible. In relation to the issue of the adverse publicity, I believe it is correct also that some of the adverse publicity was effectively directed almost at the building and I am aware that there are those people for whom the experience of living at Haut de la Garenne was not an unhappy one, bearing in mind their family circumstances, and it is unfortunate that I am also aware that some of those feel that that which was a home and a happy home for them has been denigrated as part of the process.

Deputy M. Tadier:

Can I raise a point of order, please? I think notwithstanding “tuts” from the back row of the senior Members, Standing Order 10 talks about the contents of a question and I know that 6(b) precludes an expression of opinion and also later on, it precludes any question which seeks an expression of an opinion. Also Part 3 says that a question should not be framed primarily to convey information so was that question in order, Sir?

The Deputy Bailiff:

As I indicated to the Deputy while she was asking it and to the Minister, I thought that there was a limit to the extent to which the Minister could properly respond to it. I have to say that it seems to me that very often questions are used for the purposes of passing on information and not for requesting it and very often expressions of opinion are to be found, but that is not to justify a breach of Standing Orders more generally, but I did allow some latitude to this particular question. I agree with you that if I have to rule on a point of order, I would have thought the question was probably out of order but the Minister has answered it to the best of his ability.

4.4 Deputy T.M. Pitman:

The Wiltshire investigators highlight the significant concern about the attempts to interview the States C.E.O. and how they were effectively “scuppered”, if I can use that word, by the Attorney General declaring that he must be treated instead as a witness. The investigators promised to explain their concerns later in the report yet, very oddly, all such comments have been redacted by the Minister. Will he enlighten us as to what those concerns were or are?

Senator B.I. Le Marquand:

Yes, those are contained in Section 4.7 and 4.14 of the report and if the Chair will allow me time, I will read out that paragraph: “The allegation that both Chief Minister, Frank Walker, and Chief Executive, Bill Ogley, had been involved with the decision-making around establishing Operation Blast was given careful consideration. This inquiry sought independent legal advice on the most appropriate way to interview Mr. Ogley as a serving civil servant. Upon that advice, the decision was taken to interview Bill Ogley under the relevant Disciplinary Code in order to ensure that he was afforded his rights and entitlements. However, the Jersey Attorney General, Timothy Le Cocq, Q.C., apparently overruled this decision and stated that Bill Ogley should be treated as a witness unless he provided self-incrimination in giving his account. Given the circumstances, the Senior Investigating Officer, Chief Constable Moore, wrote to the Attorney General to express concern about this intervention and the impression of interference that was created. Mr. Le Cocq has denied any interference and stated that he was unaware of the existence of independent legal advice to this investigation and queried the remit of Operation Haven 2, which is the Blast investigation, to investigate Mr. Ogley in any event. The Senior Investigating Officer prepared a separate confidential report outlining his concerns about the fairness of Jersey’s discipline process and which he may choose to rely on in the future.” I would merely comment that there is clearly a difference of opinion here between the Chief Officer of Wiltshire and the Attorney General but the effect of the involvement of the Attorney General would not have benefited the Chief Executive in any way whatsoever because the effect of him not being treated, as it were, as a suspect at that stage would have deprived him of the protection which he otherwise would have had by virtue of being a suspect. A witness does not get that protection so there was no benefit whatsoever in any way to ...

[Interruption]

The Deputy Bailiff:

The Chief Executive.

Senator B.I. Le Marquand:

To the Chief Executive.

The Deputy Bailiff:

Hansard will so reflect.

4.5 Deputy J.M. Maçon:

In a recent answer to me on 9th March 2010, question 5,168, the Minister gave the undertaking that the Disciplinary Code for the Chief Police Officer would be revised before appointing the new Chief of Police as the code is inadequate. Can the Minister confirm that this has occurred as the appointment was down for this sitting and will the Minister circulate the new code to all Members?

Senator B.I. Le Marquand:

I have to slightly disagree with the Chief Minister in relation to this because under the terms of the Police Force (Jersey) Law 1974, the terms and conditions of the appointment of a Chief Officer of Police are a matter for the States Employment Board. That is also the case in relation to a Deputy Chief Officer of Police. Clearly, it is desirable before any appointment is finalised that the work is done to look at the terms and conditions, in particular, to look at the issue of the Disciplinary Code. A problem still exists, of course, inasmuch that partly matters are governed by law and the law gives a certain role to the Minister for Home Affairs which frankly is probably not desirable in this

context. Therefore, in terms of any earlier appointments because of the impossibility of changing the law in time there will still be certain constraints.

4.6 The Deputy of St. Mary:

I want to ask about the Met. review which Wiltshire say was there to provide advice, guidance and learning for the Senior Investigating Officer in the Operation Rectangle team. They say that public disclosure of the report is resisted and it usually attracts public interest immunity because staff have to be encouraged - have to be able - to speak freely to such a review. Accordingly, they, Wiltshire say, would not be disclosable for the purposes of a discipline hearing as to do so would undermine the public interest by inhibiting candour between interviewers and interviewees in the review process. So my question to the Minister is has the Minister received any communications from the Met. about the use of their review, either in whole or as an interim report, and, if so, what was that communication from the Met., please?

Senator B.I. Le Marquand:

I did not receive direct communication from them but I was led to understand that they were not happy at the prospect of their reports being used as part of a disciplinary process and, indeed, I respected that and the Members of this Assembly may recall that for the purposes of the suspension hearings, I deleted all references to the Met. reports from my consideration. I am grateful to the Deputy of St. Mary for the question because, in fact, he has explained, I think, to this Assembly the key reason why I have been somewhat reluctant to reveal publicly the contents of the Met. Report. It is very helpfully dealt with in the Wiltshire Report and explained very clearly.

4.6.1 The Deputy of St. Mary:

Does the Minister not agree that the use therefore of an interim report based on that review was wholly ... as part of the suspension process sending it to the D.C.O. and it was then subsequently used in the suspension process - does the Minister not agree that that really was wholly inappropriate as it was a review to encourage learning not a review for discipline?

Senator B.I. Le Marquand:

It was not used by me in relation to the disciplinary process and certainly not in relation to the suspension process. It was referred to in the letter written by the then Deputy Chief Officer of Police - now Acting Chief Officer of Police - to confirm some of the details in relation to his concerns. I am unable to judge whether that is proper or not.

4.7 The Deputy of St. Martin:

Will the Minister agree with me there is a certain pot calling the kettle black - or irony - in the way in which the Wiltshire Police have carried out their investigation. They were there to look at investigation of the mismanagement of funds and also the mismanagement by the States of Jersey Police and yet here we have a bill for nearly £1 million by the Wiltshire Police. A quarter of the sum is spent on accommodation and travel and, indeed, again I am poaching from the Minister's own answer here, the meals and entertainment expenses. Does the Minister not really consider it to be ironic in the way that all this money has been spent and, in fact, that had not been accounted for until the States gave the consent only 2 weeks ago to give £260,000-odd for Operation Blast. The question is will the Minister now have an investigation into the mismanagement [Aside] [Laughter] of the Wiltshire investigation.

The Deputy Bailiff:

Minister, will you have an investigation?

Senator B.I. Le Marquand:

That is not my intention in the absence of evidence that anything improper has happened. I would have thought that the Deputy of St. Martin was the last one to want more money to be spent on further investigations. [Aside]

5. Questions to Ministers Without Notice - The Chief Minister

5.1 Deputy P.V.F. Le Claire:

Many Members, as I have, received a letter from an airline captain today outlining the issue of the United Kingdom's Treasury Office trying to introduce rules for their company for them to pay tax. Would the Chief Minister comment upon this issue and outline what steps he intends to take in communicating with the United Kingdom authorities that Jersey residents should be paying Jersey residents' tax, not the United Kingdom's tax.

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

I too have been aware of that correspondence and at the same time, of course, we have a limited double taxation arrangement with the United Kingdom as the Minister for Treasury and Resources alluded to earlier this afternoon. I will continue to take steps to see what can be done to improve on that detail in the future but I would point out that any resident of Jersey and any resident of the U.K. is obliged to comply with the laws of that country. If it turns out that the pilot in question is employed by a U.K. company based in the U.K., then clearly there are repercussions for that which may have an impact on the impact of a double taxation agreement.

[17:00]

5.2 Deputy G.P. Southern:

Following his assertion on 6th July that there had already been significant consultation with employee representatives over proposed redundancies and service cuts contained in the comprehensive spending review, will the Chief Minister agree to produce for Members a list of such meetings with dates and the representatives so consulted?

Senator T.A. Le Sueur:

If it was going to be helpful to Members, certainly I can produce a list of those dates and meetings. What is important is that they do exist and they are ongoing and I think if I am going to have to detail every meeting that we hold with every employee group and who was there, it is going to be time-consuming and not the best use of States resources.

5.2.1 Deputy G.P. Southern:

Is the Chief Minister saying there were no notes made at such consultation or is he referring merely to briefings when the cuts were announced?

Senator T.A. Le Sueur:

No, I am talking about both briefing meetings and more substantive meetings but I thought the Deputy was asking for those who were present.

5.3 The Deputy of St. John:

Given that the Minister is in charge of the States Employment Board, will the Minister undertake to increase the number of apprentices across the board within all departments? Given that T.T.S. (Transport and Technical Services) only employs some 7 apprentices with a workforce of somewhere in the region of 500, will he take it upon himself to boost in all areas the number of apprenticeship schemes that can be put in place?

Senator T.A. Le Sueur:

Quite recently, the States have set up a Skills Executive aimed at raising the skill levels of people in the Island in a variety of ways, including apprenticeships. If as a result of that there is a need for a greater number of apprenticeships within the public sector, then certainly the States Employment Board will make a contribution in that respect. But there is no point in just creating apprenticeships for the sake of doing so. They have to be meaningful and there has to be an end result. To do that in isolation is wrong but to do it as part of a Skills Programme is certainly something we will look at.

5.3.1 The Deputy of St. John:

Following up on that, given that the States employ some 7,000-odd employees of which, shall we say, 50 per cent or thereabouts are manual workers, to have such a small number of apprentices in one large department is of concern to me. If this is repeated across all areas where manual workers are involved ... I think the Minister gave the Members a rather shoddy reply because apprenticeships are very important for the well-being of this Island in the future. Will the Minister agree we do not wish to be employing people from off-Island when people could be trained to do the work from on-Island?

Senator T.A. Le Sueur:

I fully agree with the Deputy that we should endeavour to maintain and maximise the skill level of all our local residents. Apprenticeships will be one way of doing that but only one way. There are a variety of other ways and that is why I think it is important that the Deputy focuses on the Skills Executive rather than one particular tool.

5.4 Deputy J.M. Maçon:

With regard to the Chief Minister's role in the States Employment Board, does he acknowledge that the Disciplinary Code for the Chief of Police was woefully inadequate and will he give the support to the Minister for Home Affairs in bringing a revised Code to this Assembly before the appointment of a new Chief Officer of Police?

Senator T.A. Le Sueur:

I am aware of the views that the Minister for Home Affairs has about the Disciplinary Code and I have to say I share some of those views myself. I am happy to work with the Minister for Home Affairs, should he require that, with the States Employment Board in order to improve on that prior to the appointment of a Chief Executive but as the Minister for Home Affairs referred to in his own questions a short time ago, that also requires a possible review of the Police Force (Jersey) Law.

5.5 The Deputy of St. Mary:

About the Comprehensive Spending Review: we heard earlier the Minister for Home Affairs say how unhappy he was about the proposal for straight percentage cuts across all departments and the question was basically shoved into the Chief Minister's lap, so I am going to ask why, as of what led to the 2 per cent, 3 per cent and 5 per cent cuts proposal for the next 3 years and how that was arrived at and how that has metamorphosed into we hear £20 million, £30 million and £40 million across the next 3 years. Can the Chief Minister shed light on this process of evolution?

Senator T.A. Le Sueur:

Yes, I can, and I think, in fact, that the Deputy himself was party to one of the very early meetings we held in the Town Hall at which we discussed the future need for spending cuts and balancing budgets and, in fact, it was working the other way round. We ascertained that over the next 3 years, we needed, as a government, to find savings of £50 million per year and with how that could be achieved. Now, £50 million a year in round terms is about 10 per cent of our discretionary spends and we agreed that mathematically you could split that across each department, 3 per cent or 3.333 per cent each year for 3 years purely unilaterally. That process has been refined to a suggestion of 2 per cent, 3 per cent and 5 per cent roughly over those 3 years or numerical targets

of £12 million, £25 million and £50 million. How that is arrived at and allocated between departments is a matter for ongoing discussion with the Ministers but, in the initial stages, each department has been asked to find cuts of those proportions.

5.5.1 The Deputy of St. Mary:

If I may ask a supplementary. The Chief Minister said that there was an ascertained need for savings of £50 million. It is still not clear how the split between cuts and tax increases was arrived at within the Council of Ministers. I would like him to point us Members to the record of those discussions within the C.O.M. (Council of Ministers) and the briefings and reports which accompanied them and, furthermore, as it evolved into actual money amounts and not 2 per cent, 3 per cent, 5 per cent, how that change occurred because we are completely in the dark as to how this process evolves.

Senator T.A. Le Sueur:

I am going to be pressed to give concise answers to questions of this magnitude but, by and large, there was discussion not only of Council of Ministers but in consultation with States Members because I have endeavoured throughout this process to engage States Members in the consultation of the broader picture. The broader picture is that there is a total deficit been forecast of up to £100 million by 2013. That can be resolved, as the Deputy said, by taxation or by reductions in spending or a combination of both and it is that balance between the need to reduce spending or increase taxes which is for all Members to consider. The Council of Ministers' view is that we should not be looking at tax increases before making sure that we have explored fully every avenue of cutting spending and reducing costs, probably £50 million over that 3-year period.

5.6 Deputy M. Tadier:

I wanted to ask the Chief Minister whether a civil servant who was a suspect in an ongoing inquiry would be automatically suspended and if it depends on the nature of the reason for which he has been suspended. Could he elucidate what factors would be taken into consideration as to any possible suspension?

Senator T.A. Le Sueur:

Sorry, I do not quite understand the question.

The Deputy Bailiff:

What factors would you take into consideration in deciding whether or not to suspend a senior civil servant? Was that ...

Deputy M. Tadier:

A civil servant who was a suspect in an ongoing investigation.

Senator T.A. Le Sueur:

I am not sure if the Deputy means an ongoing criminal investigation. If there is an ongoing criminal investigation, that would normally be a matter for suspension if that activity was likely to be prejudicial to the activities of the department or the ongoing arrangements. I do not think it is realistic to give a *carte blanche* ruling for every particular reason for suspension. Suspensions are done when they are necessary in order to protect the person or the people with whom he or she might be coming into contact to avoid such activities as a recurrence of that event. I think it has to be a matter of what the support is and any particular facts for the particular circumstances.

5.7 Deputy C.H. Egré of St. Peter:

Regretfully, on a couple of occasions, I have asked the Chief Minister's office for information on the background to some of the emergency planning exercises. Sadly, I was given an assurance, I

think, at the last question time that this would be dealt with. It has not, I have had no communication. Could we just chase this up, please?

Senator T.A. Le Sueur:

I can only apologise to the Deputy. After the last meeting, I emailed either that day or the following day to ask for that information to be provided to the Deputy and I am disappointed that it has not happened.

The Deputy Bailiff:

If there are no other questions for the Chief Minister, then ... Deputy Tadier.

5.8 Deputy M. Tadier:

I will chance one thing as an opportunity. Seeing as the report that we have received into Operation Blast does suggest that, in all probability, the former Chief Minister and the current Chief Executive Officer did... or were aware of the possible illegal files being held on States Members, will the Chief Minister be considering suspension of the Chief Executive Officer for the States on that basis?

Senator T.A. Le Sueur:

I am not sure how the Deputy interprets the report in that light. The report is quite clear to me that the Chief Minister and the Chief Executive were, on the balance of probabilities, not aware of the existence of those files.

5.9 Senator B.E. Shenton:

I notice no one else wanted to ask a question. I notice the Chief Minister is wearing sandals today. Does he consider himself to be a fashion trend setter? **[Laughter]**

Senator T.A. Le Sueur:

No. **[Laughter]**

The Deputy Bailiff:

I think that is a suitable moment to bring question time for Questions Without Notice to the Chief Minister to an end. Before we go any further, can I announce to Members there have been numbers of propositions lodged which are not on the Consolidated Order Paper: P.102, Le Clos Gosset: upgrade of heating system - petition lodged by Deputy Maçon; P.103, the North of Town Masterplan, a revised projet lodged by the Minister for Planning and Environment; P.104, Sustainable Transport Policy lodged by the Minister for Transport and Technical Services; and comments from P.90, Central Markets Sub-Post Office Facility: social and economic study of closure lodged by the Minister for Treasury and Resources.

Deputy P.V.F. Le Claire:

May I make a brief remark or point on a point of procedure. Quite unusually, we have seen the lodging of the North of Town Masterplan in its third form, I believe, this afternoon. It does negate a lot of the amendments that have been lodged for some time and I am wondering what status they have. I am grateful to the Minister for having taken on board the majority of mine into the new plan but I am just wondering from a procedural perspective what we have to do in relation to the others.

The Deputy Bailiff:

I understand from the Greffier the earlier proposition has been withdrawn and so the amendments fall with it. We now come to Item J. There are no personal statements.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Deputy Bailiff:

We now come to Item K, Statements on a Matter of Official Responsibility and there is a statement to be made by the Minister for Home Affairs.

6. Statement by the Minister for Home Affairs regarding the Acting Chief Officer of the States of Jersey Police

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

I believe that Members of this Assembly now have in front of them my statement but also a statement from the Acting Chief Officer of the States of Jersey Police. Of course, I merely deal with my statement. I rise to inform the States that the Acting Chief Officer of Police, David Warcup, has informed me that he is no longer willing to be considered for the post of Chief Officer States of Jersey Police and that as a result, he will be leaving the force on 31st December 2010. It is with great regret that I have accepted his decision. I have asked the Greffier to circulate a copy of his statement which is now on Members' desks. Members will note that I lodged a proposition in March of this year in which I asked the States to agree to his appointment. Mr. Warcup was originally appointed under Appointments Commission oversight. At that time, he was assessed against the requirements of the Chief Officer of Police post. He was therefore appointed with the express commitment that he would become the Chief Officer subject to a further assessment at that time and subject to the agreement of the States. I confirm that Mr. Warcup has demonstrated his ability and suitability during his time as Acting Chief Officer and this has been validated by the panel chaired by the Appointments Commission. I am therefore extremely disappointed that the delay and subsequent politicisation of the process has resulted in his decision to leave the States of Jersey Police. As Minister for Home Affairs I have worked with Mr. Warcup for the past 19 months.

[17:15]

I have found him to be a man of integrity with a deep understanding of policing in all of its aspects. He has demonstrated his ability to manage and motivate police officers in order to improve performance and increase the professionalism of the force. What has most impressed has been his selfless commitment, regardless of his personal consequences, to expose the failings that have been identified by the Metropolitan Police and Wiltshire in order that justice could be served. I would also like to recognise that Mr. Warcup has shown his empathy for policing in a small island community and under his leadership, with my full support, the police force is starting to demonstrate a real recognition that effective policing is not done to a community, but only with the support of the community. I am extremely saddened that events over recent months have resulted in the loss of an extremely able and committed officer who, I believe, would have led the States of Jersey Police to become a more effective police force. While I am saddened by the loss of Mr. Warcup, we have secured his services until 31st December 2010, in order to manage as smooth a transition as possible to a new Chief Police Officer. Under the Appointments Commission oversight, I will be starting the appointment process immediately and I hope to have secured the appointment, subject of course to States approval, of a suitably experienced and qualified officer by the end of September. This should allow the new Chief of Police to be in post at, or very soon after, Mr. Warcup's departure. I think that we, as the States elected representatives, must seriously reflect on our roles in the events of recent months and how we will avoid any similar repetition in the future. I hope that Members of the Assembly will join with me in thanking Mr. Warcup for his selfless and unstinting commitment to service **[Approbation]** - I am very grateful to Members, on behalf of Mr. Warcup - to serving the community of Jersey and that we will all wish him well for the future.

The Deputy Bailiff:

You are not proposing to read the statement of Mr. Warcup, Minister, are you?

Senator B.I. Le Marquand:

No indeed, Sir, that is purely for information. That is his statement.

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

As a retired Member of the States of Jersey Police, I think it is proper that I should be allowed to speak. It is proper also to say that the police service, all the way through the years, goes through periods of ups and downs and we have been through a very down period for an awful long time.

The Deputy Bailiff:

Just questions to the Minister, Deputy.

Deputy J.B. Fox:

Yes, Sir. But if you would allow me to just say one word. I would like, if the Minister would agree, to send our thanks to this current Acting Police Chief Officer, who has brought back some dignity to the States of Jersey Police and ask that if he would kindly do that on behalf of myself and my previous colleagues who have spoken to me over the period of time.

Senator B.I. Le Marquand:

Although there are Members who will dissent from that, I take it that there is the overwhelming majority in favour of my carrying the best wishes to Mr. Warcup, which I will do.

6.1.2 The Deputy of St. John:

I too would like to thank Mr. Warcup for what he has done to date for this Island and keeping a level head when other people have been carrying on in certain ways. Will the Minister be taking a report to P.P.C. (Privileges and Procedures Committee) about the manner in which certain States Members have been acting in relation to Mr. Warcup **[Approbation]** over the next few weeks?

Senator B.I. Le Marquand:

I deeply regret the way in which certain States Members have acted in this matter. I deeply regret the petty insinuations that there have been that Mr. Warcup is a liar, that he has acted in his own self interest, *et cetera*. Those were, in my view, disgraceful assertions. I have sought to deny them as strongly as I can at all times. I am afraid now the consequences of such behaviour have come home to roost. If we are going to continue to have such unwarranted attacks on loyal and honest members of the staff, who work within the States remit, then we are not going to be able to keep good people and the Island will pay the consequences for that. I was most moderate in my initial comments in relation to this. Mr. Warcup, for himself, has made plain in his statement that he had reached a point where he accepted that no matter what he did, there would remain a remnant, there would remain a part this Assembly and a part of this Island who would view him with disfavour for ever and would always seek to trip him up and to find the worst possible view of anything which he did, and that is one of the reasons why he has decided not to stay so that, at least, the next person coming in will, hopefully, have a clear run and will be able to start without this unwarranted black mark against his name. **[Approbation]**

The Deputy of St. John:

The Minister did not answer whether or not he would take this up with P.P.C.

Senator B.I. Le Marquand:

I am afraid the Minister got rather excited in his answer and forgot what the question was. If the ...

The Deputy Bailiff:

Will you take up complaint with the P.P.C. about other Members?

Senator B.I. Le Marquand:

I think that will be difficult for me to do, but if others feel that is appropriate then they could do so. Of course I am also a member of the P.P.C. Committee which makes it very difficult for me.

6.1.3 Senator B.E. Shenton:

I am obviously disappointed with the news but I am a little concerned because I feel that the Minister for Home Affairs should have been stronger in this matter and where he dithered and kept moving back the opposition to appoint Inspector Warcup, he acceded to the requests of minority Members in the Parliament and kept moving back a proposition, giving no certainty to the Inspector. How much blame does the Minister put on himself for dithering and not being stronger in his actions?

Senator B.I. Le Marquand:

Absolutely none. I was faced with this impossible position that in discussions with the Acting Chief Officer, it was clear that he took the view that if there was substantial opposition to his appointment that he would not feel able to take up the appointment, therefore it was impossible for me to go forward. My own view was that if I had forced the issue, although there would have been a majority in favour, there might have been something between 18 and 20 against and, in those circumstances, he would have not taken up the matter. That put me into an extremely difficult position, in which I sought to delay in order to reduce the numbers who would vote against him, although always knowing that there would be those who would, but in the interim period, of course, he arrived at the point at which he had arrived. I do not believe that I am in any way at fault, because whichever route I would have taken would sadly have ended in the same point.

Senator B.E. Shenton:

I put it to the Minister that he misjudged the Assembly and Mr. Warcup would have had far more support than he says in his speech just then.

Senator B.I. Le Marquand:

That I cannot predict. But, certainly, there was strong opposition from Members such as Deputy Trevor Pitman, from the Deputy of St. Martin, from Deputy Wimberley who, amazingly, continued his opposition today in a previous question. My assessment is that, without the information that was being sought by Members, those would have been the sort of numbers and anything of that level, or even lower, would have probably led to the same position.

6.1.4 Deputy T.M. Pitman:

Can I just clarify - as I do not want to be misrepresented - I focused on the process, which is entirely correct.

The Deputy Bailiff:

Deputy Pitman, it is question time. Deputy Jeune.

6.1.5 Deputy A.E. Jeune:

Would the Minister agree that it is likely the States of Jersey are going to find it incredibly difficult to get somebody of such a high calibre again [**Approbation**] and, in that event, as it is very likely we will not have anybody coming back, by December we will not have anybody to take the position, would he be prepared to speak to the current post holder and ask him if he would be prepared to stay on until such time as we can find somebody?

Senator B.I. Le Marquand:

I have, of course, already asked him that very point. Members of this Assembly must understand that because the Acting Chief Officer is currently the Deputy Chief Officer that, effectively, the result of this is that we will now have vacancies in the top 3 ranks of the police, because the third

ranked officer has just left as well. I will take whatever steps are necessary to ensure that we have strong interim leadership of the police force during the interim period.

6.1.6 The Connétable of St. Lawrence:

I, like many other Members, am saddened to hear of this resignation, but certainly not surprised. I recall, as Chairman of the Education and Home Affairs Scrutiny Panel, that a draft proposal for a police authority was given to us, for discussion and consideration, a couple of years ago at least, and we made comments on it and they were returned to the then Minister for Home Affairs. I know that this Minister for Home Affairs supports the introduction of a police authority and I am sure, had one been in place, much of what has happened, the impact would have been lessened by the authority being there. My question to the Minister, then, is how soon will he be in a position to bring forward proposals to the House for the setting up of a police authority?

Senator B.I. Le Marquand:

It is my intention - and I am being assisted here by a working party which is advising me and I have indicated to this House - to bring a proposition, in principle, before the end of this year. We have made considerable progress, very rapidly initially, but there is now some additional work that needs to be done on the very tricky area of the balance between operational freedom, on the one hand, and proper oversight, on the other. I am hopeful that once a police authority is in place, that the current very high level of politicisation of police related matters may recede. I am not entirely hopeful, because some Members seem to want to continue to raise such issues in this Assembly and elsewhere and I suspect that that will continue, to a degree, but the existence of a police authority which is non political - it may have States Members on it but they will have to act responsibly in a non political way - will hopefully act as some sort of buffer for the future.

The Deputy Bailiff:

Thank you. The 10 minutes allowed for questions on a statement of this nature has now expired. Minister, presumably you will be withdrawing P.30 at this stage?

Senator B.I. Le Marquand:

Yes, that is absolutely right. Thank you for reminding me.

The Deputy of St. Martin:

Maybe at this time it may be also that I will withdraw my P.33.

The Deputy Bailiff:

We now come to a statement to be made by the Minister for Treasury and Resources.

7. Statement by the Minister for Treasury and Resources regarding the resignation of Treasurer of the States

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

It is also with regret that I wish to inform Members that, following a period of illness, the Treasurer of the States, Mr. Ian Black, has decided to resign from his position. This decision has been reached by mutual agreement following discussions over recent weeks and is effective from 16th July 2010. Mr. Black held the post of Treasurer for over 11 years. During those years there have been many positive developments in the role of the Treasury. Mr. Black led the development and implementation of the fiscal strategy, implementation of the Strategic Fund and oversaw the growth of the Strategic Reserve, leaving Jersey in a stronger financial position than almost any other country to face challenges of the worldwide recession. Under his leadership the Treasury centralised all financial processing, incorporated Jersey Telecom and Jersey Post, modernised the Public Finances Law, managed the fiscal stimulus programme and introduced G.A.A.P. accounting.

Mr. Black has been instrumental in all of these and many other initiatives. I would like to put on record my thanks for his dedication to his work and his commitment to public service in over 25 years of service to the States of Jersey. **[Approbation]** I am sure he will appreciate that. I am sure that colleagues will wish to join me in wishing Mr. Black a full return to health and good wishes for the future. Under Article 29(5) of the Public Finances Law, it is my responsibility to appoint a person to carry out the functions of the Treasurer while the office is vacant. As Members will be aware, I appointed Mr. Hugh McGarel-Groves to be Interim Treasurer of the States in February 2010 and I confirm that he will continue to be Interim Treasurer pending recruitment of a permanent Treasurer. In recent years, the pressures on the Treasury have increased significantly as ever higher standards of financial management and governance are required. The recent economic pressures and the need to ensure spending is controlled at a sustainable level have created even more demands on the Treasurer and Treasury. Members will be aware that I have made it a requirement that finance is strengthened and our programme is now bearing fruit. This work will continue under the guidance of the Interim Treasurer, but it will be for the permanent post holder to take up this work forwards to its full conclusion. Recruitment will start immediately to find a permanent replacement Treasurer, under the supervision of the Appointments Commission. I envisage that this process will take up to 6 months.

[17:30]

The Deputy Bailiff:

There are 10 minutes for questions. I saw first the Deputy of St. John.

7.1.1 The Deputy of St. John:

I put it to the Minister that Mr. Black, who I have high regard for having known him over all my time in this House, is a fall guy for the failings of others including the Minister and Council of Ministers themselves, for them not having hedged the funds for the Energy from Waste Plant as should have been done, and flagged up by the Minister at each board meeting until it happens. Does the Minister agree?

Senator P.F.C. Ozouf:

No, the Minister does not agree and I have had the benefit almost of being an independent overseer of this issue, having been alerted to the problem on my first day in the Treasury. Lessons clearly have been learned in relation to whole E.f.W. (Energy from Waste). These are well documented, have been reviewed by the Public Accounts Committee. I would say one thing, that I think that it would be a very sad situation if Mr. Black's distinguished career and his enormous contribution to public finances and the Treasury, over many years, would be almost cast in a permanent shadow by the E.f.W. There was an issue that happened, but that is not related to his standing down. I have made my comments clear in the statement and I cannot really comment any more, apart from the statement that I have made.

7.1.2 The Deputy of St. Mary:

It follows on very well from the previous question and it is all in the C. and A.G's report and there will be a question at the end. On 20th May 2008, P.73 and P.72 were lodged by the relevant Ministers about the E.f.W., P.73 being the funding one. Two days before that, on 18th May 2008, the relevant officer in the Treasury wrote to the then Minister for Treasury and Resources, now the Chief Minister, with advice about the amount of the risk and he spelled out how much it would cost to obviate the risk. That information was not included in the propositions and a few days later that officer resigned from working for the States and I would suggest that that matter is connected. My question to the Minister is would he care to comment, in the light of that information, on the role of the Treasurer and how, in fact, I would suggest, and does he agree that the Treasurer's role in this has been basically the fall guy, he has been set up and that is part of the reason why we are having to listen to this statement today?

Senator P.F.C. Ozouf:

The E.f.W. whole issue has been well documented. It has been analysed by the C. and A.G. on a report that I commissioned and asked to do and it has been examined by the P.A.C. (Public Accounts Committee). It is absolutely wrong, and I will not allow this suggestion to stick, that the Treasurer is the fall guy. There was an issue. Internal disciplinary action was taken in the Treasury and that is an internal and confidential matter. It has been dealt with and properly and I think that it is, frankly, a disgraceful state of affairs to suggest that somebody is a fall guy. I have made it clear as to the reasons why, by mutual agreement, the Treasurer has resigned his post and I really, again, repeat that I hope that this is not further opportunity to cast aspersions on individuals and rewrite the history, which has been well documented, in relation to E.f.W. matters.

The Deputy of St. Mary:

Does the Minister ...

The Deputy Bailiff:

Deputy, I am sorry, we have 3 Members yet to ask questions. We have only 6 minutes left.

The Deputy of St. Mary:

He is denying what it says in the C. and A.G.'s report, Sir.

The Deputy Bailiff:

Others must have their chance. Deputy Tadier.

7.1.3 Deputy M. Tadier:

In that case I will not use the word "fall guy", I will use the phrase "sacrificial lamb", but I am in complete agreement with the Deputy of St. John and the Deputy of St. Mary. My question, therefore, would be does the Minister think ... That would be an opinion, so I will not ask that. Will the Minister look at whether there is any link between the internal processes that he has just described, also whether there was any bullying which may have had a causal link to his illness and if he agrees that it is because of this unfair pressure which should have ultimately found a political scapegoat rather than one at civil servant level?

Senator P.F.C. Ozouf:

I am not going to speculate or comment, in a public forum, about an individual's illness. **[Approbation]** It would be entirely inappropriate.

7.1.4 Connétable L. Norman of St. Clement:

I am just a little confused. There seem to be some incompatible statements being made by the Minister and, indeed, in the statement. The statement and the Minister have spoken about the illness of the Treasurer of the States - which I know well about, I have known and respected Mr. Black for a long, long time - and then it talks about that he has decided to resign his position. It seems to me that if it was because of illness, that the Treasurer should have been offered retirement on grounds of ill health. If he was not, why was that not done and, instead, why was he encouraged, therefore, to resign? I say "encouraged" because the decision was reached by mutual agreement.

Senator P.F.C. Ozouf:

Again, I am not going to comment in public about discussions with an individual who seeks to stand down from their position and I cannot make and will not make any comment, as the Connétable will know, about the individual arrangements for somebody stepping down. He has resigned and that has been by mutual agreement. That is the position and I hope that the Connétable will respect the privacy of the individual concerned in order to make his decisions, *et cetera*.

7.1.5 Deputy P.V.F. Le Claire:

Can I change the focus and ask the Minister to agree with me. Over the 10 years that I have been in the States, Mr. Black has given his all to the society that we live in and, as a member of the Public Employees Contributory Retirement Scheme, he and the officers of Treasury contributed to managing our way through a very, very difficult scenario, with the past service liability, which has been agreed, which has not been mentioned in this statement, and will the Minister join with me in making this last question, in this statement, one of focusing and reflecting on the service that Mr. Black has given to this community, throughout his time with the States of Jersey, rather than on one particular issue which has no bearing upon this man's service. **[Approbation]**

Senator P.F.C. Ozouf:

I am very grateful for that, because I could not agree more. Mr. Black, who I have worked with almost every year since I have been a Member of the States over 12 years, I do not believe that Jersey's public finance and the strength, that we often refer to, has happened by accident. I think it happened by dogged persistence by Mr. Black maintaining a very simple but effective rule in terms of advice to subsequent Finance and Economics Committees. His service and his record is there for everybody's analysis and I thank him and thank the Deputy for the comments that he has made for a public servant who went beyond the call of duty and served subsequent committees and this Assembly and the previous Minister and myself in a fantastic way, which made a real difference to Jersey and put us on the economic map of sustainable public finances. I thank Mr. Black again. **[Approbation]**

7.1.6 Deputy M. Tadier:

I really do not know how to ask this question in politically or parliamentary perfect language, so I will simply ask the Minister for Treasury and Resources. Was the Treasurer paid off to keep quiet?

Senator P.F.C. Ozouf:

The standard of questions in this Assembly, which have led to a number of issues of which we have heard of previous things... I think it is a sad state of affairs when an elected Member of this Assembly makes such remarks. My position in relation to the standing down of the Treasurer is clear, due to ill health, and I have nothing further to add and nothing further should be added.

7.1.7 Senator T.J. Le Main:

I was not going to speak but, in view of Mr. Warcup's sudden decision to not take up the post, I would like to ask the Minister for Treasury and Resources, the way this Assembly is going with the types of questions and attacks on public sector servants, it looks to me - would the Minister for Treasury and Resources agree - that we will have great difficulty in recruiting high calibre candidates to come and work in Jersey, the way we are going?

Senator P.F.C. Ozouf:

I am concerned and I do not believe I am the only Minister or Member of this Assembly that is concerned about the development of politics and we are in a very difficult position where people are criticised, the insinuations that are made to very senior people that do not have an opportunity to answer back, not in relation to the Treasurer - there is clearly sympathy for the Treasurer and there is recognition and respect for what he has achieved - but if we are in this position of treating senior civil servants in the way that we have done and become to do so, I think there is a real issue of our ability to attract the right people to serve this Island, and I think that that is something that the Assembly is going to have to reflect upon in its work over the next few months.

The Deputy Bailiff:

The 10 minutes allowed to the Minister for Treasury and Resources without notice has come to an end. The adjournment is proposed. The States will stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:40]