

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 10th OCTOBER 2006

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

## **QUESTIONS**

### **1. Written Questions**

#### **1.1. WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING SOCIAL SECURITY CARDS**

##### **Question**

Would the Minister inform members –

- (a) whether a system is in place in the Social Security Department to keep a record of the number of Social Security cards issued by nationality and, if so, what the statistics by nationality are?
- (b) whether these records can be interpreted to demonstrate the numbers of individuals currently in Jersey in order to ascertain the demographics for immigration analysis and active card use or ownership?
- (c) whether any cross-records are kept with visits to doctors and ITIS payments and, if not, whether it would be possible for such a records system to be implemented in order to assist in identifying who is working where and how many people are paying their Social Security contributions?

##### **Answer**

- (a) The Social Security system collects information for Social Security purposes not for demographic or immigration purposes. Many individuals, whilst having a single Social Security number, will have had issued to them more than one card. The Department has to issue replacements cards and people with two or three jobs need two or three cards which inevitably reduces the value and use of this statistic. However, the Department does register individuals who have found employment in the Island and records the nationality of that individual against a unique social security number. From this information the Department can analyse the nationalities of those individuals who are newly registered and those who have paid contributions.

#### **NEW REGISTRANTS**

	<b><u>2004</u></b>	<b><u>2005</u></b>
British ( <b>includes</b> Jersey)	5053	5190
Polish	1248	1721
Portuguese	457	516
French	313	292
Irish	213	199
German	75	187
Overall Total	<b>8610</b>	<b>8946</b>

**TOTAL NUMBER OF CONTRIBUTIONS FROM SCHEDULE RETURNS  
(This is not individuals, but the number of contributions)**

	A 2004	B 2004	C 2004	D 2004	A 2005	B 2005	C 2005	D 2005	A 2006
Polish	1577	2532	2962	2761	2564	3598	3889	3762	3413
Portuguese	6720	7286	7150	6869	6469	7050	6923	7152	6492
British	37152	37460	38399	36786	36141	37475	38582	37755	36623
Total	52841	54880	56254	53920	52321	55696	56928	56121	53396

- (b) The simple answer is no, for a number of reasons. The information is accurate for Social Security purposes but not for demographic purposes. For example it will include people who have recently left Jersey and not include those who do not have to register with the Social Security Department, such as detached workers and those not liable to pay Social Security contributions. Currently the computer holds about 400,000 individual records of which about a quarter are active. The Department is currently co-operating with the Population Office and the Statistics Unit to develop the information necessary to monitor the labour market and the population from a number of sources.
- (c) There is no link to ITIS payments, doctors visits and where people are working and paying contributions. Not all people visiting the doctor or indeed pay contributions actually pay tax. The Social Security system knows who is paying contributions and where they are working or have worked. The Department does not know who might not be contributing illegally, but evidence suggests that compliance is good across both employed and self-employed sectors and no evidence exists to suggest extensive evasion of contribution payments.

**1.2 WRITTEN QUESTION TO THE CHIEF MINISTER BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR REGARDING THE MIGRATION POLICY**

**Question**

When will the key mechanisms of the new Migration Policy as approved by the States be in place?

**Answer**

A 'Registration Law' will be lodged in the second quarter of 2007 and a 'Migration Law' will be lodged later in the same year. This will provide the legislative framework for the key mechanisms of the new Migration Policies, being the requirement of residents to register; a mechanism to manage and control employment licences, particularly in relation to essential employees and 'non-locals'; and provisions governing access to residential accommodation. Full implementation of these mechanisms is expected in the second quarter of 2008.

**1.3. WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING POLLUTION FROM GREEN WASTE OR AGRICULTURAL WASTE**

**Question**

- (a) Has there been any contamination of reservoirs from leachate caused by green waste or agricultural waste since 1995 and, if so, what has been the remediation of these incidents and what has it cost?
- (b) How many sites, if any, has the Planning and Environment Department monitored and, how many, if any, does it continue to monitor, in relation to leachate contamination in Jersey from



green waste and agricultural waste; how much, if anything, has this management and monitoring cost the Department since 1995 and how many man hours have been involved?

**Answer**

- (a) No incidents of direct pollution of storage reservoirs caused by green waste or agricultural waste have been reported to Environmental Protection at the Planning and Environment Department since 1995. However, since 1995, a total of 73 pollution incidents involving organic leachate or slurry have been reported to, and investigated by, Environmental Protection. In 46 of these incidents, there was indication of run-off of organic leachate into surface streams or groundwater that may subsequently have contaminated storage reservoirs with nutrients and other pollutants. In many cases, the investigations led to enforcement action being taken under the Water Pollution (Jersey) Law 2000 and remedial action, such as moving the waste or improving the storage on site, was undertaken by the landowner or occupier under the 'polluter pays' principle. It is difficult to quantify the monetary or officer time involved as this work is an integral part of the work of Environmental Protection, but each incident involved at least several hours of officer time.
- (b) In addition to the above investigations and monitoring, 2 sites continue to be monitored on a long-term regular basis.

Since the burial of more than 4,000 tonnes of potatoes at Beauport in 1992, 271 leachate samples have been taken on site for analysis. Currently the Beauport leachate is sampled on a monthly basis, each sample takes about 45 minutes to collect, as the work is done as part of a larger sampling round. This equates to about 9 hours each year. Total monitoring and site visit time is estimated to be 400 hours since 1992.

The Crabbé composting site in St Mary continues to be monitored for groundwater contamination caused by the composting process. The monitoring and sampling is carried out on a quarterly basis. Currently, the total time for the Department is 12 man hours each quarter or 48 man hours each year.

It is expected that the monitoring programmes at Beauport and Crabbé will need to be continued for the foreseeable future.

**1.4 WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING ODOUR CONTROL AT LA COLLETTE COMPOSTING SITE**

**Question**

In relation to the La Collette composting site, would the Minister give details regarding the use at present of any odour controls and, in particular, whether any applications and chemicals are used? If so, what are the guidelines for the use of these chemicals and has the Department sought advice on any known health risks associated with these applications?

**Answer**

When it is possible to do so, compost is processed and turned when the wind is blowing off shore. This is done to reduce the effect of compost odours on the neighbours of the La Collette site. Composting is a natural biological process and it is not always possible to wait for the wind to be in an appropriate direction before the compost is turned or processed. When necessary, an odour

countervailant is aerosolised through nozzles which are placed around the perimeter of the processing and reception areas.

The countervailant used is called DI-OX 2000 and is applied in line with the manufacturers' recommendations. The health risks to individuals coming into direct contact with the product have been assessed, as required by the Health & Safety at Work (Jersey) Law, with particular reference to the guidance contained in the UK HSE Approved Code of Practice, the "Control of Substances Hazardous to Health" "This assessment is made by the Department's independent occupational hygienists and takes into account the product data published in the manufacturers' "Material Safety Data Sheet" as well as the likely levels and routes of exposure. The assessment indicates that the product is safe for use in this application.

### **1.5 WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING CONTAMINATION CAUSED BY THE DUMPING OF POTATOES AND GREEN WASTE**

#### **Question**

- (a) In which locations in Jersey has contamination been caused due to the dumping of potatoes and/or green waste since 1995?
- (b) How many of these sites, if any, have required, and continue to require, leachate removal; how has this been done in the past and, if on-going, how is it being done at present?
- (c) Have any private contractors been used for this work and, if so, how much has this cost to date?
- (d) How much longer, if at all, will these sites continue to require treatment and/or leachate removal?
- (e) How many man hours has this work cost to date, what is the current requirement and what is the estimate for the future?
- (f) What long-term plans, if any, exist to address problems in any areas where problems persist?

#### **Answer**

- (a) The Beauport site was contaminated due to the dumping of potato waste. The Crabbé site was contaminated due to the inclusion of treated construction and demolition timber being included in the composting mix.
- (b) The Beauport site has an ongoing regime of leachate collection and removal. The leachate is collected at the Beauport pumping station and is then pumped up to a tight tank in the Beauport car park. When the tight tank is at a predefined level a tanker is sent to collect the contents and transport them to be treated in the Bellozanne sewage treatment works. At the Crabbé site the leachate removal was stopped once the site had been cleared of compost and composted products and the site has since been remediated.
- (c) Private contractors have been used for leachate haulage however we are unable to provide the full financial details at the moment. This is due to the fact that the Beauport issue has been

administered by different Committees and Ministries and further research will be required in order to get the actual figures.

- (d) There is no further anticipated leachate removal required from the Crabbé site and the leachate removal from the Beauport site will continue for the foreseeable future.
- (e) The leachate removal is undertaken by a contractor who charges on a per load removed basis. It is not possible to ascertain how many man hours this work has cost to date. A budget of £20,000 per year is held by TTS for leachate removal purposes however it should be noted that the actual cost will fluctuate on an annual basis due to the variance in annual rainfall.
- (f) Contamination issues will be addressed on an individual case by case basis and will be dealt by the best practicable environmental method.

#### **1.6 WRITTEN QUESTION TO THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING THE COST OF REMOVING LEACHATE FROM GREEN WASTE AND POTATO WASTE**

##### **Question**

As different Committees were responsible in the past for the management of the Island's green waste and composting, is the Minister able to determine from the States' accounting records the total amount that has been spent by the States on removing leachate from green waste/potato waste for each of the years since 1995 to date?

##### **Answer**

Questions such as this require significant resources to produce the requested information. I regret that it has not been possible to produce a full answer in the time available. However, my Department believes it will be able to provide a full response to States Members at the next sitting.

#### **1.7 WRITTEN QUESTION TO THE CHIEF MINISTER BY SENATOR B.E. SHENTON REGARDING THE COST OF NEWSLETTERS**

##### **Question**

Would the Chief Minister inform members how much it costs to produce the 'Changing States' newsletter, and any other newsletters produced by the Chief Minister's Department, including –

- (i) the number of employees involved?
- (ii) total hours required?
- (iii) editorial costs?
- (iv) printing costs? (including the cost of all materials)
- (v) distribution costs?

##### **Answer**

One member of the Communications Unit staff writes Changing States and an external sub-editor works on the layout. The member of staff spends between 8 and 16 hours on each issue, and her time is spent in researching, working with contributors and writing the stories. The external sub editor spends between 10 and 14 hours, taking the required photographs and laying out the newsletter.

The total editorial cost for each issue is between £750 and £900.

The cost of printing each issue is £460 and the cost of distribution is £94.

The total cost of this newsletter is about £1,300 for each issue. It is published ten times a year.

Changing States is the only newsletter produced by the Chief Minister's Department. It is designed to keep the staff in our diverse organisation informed of news and of States policy, so they can fully play their part in delivering services to the public.

## **1.8 WRITTEN QUESTION TO THE MINISTER FOR HOUSING BY SENATOR B.E. SHENTON REGARDING THE COST OF NEWSLETTERS**

### **Question**

Would the Minister disclose how much it costs to produce the 'Community News - The Newsletter from States of Jersey Housing' newsletter, and any other newsletters produced by his Department, including –

- (i) the number of employees involved?
- (ii) total hours required?
- (iii) editorial costs?
- (iv) printing costs? (including the cost of all materials)
- (v) distribution costs?

### **Answer**

- (i) Community News is produced three times a year. It is one of the many duties undertaken by the Tenant Participation Team. The Team, consisting of two staff, was formed within existing resources. No additional manpower has been recruited to produce the newsletter. Articles are provided by tenants and staff, with the long term aim that Community News is produced entirely by Residents Associations.

The Department has experimented with a number of different formats in order to ascertain the most acceptable, both to tenants in terms of layout and the Department, in terms of cost. Community News is well received by residents especially the elderly. It is seen by the Department as an effective means of communicating and is an important part of their engagement strategy.

- (ii) The Tenant Participation Team spend approximately 16 hours producing each issue. This equates to a cost of approximately £345.
- (iii) Editorial costs are kept to a minimum as these are undertaken by senior staff outside of office hours.
- (iv) The Department has negotiated a set price with a firm of printers which includes typesetting, printing, enveloping and delivery. This service to some 4,600 States Tenants costs £2,569.

The Housing Department produces a number of informative newsletters throughout the year targeting particular estates in terms of maintenance or tenancy issues. These are produced 'in-

house' and as numbers are relatively low, are delivered manually by staff of the department, as part of their everyday duties.

**1.9 WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING CLINICAL WASTE DISPOSAL**

**Question**

- (a) Would the Minister inform members what plans, if any, there are in respect of the clinical waste facilities currently located at Bellozanne and, in particular, whether there are plans to move the facility to La Collette or to place a new incinerator there?
- (b) What is the current condition of the clinical waste incinerator and what is its projected useable life at present?
- (c) How much does it cost to operate the incinerator and how much, if anything, is recharged to the Health and Social Services Department for the disposal of waste?
- (d) Does the agricultural industry use the incinerator for the incineration of animal parts and, if so, what charge, if any, is made for this service?

**Answer**

- (a) The clinical waste incinerator will continue operating at the Bellozanne site. There are no plans to relocate the incinerator at La Collette or to build a new clinical waste incinerator at La Collette.
- (b) The clinical waste incinerator is in good condition. The incinerator was commissioned in 1998 with a design life of 25 years. The plant is maintained to a high standard and the incinerator is expected to operate until the year 2023.
- (c) In 2005 the clinical waste incinerator cost £183,084 to operate. The clinical waste incineration charge for 2005 was £0.69 per kilogram. The Health and Social Services Department is by far the biggest customer for the clinical waste incineration service and was charged £ 171,571 in 2005.
- (d) The agricultural industry does not use the clinical waste incinerator facility.

**1.10 WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER REGARDING CLINICAL WASTE DISPOSAL**

**Question**

Would the Minister inform the Assembly what issues, if any, exist for the Health and Social Services Department's in relation to the disposal of clinical waste both now and in the future and would he also give details of the costs of this service to the Department?

**Answer**

Clinical waste is defined as human or animal tissue or other bodily fluids, dressings or swabs. Also disposed of in clinical waste are all rubber gloves, masks, plastic aprons and incontinence wipes and pads.

Clinical waste from all Health and Social Services hospitals, residential nursing homes, day centres and other clinical areas are sealed in clearly labelled yellow bags which are then stored in purpose made yellow bins.

These bins are then collected and delivered by Health and Social Services staff to the purpose built clinical waste incinerator which is sited at Bellozanne and was first commissioned in September 1998.

The present cost of incineration is 69 pence per kilogram (kg).

In 2005 a total of 250,395 kg cost £171,571 to incinerate.

The first 6 months of 2006 saw a total of 106,074 kg cost £69,648 to incinerate.

An energy manager is to be recruited by Property Holdings and it has been agreed that part of the manager's role will be to monitor and reduce clinical waste along with other sources of energy. It is proposed the energy manager will be seconded to Health and Social Services for the first period of his/her employment.

#### **1.11 WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING BARIATRIC (GASTRIC BAND) SURGERY**

##### **Question**

Further to his answers to questions on bariatric (gastric band) surgery given on 26th September 2006, would the Minister inform members –

- (a) what timescale is envisaged for the 'establishment of a partnership arrangement with one such centre' referred to in part (a) of his answer?
- (b) when the Waiting List Project Board, referred to in part b), is expected to have completed and considered its findings?
- (c) what proportion of the possible £400,000 funding that is required to complete the procedure for all those on the waiting list he is seeking to find and agree in the 2007 budget for 'the most extreme cases'?
- (d) how many of the 40 patients can expect to have surgery in the coming year?
- (e) whether funding for the appropriate intermediate treatment clinics for those who remain on the waiting list will be maintained?

## Answer

- (a) In my answer to the Deputy's question on Tuesday 26th September 2006, I made reference to the fact that the Health and Social Services Department is currently considering the best means by which it can enter into a partnership agreement with a tertiary centre in the U.K. to provide for this form of surgery. It is anticipated that for this agreement to be fully negotiated, implemented and evaluated it will take some three to six months from now.
- (b) Members of the Waiting List Project Board will consider the business case for bariatric surgery within the next two weeks. It is anticipated that the Waiting List Project Board will advise my Senior Management Team of its views at the beginning of November of this year. The prioritisation for next year's funding is not yet complete. The Deputy must not be under the illusion that bariatric surgery is the number one priority for my Department. The fundamental challenge for my Department is to prioritise a wide range of competing health and social care developments – all of which have somehow to be reconciled within strict budgetary limitations laid down by the States of Jersey and underpinned by the current Finance Law. My department is currently considering what priority it intends to give to such matters as bariatric surgery, new drugs for cancer treatments, funds for nursing home places to reflect the needs of an ageing population – and a wide range of other such compelling matters.
- (c) Since my answer to the Deputy's question on Tuesday 26th September, my officers have advised me that it may be possible to reduce the cost from approximately £400,000 down to £300,000 if the entire surgical list is provided to the eventual partnering tertiary centre referred to in (a) above. Beyond that, it is not possible for me to determine which cases will be operated on next year. This decision making is complex and is a balance between the appropriacy of the surgery (an issue fully explored in my answer of 26th September), the logistics of transferring the patients by an appropriate means (given the chronic morbidity of the patients), and the clinical priority (vis-à-vis other pressing clinical priorities for the Department). These matters are the responsibility of my officers and the relevant clinicians.
- (d) My response to this question is addressed in (c) above.
- (e) The Deputy is correct in identifying through this question the importance of intermediate forms of intervention which, if successful, mean that patients do not require such radical surgery. There are a range of services provided by the Department which fall into this 'intermediate' category. These include a Weight Management Clinic which is held every Thursday at Overdale Hospital. Also a bariatric clinic is provided approximately every six weeks from the Diabetes Centre in Kensington Place. Beyond that, there is, of course, a range of health promotion activities which focus upon keeping fit and active – the much publicised health promotion vigorous walks around the countryside and coastal areas, and supervised weight training and exercise classes are two cases in point.

## **1.12 WRITTEN QUESTION TO THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE PROTECTION OF PENSION RIGHTS FOR EMPLOYEES OF JERSEY TELECOM**

### Question

Would the Minister –

- (a) detail in clear terms what issues are involved in the protection of pension rights for past, current and future employees of Jersey Telecom should the Company be sold wholly or partly into private ownership?
- (b) inform members what measures he is developing with others to address these issues and what progress he has made to date?

**Answer**

- (a) There are a number of issues that must be and will be fully addressed for each of the scenarios. The principal matters for consideration are legislative, tax, contractual, administrative and funding based.

Past and current employees are, at present, members of a 'ring fenced' pension scheme within the Public Employees Contributory Retirement Scheme (P.E.C.R.S.).

The two principal issues to be addressed relate to legislation (see below) and preserving the tax status of P.E.C.R.S. should members of the scheme be employed by non-public sector organisations.

Future employees will have the right to choose for themselves on what terms they accept employment, including pension matters.

- (b) Considerable work is in progress to produce the information needed for the States to make a decision on whether to sell Jersey Telecom Group Limited early in 2007. This includes good progress on resolving pension issues.

In particular, I would draw Members attention to P.118 of the Chief Minister, to be debated on 7th November, which seeks the States approval to amend the Public Employees (Retirement) (Jersey) Law 1967.

This amendment is required to give effect to a Regulation and an Admission Document that will provide the legal framework upon which the employees of Jersey Telecom could remain within the PECS as an admitted body following a full or partial sale of Jersey Telecom Group Limited.

**1.13 WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE DRAFT EMPLOYMENT RELATIONS (JERSEY) LAW 200-**

**Question**

- (a) Would the Minister inform members whether the draft Employment Relations (Jersey) Law 200-, approved by the States on 17th May 2005, has yet been sanctioned by Her Majesty in Council and, if not, is the Minister aware of the reasons for the delay?
- (b) What communications or discussions, if any, have taken place in the last 16 month period with the United Kingdom authorities over this issue and will he release the content of any such communications to members?



## Answer

- (a) The Employment Relations (Jersey) Law 200- which was approved by the States on 17th May 2005 has not yet been sanctioned by Her Majesty in Council. In the intervening period, further consultation and discussion has taken place amongst interested parties, including union representatives and their advisers. An amendment to the Employment Relations Law has also been debated and adopted. I understand that the Department for Constitutional Affairs is awaiting the results of inter departmental consultation in the United Kingdom and I am hopeful that the Law will be put before the Privy Council for approval at its meeting in November.
- (b) There have been some discussions with the United Kingdom authorities over the last 16 months concerning this draft Law. While I would normally seek to accommodate any request for information and indeed accept there is a public interest in making information available, the wider public interest here lies in not disclosing the detail of those discussions at the present time. This wider public interest is that we must be able to have an honest and uninhibited exchange of views with the U.K. authorities in connection with the obtaining of Royal assent to all legislation, democratically adopted by this Assembly.

Such correspondence between States Departments and their U.K. counterparts are regarded by both parties as strictly confidential. The States of Jersey Code of Practice on 'Public Access to Official Information', adopted by the States on 20th July 1999, provides that 'information shall be exempt from disclosure if such a disclosure would, or might be liable to harm the conduct of national or international affairs or the Island's relations with other jurisdictions.' The U.K. authorities adopt a similar view and indeed have refused an application for information on the same issue under the Freedom of Information Act.

### **1.14 WRITTEN QUESTIONS TO THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING TRUST LEGISLATION AND TAX AVOIDANCE**

#### **Question 1**

Further to his written and oral answers on 26th September 2006, would the Minister inform members whether –

- (a) the practice outlined in part (a) of his written answer 'not to declare such interests and sources of foreign income' (such as foreign trusts) on a Jersey Income Tax Return constitutes tax evasion and would render a Jersey resident liable to prosecution?
- (b) the additional clause concerning Settlor Reserved Powers in the Trust Law, even if it creates no 'new motives' for avoidance or evasion in the Minister's view, gives greater certainty to both the settlor and the trustee that such reservations are acceptable practice in Jersey in terms of tax avoidance?
- (c) the introduction of reserved settlor powers is designed so that Jersey can better compete for the ultra high net worth end of the market for international tax avoidance through trusts?
- (d) Jersey Trust Law can now be used by Jersey residents to avoid tax by setting up trusts with reserved powers using, say, Guernsey trustees?

## Answer

- (a) It would constitute tax evasion in the case of a life interest or a bare trust but not in the case of a discretionary trust as in the latter the beneficiary would have no automatic entitlement to income whereas in the former the beneficiary would be entitled to both income and capital unhindered. The Comptroller of Income Tax has prepared prosecution files in 8 tax evasion cases in the last 13 years in respect of fraud, all of which were successfully prosecuted in the Royal Court by Her Majesty's Attorney General. The facts and circumstances of each case are carefully considered before a decision is made to prepare a prosecution in any particular case. However, in tax avoidance cases the Comptroller does not need to prepare a prosecution file as he invariably settles such cases under Article 134A.
- (b) The Deputy fails to appreciate that the Trusts Law is not a law relating to taxation. The Trusts Law simply provides that if a settlor reserves certain powers that will not invalidate the trust. It brings greater certainty of legal outcome in disputes to the settlor and trustee in relation to the Trusts Law, but makes no reference to taxation legislation and has no bearing on such legislation. The Comptroller will consider the facts and motives in all cases where he is suspicious that a transaction – including the creation of a trust - may be primarily motivated by the desire to avoid tax, in the same manner as he does for all the other cases he currently counteracts under Article 134A, the general anti-avoidance provision in the Income Tax Law.
- (c) The introduction of settlor reserved powers has nothing to do with tax avoidance – international or otherwise. Indeed, if a settlor does reserve certain powers – such as the power to revoke a trust or to add himself as a beneficiary – this could give rise to a tax liability for the settlor. So tax avoidance in this context not the relevant issue.

The aim of the powers is to bring certainty – in statute - to the practice of reserving powers in the same way that many other jurisdictions have already done. In particular, the powers are aimed at settlors who may have earned significant wealth in specialised areas – for example hedge fund management – and who wish to continue managing the assets that are placed in the trust, rather than pay trustees or another specialist investment manager for a service they wish to carry out themselves. That selection will also give protection to the Trustees in the event of any later claims by beneficiaries for non-performance in the relevant field (in this example investment management) as the Trustees would not have had responsibility for this activity in relation to the trust assets from the outset of the relationship.

- (d) It is not as simple a matter as the Deputy outlines. In some cases the tax avoidance achieved through using a trust structure is quite legitimate, in the same way that tax avoidance is legitimate when one takes out a mortgage that qualifies for tax relief, or when one joins an approved occupational pension scheme and the contributions into that scheme qualify for tax relief. So if the settlor is a Jersey resident and forms a trust for the benefit of his grandchildren out of natural concern for their well-being, then that may very well be a legitimate means of avoiding tax, despite the fact that the invested assets, which were previously in his own name, have now been settled on trust for the benefit of his grandchildren, whether or not the trust is one set up in Jersey, Guernsey or any other jurisdiction.

## Question 2

Will the Minister inform members whether under the Trusts (Jersey) Law 1984, as amended –

- (a) a Jersey trust is now revocable even when the trust deed states that it is not?

- (b) a Jersey trust deed can be amended by the settlor, to the extent that the settlor may become the beneficiary by a residency clause or similar?
- (c) a trustee can now be dismissed by the settlor thus removing protection from the beneficiary?

**Answer**

- (a) No. If a trust deed says it is irrevocable it is irrevocable.
- (b) If the settlor of a Jersey trust retains an unlimited power to add or remove beneficiaries, he may add or remove himself as a beneficiary. This is the existing position and is possible under the existing trust law. The Trust law amendment only changes this to the extent that it is recognised by statute rather than a matter of practice. This in turn makes court adjudication in the event of beneficiary claims more straightforward.
- (c) If a settlor reserves the power to change trustees he may exercise that power. It is not clear how such a power removes protection from the beneficiary: it should be remembered that before a settlor creates a trust the beneficiary has no rights to the assets that are being placed in a trust at all. The power to change Trustees is also possible under the existing trust law.

These three questions could have been answered by a simple cursory reading of the Law, and I am surprised that they are being raised some six months after the Law was overwhelmingly approved by the States.

**Question 3**

In an e-mail dated 14th September 2006 the Director - International Finance wrote that 'if the discretion of the trustee is fettered (at present) there is a risk that the trust could subsequently [be] attacked as a sham. For an international client, these are reasons not to use a Jersey trust'. Would the Minister state whether he concurs with this statement and, if not, why not? Will he estimate for members the scale, if any, of such risk?

**Answer**

The questioner fails to appreciate that international clients want certainty. They do not want to place their assets into a vehicle in the knowledge that those assets may be spent fighting legal battles. For example, a wealthy settlor wishes to put most of his assets in trust for two of his three children. For whatever reason, he does not want the third child to be a beneficiary. When the settlor dies, the third child will, in general, take every action he can to attack the trust. The reason for this is not because there is something wrong with the trust, but because the spurned child has nothing to lose. He will use every argument to attack the trust and one of those arguments will often be that the trust is a sham, because the discretion of the trustees has in some way been fettered. In fact, because settlor reserved powers clarify the relative responsibilities and duties more clearly from the outset, the grounds on which the trust can be attacked as a sham are diminished rather than augmented.

The general view is that, under existing Jersey Law, a settlor can already retain certain powers without a trust being a sham. To re-emphasise the point, the purpose of the amendment is simply to bring greater certainty to this area by recognising it in statute rather than relying on the court to adjudicate it as a matter of practice, case law etc.

So, to directly address the question, there is always a risk that a Jersey trust will be attacked by a disgruntled person, and one of the traditional grounds for attack is that it is a sham. It was this situation that was recognised by the e-mail referred to dated 14th September 2006. If the trust has been prudently drafted and correctly operated, these attacks will very rarely be successful. However, even unsuccessful attacks must be defended, and settlors prefer not to establish structures if there is a risk that the assets placed in those structures will be spent on lawyers fees defending the structures from attack. The fact that the defence is likely to be successful is little comfort.

Accordingly, investors prefer to go to one of the many jurisdictions – both onshore and offshore - that have given statutory certainty to settlor reserved powers. Jersey is thus following the increasingly common international practice in this area rather than, as the question seems to seek to imply, breaking new ground on its own. A key purpose of the amendment is to discourage speculative and groundless attacks on Jersey trusts and thus increase confidence that settled assets will not be spent defending nuisance litigation.

### **1.15 WRITTEN QUESTIONS TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING NEW PENSIONS LEGISLATION**

#### **Question**

Would the Minister inform members whether he intends to take any steps to bring forward legislation relating to pension schemes similar to the 1997 and 2004 U.K. Pension Acts to address, in particular –

- (a) the statutory right for trustees of company pension schemes to award cost of living increases; and
- (b) the right of beneficiaries to elect representatives to the boards of trustees of pension schemes?

If so, when does the Minister expect to bring forward this new legislation?

#### **Answer**

As advised in the answer to a written question to the Minister for Treasury and Resources by Deputy Southern at the last States sitting (26th September), the Social Security Department will, in accordance with the States Strategic Plan, item 2.1.2. ‘... prepare and start to introduce a co-ordinated plan, including a review of pension provision, to meet the challenges and opportunities presented by an ageing population by 2010’.

As part of that process the Department will review the need for pension regulation in the Island.

### **1.16 WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE SETTING OF MINIMUM WAGE RATES**

#### **Question**

- (a) Has the Minister been consulted over the inclusion of question 25 in the Employment Forum’s consultation paper on the minimum wage rate, namely ‘Do you think that there should be a youth rate as well as a trainee rate?’ and would the Minister inform members

whether he considers that it is appropriate for this issue to be reconsidered when a clear decision not to include a youth rate was made by the States on 22nd July 2004?

- (b) Would the Minister outline for members the proposed timetable for the production of the Employment Forum's report and for the consultation and lodging of his recommendations on the minimum wage, and would he assure members that adequate time will be allowed for a full debate prior to the setting of rates in the industries most affected?
- (c) Would the Minister inform members whether he will take account of the figures relating to the appropriateness of the current level of the minimum wage as set out in my letter dated 24th February 2006 (circulated to all members on 28th February 2006) when he brings forward recommendations for 2007 minimum wage rates?

### **Answer**

- (a) The Employment Forum is an independent, non-political consultative body, established under the Employment (Jersey) Law 2003, to make recommendations in respect of employment legislation and in particular the minimum wage. It is made up of three employer, three employee and three independent members.

I have faith in the Forum to prepare a consultation paper that will appropriately collect the views and concerns of the public. I have not been consulted on the inclusion of question 25 of the review and, as an independent body, I think it is quite right that the Employment Forum does not consult me on the questions that it intends to ask in its consultation papers, provided they are within the bounds of the consultation topic. This avoids political influence.

When the first minimum wage Order was presented to the States in 2004, the proposal for a youth rate was opposed and accordingly removed from the Order before being made by the former Committee. However, I do not see that as justification for objecting to a reference to a youth rate in the review. It was recognised at that time that there might be a need for such a rate in future if young people increasingly experience difficulty entering the labour market. If the Forum wishes to reconsider the issue in view of current economic circumstances and prepare a recommendation on the matter then I do not see that as inappropriate.

The Employment Law requires me to refer four specific minimum wage issues to the Forum for their consideration before any Order is made and before the States makes Regulations. One of those issues is the minimum wage rates to be prescribed under Article 16(3) of the Law. The Employment (Minimum Wage) (Jersey) Regulations 2004, provide that an Order may be made for the purposes of that Article, prescribing minimum wages for employees who may be treated as qualifying for the minimum wage at different hourly rates than other employees; specifically, trainees and employees who have not reached the age of 18.

I therefore regard question 25, and all of the other questions within the consultation document, as appropriate to the Forum's review of the minimum wage.

- (b) The very purpose of the independent Forum is to ensure adequate consultation regarding the minimum wage involving all sectors of society and industry.

I encourage all interested parties to engage with and contribute to the consultation, which continues until 10th November. Following a full consideration of the consultation responses, the Forum intends to present its recommendations to me before the end of this year.

I will consider those recommendations and make my proposals to the States as soon as possible after that. Time is of the essence in order to allow businesses a fair amount of notice of any new rates that are to apply in 2007, especially if we are to meet the April target date.

- (c) At the States sitting of 28th February 2006, Deputy Southern asked me to use the powers under Articles 19 and 20 of the Employment (Jersey) Law 2003 to require the Employment Forum to take into consideration the matters contained in his letter when making its recommendation for the 2007 minimum wage rate.

I explained at the time that I considered that to be excessive and unnecessary as the Employment Forum has always considered all representations and submissions made to it. I pointed out that anyone can write to the Forum on matters under discussion, including politicians, and I encouraged the Deputy to do so when the rate is next discussed.

I also suggested to the Forum that the Deputy might be contacted and invited to submit his views for consideration during the next minimum wage review. I am advised that the Forum did so and received a copy of Deputy Southern's letter.

I can assure the Deputy that his letter has been circulated to all current Forum members and will be considered along with all other responses and economic advice received during the consultation period.

## **2. Oral Questions**

### **2.1 Deputy R.G. Le Hérisier of St. Saviour of the Minister for Treasury and Resources regarding economic, social and strategic implications of the sale of Jersey Telecom:**

How did the Minister and the Council of Ministers assess the economic, social and strategic implications of selling off Jersey Telecom?

#### **Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Until 5th January 2003 the States was the regulator, operator and owner of the only telecommunications provider in Jersey. The Telecommunications (Jersey) Law 2002 completely changed this by splitting the roles of regulator, operator and owner. That Law also ended telecommunications monopoly in the local market by empowering the J.C.R.A. (Jersey Competition Regulatory Authority) to issue licenses to new operators where this is in the interests of users. This being the case, the sole remaining reason for the States continuing to own Jersey Telecom is as an investment. Having considering the ownership of the company in this context, it was apparent to me that there were good investment reasons for disposal and this view was endorsed by the Council of Ministers. In view of the social and economic implications of this possible sale I decided, having apprised the Council of Ministers of my intention, to issue a consultation paper to explore the wider issues. Moreover, the Council of Ministers and I agreed that detailed professional advice should be sought in respect of the implications of the proposal prior to bringing the proposition to the States. I have undertaken to procure the best possible advice and having pulled that proposal I will bring that proposal back to the States for discussion. Ultimately the decision on whether to sell Jersey Telecom or not will be made by States' Members as a whole. And the States, I am sure, will only be convinced about the wider implications, for which I am not directly responsible, if they can be properly addressed.

#### **The Bailiff:**

Senator Le Sueur, I am sorry, you are time expired now.

### **2.1.1 Deputy R.G. Le Hérissier:**

I am not looking for justification. It is the process. I wonder, Sir, if the Deputy Chief Minister could identify that when this issue came up at the Council of Ministers a proper and thorough analysis was done of all reports that were required, steps were set in motion to deal with these reports so that the appearance was not given of some kind of *ad hoc* process flowing from the initial decision. Could he confirm that a proper and full analysis was done of all work required and that all those decisions were taken at that time?

### **Senator T.A. Le Sueur:**

This was not a question to the Council Ministers. This is a responsibility of myself, as the Minister for Treasury and Resources. And as Minister for Treasury and Resources I have satisfied myself, through internal documents and reading the economic arguments for and against retaining this investment, that it is in the financial interests of the Island, in my view, that this investment should be disposed of.

### **2.1.2 Deputy G.P. Southern of St. Helier:**

If the Minister denies responsibility for these wider implications - the economic and social implications of the sell-off of Jersey Telecoms - who, then, is responsible for the wider implications, apart from this strictly financial, which he is responsible for?

### **Senator T.A. Le Sueur:**

I would not like to give the impression, Sir, that I was totally irresponsible in this respect. My primary duty is as the investment holder to look after the investment interests. It is the duty of the States as a whole to decide the overall balance of whether or not to sell this investment. And they will make that judgment based on the advice they receive from myself, from the economic advice they will receive and from that of the Economic Affairs Scrutiny Panel. On that basis of that full information, Sir, States' Members as a whole will decide on the overall benefit or otherwise to the Island.

### **2.1.3 Connétable D.J. Murphy of Grouville:**

Supplementary, Sir, if I may? Is the Minister denying that any Minister has responsibility for the wider implications, economic and social, of such a sale?

### **Senator T.A. Le Sueur:**

The Minister for Economic Development has certain duties under the Telecom Law and those duties are clearly set out and I am sure he will be following those in the proper way.

### **2.1.4 The Connétable of Grouville:**

Is it the intention of the Council of Ministers, through the Deputy Minister, to encourage opposition to Telecom to the detriment of that company?

### **Senator T.A. Le Sueur:**

I have no reason to suppose, Sir, that the acquisition by a third party of Jersey Telecom would result in a detrimental effect on the company.

### **2.1.5 The Connétable of Grouville:**

Sorry, that is not the answer I wanted, Sir. **[Laughter]** What I wanted to know was: in the interim period that Telecom has been advertised for sale, is it the intention of the Council of Ministers to encourage the opposition to Telecom, to the detriment of Telecom?

**Senator T.A. Le Sueur:**

Jersey Telecom has not yet been advertised for sale, although, it is clearly in the public domain. In the meantime, the Board of Jersey Telecom will continue to operate the company in the same way that it is being currently operated, for the benefit of the shareholders, for the benefit of the consumers of the Island, and nothing in that respect has changed.

**2.1.6 Deputy R.G. Le Hérissier:**

Is the Minister, and indeed the Council of Ministers, not absolutely making a fool of itself in the sense that when the decision was taken, clearly strategic economic and social implications have to be considered? We now have a separate report commissioned - allegedly of course it is the legal duty to do so - from the J.C.R.A. There are words that an auxiliary report is going to be produced and we have the Scrutiny Panel at work. What kind of decision was taken when the Council of Ministers said: "Let us go forth and seek to sell this organisation"?

**Senator T.A. Le Sueur:**

I think, Sir, perhaps the Deputy did not listen to part of my original answer when I said that in view of the social and economic implications of the possible sale I decided, having consulted with the Council of Ministers, and they agreed that we should issue a consultation paper and that consultation paper, setting out the wider issues, has been issued and responses have been received.

**2.1.7 Deputy A.D. Lewis of St. John:**

I wonder if the Minister could confirm that, if sold, Jersey Telecom would be offered to larger players in the telecommunications industry that will create economies of scale that would benefit all Islanders, rather than to venture capitalists and other such investment vehicles.

**Senator T.A. Le Sueur:**

I cannot at this stage, Sir, indicate who might or might not be a potential buyer. Certainly, from my point of view, my aim is to ensure that this disposal is made of in the best possible advice.

**2.1.8 Deputy G.P. Southern:**

Can the Minister point Members to the parts of the consultation paper which deal with the wider social and economic considerations? His consultation paper deals solely with the financial aspects.

**Senator T.A. Le Sueur:**

Without the paper in front of me, Sir, I believe that the paper also addresses matters such as the pension rights and the rights of employment of the workforce, maybe not in the detail that the Deputy would have preferred, but certainly they were raised and certainly highlighted for people who were interested to respond accordingly.

**2.1.9 Deputy R.G. Le Hérissier:**

With the benefit of hindsight, would the Minister not now acknowledge that serious mistakes were made and that there is every evidence that certain political agendas are being pursued in what is becoming an increasingly irritating and lengthy process?

**Senator T.A. Le Sueur:**

No, Sir.

**2.2 Senator B.E. Shenton of the Minister for Economic Development regarding the rationale for the J.C.R.A. review of the sale of Jersey Telecom:**

Would the Minister explain the rationale for spending £18,000 of taxpayers' money on a J.C.R.A. review of the sale of Telecom when the review has already been carried out by the Telecoms Scrutiny sub-panel?



**Senator P.F.C. Ozouf (The Minister for Economic Development):**

The sale of Jersey Telecom presented the Island with a once in a lifetime opportunity to get the structure of the telecoms market right; that means the network, competition, and the appropriate regulatory environment. The Treasury, and the Treasury Minister, is rightly looking at this issue from a shareholder point of view. On the other side, I have a primary duty under the Law to consider other matters. And I have circulated to Members an extract from the Law, lest there be any doubt of the obligations that I have under the Telecoms Law. I need to ensure that the economic and structural issues are also part of the sale process considerations by the Council of Ministers and eventually the States. I consulted the Treasury Minister and it is for those reasons that the J.C.R.A. - who is after all the expert authority in telecoms regulatory matters and will need to, in any event, clear any acquisition by any party of Jersey Telecom - will be involved. My own view is that the end result will be a stronger understanding of the market from the different perspectives that we must come at this from and an informed and improved States decision-making process. I have discussed this with the Economic Affairs Scrutiny Panel and I hope that they share my view that this review will also be helpful to them in their own important review.

**2.2.1 Senator B.E. Shenton:**

As usual, Senator Ozouf's reply is all bluster and no substance. Given that it is the Treasury Minister's job to maximise shareholder value, it could be interpreted that the J.C.R.A.'s job is to minimise shareholder value; and I question whether this is £18,000 wasted. If the Minister takes the subject so seriously, why has he not replied to a letter from Jersey Telecom sent to him 6 months ago explaining serious concerns about the regulator?

**Senator P.F.C. Ozouf:**

Senator Shenton speaks of me as if he is speaking about himself: all bluster and no substance. I refer Senator Shenton to the memorandum that I have circulated to States' Members setting out the duties and setting out the email that I sent to States' Members giving the background to the reason why I gave careful consideration to spending £18,000 of taxpayers' money. We are dealing, Sir, with a company worth up to £200 million, a regulatory cost of £750,000. If we can improve the shareholding value of that to this Assembly, if we can get a better deal for consumers and we can cut the regulatory costs, then that is £18,000 well spent. I very much hope that the Scrutiny Panel uses this report carefully because it should help their own conclusions and help this assembly.

**2.2.2 Deputy G.P. Southern:**

Was the Minister consulted in any way by the Treasury and Resources Minister before the issuing of the consultation paper and if not can he explain why not?

**Senator P.F.C. Ozouf:**

I enjoy excellent relations with the Treasury Minister and those good relations mean that we are joined-up on the Council of Ministers. But we also come from these responsibilities from a different perspective. The Treasury Minister is looking after the issue from a shareholder point of view. My job is to deal with the issues from an economic and structural point of view to the extent that I can do with an independent authority. Yes, I was aware of it. I have consulted with him about the J.C.R.A. and I think that he agrees that this additional piece of information, together with the Scrutiny Panel's report, will benefit the Council of Ministers and this Assembly's position ultimately.

**2.2.3 Deputy R.G. Le Hérissier:**

First, could the Minister answer Senator Shenton's question about the non-answering of letters? Secondly, Sir, could he say whether these points were raised in a minuted sense at the Council of

Ministers? And thirdly, Sir, could he say whether or not he is now seeking also to commission O.X.E.R.A. (Oxford Economic Research Associates) to do a report?

**Senator P.F.C. Ozouf:**

I do not know where the comments about O.X.E.R.A. are concerned. Maybe the J.C.R.A. are going to use O.X.E.R.A. with their economic interest. As for Senator Shenton's comment about the J.C.R.A. and 6 months' letter, that sounds like a question from Deputy Baudains. I engage with the J.T. (Jersey Telecom) Board regularly. I was invited to a lunch with them I think 3 weeks ago; I have been in email correspondence with the Chairman of Jersey Telecom with my responsibilities and, frankly, I do not know where Senator Shenton gets the impression that there are not good relations between the Economic Development Department and myself. With the Chairman of J.T., obviously there are going to be tensions here. We are dealing with an important business with important different perspectives needed to come from. Not everybody will agree and J.T. might themselves not agree with any proposals that the J.C.R.A. may come about. Frankly, that is probably a healthy situation. That is what regulators do.

**2.2.4 Deputy G. P. Southern:**

Will the Minister answer the question concerning non-answering of the letter sent to him in March and will he also state why, if he was consulted before the issuing of the Treasury and Resources paper, he was not prepared to issue a similar consultation paper on the wider issues in good time and why a month into my investigation is he running to catch up?

**Senator P.F.C. Ozouf:**

People in glass houses should not throw stones. I am enjoying a good relationship, I believe, with J.T. As I explained, there may be a letter, but certainly a letter has been superseded by personal communication between myself and the Chairman and a visit at J.T. May I turn the tables on Deputy Southern and ask him why 3 times I have offered his Panel to give evidence to this important review and 3 times he appears to have refused. I only learnt the fact that I may be called as a witness in a press release. I informed States' Members by email of important decisions as I did so, as Members have on their desks. I informed them of the decision of the J.C.R.A. on Monday 2nd October at 12.17 p.m. and I learn his communication through the media and by the press release which Members have also had. I have offered to give him evidence. I am happy to do so from my perspective and I would have thought that he would have welcomed the opportunity of getting additional information for his important review.

**2.3 Deputy P.V.F. Le Claire of St. Helier of the Minister of Transport and Technical Services regarding the handling of waste material in the period between the closure of the Crabbé composting site and the opening of the La Collette composting site:**

Before I ask the question, Sir, I would just like to let Members know that the documentation that has just been circulated is the report, Sir, that I promised on the 10th, and, as promised, it has just been circulated, Sir, for Members. Sir, may I ask the Minister of Transport and Technical Services this question please? During the period between the closure of the Crabbé compost site and the opening of La Collette site, what was done with all the different materials including green waste, wooden material from the construction industry and agricultural waste that had been going to Crabbé and how long was this period?

**Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):**

There is a distinct difference between the Crabbé site and the La Collette site. The Crabbé site used to compost agricultural waste and shredded green waste. The green waste was received and shredded at the airport site and then transported to Crabbé for composting. The La Collette site has never processed agricultural waste. The Crabbé site was ended during 2003, the soil improver was transported to the La Collette site where it was blended with low grade soil and used to form

landscaped banks over the ash pits. The contaminated wood mulch from Crabbé was baled and wrapped in plastic. This was done so the material could be stored and fed into the energy from the waste plant as and when there was spare incineration capacity. The bales are stored at the La Collette site and up to now approximately two-thirds of the contaminated wood mulch has been incinerated. Sir, I have a large number of details on the dates but I feel that it might be more preferable if I pass the information directly to Deputy Le Claire rather than read it all out. In summary, the La Collette green waste site was opened before the Crabbé site closed and the States at no time stopped dealing with green waste. The agricultural waste issue was resolved by the agricultural industry and the contaminated wood was diverted to the Bellozanne incinerator.

**2.3.1 Deputy P.V.F. Le Claire:**

A very comprehensive answer and I would like to thank the Minister for that answer, Sir. I am not going to ask another supplementary, Sir, I am just rising in relation to his offer of circulating the information. If I may ask that I have a copy but also that it be circulated to the Environment Scrutiny Panel.

**Deputy G.W.J. de Faye:**

I shall pass this copy to the Deputy and he may circulate it to whoever he wishes.

**2.4. Deputy G.P. Southern of the Minister for Treasury and Resources regarding the tax treatment of a Trust deed whereby the settlor may become a beneficiary:**

Would the Minister inform Members how the Comptroller of Income Tax will regard, for tax purposes, a Trust drawn up under the Trusts (Jersey) Law 1984 as recently amended, such that the Trust deed can be amended to the extent that the settlor may become a beneficiary, and will such a Trust be regarded as a bare trust?

**Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

This is the latest in a number of questions raised by the Deputy in relation to the recent amendments to the Trusts Law. It might have been better if the Deputy had raised these questions before the amendment in question had been passed. It may also be advisable that in future he considers a more informal approach to these matters, since I think that asking questions such as this is not a productive use of States' time. I say that, Sir, for one simple reason; the question can be answered by facts which are already in the public domain. Nothing in the amendments of the Trusts Law changes the ability of a settlor to amend a trust so that he becomes a beneficiary. That has always been possible under Jersey law. As such, the Comptroller will treat such Trusts in future in exactly the same way as he has done to date, which is explained in paragraph 2 of the Concession of Practice booklet published by the Comptroller. In summary, the position is that a Jersey Trust created by a Jersey settlor will only be exempt from Jersey tax if certain conditions are met. These include that the settlement is irrevocable, that the settlor and his spouse are irrevocably excluded from benefiting and that the avoidance of Jersey tax was not the main purpose of creating the settlement. The full concession is set out on page 2 of the Concessions booklet.

**2.4.1 Deputy G.P. Southern:**

Is it not the case that Jersey Trusts Law is now so divergent from U.K. Trust Law that it is seriously endangered as being seen as a mechanism to create a bare trust by the U.K. tax authorities?

**Senator T.A. Le Sueur:**

No, Sir.

**2.5 Deputy C.J. Scott Warren of St. Saviour of the Minister for Treasury and Resources regarding a pedestrian crossing at Longueville Road, St. Saviour:**

Following a decision taken in December 2002 by the then Public Services Committee to allocate £20,000 for a Longueville Road crossing and extensive subsequent work to ensure the safest pedestrian solution, including preliminary negotiations with a third party to acquire land, what action, if any, is the Minister taking, or has in fact taken, to overcome the current financial impasse which is now placing this project in jeopardy?

**Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Could I ask the Assistant Minister dealing with property to answer this question, please?

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

Firstly, I should state that I do support the provision of a pedestrian crossing outside Miladi Parade in Longueville. This was first brought to me in the middle of May and I did feel a responsibility at the time to query the justification for buying land for a refuge crossing costing some £35,000 as opposed to significantly cheaper options that did not require such land, and it has taken some time for the relevant information to be provided to me. There has also been a question of the resourcing of compensation as it appears that the land owner is not really a willing seller. The last piece of information, which admittedly was only recently requested, was received last Thursday. While pedestrian safety has to be paramount, the public expect us to use their money wisely, especially at times when money is tighter than it used to be, and I make no apologies for researching this matter. Expert advice has been received from both the Road Safety Officer and the T.T.S. (Transport and Technical Services) Department as to the most suitable type of crossing. But being rather aware that matters were getting bogged down, I took the view it was more important to move this project forward. There is a certain amount of subjectivity over the decision but putting my personal views aside, I signed the decision on behalf of property holdings to purchase the land last Friday. Therefore, from my view, the potential impasse has been avoided now that all the information has been received.

**2.5.1 Deputy C.J. Scott Warren:**

While I am extremely pleased that this project has now finally been signed off, does the Assistant Minister accept that there in future needs to be a more joined-up approach when deciding from which department funds will be allocated for long-agreed projects?

**Deputy J.A.N. Le Fondré:**

I could not agree more with the Deputy. I was discussing with the officers in my department as to a number of issues that are coming to fruition. They have all come to my attention recently and we will be likely to be issuing a general guideline, essentially to try and avoid this type of issue happening, i.e. when the works of the project might be approved but it is not clear where the actual source of any other monies might be attributed to it.

**Deputy C.J. Scott Warren:**

I thank the Assistant Minister for his answer.

**2.6 Deputy J.A. Martin of St. Helier of the Deputy Chief Minister regarding progress on a new States-owned company to incorporate the Waterfront Enterprise Board:**

Following his statement in the Assembly on 19th July 2006 that the Council of Ministers would be bringing forward proposals for a new States-owned property company to incorporate the Waterfront Enterprise Board in September, following which the position of chairman of the new company will be publicly advertised, would the Chief Minister or the Deputy Chief Minister update Members on the progress on this issue?

**Senator T.A. Le Sueur (Deputy Chief Minister):**

I can advise Members that the detailed proposals for a States-owned property development company are currently being developed in consultation with the Waterfront Enterprise Board and the Law Officers Department, and the draft report and proposition will be presented to the Council of Ministers on 2nd November. This has taken rather longer than anticipated and it is, in fact, rather more complex than was first anticipated, and of course the Chief Minister has had other matters to consider. Indeed, there are a number of issues that still need to be resolved but I hope we will be in a position to bring the matter to the States shortly thereafter.

**2.7 Deputy G.C.L Baudains of St. Clement of the Minister for Education, Sport and Culture regarding the refurbishment of Le Squez Youth Club:**

Would the Minister advise Ministers whether the refurbishment of Le Squez Youth Club went over budget and if so by how much and for what reasons? And would he also state whether the club's management committee was informed before the work started.

**Senator M.E. Vibert (The Minister for Education, Sport and Culture):**

The latest stage of the refurbishment of Le Squez Youth Club was recently completed, the exact cost of which is yet to be finalised. This refurbishment was originally costed at just over £71,000, which was considered to be too expensive, so changes were made to the specification to produce a revised cost estimate of just over £48,500. Four tenders were received for the work, the lowest of which was just over £52,000. Some invoices are still being awaited but the final cost is estimated to be in the region of £54,000, to take into account some changes made to the original specification and additional work found to be needed. The other additional cost to be finalised is the professional fees, which are expected to be in the region of £4,000. I am informed the Chairman of Le Squez Youth Club Management Committee was informed by email on 19th May of the proposed timetable for the work, with construction scheduled to start on 26th June, so that the work could be finished by September 2006. Otherwise it would have had to be delayed until spring 2007. The youth officer attended the Le Squez Management Committee Meeting on Monday 10th July to inform the management committee about the work and to ask if they would contribute £5,000 to the cost, which the management committee agreed to.

**2.7.1 Deputy G.C.L. Baudains:**

Does the Minister not consider it unusual that the provisional costings were done by a professional organisation and yet the lowest tender came in at approximately 20 per cent above that and the highest tender something like 100 per cent over that. Would he comment on that and would he also explain why his department only required tenders for the plumbers and electricians from 2 separate firms. Why were there only 2 firms?

**Senator M.E. Vibert:**

I do not feel I am professionally competent to comment on the quality of the tendering done by the professional quantity surveyor and that would have to be taken up with the employer in that area. As for the other part: we operate on a tender list supplied to us from Transport and Technical Services, or it might be Property Services - I am not sure if it has been moved over or not - but we operate on the list supplied to us.

**2.8 Deputy G.C.L. Baudains of the Minister of Transport and Technical Services regarding the maintenance of grassed areas:**

Would the Minister advise what resources have been allocated to the maintenance of grassed areas under his department's control in each of the last 5 years?

**Deputy G.W.J. de Faye (The Minister of Transport and Technical Services):**

I very much regret it is not possible to identify resources solely for the maintenance of grass areas in current, or indeed, previous years, as budgets are allocated to specific locations rather than to specific tasks. However, in an effort to be helpful, as a result of a requirement to identify efficiency savings for the period 2004 to 2009, the parks and gardens section of my department developed a strategy to reduce its budget by £730,000 over this 5-year period. This will ultimately result in a reduction of 19 gardeners and groundsmen from the original workforce of 91. We are currently in year 2 of this 5-year plan and the overall effects on service levels are evident in certain areas. In order to minimise this impact it has been necessary to prioritise the work that is carried out with, for example, low priority grass verges being maintained to a lower standard than before.

**2.8.1 Deputy G.C.L. Baudains:**

Yes, I am grateful for the Minister attempting to separate out the costs. But does it occur to him that the current state of our grassy areas (and I am thinking here of possibly South Hill; beside La Mare car park and so forth) is now beginning, through these efficiency cuts, to look rather unkempt and could possibly lead visitors to wonder whether in fact we are abandoning our Island. I would also point out to the Minister, Sir, that there are, on occasions, noxious weeds such as ragwort now growing in these areas. Does the Minister work with perhaps the Minister for Economic Affairs - wearing his tourism hat - in order to achieve the most attractive result from the resources available?

**Deputy G.W.J. de Faye:**

There are occasions from time to time where my department has liaised with the Economic Development Department, particularly with the Tourism Development Fund on various projects such as putting flags up along Victoria Avenue over this summer. I am delighted that the Deputy has cited, in fact, an element of his home patch at La Mare. The Assistant Minister and myself inspected that area only yesterday afternoon, and I have to say I disagree with the Deputy's subjective view on this issue. That particular grass verge - which is quite extensive and runs from the bus shelter all the way to the car park - is in what I would describe as verdant condition and currently luxuriates in quite a thick undergrowth of harestails, although I have to confess I am not particularly a biological or floral expert. I think it looks extremely attractive, and indeed that appeared to be the opinion of the various people who were taking in the sun on the benches nearby that particular grass section. I am not competent to spot a ragwort, I regret, but I have to say that this is a matter of some subjectivity, and I have to disagree with the Deputy.

**2.8.2 Deputy G.C.L. Baudains:**

I wonder if the Minister could tell us when that grass was last attended to? Could it possibly have been a few days before his arrival, which I believe was in fact the case?

**Deputy G.W.J. de Faye:**

Well, I can assure the Deputy it is not my impression that my staff somehow toured before me like some rather bizarre royal tour. Indeed, they would not have known that I was likely to visit this area. It was an outing undertaken spontaneously and without warning by the Assistant Minister and myself.

**2.8.3 Senator L. Norman:**

Would the Minister not agree that the work carried out on the particular site was carried out within the last 2 weeks, following a complaint that I made to the department about the condition of this particular verge, including ragwort, which is growing wild and in abundance on this particular site?

**Deputy G.W.J. de Faye:**

It appears both the Deputy and the Senator have the advantage of me. My department are not in the business of telling me precisely which verge they are cleaning when, and as I have indicated in my

original answer to the Deputy, we do not keep records of when grass verges are dealt with. But if the Senator is telling me that the matter was attended to in the last 2 weeks, then I have no reason to dispute that.

#### **2.8.4 Connétable T.J. du Feu of St. Peter:**

Would the Minister confirm that the maintenance of all these greens around the Island is indeed the responsibility of a private contractor? I am not up to date with the state of the St. Clement greens, but around the west of the Island, if they wait much longer to maintain them, they will be cutting the next crop of hay off all the verges.

#### **Deputy G.W.J. de Faye:**

I very much regret that if former members of this Chamber saw fit to cut nearly three-quarters of a million pounds from our Island-wide cleaning budget, there will be net consequences, and clearly we are beginning to see those. We also have a new culture in terms of the inability to use strong pesticides, which would make the problem much more manageable, but not very eco-friendly. This is a difficult issue that I will be dealing with in the course of time, but regretfully, when budgets are cut, I have to advise Members there are clear and obvious consequences.

#### **2.9 Deputy J.A. Martin of the Deputy Chief Minister regarding the Corporate Management Board:**

Would the Deputy Chief Minister inform Members who sits on the Corporate Management Board, how often it meets, whether proper minutes are kept and who the minutes are distributed to?

#### **Senator T.A. Le Sueur (Deputy Chief Minister):**

The Corporate Management Board is made up of the Chief Officers of the 10 departments of the Executive, together with the Chief of Police and the Director of Human Resources. In addition, the Greffier of the States and the Director of Property Holdings are invited to attend. The board meets fortnightly and minutes are prepared by a research project officer in the Chief Minister's Department. Copies of the minutes are distributed to board members and their secretaries as well as to the Greffier of the States and the Director of Property Holdings. Copies of the minutes are also sent to the Deputy Chief Executive and the Policy Adviser in the Chief Minister's Department.

#### **2.9.1 Deputy J.A. Martin:**

I have asked this question because I am trying to get hold of a copy of some minutes, and the Chief Executive's reply to me differs slightly - or maybe my interpretation differs slightly. The circulation of the minutes is restricted to the Chief Officers who are on the Corporate Management Board, Sir. They meet fortnightly to ensure that the workforce and the resources of the States are managed efficiently. If these minutes are restricted, and all the Ministers who are supposedly in charge of their Chief Officers do not regularly see these minutes, is it not, Sir, a case of the tail wagging the dog very, very clearly?

#### **Senator T.A. Le Sueur:**

No, Sir. It is certainly not a case of the tail wagging the dog. The Council of Ministers implement the policy in respect of the Strategic Plan agreed by this House. It is then up to the officers to implement that policy. That implementation is for them to carry out. As far as the circulation list is concerned, the Chief Executive may have said it was to the 10 chief officers; that is certainly true. I made the answer as full as possible by advising the Deputy of other people who got it as a sort of *ex officio* arrangement.

#### **2.9.2 Deputy C.J. Scott Warren:**

Could the Minister inform Members whether a Minister or Assistant Minister is ever present at board meetings, as the Chief Officer is obviously present at the Council of Ministers meetings?

**Senator T.A. Le Sueur:**

No, Sir. No Minister attends the meetings of the Management Board.

**2.9.3 Deputy G.P. Southern:**

As with the minutes of the Council of Ministers, whereby even 'B' minutes or titles are widely circulated, since the Corporate Management Board deals with the application of policy, should not the minutes of such meetings have wider circulation, and in particular, should Scrutiny not have access to them?

**Senator T.A. Le Sueur:**

I think, Sir, the question of access to those minutes by Scrutiny Panel is an important one, and certainly there is no intention that Scrutiny Panel should necessarily invariably be denied access to them. I think it has to be done on a selective basis as and when the subject arises, not on a blanket basis of giving every copy of every minute to every Scrutiny Panel in case there is something of interest. I think these sort of matters, Sir, need to be investigated further, and possibly through the mechanism of the Privileges and Procedures Committee, as to how a formal Scrutiny arrangement can be made in respect of these minutes, in an effort to be helpful to those Panels.

**2.9.4 Deputy C.F. Labey of Grouville:**

To be clear, under the freedom of information codes, if a States' Member requested a copy of the minutes, would there be any particular reason why they should not receive it?

**Senator T.A. Le Sueur:**

I think if the States' Member in question could justify good reason for wanting the relevant minutes there would be no reason to withhold them, Sir. There may occasionally be matters of sensitive personal information in respect of an individual, in which case my answer might be qualified in that respect, but in general terms, no, Sir, it would be available.

**2.9.5 Deputy G.C.L. Baudains:**

I wonder if the Deputy Chief Minister could explain what is so secret about the workings of this board that requires these minutes to be kept virtually under lock and key. Could he investigate the possibility of a wider circulation and perhaps retaining only those matters which are sensitive?

**Senator T.A. Le Sueur:**

I do question, Sir, whether it is the role of government to get involved in minutiae of implementing policy decisions. Our role, surely, is to make policy. Now, to the extent that that policy, having been made, is not being implemented, then there is justification for going and looking at those minutes, Sir. But I think we are in grave danger here of micro-managing and getting down to every little detail of every little part of the States organisation. I am quite happy to try to be helpful in the interests of freedom of information, but I think we have to be realistic about what our role is and what the role of officers is.

**2.10 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Education, Sport and Culture regarding the numbers of school leavers not entering further education:**

Would the Minister advise Members of the number of students who left school this year, and of those leavers the number who did not go into any form of further education?

**Senator M.E. Vibert (The Minister for Education, Sport and Culture):**

The number of students who reached the end of their compulsory education at age 16 in 2006 was 1,038. Of this number, 882 have continued in full-time further education on the Island. This leaves a total of 156, some of whom have gone into employment, including apprenticeships, which may



involve part-time day release courses at Highlands. Some will have left the Island, and a number will still be seeking work. The Career Service will, over the next few weeks, be gaining more detailed information on the destinations of these young people.

**2.10.1 Deputy D.W. Mezbourian:**

According to recently released unemployment statistics, 38 more people were registered as unemployed in August than July. Will the Minister advise whether there is any tracking system in place between his department and Social Security to monitor how many school leavers register as unemployed?

**Senator M.E. Vibert:**

The emphasis is “register as unemployed.” There is no compulsion on young people to register as unemployed. What we do do is at the end of September we ask all secondary schools to compile destination lists of students; so whether they are going on to Hautlieu, whether they are staying on at school, whether they are going to Highlands, et cetera. Those with no known destination listed next to them, the Career Service attempt to contact by telephone to offer their services and we will be doing that in the next few weeks. That is how we keep track and try to ensure that we offer whatever help we can to any young person who has left school and is still not in employment.

**2.10.2 Deputy J.A. Martin:**

From his answer, it does seem clear that the Education Minister does not really have any idea what happens to the 156 young people. Some may be employed; some may not be. What my question is, Sir, is how closely does he work with the Minister for Social Security? I know there is no need to register, but surely if there are 156 16 year-olds in Jersey - and the Minister says some may have left the Island - I am quite concerned that 16 year-olds feel forced to leave the Island because they have no unemployment. How closely are these 2 Ministers working together for the children of 16 who are finding themselves leaving school with no prospects of employment and having to leave the Island?

**Senator M.E. Vibert:**

I do not think the Deputy was listening at all to the answer, or at least did not understand it in any form whatsoever. As I said, a total of 156 have not gone on to further education, a number of whom have gone into employment, including apprenticeships...

**2.10.3 Deputy J.A. Martin:**

If he is quoting numbers and he knows exact figures, could the Minister please inform the House, a number of whom ... If he knows the answer, can he please let us know?

**Senator M.E. Vibert:**

Again, Sir, I do not think the Deputy was listening or understood. As I said, by the end of September, when we know who has gone on to further education, we then do ask all the schools to return to us a destination list, which they are compiling now. Following that destination list being returned to us, we then will know exactly how many have gone on to education in school; we will know exactly how many have gone on to Highlands; we will get a very good idea, unless they have changed jobs in between, which have gone on to employment, and we will then know the number that are left that we have no destination for; and as I said, we contact those, or attempt to contact all those by phone so that we can offer our help. So we are doing and we do work closely with Employment and Social Security to ensure that we continue to help and try to ensure that no young person who has left full-time education is left without any support and advice on gaining employment.

**2.10.4 Deputy J.A. Hilton of St. Helier:**

It is my understanding that the construction faculty at Highlands College currently offer in the region of something like 28 places to school leavers to pursue apprenticeships in the construction industry, and it is also my understanding that this year 80-odd youngsters applied for those places, so obviously there were quite a number who would have been disappointed. Can the Minister tell me whether in light of those statistics he is going to look at increasing the number of places available to those children - those 16 year-olds - who wish to pursue an apprenticeship in the construction industry?

**Senator M.E. Vibert:**

Yes, Sir.

**2.10.5 Deputy A. Breckon of St. Saviour:**

I wonder if, concerning the process the Minister has just described about monitoring, about people leaving and where were their destinations, the Minister could give Members any figures from previous years and say whether it is just a new phenomenon or whether it has been in place before; and if he cannot do that now, if he would agree to do that in short notice, Sir?

**Senator M.E. Vibert:**

I cannot compare with this year's figures because we have not compiled this year's figures yet, but when we have them I am quite happy to compare with previous years' figures and let the Deputy and other States' Members have them.

**2.11 Deputy R.G. Le Hérissier of the Minister for Transport and Technical Services regarding the publication of an annual report on bus usage:**

Would the Minister advise Members whether an annual report on bus usage similar to the one published in March in recent years will be published this year, and if so, when?

**Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):**

Although a specific annual report on bus usage has not been published this year, I do believe that the current bus usage figures have been and are in the public domain for anybody interested in obtaining them. In fact, Connex issued their own activity report for Year 3 in January this year, which included fully detailed information, much of this often accessed through the media. I am sure many Members are well aware that Connex recently carried their 10 millionth passenger, which was widely publicised. It is my current intention to issue a report in the first quarter of 2007, which will provide information on the full 4 years of operations so far, together with usage figures for the school bus service and the summer leisure service. However, in respect of the remainder of 2006, because I do not intend to divert resources from the Integrated Travel Transport Strategy, the short answer to the Deputy is no.

**2.11.1 Deputy R.G. Le Hérissier:**

Would the Minister not accept that the report was far more than a set of statistics, and it would seem very strange to give the responsibility for that set to the operator, whose purpose in life obviously must be to project a very positive picture of their role?

**Deputy G.W.J. de Faye:**

I think it is important for both the Deputy and the House to understand that there has been a quite serious and dramatic change in the relationship between the Transport and Technical Services Department, formerly public services, and the bus operator. Significantly, that change is that the relationship is conducted on an open book basis. Members may recall that at the time the original Connex contract was constructed there was basically no serious information about how the local bus schedules and frequencies worked, other than buying a copy of the former Jersey Motor

Transport bus timetable. All the other operations were basically of a confidential business nature and useful information known to the operator itself. That has now dramatically changed, and we have a very good working relationship with Connex on an open basis, and the Deputy is very welcome to contact my department any time - which he does - in order to access any information that is not considered commercially sensitive.

**2.12 Deputy D.W. Mezbourian of the Minister for Education, Sport and Culture regarding recovery of subsidies from undergraduates withdrawing from courses:**

Would the Minister advise Members of the system that is in place to claim money back from undergraduates who withdraw from a course without completing it?

**Senator M.E. Vibert (The Minister for Education, Sport and Culture):**

If a student withdraws from their course, the department requests a refund of at least one term's maintenance and travel grant. If the department only makes a contribution towards tuition fees, it will ask for a refund of at least one term's fees. An invoice is sent to the parents or student and they are required to forward the refund to the Treasury Department. If a student withdraws for health reasons, provided the department receives evidence from the institution and a doctor, the department does not ask for a refund.

**2.12.1 Deputy F.J. Hill of St. Martin:**

Is the Minister able to inform Members of roughly how many a year withdraw from their courses? Is it a common thing or is it quite a rarity?

**Senator M.E. Vibert:**

We have a very low dropout rate. It is an average of about 20 students per year out of an overall number of students of over 1,000, which is under 0.2 per cent.

**2.12.2 Deputy D.W. Mezbourian:**

The House was advised recently by the Minister that for the years 2001 to 2005/06, a total of 107 undergraduates had withdrawn from their courses, at a cost to the department of £695,000. Will the Minister now advise the House of the sum that remains outstanding, and additionally, what happens to the funds that are received back?

**Senator M.E. Vibert:**

Sorry, Sir, I did not understand the whole question. The refunds are paid back into the Treasury Department, because they have been allocated for funding for university students, and if they are not required they go back into the Treasury Department. The re-funding. I am sorry, Sir, if the Deputy would like to repeat the first half of the question; I was not sure ...

**2.12.3 Deputy D.W. Mezbourian:**

The first part of the question is to advise the House of the sum which remains outstanding, if any.

**Senator M.E. Vibert:**

It does vary, Sir, from year to year, but the overall cost is in the region of £100,000 out of a student funding budget of £9 million.

**2.12.4 Deputy C.J. Scott Warren:**

Does the Minister agree that not many undergraduates withdraw from a course lightly, and it would often be inappropriate, as has been mentioned regarding health reasons, to seek a return of funds?

**Senator M.E. Vibert:**

Absolutely, and that is the line we take on it. We have realised that we try to prepare our students well, and there are usually very good reasons why people drop out. It is not something that a young person does lightly, to give up their course.

**2.12.5 Deputy G.P. Southern:**

In referring to a low dropout rate, the Minister, I believe, was unwittingly misleading the House by saying 20 in 1,000. That is the entire student cohort. Surely he should have said 20 in a year - in an annual intake - which would be a much lower number.

**Senator M.E. Vibert:**

We have a number of students away at any time, and the overall number of students we have away at any time is over 1,000.

**2.13 Connétable A.S. Crowcroft of St. Helier of the Minister for Transport and Technical Services regarding the transportation of sewage sludge from Bellozanne to La Collette:**

Would the Minister state the dates and times this year when sewage sludge has been transported from Bellozanne to La Collette and indicate the total amount of sludge, if any, that is currently stored at La Collette?

**Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):**

I am getting a little worried about the Connétable of St. Helier, who is increasingly beginning to display the heart-warming traits of a Mafia godfather. The only other comparable example I can think of, of someone taking this level of interest in the transportation of waste, is in the fictional drama series "The Sopranos." But to give the Constable the detail he clearly seeks: between 24th January and 22nd March 2006, 449 tonnes of dewatered sludge cake was transported from Bellozanne to La Collette and mixed in a one-to-one ratio with low quality soil. In March 2006, 37 tonnes of mixed soil and sludge were sent from La Collette to be used on amenity land, and from March to May 2006, 419 tonnes of mixed material was used to create field bags and hedgerows. The remaining sludge-soil mix is still on the La Collette site and contains approximately 221 tonnes of sludge, which will be used to cap the ash pits.

**2.13.1 The Connétable of St. Helier:**

Would the Minister not agree that his answer - for which I thank him, once he got down to it - is at variance with the answer given by his Assistant Minister to the House the meeting before last, and he has not supplied me with the detailed information which he thinks I am rather curious in requiring, which is the times of these said transports. The reason I ask this is because there are those who think that this activity is being conducted under cover of darkness. Now, that may of course be mere alarmism, but it would have been nice to have known that these activities were conducted in normal working hours.

**Deputy G.W.J. de Faye:**

Clearly my allusion to "The Sopranos" was not entirely wide of the mark [**Laughter**] because the Connétable is indeed dealing in the realms of fantasy here. I have had rumours put to me about a mysterious blue van seen circulating the La Collette reclamation site at night, apparently squirting slurry covertly. This, frankly, is in the realms of fantasy land, and naturally enough there is no photographic evidence, I suppose because all these activities are conducted at night, none of which are anything to do with the department, if in fact these activities ever took place at all. I regret that I do not have the precise timings, and I would urge the Connétable that it is not really a matter that he should waste his valuable time on delving precisely into. Lorries pass to and from La Collette and Bellozanne on many occasions of the week, at many times of day. I can assure Members that

because of the way our sewage sludge cake is treated, it really does not constitute a major odour issue.

**2.14 Deputy A.E. Pryke of Trinity of the Minister for Education, Sport and Culture regarding consultation over the installation of condom machines in secondary schools:**

Would the Minister inform Members whether he was consulted by the Minister for Health and Social Services regarding the possibility of installing condom machines in secondary schools before the report appeared in the local media?

**Senator M.E. Vibert (The Minister for Education, Sport and Culture):**

Yes, the Minister for Health and Social Services contacted me by email prior to the report appearing in the local media.

**2.14.1 The Deputy of Trinity:**

Would the Minister guarantee that he will consult with all appropriate people - parents, young people, schools, as well as other agencies like Brook - before he is thinking of putting condom machines in the schools?

**Senator M.E. Vibert:**

Yes, Sir, and in fact in my reply to the Minister for Health I made some points; the main point being that we would have to engage in consultation and we needed a holistic policy to deal with the issue, and that it would have to be widely consulted upon and not done as an individual proposal.

**2.15 Deputy G.P. Southern of the Minister for Treasury and Resources regarding estimates by sector of the tax gap arising from 'Zero/Ten' proposals:**

Would the Minister agree to release to all Members the estimates of the sectoral breakdown of the tax gap caused by the Zero/Ten proposals that were given to Scrutiny last week? Would he justify the level of secrecy he has attached to them, and would he inform Members of the basis on which the estimates for potential yield from attribution or distribution are based?

**Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Yes, Sir. I have already released to the Corporate Affairs Scrutiny Panel those figures to which the Deputy refers in order for them to undertake an independent review of their validity, should they so wish. I will be releasing the figures publicly when I publish my proposals for the 'Zero/Ten' legislation. At the present time, they contain information which might indicate policy in respect of attribution or distribution in advance of that publication and may be of benefit to competitive jurisdictions. I should point out that this procedure is consistent with the way in which I treat all budget revenue estimates, including income tax and impôts duty, in that although the latest figures are released to the Corporate Affairs Scrutiny Panel on a confidential basis, they are not publicly disclosed until the Budget is lodged. As with the Budget, this still leaves ample time for Members to review the figures prior to the debate taking place. I would point out, Sir, that in any case these are still estimates and in this particular case estimates of revenue or revenue loss 5 years in the future. When the proposals are lodged, the figures will be available to everyone to look at.

**2.16 The Connétable of St. Helier of the Minister for Health and Social Services regarding consultation with the Health Protection Department about the transportation of sewage sludge:**

Would the Minister explain whether there is any requirement for the Health Protection Department to be consulted over potential pollution risks created by the transport of sewage sludge within St. Helier, the storage of this material at La Collette 2 or the application of material containing sewage sludge on agricultural fields and amenity land; and if not, why not?

**Senator S. Syvret (The Minister for Health and Social Services):**

There is no legal requirement for the Health Protection team to be notified of the transport, storage or application of treated sewage sludge within the Island. However, through regular officer contact between Health Protection and the Transport and Technical Services Department in forums such as the Waste Strategy Steering Group, the former remains apprised of the changing methods for the disposal of the different categories of waste on the Island. As treated sewage sludge in this form is not considered a hazardous waste product, my officers have been advised by colleagues in the Environment and Planning Department that it is not intended for carriers of this material to be registered when the Waste Management Law has been ratified by the States. As to the disposal of this material, the producer would need to ensure that the transport and final destination of the material does not give rise to a statutory nuisance under the Statutory Nuisance (Jersey) Law 1999, and in addition will not result in the pollution of controlled waters in contravention of the Water Pollution Law 2000. Sewage sludge material from Bellozanne takes 2 forms: enhanced thermally treated sludge - this is material which has been passed through the drying plant at Bellozanne and consists of 97 per cent dried digested solids, is pathogen free and as a result of having lowered volatile content is benign with respect to odours; and advanced chemically treated sludge - this is material consisting of 27 per cent dried digested solids, is again pathogen free and, as a result of having lowered volatile content, is benign with respect to odours, although less so than the enhanced thermally treated product. In both cases, the final material is tested to ensure conformity with the pathogen-free status. Both materials are transported as dry cake, which means there is no risk of spillage of liquid materials. The disposal of liquid sludge to land ceased 18 months ago following pressure on farmers and growers for compliance with supermarket protocols on the treatment of cropping land.

**The Connétable of St. Helier:**

I thank the Minister for his very comprehensive answer.

**The Bailiff:**

That completes oral questions with notice. We come now to questions to Ministers without notice, and the first question period is of the Minister for Housing, and I invite questions.

**3. Questions without notice - The Minister for Housing**

**3.1 Deputy J.A. Martin**

Would the Minister inform the House of the process of evicting tenants and who has the final say on that eviction?

**Senator T.J. Le Main (The Minister for Housing):**

The process of evicting tenants is a long, drawn-out process of consultation with the tenant, if he or she will comply with all kinds of offers. The current situation is that there is - or has been - a core of tenants who will not behave themselves and will not allow their neighbours to live in their homes peacefully; and there is also a core that do not see a priority in paying their rent. They are given all opportunities with officers - with agencies - in regard to complying with their tenancy agreements, and only at the last resort is the eviction signed. We are not there to evict people; we are there to house them - and we know that the Housing Department have some great difficulties with different clients and their differing needs - but we are not there to evict them. Once all avenues have been explored, the notice of eviction is signed by myself as Housing Minister. Then, of course, after that, the thing goes to court.

**3.2 The Deputy of St. Martin:**

Will the Minister give the Members the reason for the rise in the States' rental housing waiting list, and also advise Members what action he will be taking to reduce that size?

**Senator T.J. Le Main:**

Predominantly the rise in waiting lists is caused by the rise in the aging population, and we have got at the moment something like 322 cases that need urgent re-housing and housing. The majority of the accommodation does not suit people in old age, and particularly many of them with mobility difficulties. The current housing list is down to around 220 at the moment, Sir, with a huge amount waiting to be assessed.

**3.3 Connétable M.K. Jackson of St. Brelade:**

Will the Minister confirm that his quoted figure of circa 400 retirement or last-time buyer homes would be significantly reduced if the Social Security defined retirement age of 65 were to be used instead of the 55 retirement age used by Housing, and will the Minister be influenced by a private survey by a local development company using 55 as the retirement age?

**Senator T.J. Le Main:**

No, Sir, I would not be influenced by the local company putting a survey on 55. The Housing Department use the benchmark of 60, and at the moment we have 332 currently today requiring sheltered accommodation, many of them with needs because of mobility or illness. The figure I used of 400 or 400-plus is because as the months go by the age of the population gets greater, and I have said on several occasions we have a time bomb ticking at the moment whereby the statistics provided to us on the aging population show that we have 16 per cent of our population in retirement, but by 2030 there will be 30 per cent of the population in Jersey in retirement. Even if we started rezoning land now - for which I hope the Planning Minister will come to this Assembly at the end of the year - nothing will be developed for another 12 or 18 months, and the figures will probably be well in excess of 400 or 400-plus.

**3.4 Deputy G.P. Southern:**

Did the Minister note the house advertised in last night's *Evening Post* at £349,000 as a first-time buyer house, and what actions will he take to promote house ownership for first-time buyers in the Island, given that that is over 10 times the average wage? How can young people expect to enter the house buying market with today's prices?

**Senator T.J. Le Main:**

Yes, it is a very, very high price, but there is still a great shortage of first-time buyer homes - and of the land that is being rezoned, there are many sites still that are undeveloped and not being built upon. The basis was that the 45-55 per cent split would show that the 55 per cent would be sold on to first-time buyers at the price they could get, and the more property we put in the market with rezoned land, hopefully the prices would have dropped. But saying that, Sir, I agree with the questioner that prices are very, very high, and as I say, Sir... currently I stand here a little embarrassed because I intend to come forward with a property plan which is still with the Treasury at the present time, so unable to share it with Members. But there will be plans in that, where we will promote shared equity and all kinds of home ownership. It is my intention that this House will hopefully support me in, as I say, having a shared equity sell-off of housing stock to existing tenants on a shared equity or home ownership basis. There are discussions going on, Sir, with the Planning Minister that land should be rezoned on a shared equity basis where a percentage will be shared equity. So we will expect Members to certainly give us all their help and advice in achieving the aims of the questioner.

**3.5 Deputy C.J. Scott Warren:**

I would like to come back to the question of evictions. I understand that the Minister mentioned that every effort is made in discussions, and I just wanted to ask whether there is an appeal process, firstly to the Housing Ministry or, in the final event, to the Royal Court?

**Senator T.J. Le Main:**

There is an appeal process. The appeal process is that anyone can appeal - whether it is in the Population Department on Law and Loans or in the Housing Department - to the Assistant Minister. The first line of appeal, as I said, is to the Assistant Minister, and this has been working very, very well. The Assistant Minister looks at the case, re-looks at the case if there is any further information or any hardship or exceeding difficulty, and if the appellant is dissatisfied with that, then the Housing Minister has the final say prior to any other appeal to the Review Board.

**3.6 Deputy S. Power of St. Brelade:**

The Housing Minister will be aware of the sensitivity felt Island-wide with regard to the rezoning of green field sites. Can I ask the Minister to confirm whether he has made any progress in negotiations with the Planning Minister and the Treasury Minister in retaining the Bellevue site?

**Senator T.J. Le Main:**

The issue is that for a long time now I have put a claim in for the Les Quennevais site to be used for sheltered housing. The Planning Minister is determined that all sites - brown field sites and sites such as Les Quennevais and glasshouse sites - should be identified and used in preference to open green field sites. Sir, the current situation is I met with the Planning Minister a week or so again and he was writing to the Treasury Minister making a case that the whole of Les Quennevais site should be turned over to sheltered housing instead of part-sale and part-sheltered.

**3.7 Deputy G.C.L. Baudains:**

On the issue of higher prices for first-time buyer homes - and we have just heard this morning it is now over £300,000 for some - is the Minister aware of the evidence which has been uncovered by the Environment Scrutiny Panel that the 45-55 split is causing first-time buyer homes to be surcharged by something in the region of £40,000 plus? In other words, a first-time buyer home is subsidising the social rent. Is the Minister aware of this and, if he is, what does he intend to do about it?

**Senator T.J. Le Main:**

Yes, Sir, I am well aware of the 45 per cent split, whereby the developer has to provide 45 per cent for social rented homes to a Trust or the Housing Department at a cost which is affordable in rental purposes, as a social landlord. I am well aware that because there has been still a great shortage of first-time buyers in the marketplace that developers have been able to get on their 55 per cent - still a fairly high price. The issue is that the more sites that have been rezoned - the H2 sites and H3 and H4 sites and come forward - then the prices, hopefully, will reduce. But talking about the £340,000; most of the developments being sold at the moment to first-time buyers on the 55 per cent are on an average around £280,000 for a 3-bed house.

**3.8 Deputy J.A. Martin:**

For the first time this morning in a presentation from the Chief Executive of Planning it was stated that 2 per cent economic growth will create greater demand for housing. As the Minister for Housing, has he been kept informed of this and could he inform the House how many more houses will be needed for first-time buyers and social housing given this statement?

**Senator T.J. Le Main:**

I am informed: I have meetings with the Planning Minister on a regular basis. But at the end of the day, Sir, I have been waiting for some time now for the "Planning for Homes" document, and the issue is that I cannot really comment on that at the present time until I have full knowledge of the "Planning for Homes" document which will give all that information.



### **3.9 Deputy G.P. Southern:**

Can the Minister confirm that he gave assurance to the House that the appropriate appeal mechanism for matters within housing was from the officer, through the Assistant Minister, through to the Minister? He just seems to have contradicted himself by saying: "Appeals will go to the Assistant Minister who may overrule the Minister." That seems to me the wrong way round and I thought we had assurance that that chain was as it should be.

### **Senator T.J. Le Main:**

It is absolutely what I have said in the past. The appeal goes to the Assistant Minister who looks at the individual case with officers - after the officers - and then it comes to the Housing Minister afterwards, if the appellant is unhappy with the Assistant Minister's decision. I have got to say, Sir, that - through the Chair - it has been working very, very well up to now, particularly on all the appeals.

### **3.10 Deputy G.P. Southern:**

Can the Minister give the House his absolute assurance that no States' tenant will ever be in a position where they are simply, as a result of the complaint, given 28 days' notice to quit?

### **Senator T.J. Le Main:**

The Housing Department cannot give that, it is the court that gives it. All the evictions that I have signed go to the Magistrates Court and the court will decide on the basis of how long they are entitled to stay.

### **3.11 Deputy R.G. Le Hérissier:**

Notwithstanding the great need for sheltered housing, it is pleasing that somebody has taken those figures seriously. Would the Minister please tell us why this figure seemed to have come out of the blue, and what are the sacred features of the Island Plan, i.e. no building in green zones, that can apparently be undermined?

### **Senator T.J. Le Main:**

In 2002 - and I was on the Planning Committee at that time - the Assembly did not even consider very, very seriously the issue of the growing elderly population. The issue is that, as I say, there has been nothing built by way of sheltered housing for people - particularly those with mobility problems and ground floor accommodation - apart from, perhaps, Trinity and St. Martin who over the last few years provided some new additions to the sheltered housing stock. But apart from that, certainly since 1999 when we first started rezoning again, nothing had been provided. The planning obligations on the land did not include until 2002 any social housing for renting or any sheltered homes, and the issue now is that it is becoming very serious. We have got a huge waiting list for one-bed accommodation apart from the sheltered homes' requirements, and, as I say, the aging population is putting on a lot of pressure. Three years ago or 4 years ago I think the aging population was 11 per cent of our population in retirement. It is now up to 16, and as the years go by then it is adding complete pressure.

### **The Bailiff:**

That completes the first question period. We come now to the second question period of the Deputy Chief Minister and I invite questions.

## **4. Questions without notice - The Deputy Chief Minister**

### **4.1 Senator B.E. Shenton:**

We have received the report of the Comptroller and Auditor General in respect of the 2006 Battle of Flowers. £45,000 was taken from the Tourism Development Fund even though this was not

supported by the Tourism Advisory Panel and the discussion was not minuted. In fact, the Minister has asked that this £45,000 of taxpayer's money should not be made public. He also failed to ensure that the terms on which the grant was offered had been discussed with the department's officials and properly recorded and applied. Will the Council of Ministers be examining the actions of Senator Ozouf and consider possible action, including censure?

**Senator T.A. Le Sueur (Deputy Chief Minister):**

The Council of Ministers will no doubt read with interest the report of the Comptroller and Auditor General which we received today, and which I have not yet had a chance to read in detail. If it makes recommendations which affect Ministers I am sure the Ministers will take it on board and the Council of Ministers will endorse the action taken. I do not want to pre-judge any course of action in that respect, Sir, but I would suggest to the Members that the Battle of Flowers is a significant contribution to the Island's tourism and leisure product for the year and that I am sure whatever actions were taken, were taken at the time in the best possible interests of the Island.

**4.2 Deputy A. Breckon:**

I want to ask the Deputy Chief Minister if he has any influence over the Treasury and Resources Minister. We have today, Sir, received a public sector manpower report and, again, I think it is lacking - and it is a general thing perhaps that the Council of Ministers might consider - it does not give any age of the workforce; it does not give any gender of the workforce; and it does not give any grades. If we are going to be effective in planning, Sir, could I ask the Minister if he could respond to that and if he cannot answer now could he give some guarantee that it be looked at in the future?

**Senator T.A. Le Sueur:**

The Deputy makes a worthwhile point. I shall certainly pass on to the Treasury and Resources Minister a suggestion that we should, in future reports, identify the relative ages and genders of the workforce as far as we possibly can. That, of course, depends on the information being provided in that respect by the relevant departments concerned. But I take the point and I will endeavour to improve the information in future reports.

**4.3 Deputy J.A. Martin:**

Following on from the C.& A.G. (Comptroller and Auditor General) report; it was received by all other States' Members this morning and embargoed to 9.30 this morning, would the Deputy Chief Minister, in his position, if he has any influence over the Minister of Economic Development, find out why he was on the radio between 7.00 and 7.15 discussing the report in detail, and do these rules of the embargo not apply to this Minister as it seems to in the report? There are not many rules that do apply to the Minister.

**Senator T.A. Le Sueur:**

I was not aware of any particular embargo. I see that the copy on my desk says: "Embargoed until 9.30" but what arrangements the Comptroller and Auditor General may have made in respect of its publication I have no idea. I am given to understand it may well be that the Comptroller and Auditor General was of the view that no such embargo existed, and on that basis it may well be that any remarks prior to the 9.30 date were issued in total oblivion of any stamp on this document.

**4.4 Deputy S.C. Ferguson of St. Brelade:**

Would the Assistant Chief Minister like to comment on the fact that the Comptroller and Auditor General would not put an embargo on something without thinking about it, and therefore discussing it in the media before all States' Members have had a chance to read it was perhaps impoliteness with regard to the House?

**Senator T.A. Le Sueur:**

If the Comptroller and Auditor General had issued an embargo until 9.30 it would have been in very poor judgment to make any comment before that time. I am led to believe that the Comptroller and Auditor General placed an embargo until one minute past midnight this morning. On that basis, Sir, I believe that the actions that have occurred since that time have been consistent with the Comptroller and Auditor General's action.

**4.5 Senator J.L. Perchard:**

I notice in the revised 'Zero/Ten' proposals, a copy of which Members had on their desks this morning, that the Treasury proposed to drop the £500 Regulation of Undertakings levy. Does the Minister agree that it is important that foreign-owned companies trading on the Island contribute towards the Island by paying taxation, and will he endeavour to bring forward an alternative proposal to R.U.D.L. (Regulation of Undertakings and Development Law) in an effort to ensure they do?

**Senator T.A. Le Sueur:**

It is not only my view, it is the view of this House when we discussed the fiscal strategy, that we should as far as possible endeavour to obtain some alternative revenue from non-resident shareholders of those companies. Whilst I have dropped the proposals to use the Regulation of Undertakings mechanism to achieve that I shall be looking very seriously at an alternative proposal which has been put forward to me through the Scrutiny Panel and by a member of the public, and to see whether that, in fact, can achieve an alternative solution. That is very much a live issue as far as I am concerned and I am sure that the question is perhaps one addressed more to the Treasury Minister, but I am happy to confirm that on his behalf.

**4.6 Deputy C.J. Scott Warren:**

Can the Deputy Chief Minister give States' Members an assurance that the current lack of air links to France, apart from a twin jet service to Cherbourg and Paris - which is obviously completely unsatisfactory - will be quickly addressed?

**Senator T.A. Le Sueur:**

I am confident the Assistant Minister for Economic Development dealing with aviation matters is taking this very seriously and is taking active steps to encourage airlines to express interests from all destinations in Europe. It is something which, from the Council of Ministers' point of view, we would say is important to have these air links, but we recognise the commercial and economic difficulties of trying to run those routes on a regular basis without adequate passenger throughput.

**The Bailiff:**

Perhaps I might just say to Members that the Greffier informs me that there was confusion about the embargo on the report of the Auditor General. He put an embargo on it at 00.01 - that was the note of an embargo on the document given to the media - whereas the Greffier, in ignorance of that fact, had put the standard 09.30 embargo stamp on Members' copies; so that I think probably explains what went wrong.

**4.7 The Deputy of St. John:**

Could the Deputy Chief Minister follow up my continued request for a timetable for review of the current extradition laws? The Chief Minister has indicated in previous question time possible changes are not totally dependent on changes in the U.K., so could the Chief Minister's Department please confirm a timetable to review?

**Senator T.A. Le Sueur:**

I have no up-to-date information on a timetable for the extradition review, but I shall take up with the relevant parties concerned what that might be and make sure that the Deputy and Members of the House are kept informed.

**4.8 Deputy G.P. Southern:**

What steps to ensure proper co-ordination between departments is the Deputy Chief Minister aware of in producing a population register for the Island?

**Senator T.A. Le Sueur:**

The population register, Sir, is one aspect of the migration policy which is being worked on by a combination of officers from the Chief Minister's Department, the Economic Development Department and the Housing Department in conjunction with Social Security. I think for the first time we are getting a joined-up approach in this from the departments concerned and I have every reason to believe that a population register when produced will not only be informative but also be statistically more reliable than they have been able to achieve in the past.

**4.8.1 Deputy G.P. Southern:**

Supplementary, if I may, Sir? Is the Deputy Chief Minister aware that as part of this co-ordination, the health service is outside the loop currently?

**Senator T.A. Le Sueur:**

That was an omission on my part. I believe that the health service does, in fact, form part of this loop and part of the information that will be used in the ultimate preparation of these figures will come from the Health Department.

**4.9 Deputy K.C. Lewis of St. Saviour:**

When it comes to employment, Sir, businesses in Jersey have always been encouraged to give priority to local applicants. How does the Deputy Chief Minister square this with future legislation that would make it illegal - punishable by a fine of up to £10,000 - to discriminate against anyone on the grounds of race or ethnic origin?

**Senator T.A. Le Sueur:**

I think, Sir, that will require discussion at the time and a proposal put forward. I think one has to be realistic in terms of what one describes as discrimination and it may well be that in looking at employment legislation we will have to balance conflicting requirements there. I can understand the sensitivities but equally I am sure we want to give priority wherever possible to local employment. That, I think, is better done not through a discrimination process but by raising the standards of education available to local people so they are able to take up the jobs which otherwise might need to be filled by immigrant labour.

**4.10 Deputy J.A. Martin:**

I never got my last supplementary on the Corporate Management Board, so I will ask here. As it has been made clear it is not the tail wagging the dog; as the Deputy Chief Minister said earlier, do we want to discuss the minutiae and how things are in policy working? What I would like to ask is; can he assure the House that the Corporate Management Board at least print an agenda so we can decide, and the Ministers can decide, whether they want to look at any particular item that is discussed by this Board fortnightly, and it is every Chief Executive of every Ministry? Can he confirm that? As the Deputy Chief Minister he has the power to direct the Executive Officer to do this.

**Senator T.A. Le Sueur:**

I think it may well be that in future we should produce copies of the agenda. I need to discuss that, I think, with the Privileges and Procedures Committee to see how that could be done in practice. But the Deputy talks about minutiae policy: can I point out the Corporate Management Board do not make policy; the States makes policy and the Council of Ministers implements that policy. The Management Board simply ensure that that policy is delivered through their departments. To the extent that providing agendas may be helpful to Scrutiny in identifying matters that they would like to look at, I will certainly take that one up with the Chief Executive and I believe that those agendas could, indeed, be made public.

**4.11 Deputy R.G. Le Hérisier:**

Given the crisis that the Minister for Housing has brought to our attention about sheltered housing; could the Deputy Chief Minister tell us what steps are in train to ensure that the impact of aging people upon residential care costs, upon sheltered housing, upon the future of social services, so that we are dealing with this problem in order that we will not face the kind of crisis that the Minister for Housing has just brought to our attention?

**Senator T.A. Le Sueur:**

I think what the Minister for Housing has brought to our attention is a potential crisis if we do nothing. Various departments have been doing various things over the past few years. The Employment and Social Security Committee, of which I was President many years ago, did look at it in the context of pensions The Health Minister is certainly looking at it in terms of care for the elderly and tertiary care; we are looking at it in terms of the split for nursing homes and residential homes and the impact that that will have on the income support system. So I think a lot of work has been done in different areas in terms of the additional problems caused by a greater number of elderly people. Sheltered housing is certainly one which we need to address and that is, I know, being taken up very much by the Housing Minister and the Planning Minister and, like the Housing Minister, I await the latest "Planning for Homes" document which I hope will be fully informed not just by Housing and Planning needs but by those other departments with information which can add to the completeness of that information.

**4.11.1 Deputy R.G. Le Hérisier:**

Supplementary, if I may? Could the Deputy Chief Minister - again we have had many platitudes uttered and many fine sentiments uttered - could he tell us whether there is indeed a concrete document analysing the figures and analysing the various economic and social implications of these figures?

**Senator T.A. Le Sueur:**

There may be, Sir, but I am not aware of it.

**4.12 The Deputy of St. Martin:**

Has the Council of Ministers given any consideration as to how the proposed new waste incinerator will be financed? And is there any substance to the story that £25 million for the incinerator may well come out of the health budget?

**Senator T.A. Le Sueur:**

It is wonderful how rumours can fly around and appear out of nowhere. The funding for the new waste disposal scheme was discussed in the context of the States' Business Plan in September when an indication was given of the forward capital programme. It was indicated at that time that funding for that new plant would be achieved over a period of years through the capital funding programme. Although the precise details of that disposal plant are not yet available, the funding stream has been

identified, and subject to other resources not taking a high priority in future years, that will be on track.

#### **4.12.1 The Deputy of St. Martin:**

Is it possible for the Minister to confirm that it will not arise out of a £25 million reduction from the health budget?

#### **Senator T.A. Le Sueur:**

For a start, Sir, the Health Department does not have a £25 million capital vote allocated to it at the moment, as far as I am aware. But even if it did, Sir, that would not necessarily be the first port of call as far as I am concerned. It is for this House to decide the capital programme for future years. We have decided that for 2007 and we have given an indication for the years 2008 to 2011, and that is quite clear in what monies are allocated to the waste disposal treatment plant.

#### **The Bailiff:**

That completes the second question period without notice.

#### **Senator P.F.C. Ozouf:**

You indicated that there was some confusion about the embargo, Sir, and I respect the embargoes that this Assembly sets. I just wish to state quite categorically to Members that I received a letter yesterday from the Comptroller and Auditor General and I will just read one part. It says: "Dear Senator Ozouf. I have been investigating the Battle of Flowers and am publishing this report with a 12 o'clock midnight tonight embargo. Copies are being supplied to the media with an embargo until one minute past midnight. As a matter of courtesy I am enclosing your personal copy, a copy of the report which is also embargoed, et cetera. The purpose of doing so is to enable you to have some warning of the final form of the report against the possibility that members of the media might approach you." Sir, I acted on that letter and I was only aware this morning that there was another embargo of 9.30. I apologise to Members if I acted without that knowledge, but I did so with the best of intentions.

### **PUBLIC BUSINESS**

#### **5. Composting facilities at La Collette, St. Helier: cessation (P.76/2006) - deferment of debate**

#### **The Bailiff:**

There are no personal statements of which I have notice nor statements upon a matter of official responsibility. So we come to Public Business and ...

#### **5.1 Senator S. Syvret:**

Sir, I wonder if may just seek your advice? I am going to propose formally that the debate on P.76 be deferred until such time as we have had the opportunity to study this document which was placed on our desk this morning which relate comprehensively to the whole issue of composting and what we might do by way of alternative arrangements or strategies. This is 131 pages put on our desks this morning - maybe half an hour ago. This simply is no way to do business. We have to have time to have read this and the experts we employ at taxpayer's expense need to offer their views and their commentary on this report. Just flicking through it very briefly I can see a number of highly tendentious claims and assertions and, indeed, omissions in the document. The Assembly simply will not be making a competent decision or having a competent debate if a variety of claims are made in respect of this document to support the proposition when, in fact, the claims in the document might be inaccurate. We need to ensure, Sir, that we do have the benefit of a proper

professional analysis and, indeed, the benefit of having time to read the document ourselves. That being the case, Sir, I would like to formally propose we defer the debate on P.76.

**Deputy P.V.F. Le Claire:**

Sir, may I, before we go ahead to that proposal, just comment briefly?

**The Bailiff:**

Can I first of all ask whether there is a seconder to that? **[Seconded]**

**5.2 Deputy P.V.F. Le Claire:**

It is possibly appropriate that I should explain to Members that the document that has been produced and circulated to them this morning would have been circulated and delivered to them on Friday had it not been for the fact that I was given very late notification by the department that the actual date given for a serious investment of capital at La Collette for the establishment of the site was a year out in answers to questions in the States by Senator Perchard. Senator Perchard's questions in the States received the answer from the Minister at the time that the leacheate collection system and concrete slab was completed in August 2002, which was a crucial time in relation to arsenic contamination within Jersey from contaminated woodchip.

**The Bailiff:**

Deputy, I am sorry to interrupt you but I think the Assembly now has your explanation as to why the document was lodged late...

**Deputy G.W.J. de Faye:**

On a point of order, Sir, that is an inaccurate explanation.

**The Bailiff:**

As the jargon goes; we are where we are and the question for the Assembly at this moment is whether we debate Projet 76 this morning or not? If a Member would wish to address that question.

**Deputy P.V.F. Le Claire:**

I think there is quite an interesting issue emerging here, and I think it is a serious one, Sir. The Minister has just made a claim that my clarification which was delivered by his department is an inaccurate clarification. There has surfaced this morning from answers some questions in relation to how the site was prepared when it started to receive the material and whether or not the department - as I asked specifically in questions this morning - had other disposal routes for the material. I wonder, Sir, if I might, in taking on board your request to sit down and let the debate proceed, just inquire as to what the Minister exactly meant by the fact that he said my account of his office's information was inaccurate?

**The Bailiff:**

No, I do not think I am going to ask the Minister that because that is not the issue before the Assembly at the moment.

**5.3 Senator M.E. Vibert:**

On the issue that is before the Assembly, personally I believe that if the 130-page document had been delivered on Friday I think it would still be too soon to have the debate. I think what is very important - we have had questions on it today - is that we have got a document from a Working Party, which having read the summary I find very interesting, but which I feel before we can have a proper debate we need to have a professional peer review of. Some of the items they have come up with may be capable of being challenged, and I think States' Members need to have all that information within their view before we embark on a very important debate. I would support very

much that we do not go ahead with this debate today because we have not got all the information we need.

**5.4 Deputy G.C.L. Baudains:**

Members will recall it was Senator Ozouf who proposed we should delay the debate of this proposition for a couple of months previously; ostensibly because we should wait until the reports on composting were available. I do wish he would refrain from giving us his advice. I get the feeling that the Ministers are anxious to frustrate a backbench proposition. If one reads my proposition; the composting reports are of little or no relevance to my proposition. What I am seeking, Sir, is to debate on the narrow issue of odour. I do not intend the debate to go into alternative schemes, alternative sites or anything of that nature, Sir. As I have said, the reports are no doubt of great value but have little bearing on my proposition. I therefore robustly reject the debate being further delayed.

**5.5 Senator P.F.C. Ozouf:**

I think that Deputy Baudains and Deputy Le Claire have made the case for the proposers of deferment very well. There will be obfuscation, chaos and confusion if we go ahead with the debate. We have just heard some of it in the last few minutes. There is no way that this Assembly can consider this important issue without a written report with proper background information from the Transport and Technical Services Department and from the Health Department. There is no way that we can consider this properly otherwise we will be here for hours with chaos, confusion and more obfuscation. Let us put the debate off until we have a written, proper summary of the issues.

**Deputy G.C.L. Baudains:**

Sir, we are used to the Senator's confusion but we already have the technical services report.

**5.6 The Connétable of St. Helier:**

The Minister of Transport and Technical Services today described me as a Mafia Godfather. I am, of course, not that, I am the father of the Parish and I have been...

**Deputy G.W.J. de Faye:**

Point of order, I did not say that, Sir. I said that the Constable's developing the traits. **[Laughter]**

**The Connétable of St. Helier:**

As the father of the Parish I cannot accept the reasons that have been given today by Members. I know that there are other important matters on the agenda that Members want to hurry on to, but there are many residents whose lives have been seriously affected - notwithstanding the comments of the Ministers - by this facility. They want to know one way or another whether the States are going to close a plant down and I suggest we get on and make that decision, even if it goes against them.

**The Bailiff:**

I am sure that most Members do not want to have a debate about whether to have a debate. May I please ask those Members who wish to make a contribution, if they do, to make it very brief?

**5.7 Deputy G.P. Southern:**

We just had the word "obfuscation" which is a joy to my ears; that the obfuscation is coming from the benches there - from the Ministers - who are trying to delay a debate on a backbench proposition. We have seen it lodged since 15th June 2006. There is absolutely no reason to defer debate. If the Transport and Technical Services wished to make extensive reporting on this topic they could have done so. Let us proceed with the debate.



**The Bailiff:**

I call upon Senator Syvret to reply.

**5.8 Senator S. Syvret:**

Yes, Sir, briefly. The arguments put forward by Deputy Le Claire were simply irrelevant. The reasons for the delay are neither here nor there. The fact is we have had the delay, the document has only been put on our desks this morning, and therefore by any reasonable judgment of competent decision making we cannot proceed on the basis of this information that has been put before us this morning. Deputy Baudains claimed that this was of no relevance to his proposition; clearly that is a quite wrong claim. He is seeking that the composting site at La Collette be shut down immediately because of supposed smells and other issues. The document - the 131 pages put on our desks this morning - deals in great detail and length with those very issues. Undoubtedly this document will be cited by people during the debate as a reason to support the proposition, so I just do not think that is a rational argument. Deputy Southern's remarks I am disappointed in. The Deputy is noted for his rigour and research and the detail that he likes to go into, it really is surprising that he, as a Scrutiny Panel Chairman, should be arguing for us to move forward on the basis of what is clearly an ill-informed and incompetent decision making process rather than having had full time to evaluate all of the facts. I do not really think there is much argument, Sir. Absolutely clearly we should not make a decision this morning on the basis of a 131-page document put on our desks half an hour ago. I maintain the proposition, Sir, and ask for the appel.

**The Bailiff:**

The vote is for or against the proposition of Senator Syvret that Projet 76 be not debated this morning. I ask Members to return to their seats should they wish to vote and I ask the Greffier to open the voting.

**POUR: 28**

Senator S. Syvret  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Mary  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. Brelade  
Deputy J.J. Huet (H)  
Deputy C.J. Scott Warren (S)  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy S.S.P.A. Power (B)  
Deputy A.J.H. Maclean (H)

**CONTRE: 19**

Senator L. Norman  
Senator B.E. Shenton  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Martin  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Peter  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)

**ABSTAIN: 1**

Connétable of St. John

Deputy of St. John  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

## **6. Draft Income Support (Jersey) Law 200- (P.102/2006)**

### **The Bailiff:**

We come next to Projet 102/2006 Draft Income Support (Jersey) Law 200-. I ask the Greffier to read the principles of the draft.

### **The Greffier of the States:**

Draft Income Support (Jersey) Law 200-; a law to establish a benefit scheme for households with low income, to make minor amendments to related legislation and for connective purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

### **6.1 Senator P.F. Routier (The Minister for Social Security):**

Today I am really delighted, and have to say honoured, to be proposing the Income Support Law as I believe it is an important milestone in the development of social protection in the Island. It represents the first real definitive outcome of a considerable amount of work that has been carried on over a number of years. In presenting this Law I remind Members that we are debating the Law and not the detail of the scheme. The Law provides the legislative framework upon which the detail of the scheme can be built upon. Members will have the opportunity of debating the detail next year when I present the subordinate legislation. That secondary legislation will also contain proposed rates of benefit which will be the outcome of a substantial piece of research. The research will begin in the next few weeks involving existing beneficiaries and the current rates of benefit. The research will provide valuable information concerning the level and extent of protection that might be needed to safeguard existing beneficiaries. When I think about how we have arrived at the position today we need to remember that for many years there has been concern expressed on individual benefits - disability, transport allowance, rent rebate, Parish welfare - they spring to mind immediately. When I think back to the mid-90s I was serving on Senator Le Sueur's Committee and we were reviewing the contributory social security scheme and how it impacts on the safety net and social assistance benefits. It came as no great surprise to see that for the customer, claiming means-tested benefits was an unsatisfactory experience. The fragmented nature of the benefits often worked against each other to take benefit away from families in need. These disincentive effects were amplified by some means-tested benefits having different savings and income disregards. This resulted in relatively generous amounts of benefits being paid for some individuals compared to others on low incomes. Targeting was also poor in the area of disability benefits where individuals earning £51,000 a year could get the same amount of Disability Transport Allowance as a pensioner on a basic £8,000-a-year pension. The concept of an integrated system of social assistance benefits was borne from this review. The income support system is based fundamentally on a common assessment of income and benefits components tailored to meet the needs of the household. Along the route of accepting this concept the States considered several reports and propositions over the years. Consultations were promoted and undertaken, finally resulting in P.86/2005 - The Income Support System - which I proposed in June of last year; this was debated and approved overwhelmingly. My Committee at the time explained that the purpose of the system is to avoid poverty and to take appropriate actions and life decisions to get out of poverty. The Committee also declared that the system should provide a firm foundation on which the Island can work towards the eradication of financial and social exclusion in the Island. At this stage I make no apologies for reiterating that the Law is the framework, not the detail of the scheme which will be debated in the New Year. But the Law is the principal element of this foundation for the alleviation of poverty. Without this framework the fragmented benefit system would continue to the detriment

of the Island and to low income households, and families in particular. My genuine belief is that the scheme being designed, whatever the detail, will be better in that it will tackle real need effectively. It will promote and encourage self-reliance; it will be easily understood and accessible; it will be equitable, consistent and sustainable; and importantly, take account of the needs of the whole family. I am asking Members to approve this Law today. I have heard some say that this is difficult without knowing the detail and, in particular, the rates. As I have said, the rates will be debated when the subordinate legislation is debated. However, I do recognise that as the scheme has been developed some of the detail that will be contained in the subordinate legislation has been discussed. Members will have seen in the final consultation document, which was published just over 2 weeks ago, the areas which still require decisions after the approval of this enabling Law. I decided that a final round of consultation should take place on what might be expected in the Regulations and Orders, and that Members should have sight of this before the debate on this Law. I want to make the point as forcibly and sincerely as I can, that the consultation is not a sham, as was described during questions without notice recently. It is an opportunity for all to have the final input into the Regulations. So, if I may, I would just mention one particular example, and the need for the public to have their say. In relation to the role of the Parishes, it is clear that some believe that the Parishes should not be involved in the provision and delivery of social assistance benefits. On the other hand, others believe that the Parishes should be involved. I have taken a real personal interest in this aspect, having discussed it with the Connétables and, indeed, with the Social Affairs Income Support Scrutiny Panel. What we do need is the view of the person in the street who may be wanting to access income support. Members have received the interim report of the Social Affairs Scrutiny Panel. The document makes some recommendations, one being that there should be no Parish involvement in the delivery of income support. I thank the Panel for their views on this matter and other matters and will ensure that they are included in the public's responses to the consultation document. Having read the interim reports' comments and recommendations it is clear that the discussions on the next phase which follows this debate will be fascinating. It is reassuring that there is nothing in the interim report which I could find that indicates that the Scrutiny Panel members have any issues with this particular enabling Law which we are debating today; and I look forward to their support for it. Thinking about the next phase of work leading to the Regulations, I would urge everyone possible to answer and to respond to our consultation because it will help to shape the subordinate legislation. The issue of Parish welfare is part of that consultation process but, as I said, has no bearing on the debate today. Sir, I recognise I have strayed from the purpose of the debate but I just use the example of the Parishes involvement to explain what the debate is not about. So today's debate is about the enabling legislation, and the key word is "enabling". The Law allows subordinate legislation to be brought forward in the form of Regulations and Orders which will drive the income support system. It gives the power to set up the administration, the eligibility criteria, appeals mechanisms, and the benefit components through secondary legislation. The Law also repeals some legislation and terminates some existing benefits but provides transitional arrangements to protect those who may be affected. In simple terms, it allows the details of the system to be tailored over a basic framework of legislation. It is interesting to note that over half the total cost of existing benefits currently have no foundation in law. This is, of course, inappropriate in this day and age. I have been asked by some Members to briefly touch on the issue of existing claimants of various benefits and how the transition from the old system to the new will work. Although this detail will be brought forward in future debates about the regulation and the rates, and it is not really part of this debate today, there is the provision in the schedules - when the Law comes into force next year - for the repeal of certain benefits. May I make it quite clear that although those particular benefits will cease to exist in the new system, those people on the lowest income should not see any detriment in the total money that they receive. In fact, they may even see an increase in their total benefit. I further declare that those who are in the top level of income that currently receive benefits and under the new system would qualify for a lower benefit, they will receive a phased protection of their existing benefit moneys for a number of years. That is why the Treasury Minister has allocated £20 million and the States have approved the

transition money in the recent Business Plan debate. We want to reassure the public that the transition protection funds that have been allocated will be used in the best way possible but this detail will be subject of the debate next year. The basic message is that those in need - who are really in need - will not lose out; and some will be better off because we will have established a scheme which is more equitable. I should just remind Members that the contributory benefits will continue as they are now and will not be affected. Sir, I am confident that Members will approve the draft Law today - at least I hope they will. If it is approved, this will mark the start of a massive amount of activity. As I speak, the plan for implementing the income support is on track with an implementation date of June 2007. It is tight and the critical path could be easily upset but, as I say, I am confident that we are on target with the project plan, including the I.T. (information technology) aspect. After today, and given a speedy path through Privy Council, Regulations and Orders will be debated in the spring when the Law has returned and a great deal more information on existing beneficiaries has been gathered. The 4-month period of stringent I.T. testing will commence in January and we will continue re-organising my department to cater for the additional staff it will receive. I would like to thank the Minister for Housing and his staff for effectively establishing an orderly transfer of their staff from Jubilee Wharf to Phillip Le Feuvre House last week. I was pleased to be able to welcome them at the beginning of the week. I would like to put on record my thanks for the contribution of Deputy Martin's Scrutiny Panel whose officers and my officers have met formally and informally over the past 9 months. While I may not agree with everything that is raised by the Panel I really believe that its input has been constructive and valuable, and I am sure this will continue in the future as we grapple with the details of the scheme; and I am sure there are some interesting debates to be had. I am also grateful to the Members of the political steering group who have met on a regular basis to oversee the development of this Law and will continue to keep the pressure on to ensure that the subordinate legislation will be appropriate. I am sure Members will agree that this is a big day for Jersey. We have the opportunity to put a system in place that fits the needs of the Island - its people - and gives us a chance to tackle poverty issues in an integrated way. Recent reports place Jersey as one of the richest jurisdictions in Europe but this does not make it immune from issues of low income. Indeed comparisons with Europe suggest that Jersey has the same incidence of poverty as Europe, but a lower depth of poverty. In essence, the money that Jersey spends on social protection works fairly well when you compare it against the recognised comparisons of poverty across Europe, but it could work much, much better with a new integrated system. Sir, I look to all Members to support this new invaluable Law which will establish a fairer, simpler and more equitable income support system to the Island. I make the proposition.

#### **The Bailiff:**

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

#### **6.1.1 Senator T.A. Le Sueur:**

I am pleased to be able to speak first in overwhelming support of this Law. I say so first as the former President of Employment and Social Security in which capacity this work on revision of the income support arrangements started, I am sad to say, many years ago. It has taken a long time to get to this stage here. But nonetheless we should be not critical of that but rather we should be grateful of the fact that it has now arrived and we should warmly welcome it. But I also stand here as Deputy Chief Minister to suggest that this is a good indication of how government should work together in order to deliver these principles because, as the Senator said in his opening remarks, there has been a political steering group involving different parts of the Executive and the Connétables which have worked together to iron-out some of the many problems in the course of providing this legislation. There has been contact at every step of the way with the Scrutiny Panel responsible for this and the whole thing, I think, is a good example of how the joined-up government gets the best results and something which we might use as a template for other such legislation in the future. Today should be, I think, a day in which we should all rejoice. It occurs to

me that in 1996, when it started, we began the United Nations decade for the eradication of poverty. We come now in 2006 towards the end of that decade and I think there are several landmarks that we can point out along that decade, but one which I think will stand up clearly in all Members' minds is the way in which this income support Law has now come to the table. Yes, there are further Regulations to be made, there is still considerable detail to go into. But this gives us an excellent framework on which to start and I think Members should join with me in congratulating Senator Routier, the Minister for Social Security, on finally delivering this Law which will enable a new system to be introduced next year.

#### **6.1.2 Deputy J.J. Huet of St. Helier:**

Yes, I would like to congratulate the Minister, and I would like to say thank you to him for bringing forward some of the parishioners' calls that I had over the last few days, that were really obviously worried about future moneys coming into the household. I am glad that he has managed to put it over that these people will not suffer during this transition. But I would like to say I look forward to our future discussions because I do not agree with all the comments that have been made, especially in reference to Parish involvement, but that is for discussion another day. But I do thank him for bringing this forward and to reassure our parishioners.

#### **6.1.3 Deputy J.B. Fox of St. Helier:**

From what I read of this document it is a very good document. But because it has not got the detail I just want to ask the Minister if he would give us some reassurance. Often as a Deputy - and I am not going to go into lots of detail, it would not be appropriate anyway - people come just outside of something; and a typical example is that they have an ordinary pension, but they also have a small pension - being a widow from maybe their husband or their partner being in the Armed Services or something else like that - and there is about a pound's difference. But it makes a difference of whether they could get an additional benefit by H.I.E. (Health Insurance Exception) or something like that, and to give a typical example - it seems to be quite a common one - where you have got a person that just runs short of this additional support but cannot afford the £50 per month, or whatever it is, for the injection to stop the pain that they continuously have for whatever reason. Although it is in the detail, I would seek some reassurance that it is not going to be where you can go to the Welfare Department and sought that. It is the sort of thing that I would be seeking, that an income support such as this would be able to take such things into account. Perhaps the Minister when he is replying could give some insight into that for me.

#### **6.1.4 Deputy P.N. Troy of St. Brelade:**

We have heard many pieces of legislation described as one of the most important pieces of legislation to come before the Assembly, but I feel that it is true to say that the Draft Income Support Law is indeed such a piece of legislation. Social protection is of vital importance in any community. To provide and offer protection to those in society who require it is a measure of our community spirit; is a measure of Jersey as a community. This Law will provide a structured framework from which eligible claimants will benefit. The new system will take a holistic approach when reviewing a claimant situation and, as such, will ensure adequate levels of support for their families. The family unit will be an important element in the future administration of the system and, under the new Law, benefit can be targeted to those families in need. The integration of the housing benefit into the income support system is also of major significance in that housing need is intrinsically linked to the general wellbeing of the family unit, and I am positive that as part of the holistic approach to family life that it is correct to implement that integration into the system. Our aim at Social Security is to provide a framework that will deliver a more co-ordinated, more effective benefit system. A system designed for our community in order to ensure that those who need assistance receive it in a structured, efficient manner by a client friendly system; and I urge all Members to support this draft Law for it truly is one of the most important pieces of social legislation to come before the Assembly in decades.

### **6.1.5 Deputy G.P. Southern:**

It is appropriate to speak now after the Treasury and Resources Minister: it is a shame he is not in the Chamber currently because I wish to put to him some questions. He, in particular, referred to this as part of an eradication of poverty. But we have to be clear: the income support scheme is not about eradication of poverty because, I believe, it has been built backwards. It starts with the total sum that currently goes towards supporting the poor. There is no extra built-in there that can lift one single person out of poverty. It is merely taking the pie and dividing it in a much more straightforward and easily accessible way, I admit, but it is taking the pie and dividing it in a different manner. It is not about eradicating poverty at all. It is about spreading the load differently. It maintains the *status quo*. It is unfortunate that we have had clear indication that the research done in the past in what is known as the CRSP Report - which looked at minimum standards for various types of family - has been abandoned in coming forward with this particular proposal. Were that to be the case then indeed it would have been about attempting to eradicate poverty but, however, that is not the case. This is about maintaining the *status quo* but making the system easier, more flexible and more accessible. If it is to be a success I believe that success - with the structure we have - contains a seed of its own downfall. In particular, I ask the Minister for Social Security to assure me that he will engage with the Minister for Treasury and Resources to examine what I believe is a major defect that we will see in the future about this particular structure; and it is that if it is to be successful and more effectively deliver support to those who are in need, then there will be a greater uptake. If it is simpler, more efficient and easier to get some support for people then more people would come along and access it. So that the result was the fixed sum, the £64 million will have to be spread differently. That under-funding - I believe we will see an under-funding problem coming up - will occur in several ways. First, the transfer of welfare into income support in a centralised and efficient manner means that all those pensioners out there - and Constables may deny it but they do exist because I have met them - who are so proud that they would never ever go along to the Parish and ask for money because they see it as charity, yet they are living on, let us say, three-quarters of a pension: "Well, I get by. I do not really need it so I will not go and ask." Now, when their pension is assessed it will be the same desk. They will not need to go along to the Parish. They will be sitting there with the same person who will say: "Did you know you deserve a top-up? We can also give you, in addition to your pension, this amount from income support." That will be an increased take-up. It will get to more people if it works, and I hope it does work because these people need it. The second way in which the take up will be, I believe, expanded - and we are in danger of under-funding - is simplifying the complexity. Again, a number of people do not go down to Social Security because they just simply do not understand the system and they cannot understand all these various different income bars, et cetera, and means-tests. So they just do not bother to turn up, and probably could use the money but it is just not worth the hassle. If that works efficiently then, again, there will be an increased take up. Finally - and this is a particular issue of mine - one of the issues is that, whereas in the past those who were long-term sick, currently now on Long-Term Incapacity Allowance, automatically received the maximum award providing their contributions were correct. It was a contributory scheme. It comes out of the contributory pot. Nowadays, Long-Term Incapacity Allowance is a partial award: you are assessed on your degree of incapacity. So, people get a 50 per cent award, 25 per cent award; currently they are starting to come down to welfare and say: "Please top me up. I cannot live off £45 a week." Unsurprisingly. As increasing numbers move on to Long-Term Incapacity Allowance then the burden of supporting those people will shift from the contributory system entirely into the tax-paying system. There will be a demand on ordinary taxation revenues increasingly as this expands throughout the years. Again, with a fixed starting sum of £64 million, it is not going to be very long down the road that this method is going to be undoubtedly seriously under-funded unless taxpayers are prepared to chip-in their contribution. So while I congratulate the Minister for Social Security for bringing the Law - such as it is in this form - I am warning that down the line there are very heavyweight and

serious debates to be had over making sure that this does deliver what is needed to the people in need. Be warned.

#### **6.1.6 Senator T.J. Le Main:**

What I would like to say is it has been a very, very unsettling time for employees of Housing in the Subsidies Section. We have, or we did have until last week, a very hard working loyal bunch of people - all Jersey people - and I have to say, Sir, that I would like to thank them and to congratulate them for putting up with this uncertainty, for the way they have co-operated and worked and are looking forward to being part of the team at Employment and Social Security. Sir, I would like to thank the senior management of Employment and Social Security and the Employment Minister; to thank them for the way they have taken aboard these loyal hard working staff that were at Housing who are now going to be a very, very important part of the workforce. Yes, Sir, there will be winners and losers and I have to say I have seen too many winners **[Interruption]**. Sir, I would like to say that I have seen, particularly in the private rent rebate sector, plenty of winners and I take the point of Deputy Fox and Deputy Southern that this scheme, when it comes into force, hopefully will be a much fairer scheme and in fact that some of the perhaps losers now will be compensated. Sir, I would like to thank very much the Employment and Social Security Minister and my loyal staff for all the uncertainty and wish them all the best.

#### **6.1.7 Connétable K.P. Vibert of St. Ouen:**

I, too, would like to congratulate the Minister on getting this proposition to the States. The Connétables have been involved in the production of this Law and are glad to have been involved. I think that we cannot let this occasion pass without pointing out that the old welfare system which this will replace has served this Island well for many, many years. But I think that the Connétables were probably among the first people to realise that the pressures which were going to come on the welfare system were not sustainable by the Parish involvement which was there before and for that reason we brought forward to the States - or I on behalf of the Connétables, brought forward to the States - the proposition whereby the Welfare Law was to be abolished and the payment of what was then welfare - which will then be low income support - would be moved to the Social Security Minister. I think that Deputy Southern's words need to be taken on board. I think that there may be far greater call on the new system than there ever was on the welfare system but, at the same time, I would say that many of the people that Deputy Southern identified - the elderly out in the Parishes - will still not come forward to claim their rightful dues because of this pride. It is an inbuilt thing into elderly people. Certainly I would reiterate the words of Deputy Huet when she said that when we go on to looking at the Regulations which go with this Law, I think that the Scrutiny Committee has failed to realise that there are people out there who will be missed if there is absolutely no Parish involvement in the system whatsoever. Certainly, the Parish involvement will not come down to the level of assessment because I think that needs to be done by professionals but, when it comes to receiving payment, there is still, I think, a need for the Parish to be involved in giving the money out because a lot of people will only take it if they can get it in cash over the counter. So I am sure I speak on behalf of the rest of the Connétables when I congratulate the Minister on bringing this forward and we look forward to consulting further with him on the Regulations.

#### **6.1.8 The Very Reverend R.J. Key B.A., The Dean of Jersey:**

Just a very brief word if I may. I too want to congratulate Senator Routier on bringing this forward. The eradication of poverty is a very lofty and noble aim and certainly something to which an Island of the wealth of Jersey must aspire. I certainly look forward to seeing the detailed Regulations and would back the call of the Connétable of St. Ouen to include parochial involvement, simply because the loss of that immediate incarnation of the system where people live and the local knowledge that people have would be a great detriment. But I want to ask something about inclusivity if I may, and something about an even bigger picture. If we want to eradicate poverty then we must think of poverty as being something from which we want to lift all people, not simply

certain sections of the community; whether it is that wonderful generation who do not think they should ever be supported by anybody, to which reference has been made, or whether it may be people who feel excluded from our general community life through things other than economic standards, be it language or background or type of employment or anything else. It seems to me we must make particular overtures of education and welcome to make sure that they receive that which we are agreeing is their right. The second thing I want to say is something about education because we can eradicate financial poverty with money, most certainly, but we cannot eradicate cultural poverty simply by having a pot of money, no matter how large we make that. We will have children not receiving all they need in terms of nourishment or upbringing if we do not engage with young parents - particularly single parents - in helping them with budgeting skills and how you bring a family up in the 21st century. We can do so much with money but, in terms of eradicating poverty, there must be an education process that goes through the Education Department and that goes through the criminal justice system, so that those who have been through that particular process do not come out the other side unable to maintain a viable lifestyle honestly. So, I want to compliment the Minister on his Law; we look forward to the detail, but may I encourage all States' Members to engage in an even bigger picture that will eradicate not simply financial poverty but also cultural poverty, which may be more difficult to crack than simply the pot of money.

#### **6.1.9 Deputy C.J. Scott Warren:**

I support this Law and we must ensure that there will not be any serious gaps in provision. One such gap is that there are currently no funds in the Community Bank. Let us hope that the Citizens' Fund will be better financed. This joined-up approach in financial provision for those on low incomes is long overdue. However, some members of the public are currently very worried about these changes - I think particularly those getting Disability Transport Allowance - and I hope they heard the words that were said by the Minister this morning but they will need some continuing reassurance. So, I also thank the Minister and I welcome this Law and I very much look forward to the detail coming to this House next year and the implementation of the Law.

#### **6.1.10 Deputy J.A. Martin:**

I would also like to say that over the past few months my Sub-Panel on Scrutiny for low income support have had a very good working relationship with the Minister for Social Security. We felt it necessary to bring out our interim report early so we could basically rehearse the arguments - because of the Law, Sir, there are very, very few figures. I was not going to say a lot more after Deputy Southern because I think he has explained where we do have concerns but I have to comment on the Constable of St. Ouen's remarks. He said - and this is a fundamental lack of understanding of the new system - of course we must keep Parishes involved: "People out in the Parishes who are living on a certain amount will not go to Social Security." Well, I am hoping, Sir - and I hope this is confirmed by the Minister - if someone is on a low pension, not a full pension, they will not have to apply. Social Security officers will point out to them: "You have been living on a part-pension for the last 2, 3, 4 years. You are entitled to this extra amount." No involvement from the Parish; I am sorry to contradict the Dean, I know he has not lived in the Island that long, and the Parishes do have an involvement and they know their parishioner. What the new scheme, if it is taken on board, is looking to do is create a satellite office. It will not need to be a parishioner in St. Brelade. It could be anybody from west of the Island. It would not need to be a parishioner in Gorey. It could be someone from St. Saviour or St. Clement who is allowed to attend that office. So that completely does away with the argument that the Constables of the Parish know their parishioners best. So that is why we have advocated - and again because of the training - there are 10 major obligations that any satellite office would need to abide by under the service level agreement with Social Security and we find then they would be either very onerous or so costly and, due to the few people they may see, staff would need a lot of retraining. We explain all this in our report. So we strongly recommend, to make the most of the money that there is, that there is no Parish involvement. Most people, under the new system, will have to go to Social Security because



they will be classed as job seekers. The Social Security Minister - and I do have a question on this - emphasised that he did not say... he would not call his next consultation phase a sham. Well, I have sincere worries over some of the questions and the replies, as I have already mentioned to him. But I really would like to know who is filling in these questionnaires because they are obviously... if it is taxpayers, the majority, I can see them saying no to a lot of questions and then a lot of people will be getting no support at all. That is how the questions are constructed and, as I say, I have grave concerns. I would also like him to take on board that we have done our work. We have made our recommendations, and that will be a debate, for the future Parish involvement, but I really must say - and the Dean got a lot of foot stamping - people really must understand what the Parish involvement will mean under the new system. It is nothing like the involvement now and for the Constable of St. Ouen to say they would like to be involved, even in just the payment, having someone to go down and collect their money from the Parish or a satellite office, just takes us back 200 years. It is where we want to get away from. I am very sorry. Also, I would just like to say we do have future issues and concerns in our report; 2 major ones that we have failed to get constructive answers and amounts on and I do hope the Social Security Department are doing their homework as we speak. I, as a States Member and the Scrutiny Panel Chair, need to know how many people will qualify for a component of rent who have been here for 5 years. The figures in the document that the Social Security provided are at least 2 years out of date. It does not say it in their document but they have agreed with me across the table **[Interruption]**... so we really need to know how many people ... we may not have a problem with the concept. I totally agree with somebody paying their taxes and paying Social Security: 5 years to me is a good starting date that they can take out benefits, but I want a figure. Secondly, the Minister for Social Security has always implied that this is given now anyway by the Constables. The Constables, apparently, do not keep separate figures for qualified under housing qualifications and non-qualified only over 5 years for entitlement to welfare. So, there is a discrepancy there. It has been mine and other Deputies who have represented people who are non-qualified to, normally, be turned down towards rent and unqualified rents but that is something, as I say, I hope that Social Security will do some work on very quickly. The last point, Sir, that we asked them to do some work on is the discretionary fund that will be the Citizens' Fund. The Controller said: "Well, it is very hard to gauge because Parishes give different discretionary amounts." Well, that is fair. I mean, if you have a one-off payment for dentures in St. Saviour and they give £1,000 and St. Brelade gives £500, so be it. What is the amount they have given in discretionary payments in 2004, 2005? Sir, I do not think this is a question that should tax the brain too much but we cannot get a straight answer and we recommend the Minister for Social Security gets the answer and they start that - at least the starting point - for the fund of the Citizens' Fund. So at least we know we are starting with an amount that was covered in the previous year.

#### **6.1.11 Senator M.E. Vibert:**

I am sorry the Deputy was confused. I was just trying to gather your attention. I did want to say a few things and I listened with interest to the Deputy's speech, as she chaired the Scrutiny Panel looking at it. What I would have loved to have heard her say is compliment and be wholeheartedly behind what I regard as a major improvement in the delivery of benefits for those in need in Jersey. The detail is yet to come and I appreciate that Scrutiny want to get involved in those details and I welcome that, but I do not think we should move away from the fact that this is a major step forward for Jersey, and particularly for the less well-off in Jersey; for those in need. It is a step towards our aim of eradicating poverty; better, simpler and cheaper to administer. I agree with the Dean and welcomed his comments about the educational process which is needed as well because of the cultural poverty. He mentioned young families and I am sure he would be pleased to know that we have that very much on our mind. We run a number of parenting courses, and in the recent past we have made a major step forward by developing the old St. Luke's School into 'The Bridge', which brings together a number of agencies which are very active in this area of trying to address, in a holistic way, the problems of families, and that includes education for young parents in

parenting classes. We are looking to do more and I believe that working with Employment and Social Security under this new proposed scheme of bringing together all the different benefits so there is income support, we will be able to have a much more joined-up approach to addressing the needs of people as a whole rather than we have done in the past with trying to address each element separately. I believe Members should overwhelmingly support this Law and when we do get to the Regulations that will be the time to go into the detail to ensure we are all comfortable with that detail. That will be the time, I believe, when we talk about the involvement of the Parishes. One thing that I have not heard so far, and I have not seen in the Scrutiny detail that I have read, was a question of the choice for the beneficiary and should the beneficiary not have some say in this. If the beneficiaries wish to access part of the system via their local Parish Hall why should anyone want to restrict that choice? That I heard - I think it was Senator Shenton muttering behind me - costs: and I think there has to be a balance between cost and serving the people in the way they wish to be served. I do not think we can put everything down on the balance sheet when we are dealing with people in need, and when we discuss that part of the Regulations of income support and so on, that is what I will be looking to; the balance between the cost and serving people who may wish to use the Parish to access part of this system. I think we need to be very careful before we restrict that choice because there are a lot of people who are very comfortable and would prefer to use the Parish Hall rather than go to a central office in town. So, Sir, those are the details to come. I hope this proposed enabling Law is unanimously approved by this House because it is a big step forward for Jersey in moving towards eradicating poverty as well as it can.

#### **6.1.12 The Deputy of St. Martin:**

I would quickly like to stand up and just to comment on the part of the Social Affairs Scrutiny Panel. I think, possibly, Senator Vibert was being a little bit unkind to Deputy Martin who, as the Chairman of the Sub-Panel, has done a terrific amount and has indeed been complimented by Senator Routier for the work not only she but her Panel has done. Can I make it quite clear, as far as the Social Affairs Scrutiny Panel is concerned, we welcome this piece of legislation. I do not think anything that Deputy Martin has said takes that away. We do welcome it but what it is, it is an enabling piece of legislation which is the framework; this is the kick-off. The devil is in the detail. That detail is to come and I think what the Members of the Sub-Panel are doing, they are really making Members aware that as much as we want this piece of legislation to go through, the devil is in the detail and there are a number of issues which are fundamental. Unless we have this framework and it delivers what it should do then really this particular legislation will not really be what we think it is. So, really, again to make it quite clear, the Social Affairs Scrutiny Panel support this. We make it quite clear, Sir, we will not wish to scrutinise it because in fact it is part of the Scrutiny process already because that is what is the ongoing thing. So we shall not be holding that up but, again, we do welcome it but, again, the bigger debate is to follow.

#### **6.1.13 Deputy I.J. Gorst of St. Clement:**

I hope Members will not mind me quoting Disraeli who said: "Power has only one duty, to secure the social welfare of the people." I believe that that is the desire of the Minister in bringing forward this proposition and I, along with other Members, congratulate him and support this proposition. However - there is always a however - I would like to raise a number of concerns that I ask he considers before he brings the detailed Regulations. Firstly, local accountability. It seems to me somewhat ironic that when other western societies are wrestling with how they can regain control and accountability into their centralised social support systems that we, at that very time, should be moving away from utilising the Parishes - their expertise and their knowledge - on the grounds of what is happening to people. Yes, it may not in future be just in their Parish, but certainly in their area or a number of combined Parishes, and that I ask him to take into consideration when he brings forward his Regulations. After all, this is not just about money but also about the human aspects. I am sure Members have taken time in the past to visit their Parish Halls and see the fantastic work that currently goes on there; work that is not just about distributing money but is spending time

with people, counselling them and helping them in the situations in which they find themselves. I think that we would remove that from our system at great loss to providing support to those in need. I would also ask him to consider the area of budgeting. It is fine to say that we will lump the support into one large amount and give it either on a monthly basis and that will account for all sorts of elements of expenditure, but I think we need to bear in mind that for some people that will require education on how they are going to budget. If they are getting an amount included in income support for their health care or their doctor's bills in one lump sum, it will require education and it is a concern to me that that money - when they need to go and visit the doctor - might have been spent on other items. This is an area that I ask him also to look at. One final item that I ask him to look at and that is provision: not of income support for mothers who choose to stay at home after their children have gone over the age of 5, but certainly looking at the whole issue of Social Security contributions and what that will mean for their future pension provision if they do decide to stay at home, because I believe that we should not eliminate that choice from people. So, I ask him also to look at that. But, in summing-up, I fully support it and I look forward to seeing the detailed Regulations.

#### **6.1.14 Deputy G.C.L. Baudains:**

It may be that I will vote against this proposition so I thought I had better explain the reasons why, Sir. To start with, Senator Vibert assured us that the new system will be better, simpler and cheaper. I am not convinced that it will be because no one really knows how this will work. The details are yet to be worked out. In fact, I believe some of the aspects in the articles we have before us will not work. Nobody knows really how much it is going to cost apart from the likelihood that whatever sum is needed will be increased substantially if Goods and Services Tax comes in. I think £20 million is a figure, if I remember correctly. It does surprise me, Sir, that a proposition as complex as this and with so many unknowns seems to get the assurances from Ministers when something as simple as odour requires many reports and delays. But my main concern is, as eloquently described by my fellow Deputy - Deputy Gorst - the case that some of the poor may end up being worse off under this system, as we move away from a Parish-based system. There are, as Constables and others have outlined - in fact I believe Senator Vibert did as well - those people who are more comfortable going to the Parish for their assistance. There are also those who are perhaps too proud to go to the system but, anyway, there are those officials in the Parish who may know of their plight and help them out. I cannot see this happening under the new system. Deputy Gorst touched upon the question of payments. I happen to know one case in St. Clement where a recipient of benefit was receiving a small amount each week and, for some reason that is not clear to the Parish, Social Security decided they would give this person a lump sum going ahead several years - I think it was about £8,500. Well, of course, that was spent in 2 or 3 weeks and then the Parish had to pick up the difference. I am not sure that the system that has been worked out is a great advantage over the present one.

#### **6.1.15 Connétable S.A. Yates of St. Martin:**

I did not think I would have to speak this morning, Sir, but I would like to make a few comments. I would like to endorse the comments of the Constable of St. Ouen's and the Deputy of St. Clement. I have feelings about the Regulations that are going to be bolted-on to this structure and I know there will be discussions at a future date but I would like to briefly - with the few notes I have - make a few comments. The thing that I really would like to say, I think, is the involvement of the Parish. I do not mind whether the assessments are done elsewhere but the welfare, or shall we say the care of the Parish - and the word that springs to mind is welfare claimants or welfare clients in crisis - generally welfare clients in crisis do not have their crisis during office hours. It is often on a Friday evening or a Saturday morning that a welfare client will ring up and say: "Can I have a word, Constable?" "What is the matter?" "Oh, my wife has kicked me out." "Have you got any money?" "No, I have not got any money." "Where are you now?" "Outside the Parish Hall, Connétable. Can you come up, please?" Now, how are these people going to be dealt with in the

future? I am all in favour of this proposition and I think that I will support it because we need an overall - as the other Members have said - holistic approach to this but there needs to be a bit of flexibility. You cannot squeeze people into boxes. People are not computer-friendly. There is always some angle that does not quite fit the situation and I am most interested that this new system should work. I think that because people are all different they are going to want to ring up somebody they know and it is no good for a Connétable to say: "It is not my responsibility anymore. You had better ring up Social Security," because it is the Connétable's responsibility still. I understand, Sir, that the Connétable has a duty of care under common law - or customary law - to care for the aged, the very young, the poor, the disabled and the people who cannot look after their own affairs. Now just because assessments for welfare or income will be done elsewhere, this responsibility will still be in place. We will still be responsible for the social welfare of our parishioners. So I will be supporting this proposition. I am totally in favour of it and I look forward to the detail at a later date, and I will be speaking more about the detail at the time. I just hope that the structural framework of this Law will have brackets that we can bolt-on the walls, the floor and the roof because the detail - as our excellent Deputy of St. Martin has said - is all in the detail and not in the enabling Law.

#### **6.1.16 The Connétable of St. Helier:**

I think the Parish system in the past has proven very successful in a number of areas of administering welfare and one of them has not really been touched on today. I am not quite sure why because certainly, a while back, a lot of people were talking about it. A lot of attention has been paid - and rightly so - to the concerns people have that people will slip through the net, that people will not receive the same degree of responsive, immediate and sensitive feedback and support that they get from their Parish welfare departments and I think it is quite right those concerns have been flagged up. I am certainly confident that, not least because of the input that people currently working now for the Parish welfare departments will be providing to the Department of Social Security, those skills will not be lost. Those skills, I hope, will be transferred and emulated by the department. But one area that has not really been touched on so far is how are we going to avoid, with a more centralised system, the pitfalls of the larger welfare states. I was certainly pleased to be able to benefit from what we used to call the giro during a period of life when I lived in the U.K. and I have to say that I was not, in any way, checked-up on. It really was just a matter of collecting my fortnightly giro and getting on with life. I think there have been certain concerns that one of the strengths of the Parish system is that we know the people who are in real need and, conversely, we know the people who are not in real need, although that is more difficult in the larger Parishes. The anecdote about the person who turns up to their Parish Hall in a Porsche and hopes to collect some welfare is well rehearsed and I think there have been concerns by some people out there that the new system will lose that ability to tell people: "We do not really think you need that benefit that you say you are entitled to." Now, I have been assured by the Minister on more than one occasion that he does not believe the new system is going to lack that ability to make sure that the benefit is targeted where it needs to go and, indeed, I have already referred to the skills of parochial staff that we hope will be transferred to the department. Of course, it is also true that Housing Department staff are well practised and they do not trumpet their successes - and, indeed, Parish ones do not either - but fraud is detected and large amounts of money are saved to the ratepayer every year in St. Helier by the careful and experienced and sensitive work of our department. I believe that taxpayers in particular who are concerned about whether this system will be affordable need to be reassured by the Minister that his system - as well as of course, stressing the client friendliness, the ability to deliver benefits to people who need it - will not be easy to cheat. It will not be a system that people can exploit. So I look forward to that reassurance from him. I believe that States' Members will continue to be involved - not just the Connétables but the Deputies and the Senators - we will all continue to be involved in our constituents' lives. We get phoned-up, and I do not think that the income support system is going to change that because if our constituents do not feel they are getting the service they used to receive

we are going to be the first people to know about it, and I believe that should reassure Members that I am sure we will continue to be the first port of call because we are accessible to constituents. So we will be on the Minister's back very quickly, I think, if our constituents are not receiving a fair deal. I think Senator Vibert said that the system will be better, simpler and cheaper. I must say, I share Deputy Southern's reservations about this. I am sure it will be better and I am sure it will be simpler - and we deserve a simpler system and one which is more joined-up - but I very much doubt it will be cheaper. I think it is going to cost more money and I think the Council of Ministers needs to start thinking now about where they are going to find that money.

**6.1.17 The Connétable of St. Brelade:**

I rise slightly worried, Sir, that I am having to vote for a Law with a blank cheque. Clearly, the point has been made by several speakers already that the cost of this is somewhat open-ended and all my gut feelings - when talking about all the detail on this - indicate an increase in cost and I really feel that we do need to put some sort of threshold on the sums allocated by the Treasury Minister to the low income support. Going back, Sir, the whole system really stems back probably to the 1771 Code and the Constables, through welfare boards, have been administering it since then. It has been administered in a very paternalistic sort of manner and by people who, principally, have not been paid for so doing and we are moving from that system to an arrangement which can only cost. I support the principle of the Law, Sir, and I have no doubt in my mind that a comprehensive income support system is well deserved in this Island, and we are in desperate need of it, but the detail of the operation needs close scrutiny. I would like also just to address briefly a couple of points made by an earlier speaker with regard to the Parishes, Sir. The Parishes are a community service. We are there to support parishioners. If parishioners require service in some form or another, we are there to do it. It would be the easiest thing in the world for us, Sir, to dispense with any form of welfare payments altogether and I think that would be the wrong way to go. This is Jersey. This is not London, Sir. We are Jersey. If we want to stay as Jersey we have to include our parishioners in the whole way of life. This is the Jersey way of life and I think it is very important that the Parishes act as distribution centres, not necessarily decision-making centres, because with the use of I.T. these days, clearly that is the way in which we will be going. All we want to do, Sir, is assist our community in their normal way of life. Sir, I look forward to supporting the Law but I also look forward to seeing the detail in due course.

**6.1.18 Deputy P.V.F. Le Claire:**

I would ask the Minister to forgive me for perhaps not being up on this as much as I should be, having spent my last 6 months with my head stuck in a compost pit, but I would like to ask just a couple of very quick questions. In answers to questions this morning, the Minister kindly provided me with details in relation to how the contributions of people at Social Security are or are not cross-linked with other information and, in particular, he answered that there is no link to I.T.I.S. (Income Tax Instalment System) payments, doctor's visits and where people are working and paying contributions. I just wondered how they were going to ascertain in the future whether or not those people that are contributing have got expenditure in those areas or income in those areas and whether or not the department is going to look to try to marry-up those sets of data. The other thing I would like to ask about, which I have managed to read briefly but I have not had time to ask the questions on, is in relation to determining whether or not somebody has been assessed correctly. From my reading of the document, I remember reading that the claims are assessed and then, if they are deemed not to be appropriate, then they are to be reviewed by a second officer. Upon that review having taken place, it is then put to a Tribunal. Not having had the time to investigate this completely as I would have liked to, I would like to ask the Minister today just to explain to me, for my satisfaction if possible, what will happen to an individual who feels that they do not have enough money? Will they be able to return to the Parish and call upon the Parish for funds because it seems to me that, if the Social Security Department has determined that there is no more money coming forward, where does the individual go? Will they be left to be picked-up by the charitable

organisations of the Island? It is all very well to speak about eradicating poverty but one thing is for certain, the poor will always be with us. The decade for eradicating poverty in Jersey was from 1996 to 2006 and we spent many hours meeting to try to find ways of tackling that. There will inevitably be a whole host of organisations that will continue to fill gaps where our services cannot meet them and I hope the Minister encourages those services to flourish in tandem with this new system because there always was a fallback position in the past, that they could go to the Parish. The last thing I would like to ask in relation to the Draft Income Support Law is in relation to determining that only one application would be made per household. How will the category of 'per household' be determined and, in the circumstances where many people may be living perhaps in one domain and with family structures being as complex as they are, how will the one household be determined? I would like to congratulate the Minister for pressing ahead with this important issue and also congratulations to the Constables who have been putting a lot of time into this over the last couple of years as well. They sit quietly in the States Assembly not saying much except to tell me off, but they do a lot of work and it is to be appreciated.

**6.1.19 The Deputy of Trinity:**

I support the draft Law but, again - like everybody - look forward to the detail. One of the most important aspects is the Citizens' Fund, and I would like it emphasised that it will be properly funded and it will not run out of funds mid-year. Another aspect is the contact with Parish and Parish Halls. Parishes are the heart of the community, especially in the rural parishes. It is one of the strengths of our Island life. People there are treated as individuals, not numbers on a form, and local knowledge is so important. Another area I would like clarification on is people at present being funded by the Parishes in residential and nursing homes. Will that be funded by your Department or from somewhere else?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy of St. Martin:**

Sir, could I just ask that we have adjournment now. I know I and others would like to go to a funeral at 1.00 p.m. and I would be grateful if we could sum-up and do that after lunch.

**The Bailiff:**

You will be more than 2 minutes, I think, Senator.

**Senator P.F. Routier:**

I think I will be more than 2 minutes, Sir. I think if we move the adjournment and I will start afresh.

**The Bailiff:**

If Members agree, we will adjourn now and reconvene at 2.15 p.m.

**LUNCHEON ADJOURNMENT**

**PUBLIC BUSINESS (resumed...)**

**Draft Income Support (Jersey) Law 200- (P.102/2006) (continued)**

**The Bailiff:**

I call upon the Minister to reply to the debate on the principles.

### 6.1.20 Senator P.F. Routier:

Before I do that if I may just remind Members, the ushers are going to be bringing around a revised answer to a question I gave to Deputy Le Claire this morning. There were just some vital year date numbers missing at the top of the registrations form which I identified when it was on Members' desks. Just for Members to be aware that that will be on their desks imminently. Thank you, Sir, and thanks all Members for the debate this morning. I have to say I am really heartened by it and I think we can all get behind this Law and feel that we are going to achieve something by supporting people on low incomes. I really am heartened by the response that we have had today. I will respond to some of the comments which have been made. Deputy Huet spoke about her concern about the transition arrangements and the importance of speaking to the people who are currently receiving benefits; that they must be kept informed of what is happening. That is exactly what the Department will be doing. From the support of the Law today, we will then be speaking to the individual beneficiaries and ensuring that they are kept well informed of the process and what their benefit entitlements will be in the future. Deputy Fox raised a concern about the sharp cut-offs that we have in some of the existing benefits. He gave an example of somebody wanting a £50 benefit and was disqualified by £1. This whole new system is going to work totally differently to our existing benefit system. There is not going to be any of the sharp cut-offs that we currently have. It is going to be a graduated system whereby people will have their needs assessed and their income will be marked alongside their own needs and it will get to a stage where it goes pound-for-pound. So, it is not a matter of a straight cut-off as with existing benefits. He also raised the issue of people with chronic illnesses, which obviously is something that we have been concerned about for quite some time and we are going to be dealing with that in 2 ways. One, Members will see in the schedules of this Law that we are making an amendment to the current Health Law which will enable us to direct benefits specifically to people who have chronic health problems which is not only going to help people on low incomes, it is also going to be available to people who are above the income support system. So, that is a major change and a very positive change which we are bringing forward with this amendment to the Health Law. The second way that we are going to help people in the income support system is we are establishing what we are going to be calling 'Health Medical Accounts', so that people, if they wish... and they are concerned about managing their income support payments in a way which is going to enable them to pay for their medical requirements. We are going to establish, as I say, these Medical Health Accounts which we will keep on their behalf so that they are able to afford any medical support that they need. Deputy Southern was concerned generally about whether this new system was being developed the wrong way round; that we currently have £64 million to redistribute and he made a comment that no single person will be brought out of poverty and also he mentioned that it will only maintain the *status quo*. Well, I am afraid that is not what is going to happen. People on the lowest incomes, their benefits are going to be increased. They are going to see a far better support system and we have a very famous graph which we bring out at all times which shows that there are people in the £200-£250 earnings amount at the present time. They are in a dip where they receive less money in the current system; they come off welfare; they try and help themselves and they receive less money by trying to help themselves. This new equitable system will address that issue and people who are currently being served quite badly by the amalgamation of all the current benefits are going to see a significant improvement in their situation. So, with regard to people not being helped out of poverty, I am afraid that is far from what is going to happen and the *status quo* is not going to be maintained. The Deputy also suggested that I should be sitting down with the Treasury and Resources Minister to make him aware that this system is going to require additional funds. Well, the Treasury Minister sits on our Political Steering Group and has been with us all the way with this and has been supporting us. He is very aware of how the system is being developed and we recognise that there will be welfare costs. Income support costs are not something that are going to diminish over the years. It is going to get greater. We know that because of the ageing population and we know that we are going to require additional funds as time goes by and I am sure that the Treasury Minister and the Council of Ministers will be very aware of that. I think that is part of the

reason we are doing this today, because the Constables themselves recognise that it was a major issue for them and the Parishes were going to be faced with large increasing bills and we recognised, as the States, that it should be carried out more centrally. Other than that, I think I was pleased to recognise that Deputy Southern was supportive of this Law and I am very pleased to have received that support. The Chairman of the Comité of Constables - the Constable of St. Ouen - I thank him for his support and the support which he voiced on behalf of the Comité of Connétables. This is going to be a major change for them and later on, when we get to the Articles, we will be discussing Article 20 which will effectively resolve the Parishes from their requirement to be responsible for welfare and that will be a major change for this whole new system. The Dean spoke about the need for education and cultural resources. I think the Minister for Education dealt with that quite well and he did talk about the very good work that 'The Bridge' is doing. I think we need to see more 'Bridges' around the Island. It is a superb facility which is helping people to manage their own affairs and to support families in looking after their needs and I wholeheartedly support the work of 'The Bridge' and, as I say, we should have more of them. Deputy Martin, who chairs the Scrutiny Sub-Panel; I think she is exactly right in what she has been saying, that this Law will support people in a far better way. She did have a concern about the consultation process and questioned who is filling-in the forms. Well, the questionnaire has been distributed to a number of people and a very wide cross-section of the community. We have written to various social pressure groups and people who have attended upon our consultations that we have carried out over the previous years, people who have attended our open meetings. We have all their names and addresses and we have written to them to ask them to respond to our consultation process. Also, on top of that, the Communications Unit has a consultation database which is made up of various people from around the Island and we have asked for them to respond as well. So I think we have gone about it in as open way as we possibly can and I think we all recognise that we all need to do a lot more work in the lead-up to June 2007. We all know the issues that will have to be addressed with regard to the 5-year qualification and the Parishes involvement and all those sorts of issues; that will come in the later stage. I am disappointed that Deputy Baudains feels that he will not be able to support this Law but I hope that he will see that there are some benefits with this Law. I can understand he still feels that the administration should be a bit nearer to the Parish as they have a good feeling as to what goes on within the Parishes, but I sincerely believe that what we can achieve with this Law is a centrally administered system which will have the support of the Parishes. The support that Parishes can give in so many ways in ensuring that people are identified who do need support and they can filter into this system, and they can be of great benefit to us in ensuring that we do have a proper system. I would like to think perhaps Deputy Baudains might reconsider and think about supporting this; because I believe it deserves the whole support of the States. The Chairman of the Social Affairs Panel - the Deputy of St. Martin - spoke about the effectiveness of the Scrutiny Panel and I have to say he is quite right to have made the comment that they will not be asking to scrutinise this Law because we have been working with it all the time. I think that is really the way that all Laws should be brought to this House and it is being worked really well, and I congratulate the Scrutiny Panel for becoming involved really early on and helping us to get to where we are today. The Constable of St. Martin identified the important issue of crisis payments and that is something we recognise that needs to have a system in place which will identify ways of supporting people out of office hours and in areas where they cannot get access, ordinarily, to the income support system. There will be a mechanism to support people. The one which currently exists now - and I am sure that the Connétables are very well aware of how that works - is if it is a crisis payment that is made by a Parish official, as long as it is an amount which is at a level which is just to get over that crisis - over a few days, a weekend or a day or whatever - the approach could be made to our department to be reimbursed for that crisis payment; but obviously it would just be for a very limited time. The Connétable of St. Helier spoke about the experience of existing staff, and he felt that the existing staff had experience which we can learn from; and I believe that we can learn from their experience and we will benefit from their move to the Social Security Department. The Connétable also mentioned about his experience of receiving



Giro's in England; he used to feel that he could just go along and was paid his Giro without any questions asked. I have to enlighten him that that system has changed quite dramatically in recent years. It does not carry on like that anymore and probably from the time that he was receiving his giro things have changed. I can say that our system will require regular monitoring and helping people to ensure that they do try to get into work and there will be regular interviews with people to ensure that they are monitored. He also spoke about the need for fraud prevention and we recognise that the Parishes and the Housing Department do carry out fraud protection in certain matters now. Our own department do as well with certain benefits and so I think with a team all working together we will be able to ensure that these matters are dealt with in an appropriate manner. The Connétable of St. Brelade was concerned about the overall cost and additional payments that may be required. I am aware that a number of the Parishes do have their own charitable funds and this system does not take that away from them. I know that Parishes do support people from their own charitable funds and make payments to people, and that they can still continue to do because that will not be part of the income support system. They have been donated money in the past which they can use for various systems but that is totally outside of the income support system. Deputy Le Claire was concerned about the way people - if they are being assessed - had one determining officer look at a claim and a second determining officer looking at it and somebody would be refused. Well, we have to recognise that this is a replacement of the current Parish welfare system, which is the safety net. The Parish welfare system was the safety net; income support will be the safety net. There may be an option for discretionary payments in particular cases but for the general run of the mill applications this is the safety net now, as opposed to the Parishes. He also asked about how households were going to be made up: it is based on people living together in a household and having some financial inter-dependence. It is possible to have various households living in the same building but because they are not financially inter-dependent they will be treated as a separate household. The Deputy of Trinity was concerned about residential care and nursing care: residential care will obviously be part of the income support system but nursing care will remain with the Health Department. If people require additional exceptional nursing that will be at the cost of the Health Department; the income support will be for what we consider to be the hotel side of residential care, it will not be for the nursing side which is obviously for additional costs.

**Deputy R.G. Le Hérisier:**

I wonder if I could ask the Minister to clarify, will the hotel portion be separated out if a person, for example, is in a nursing home and there will be a separate nursing charge?

**Senator P.F. Routier:**

That is my understanding. Certainly, the main concern was about the growing cost of that from the Deputy of Trinity. We have already been allocated growth money for additional residential care and we recognise that is very important. I mentioned earlier, the move from the Parishes to the States is because of this greater cost that is being recognised. I hope I have addressed many of the issues which people have raised; I recognise that what we had today is an enabling Law which will set us on the way to ensuring that people are supported in an appropriate manner. It will be fairer, it will be simpler for people to make an application and it will be something which, I think, we can all be proud of. I maintain the proposition, Sir, and I ask for the appel.

**The Bailiff:**

May I ask all the Members who wish to vote on this matter to return to their seats in the Chamber? I ask the Greffier to open the voting.

**POUR: 43**

Senator L. Norman  
 Senator W. Kinnard  
 Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator M.E. Vibert  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Connétable of St. Ouen  
 Connétable of St. Mary  
 Connétable of St. Peter  
 Connétable of St. Clement  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Deputy R.C. Duhamel (S)  
 Deputy A. Breckon (S)  
 Deputy of St. Martin  
 Deputy P.N. Troy (B)  
 Deputy C.J. Scott Warren (S)  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy S.C. Ferguson (B)  
 Deputy of St. Ouen  
 Deputy P.J.D. Ryan (H)  
 Deputy of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy G.W.J. de Faye (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy D.W. Mezbourian (L)  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
 Deputy A.J.H. Maclean (H)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John  
 Deputy I.J. Gorst (C)  
 Deputy of St. Mary

**CONTRE: 1**

Deputy G.C.L. Baudains (C)

**ABSTAIN: 0****The Bailiff:**

I understand that the Scrutiny Panel has fulfilled its function on this matter. Minister, do you wish to take the Bill in parts or by article?

**6.2 Senator P.F. Routier:**

In parts if I may, Sir, perhaps parts 1 and 2; which is Articles `1 to 7, if that is appropriate? Article 1 is obviously about the definitions and I think the most important thing to note is that those

of a child and an adult, where we are using compulsory school leaving age. The reason for this is because it allows the position of a 16 to 21 year-old to be handled simply whether they are in work or in full-time education. I would particularly like to thank the Scrutiny Panel for that suggestion; **[Approbation]** that has been something which has come from the Scrutiny Panel and I believe it is again, another example of how the Scrutiny Panel has added to this work. Moving on to part 2, Article 2; the basic eligibility criteria are set out here, and perhaps more correctly, the power to describe the criteria in greater detail in the subordinate legislation. Looking at Article 2(1)(c) as the prime article about work; it requires everybody in the household to work, if reasonably able to. Article 3, this is an important article, it does not say that everybody must work, it just lays out the circumstances where the work criteria can be waived. For those over 65 or caring for a child under 5, the exemption is absolute and automatic; you need not work at all and the department will basically not ask any questions. For the other categories this is not an automatic right, but some people will be allowed not to work at all if these categories and the determining officer so decides. Others may be asked to seek more work or part-time work but the point is that there needs to be a discussion between the advisor and the individual within the household. Moving on to Article 4, this article allows the administration to be set up; the enabling provisions are pretty much the same as those in our other benefit laws. Article 5 is the main article for the subordinate legislation where the powers are given to set the rates and criteria for basic and special components; these are all regular weekly payments. Article 5, sub-paragraph 6, is the operating article; it is not automatic, like pensions, but there will be a review on a regular basis - a bit like we do for a family allowance. Moving on to Article 6, this covers the calculation for the income support and that is where we carry out the calculation, as I say, for income support. Article 7 talks about the calculated income support; it means that the total income will be required. The department needs to know the total income from any source; our approach is to be not too prescriptive but widely-drawn so that people can also make an appeal against that decision of the determining officer. I propose Articles 1 to 7, Sir.

**The Bailiff:**

Articles 1 to 7 are proposed. **[Seconded]** Does any Member wish to speak on any of these Articles?

**6.2.1 Deputy G.C.L. Baudains:**

I seek clarification on Article 3(g); I presume that equates to unemployment benefit and on Article 4(2), I am slightly confused because the way I read it, it means that an eligible household - which, of course, could consist of several working people - it says that only one claim may be made. What happens if there are 2 or 3 people; if the father, son and wife are all sick and there is only one that is able to claim and not all 3? **[Interruption]**

**The Bailiff:**

Yes. Would the Deputy please repeat that again?

**Deputy G.C.L. Baudains:**

Yes, the Article 4(2): "One claim for income support. Only one claim may be made at any one time on behalf of any one eligible household." An eligible household, as I understand it, can consist of any number of working adults; if more than one adult is unable to work for whatever reason, does this preclude them from having any support; that only one person can have support in that household? I am unable to understand that. It seems to me that there are only 2 logical possibilities; either when there is a case of 2 or 3 people not able to work for whatever reason should that occur, either only one person would get support and the other 2 would get nothing or one person would get all the support and have to share it out amongst the others, which might cause some difficulties. I cannot understand how Article 4(2) is going to work.

**6.2.2 Deputy G.P. Southern:**

Could the Minister clarify for me the circumstances which might be brought about by Article 2(1)(c) in combination with Article 3(1)(b) which might result in the department insisting that a parent - and let us say a mother - goes out to full-time work as soon as her children get over the age of 5. She might have 2 or 3 children in the age range 7 to 10 and be a very busy mum and decide that her prime duty is to her family but according to the combination of Article 2(1)(c) and Article 3(1)(b) it seems to me that the department will be insisting, whatever the circumstances, that she goes out to full-time work. Similarly, if that parent is a single parent, will the department be insisting on full-time work? How many hours is full-time work? In order to care for her children would not part-time work be acceptable? It seems to me that this is very prescriptive and is forcing all mothers with children over 5 years to go out to work full-time.

**The Bailiff:**

I call upon the Minister to reply.

**6.2.3 Senator P.F. Routier:**

Deputy Baudains' question regarding the make-up of people in the various households; the format of the Law will enable a judgment to be made with regard to each individual within the household, ensuring that people can effectively be part of various households within a building, as I mentioned in the earlier comment. We believe it can work the way it is set out here and I really am at a loss to get to grips exactly with the circumstances the Deputy was talking about. But certainly, our understanding of the research that we have carried out of the various household make-ups, it is something that is appropriate for our system. I believe it can work. With regard to Deputy Southern, the circumstances which he spoke about - a mother with a number of children - there would obviously be a judgment to be made by the determining officer about the suitability of requiring a mother with 3 children to go back to work. We have the ability within the legislation to make a judgment that they are not required to; it will be an individual assessment made by the determining officer and I would imagine, in the circumstances the Deputy has just explained, that the determining officer would come down on the side of not requiring a person to have to get back to work in those circumstances. It will be a judgment which will be made by the determining officer.

**Deputy G.P. Southern:**

Can I ask a point of clarification, Sir, if I may? Could the Minister point to which Article under 3(1) gives that power? Because I do not see it.

**Senator P.F. Routier:**

I do not know if the Attorney General can help in this matter? [Laughter]

**Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

Yes, I think the part the Members might want to look at is that in Article 3(3); there will need to be a Regulation made. But the States may, by Regulations, amend paragraph 1 and they may, for the purposes of this Article, provide what is or is not to be treated as remunerative work. So, that is the facility for coving the position the Deputy has raised.

**Deputy G.P. Southern:**

May I also, Sir, ask a point of clarification? The Minister did not answer my question of what constituted full-time work; how many hours are we talking about?

**Senator P.F. Routier:**

That will be under the Regulations and considered at that stage.

**The Bailiff:**

I put Articles 2 to 7, those Members in favour of adopting them, kindly show? Against? They are adopted. **[Interruption]** You seek an appel on one of these Articles or all of them? It is Deputy Baudains, is it?

**Deputy G.C.L. Baudains:**

I beg your pardon, Sir?

**The Bailiff:**

Do you seek an appel on all of these Articles?

**Deputy G.C.L. Baudains:**

Unless the Minister wants to take them separately, Sir.

**The Bailiff:**

No? Alight. Very well. Then I ask the Greffier to open the voting, the voting is for or against Articles 1 to 7 of the Articles.

**POUR: 41**

Senator L. Norman  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Connétable of St. Brelade  
Connétable of St. Martin  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)

**CONTRE: 1**

Deputy G.C.L. Baudains (C)

**ABSTAIN:**

Deputy D.W. Mezbourian (L)  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy A.J.H. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**The Bailiff:**

Do you move part 3, Minister?

**6.3 Senator P.F. Routier:**

Yes, Sir, part 3 by itself as Article 8; this covers the one-off lump sum payments and gives the system its ultimate flexibility. It has also been designed to cater for emergencies and crises for people not on regular income support payments; these may be done by a loan. There will be guidelines published to describe the circumstances where these payments will be made. I think the Scrutiny Panel, in their report, were calling for published guidelines and I want to reassure all Members that I had already decided that would happen. I propose the Article, Sir.

**The Bailiff:**

The Article is seconded? [**Seconded**] Does any Member wish to speak on Article 8?

**6.3.1 Deputy C.J. Scott Warren:**

I just wonder if the Minister could comment on whether it is possible to enact this provision prior to the main debate on all the details, in view of the fact that there is nothing of this nature in place at the moment.

**6.3.2 Deputy G.P. Southern:**

Could I seek the Minister's assurance that he will do his homework and do his research to make sure that a sufficient sum of money is put into the Citizens' Fund to ensure that it does not run out half way through the first year?

**The Bailiff:**

I call upon the Minister to reply.

**6.3.3 Senator P.F. Routier:**

Deputy Scott Warren is asking for the lump sum special payments to be brought in sooner rather than later; I am afraid that is not possible. Unfortunately that would not be feasible; the whole system will come into place in June 2007. Deputy Southern wanted to ensure that there are sufficient funds in the Citizens' Fund; it is obviously a learning curve for all of us and we will have to ensure that it is monitored very, very carefully. We will be in a position where we can look at the early figures in the months when it has started and we will ensure that we can provide support in the best possible way.

**The Bailiff:**

I put Article 8; those Members in favour of adopting it, kindly show? Those against? The Article is adopted. Do you move part 4?

**6.4 Senator P.F. Routier:**

Yes, Sir. Articles 9 to 18; Article 9: we recognise that the income support system will require swift decisions and determinations of benefit claims; they need to be close to where the claim is made and so I am proposing that a review by a determining officer will be made as soon as possible. The

whole system is built on a principle of an appeal system and we must ensure that appeals can be heard very promptly so that people are not left without any money. Obviously, if the 2 determining officers are not able to come to a satisfactory decision which the claimant is happy with the claimant can then make an appeal to a Tribunal if necessary and then, if it is a point of law, they can then go to court. Article 10 gives the power for questions to be referred to experts. Article 11 resolves the issues regarding who a payment can be made to; sometimes there can be questions of who to pay a benefit to, this becomes a decision of a determining officer who can either pay it to everybody, it can be a split payment between people and it can also be paid to a third party. By carrying out any of those options, it will discharge the department of its obligation; there is, of course, a right of appeal. I think Article 12 is self-explanatory. Article 13 provides a mechanism for the recovery of payments that should not have been made. Article 14 allows for charges over property in order to recover the cost of special payments in the form of a loan; any overpayment or payments made as a consequence of a disregard of capital or income. This does not mean that to get income support you will have to sell your house; what it does mean is that in certain circumstances a charge may be placed over a property to recover borrowed money. Article 16 makes the offences the same as the standard social security offences. Article 17 contains the usual provisions about parties to offences. Article 18 makes general provisions regarding Regulations and Orders. I propose Articles 9 to 18, Sir.

**The Bailiff:**

Articles 9 to 18 are proposed and seconded? [**Seconded**] Does any Member wish to speak on any of those articles?

**6.4.1 Deputy G.C.L. Baudains:**

I am having the same difficulty with Article 11 as I did with Article 4. I am looking at 11(1). My reading of this, as I said under the comments I made with Article 4, Sir, is that the household is treated as a unit. Now, this could be several people, it could be a mother and father, 2 children all of working age, and the way I read it is if any of those people or even all of them are in need of benefit it will only be paid to one person and then it is for that one person to distribute it amongst the other people. It does not say that each person will receive benefits individually. I cannot see it working.

**6.4.2 Deputy J.A. Martin:**

My question is on Article 11(2); the determining officer decides that it is in the best interests of a person or household entitled to receive it to be assigned. I am not sure if this has changed from the original; my concern has always been the amount of rent rebate that some families will be entitled to. Under an abatement scheme, nobody gets the cash, it is abated. Under the income support scheme £1,000 a month for a 3-bedroom house could be income support. Does this enable the Social Security Minister to pay that directly to the Housing Department or whoever does receive it? Because to me that has changed; I am not saying it has changed for better or for worse, to me it has just changed from when we were discussing the Law earlier.

**6.4.3 Deputy S.C. Ferguson:**

I am also seeking clarification. I also have the same problem that Deputy Baudains has. I know of households where there are a father, mother and child, all of working age, all entitled to some form of support and this seems to imply that their income support will all be paid to one person. In this particular instance, they cannot look for work because of medical incapacity. So I would like clarification that each case will be considered independently.

**6.4.4 Senator J.L. Perchard:**

I would like to ask about Article 13, Sir, recovery of awards wrongly made. I am in complete support of the proposals but I am concerned that there will become an industry amongst those

seeking to improve their position at the expense of those who genuinely need income support. I would ask the Minister to guarantee to me that the recovery of awards wrongly made will be a rare occasion and that awards wrongly made will be something that his department is not involved in.

**6.4.5 Deputy C.J. Scott Warren:**

I am continuing on Article 14 regarding the recovery of money from immovable property and asking, is this policy going to be reviewed with others, by the Council of Ministers, to recover the funds as stated in Article 14? Could we have some clarification on that, please?

**6.4.6 Deputy G.P. Southern:**

Yes, Sir. Again, on Article 14, I have concerns that what that does is reinstate a practice that had disappeared from the welfare system. My understanding was that all Parishes now had agreed that they would not go placing a charge on people's property in order to recover something that was called a loan and not a grant when these people came to them. It seems to be reinstating the principle of hypotech which had been phased out by the Connétables previously.

**6.4.7 The Connétable of St. Brelade:**

Once again Article 14(c): it concerns me about the question of hypotech charged on immovable property. Property owned by the claimant I can understand, but the member of a claimant's household concerns me because that leaves a very open statement.

**The Bailiff:**

I call upon the Minister to reply.

**6.4.8 Senator P.F. Routier:**

The tricky question which Deputy Baudains and Deputy Ferguson are struggling with regarding Article 11(1) about the inter-dependency of people within the same household; it will be within the powers of the officers to make a judgment and agreement with people who are living in the same building to be treated in a manner which is appropriate for their circumstances. If there is somebody who requires income support, they can make it in their own right. It depends if they are reliant on the income of somebody else whether that needs to be taken into consideration or not. If somebody is totally independent they could be treated separately from somebody else within the household. It is a matter of whether there is that inter-dependence in their household arrangements: it will only be when people sit down and talk to families and to people who are making claims that you can identify what their real circumstances are. The Law is drawn up in a way which gives that flexibility to enable determining officers to make that judgment. I hope that helps respond to that. Deputy Martin was concerned with the method of getting money to landlords and to third parties; Article 11(2) does provide for monies to be paid to third parties and it is not a change from the original document, that is something that has always been there. We recognise that it is a way that we need to help people to manage their affairs; with an agreement with them we can ensure that they get their particular bills paid and the Law does provide for that situation.

**Deputy J.A. Martin:**

Sorry, Sir, can I just ask the Minister to clarify "with their agreement" - where does it say that in the Law? Is it the determining officer decides or is it with the agreement of the claimant that the money can be directly passed to the landlord, and if they do not get that agreement does the money have to go to the claimant? It is quite straightforward; I cannot read what the Minister is saying under this Law.

**Senator P.F. Routier:**

Obviously, an agreement is preferable but the determining officer will have the final say about the way that it will be arranged. Certainly, that is what needs to happen. Obviously, when people have



individual interviews with determining officers they will come to an understanding of how that will happen. There has to be recognition that income support money has to be used in an appropriate manner and we will assist everybody to ensure that they pay their bills in a regular way. Senator Perchard was concerned about Article 13 and he wanted a guarantee from me that the department were not going to pay any money wrong. **[Laughter]** Well, I am unable to give that guarantee surely because - as with any system of people claiming for support - there will be time when judgments are made about the information that people have given and it may be found, at a later stage, that that money was wrongly paid. Obviously, the determining officers will try and make their very best judgment to ensure that they do make the right decision in the first place but there needs to be that provision in the Law to put right a wrong which may have been made in the first place. Deputy Scott Warren and the Constable of St. Brelade have made the same point with regard to making a charge against somebody's property. Deputy Southern also picked up on the point that that was something that went on in the past with the Connétables and the Connétables had moved away from that; well, that is not the case. Certainly for loans there is the ability for charges to be made against a property; because there are circumstances where, for instance, somebody might be in temporary financial difficulty where they do need support and the only place they can get support would be from the income support system. It may be of a temporary nature - a cash flow problem for them - and we would be in a position to help them through that. If we were to be totally hard and say: "I am sorry, we are unable to support you because you do have a house" that may not be the appropriate course of action for that person. We want to be able to help them through a difficult period and if it is in a recognised situation where they will have resources of their own later on, I do not think it is inappropriate to come to an agreement with them to repay that loan. I hope I have answered the questions, Sir, and I maintain the Articles.

**The Connétable of St. Brelade:**

May I ask the Minister to clarify my point on charges on immovable property? My specific point was on the charges on property belonging to another member of the claimant's household, rather than the claimant themselves.

**Senator P.F. Routier:**

Yes. But obviously, those are the arrangements which are made with the determining officer; a judgment would need to be made as to whether it was appropriate for anyone in the household to take responsibility for that debt. Certainly, I think I brought a Law to the House a few years ago which absolved children from having to look after their parents and I think that is something which will continue. It is probably when there are various arrangements people make with their financial circumstances between husband and wife where things are not shared, as we might expect them to be shared in normal circumstances, and there needs to be some way of recognising that and the Law allowing for people to address the loan which is outstanding.

**Deputy G.C.L. Baudains:**

Could we have the appel, say I am not at all comfortable with Article 14, please?

**The Bailiff:**

Yes. The Greffier will open the voting which is for or against Articles 9 to 18 of the Bill.

**POUR: 39**

Senator L. Norman  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf

**CONTRE: 8**

Connétable of St. Brelade  
Deputy G.C.L. Baudains (C)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)

**ABSTAIN: 0**

Senator T.J. Le Main	Deputy S.S.P.A. Power (B)
Senator B.E. Shenton	Deputy of St. Mary
Senator J.L. Perchard	
Connétable of St. Ouen	
Connétable of St. Saviour	
Connétable of St. Mary	
Connétable of St. Peter	
Connétable of St. Clement	
Connétable of St. Helier	
Connétable of St. Lawrence	
Connétable of Grouville	
Connétable of St. John	
Connétable of St. Martin	
Deputy R.C. Duhamel (S)	
Deputy A. Breckon (S)	
Deputy J.J. Huet (H)	
Deputy of St. Martin	
Deputy P.N. Troy (B)	
Deputy C.J. Scott Warren (S)	
Deputy R.G. Le Hérissier (S)	
Deputy J.B. Fox (H)	
Deputy J.A. Martin (H)	
Deputy of St. Ouen	
Deputy P.J.D. Ryan (H)	
Deputy of Grouville	
Deputy of St. Peter	
Deputy G.W.J. de Faye (H)	
Deputy D.W. Mezbourian (L)	
Deputy of Trinity	
Deputy A.J.H. Maclean (H)	
Deputy K.C. Lewis (S)	
Deputy of St. John	
Deputy I.J. Gorst (C)	

**The Bailiff:**

Will you move part 5 and the Schedules, Minister?

**6.5 Senator P.F. Routier:**

Yes, Sir, Articles 19 to 23 and the 2 Schedules. Article 19 gives the power to have transitional provisions. Article 20 removes the obligation on the Parishes; which is quite a big article. Article 21 relates to Schedule 1 and amends the existing health scheme. I have to say, this change is fundamental to targeting the benefits to an individual rather than the family. Currently a chronically sick dependent cannot receive extra benefits under the Health Law; this amendment will change what is, I have always thought, to be rather an unfair and an old provision. This is a real positive change for the people with chronic health bills and large prescription bills; people with chronic ill health need to attend G.P.s on a very regular basis and this will certainly support them. Article 22 repeals the benefits in Schedule 2 which will be replaced by the new system. Article 23 provides for the appointed days. I propose Articles 19 to 23 and Schedules 1 and 2, Sir.

**The Bailiff:**

They are proposed and seconded? [**Seconded**] Does any Member wish to speak on these Articles or the Schedules?

### **6.5.1 Deputy G.P. Southern:**

Yes, Sir. In the light of what a number of Connétables were saying previously in the day about the importance of the Parish welfare system I will just draw to their attention that this Article 20 takes away all responsibility from the Parishes for any form of welfare.

### **The Bailiff:**

I call upon the Minister to reply.

### **6.5.2 Senator P.F. Routier:**

I thank the Deputy for highlighting that. Again, I think it would not be wrong for me to say that the Parish welfare system has supported people for a long, long time and it has been a system which has been of benefit to people within the Island. I think we should thank the Constables and their predecessors for the work that they have done. **[Approbation]** I go on to thank them also for recognising that the new system will be a better system for the people of Jersey and I think that is full marks to them and their recognition that we are moving to a far better system. I maintain those articles.

### **The Bailiff:**

Yes. I ask the Greffier to open the voting which is for or against Articles 19 to 23 and the Schedules.

### **POUR: 43**

Senator L. Norman  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator T.J. Le Main  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Connétable of St. Brelade  
Connétable of St. Martin  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen

### **CONTRE: 2**

Deputy J.J. Huet (H)  
Deputy G.C.L. Baudains (C)

### **ABSTAIN: 0**

Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy A.J.H. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**The Bailiff:**

The Bill is therefore adopted in Second Reading and do you move the Bill in Third Reading, Minister?

**6.6 Senator P.F. Routier:**

Yes, Sir.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the Bill in the Third Reading? I put the Bill, those Members in favour of adopting it, kindly show? Against? The Bill is adopted in Third Reading.

**Senator P.F. Routier:**

May I just take the opportunity to thank everybody who has participated in the debate and there are a number of people who I think it would be remiss of me if I had not mentioned because there are officers in our department who have been working on this for a number of years and really need my thanks. If I could mention them by name; Tom Gales in the department who has been working on this; and Sue Duhamel, and I believe that the support that they have given me in recent times has been absolutely tremendous in bringing this Law forward. Of course, our previous Controller, Ann Esterson, has led the way in this for a number of years and I really wish to thank her as well, not forgetting the law draftsman and the Law Officers. Thank you very much, Sir. [**Approbation**]

**7. Plémont headland, St. Ouen: preservation for public enjoyment (P.112/2006)**

**The Bailiff:**

We come now to Projet 112/2006 - Plémont Headland, St. Ouen: preservation for public enjoyment - in the name of the Connétable of St. Ouen. May I ask the Greffier to read the proposition?

**The Greffier of the States:**

The States are asked to decide whether they are of opinion: (a) to agree that it would be in the public interest for the headland at Plémont, as shown in Drawing No. 1505/06/101 namely the site formerly occupied by Plémont (Pontin's) Holiday Village complex and surrounding associated land to be preserved as open space for the enjoyment of the public of the Island; (b) to request the Council of Ministers to consider all options to preserve the land described in paragraph (a) and to

recommend a preferred option to the States with the least possible delay; and (c) to request the Minister for Planning and Environment to defer determination of any application relating to the redevelopment of this site pending States' consideration of the Council of Ministers recommendation.

**Deputy R.G. Le Hérisier:**

I wonder if I could declare a conflict of interest; I am on the Council of the National Trust which has taken a particular position on this issue.

**The Bailiff:**

It seems to me that that is not a position which prevents you from participating in the debate and voting, Deputy, but if you wish to declare it, the Greffier will certainly note that.

**7.1 The Connétable of St. Ouen:**

In starting I would like to address the issue of nimbyism, which has already been raised with me. **[Laughter]** Mike Stentiford was quoted in last week's *Jersey Evening Post* saying: "No one can be accused of nimbyism when it comes to Plémont because it is not in anyone's backyard." Maybe, Sir, I would be allowed the opportunity to misquote this and say: "No one can be accused of nimbyism when it comes to Plémont because it should not be in anyone's backyard." As Connétable of St. Ouen and as owner of nearby property, I can stand accused of nimbyism - plead guilty and be proud of it - if at the end of the day it achieves a gain for my and your grandchildren and their children. I would ask Members to turn to the beginning of my report which accompanies my proposition where I refer Members to the Planning and Building (Jersey) Law 2002; a law which was passed by this House a mere 4 years ago. Article 2, paragraph one, says: "The purpose of this Law is to conserve, protect and improve the Island's natural beauty, natural resources and general amenities, its character and its physical and natural environments." The Plémont headland is one of the Island's natural beauties - one of its natural resources - which at present is desecrated by an outdated, intrusive and ugly development which would stand absolutely no chance of building approval today. For the architect to write in his letter to States' Members that the buildings still stand and could be brought back into use at any time as a holiday village is laughable and begs the question: "Why, if this is so, it was allowed to deteriorate to the condition which it is now in?" I suggest to Members, Sir, that the answer to my question is to turn it into a large, profit-making development site. The letter from the architect makes much of the environmental gain of their present proposal, yet it is the one thing which I have received most correspondence on. The plan involves demolishing the present buildings and establishing a mound of rubble to be covered over with soil. The question which is being asked of me is whether this is an environmental gain or an ecological disaster? Whilst on the subject of the letter, it states that over the last 8 years not one serious approach has been made to any of the owners and I would counter this accusation by saying that no inquiry has ever been made by any of the owners as to whether the States, and therefore the public of the Island, wish to consider making an offer, yet the land has changed hands during this time. This, I think, says it all; the profit is in the development. Before we move into the history of the site, I would like to remind Members of Policy C(4) of the Island Plan 2002 which considers areas of outstanding character. The cliffs and heath land of the north coast - this includes the Plémont headland - with their spectacular coastal scenery and sense of wilderness merit the highest levels of protection from development. Policy C(4) says: "There is a presumption against all forms of new development in this zone of outstanding character." As I say in my report, a substantial house was originally built on this site in the 19th century, long before building permission was required. For those Members who have with them the letter from the architects, the back page shows a picture of the site in 1947 and the remains of the original house can still quite clearly be seen in the bottom right hand corner. This house was being used as a hotel by the 1920s and at that time a number of wooden chalets were added in order to accommodate a greater number of guests.

This original house was burned down in the 1940s and was never rebuilt but a smaller bungalow was constructed to the south of the chalets which had survived the fire. During the early 1940s the site was used by the occupying forces and bought by Mr. Stanley Parkin. At the end of the war, Mr. Parkin came to Jersey and established Parkin's Holiday Camp on the site. Parkin's family ran a successful holiday camp there until the 1970s when they sold out to the Pontin's Group who redeveloped the whole site to the extent which exists today; probably a good decision in tourism grounds but a disastrous one ecologically. Today this proposition gives the States the opportunity to take the first step of repairing the historical damage which has been allowed to occur on this site of irreplaceable natural beauty. I remember my grandfather advising me that I should never sell land because no one was ever going to make new land to replace it with. Sound advice. I suggest to Members that we should not let this opportunity slip through our fingers today because no amount of land reclamation is ever going to replace the loss of this headland to the hands of the developers. My proposition seeks the agreement of this Assembly that it would be in the public interest for the headland at Plémont to be preserved as an open space for the enjoyment and benefit of the public of the Island and to request the Council of Ministers to consider all options to preserve this land and to recommend a preferred option to the States with the least possible delay. My proposition does not claim that this land is anything other than privately-owned at the moment; it does not seek to take the land away from the owner or infringe him of his human rights. It merely tries to allow the public of this Island one last chance of bringing this headland into public ownership for the benefit of future generations. I now, Sir, turn to part (c) of my proposition and seek the permission of the House to withdraw it, it has been brought to my attention that in trying to delay a decision of the Planning Minister, this House may be asking the Minister to act in contravention of the Law and I would not wish to do this. The proper planning process must be allowed to run its course; hopefully, if the remainder of the proposition is accepted it will focus minds to find a solution quickly. As I mentioned in my report, I believe that 4 of the reasons for the planning application of 1999 failing remain valid as far as this new application is concerned. I will, Sir, with your permission remind Members of those reasons. Permission was refused in March 1999 for the following reasons: (1) the site lies in the green zone on the Island Plan in which there is a presumption against all forms of new development for whatever purpose; (2) the surrounding rural roads are inadequate to serve a residential development and the necessary highways improvement to serve the proposed development would adversely affect the existing character and appearance of the rural area; (3) notwithstanding the existing use of the site is seasonal holiday accommodation, the proposed use for permanent residential development - particularly with the associated traffic and car parking implications - would be an inappropriate use which would detract from the existing character, appearance and tranquillity of an area of outstanding scenic value on the north coast of the Island; (4) the proposal to create a residential village on this remote coastal location - without adequate nearby community facilities - would constitute an inappropriate use of land which would be contrary to agreed States' objectives for sustainable development, which require the Planning and Environment Committee to reflect, in its planning decision, the need to direct development to the built-up area. The fifth reason, which was in fact the fourth on the list, was that the proposal would involve a loss of a tourism accommodation; I would refer Members to the Minister of Planning and Environment's comments under 2.2 and 2.3. This reason is no longer valid because of a subsequent application in 2001 by the Scottish and Newcastle PLC - the then owners - for change of use of the site from tourism to residential use. This application was initially refused but in 2003 - following the submission of a tourism viability report prepared by the owners and following an assessment of that report by independent consultants and also following the withdrawal of the Prime Tourism Site Policy - the Committee of the day decided it could no longer sustain refusal of permission on these grounds. So, despite my assumption that 4 of the 5 reasons for refusal in 1999 are still valid, I am mindful of the words of the Planning Minister that permission could not be reasonably refused for any residential development on this site. The decision which needs to be considered today carries with it a real urgency; if it is the decision of the States to try and find a way of preserving this unique piece of Jersey and asking the Council of Ministers to find a

preferred way to achieve this, then there will be real pressure on Ministers and Officers to act with a speed previously unknown in the workings of Island Government. [Laughter] But there is a precedent of the States acquiring a piece of land for the preservation of the natural landscape of the north coast: in P.75/1985, the States approved the purchase of the former Bouley Bay Hotel site for the public of the Island. Obviously, the land values have no comparison but the 2 propositions carry great similarities; that site was also one of a derelict hotel which the owner was hoping to develop. In fact, permission for the development of the Bouley Bay Hotel site had already been granted prior to the States' debate. In the report which accompanied P.75, it stated that the objective was to preserve the open character of this prominent site and to use it as the public viewpoint over the coastal scenery of the north. With the acceptance of that proposition, the public of the Island acquired a piece of land for the use of future generations, thus retrieving it from the hands of developers. The other similarity in the proposition is that in 1985, the owner of the Bouley Bay Hotel site was prepared to come to an agreement with the States. The owner of Plémont has stated that he is open to considering any reasonable offer to purchase or exchange the land and properties at Plémont. So my proposition gives Members of this Assembly, and through them, the public of the Island, an opportunity - I say the last, final opportunity - to retrieve this unique headland from the brink. When mistakes are made in life, one does not often get a chance to go back and rectify them. One usually has to live with one's mistakes. The mistakes of the past, as far as Plémont headland is concerned, have fortunately today fallen into our hands. We must decide if we are going to try and find a way forward which will erase these mistakes from the memory and create a real, tangible gain for future generations. This Assembly has for too long sat accused for pandering to the wants of the developer. This is the time for the worm to turn. I implore Members to support this Proposition.

## **7.2 Deputy P.V.F. Le Claire:**

I rise in support of the Constable for St. Ouen. When I first stood for election in 1999 I attended a Parish meeting in St. Ouen where they were discussing this site, and many of the reasons given as to why it was unsuitable for development were voiced as concerns by the residents of St. Ouen. This first time that I stood for election was as a Senator, and although unsuccessful I was able to gauge the feeling of the people in St. Ouen and the surrounding areas who had turned up for the debate that evening on the site itself. The Parish Hall was swarmed with people from all over the Island, and without a shadow of a doubt the majority of the people who were present that evening did not want to see the site developed into a housing estate, much to the chagrin of the architects at the time. I believe that there is an opportunity for Jersey to move into capturing some more of its outstanding beauty for the enjoyment of visitors and residents alike, and I think the proposition is a simple one to support. Where I would ask for consideration to be given is in the determination of any future use, if the States are going to acquire this land for the people of Jersey. I would hope and anticipate that more consideration would be given to the use of this land other than just for recreational purposes, as has been reported in the media in some instances, in particular for that of a golf course. Whilst golf courses are beautiful things, they are not always shared things. If they are available for people to walk on, they take a jolly healthy risk of getting clouted by a flying ball if they do so. Opportunities in that area, although limited with traffic, could be expanded upon by the tourism that comes to this Island of people who enjoy to walk, and in particular I am thinking of this part of the Island as being an area where we could, if we wanted to, put an environmental interpretation centre much along the lines of the kinds of things that we see in St. Ouen in the bay - and which Deputy Fox was in charge of for a very long time in that area - where we saw some beautiful use of land from what was once, I believe, a dump. The other possibility I would like to just make, if the Council of Ministers are going to take this on board - which it looks like they will - is that we might be able to benefit from an observatory at that location because of the lack of other lighting in the area. It might be possible to implement some kind of night-time observation as well as daytime observation of the natural beauty. Out built heritage is important, but our natural heritage is just as important in respect of our culture. In moves in the European Union at the

moment we are seeing Lombardy principles coming into play, where new lighting technology is taking a large part of people's attention in providing lighting that does not shoot up into the night sky so that we are able to look up into the night sky when we are away from the street lights and see the stars once more. It is an important part of our heritage to see the beauty of the night sky as well, so in supporting the Constable of St. Ouen and applauding him for his efforts, I do hope the Council of Ministers would give more consideration to the alternative uses and perhaps some consultation in that regard, if we decide to go along that route. The Constable of St. Ouen, and indeed the Council of Ministers, have my full support in this initiative, and I am sorry to say that the current site is appalling to look at. I went on to the Internet to look at the petition that is online. Although I did not sign the petition because I thought it would be the wrong thing to do as a States' Member, as we as entering into this debate, they did have the facility - if you go on to that part of the website the National Trust have created - of looking at the headland as if the building was removed. What a difference it was. It went from being an ugly headland with an ugly group of buildings on it that are hardly hanging together, to an outstanding headland which really sets - in my mind - a wonderful memory of Jersey, if one was to come for a holiday; so full support to you and congratulations to the Constable.

### **7.3 Senator M.E. Vibert:**

Perhaps I could declare a little bit of nimbyism as well. I grew up living quite close to Plémont Holiday Camp and the family had fields there - not quite as close as the Connétable of St. Ouen, who was 100 metres closer than me. I think we should also not in any way demonise the current owner and the developer. I believe the development proposal that is now being put forward of this hamlet-type development is a superb proposal. I think it is an excellent design. It does what it can to move away from the edge of the headland on the site, but unfortunately I do not think there should be anything there at all. It is a superb design for somewhere else, not for a major headland. We should look at the opportunity of taking it back into public ownership: a headland for Jersey. Mention was made of the Bouley Bay Hotel. I was surprised the Connétable did not mention another site closer to home, which I remember as the Bel Tabarin, and which we both used to frequent from time to time. There was another example where a site with a commercial user - a bar and nightclub - was bought by the States and returned to nature. The States thought it was right for the Bouley Bay Hotel. The States of the day thought it was right for the Bel Tabarin. In my view, Plémont is an even more important site. It has been there a long time. There have been buildings there for a considerable amount of time. When I grew up, the holiday camp was there. It had never been a particularly attractive building. I think that times change, and we are now in a situation whereby we talk a lot, and we have headlines in the local paper about green field sites being taken away and being lost to the Island. Well I believe we have a unique opportunity here to put some green field sites back to the Island. We have taken enough away. We have an opportunity to put one back in a brilliant location. There has been mention of a golf course, and certainly that has been looked at - not on the headland but further inland - and the position there, as I understand it, is that... obviously no decision has been made about a golf course, but certainly if the hamlet-style buildings went ahead on the headland, it would preclude the development of a golf course because of the access road that would have to go up there, in the minds of those who are looking at a golf development. I think that is a minor detail. I think what is important is whether we believe this headland should be returned to its natural state. The Constable's proposition I think is very sensible, and I am particularly pleased he withdrew part (c). The first 2 parts are asking the Council of Ministers to look at how it could be preserved, to agree it is in the public interest, and to request the Council of Ministers to consider all options for the land and to recommend a preferred option with the least possible delay. So this is the last ditch attempt to try to preserve the headland, and it will be up to this House, when we finally come back in the not-too-distant future - in fact, the very near future - and we put before Members the cost of preserving this headland. It will be a cost because it is only right to accept that the current owner has a right to be compensated if we decide to preserve the headland. In the Planning Minister's comments, it makes it very clear if the owner wished to



refurbish the buildings and reactivate the holiday camp use, permission would not be required under the Planning Law, so that could be done. Or, if he wants some residential development, permission could not reasonably be refused for any residential development on the site. We have to be fair. We have to be honest. If we wish to preserve this headland, there will be a cost - a substantial cost - to the Island, even in the terms of cash or a land swap. The Council of Ministers, if this proposition was approved, will come back with a preferred option to the States, and States' Members will then have to make the final decision, taking those costs into account, as to whether that is a price worth paying for preserving the headland. I urge Members to allow the Council of Ministers to do that work, to come back with that cost, so that they can make the final decision, and if at all possible we can preserve this headland and return it to a natural state for posterity.

#### **7.4 Connétable R.E.N. Dupré of St. John:**

The Minister for Planning and Environment does not wish to determine the current application personally so, as such, it will come before the Planning Applications Panel. Therefore members will not take part in the debate and will abstain from voting. I appreciate that the proposer has withdrawn paragraph 3 but, on the Minister's behalf, I would like to emphasise the last paragraph in the Minister's comments where he says: "Members will appreciate that a Minister has a duty to determine all applications within reasonable time scales and, unless the applicant is to agree to put the application on hold pending the outcome of such deliberations, he cannot unduly delay determination of the application." The Minister considers it important that any decision by the States on whether or not to enter into negotiations with the landowner to acquire the site needs to be made as speedily as possible.

#### **7.5 Deputy K.C Lewis:**

This is an area, Sir, of outstanding beauty. It has been blighted for far too long by this derelict holiday camp. This is, quite literally, a once-in-a-lifetime opportunity to acquire this headland for the people of Jersey, so I will be supporting the Constable of St. Ouen, and I will be supporting (a) and (b).

#### **7.6 Deputy C.J. Scott Warren:**

Well, I will be supporting this proposition. For several years, I regularly visited the holiday centre at Plémont and during the summer months it is a very popular tourist area, and the company kindly held raffles for the local charity that I run with others. Every time we went there, as we drove along the road towards Plémont I was struck by the beauty of the area: outstanding beauty, a breathtaking landscape. How much more breathtaking would it be without those buildings, which now, I agree, are an eyesore. Obviously words cannot adequately describe the peace and beauty of that area. I very much support this proposition. I understand we have to act quickly, if this is given support by this Assembly, and I very much hope we will sign up to this headland being restored to its former beauty.

#### **7.7 Deputy J.A. Martin:**

It was interesting how the Constable opened his speech and obviously got rid of the accusation that he could be accused of nimbyism. Of course nobody would accuse him of that. I would just like to point out we are supposed to be preserving this for the public of the Island, yet the meeting was held in St. Ouen, presumably for St. Ouen parishioners, and the architect says it was never even put to a vote. I would presume, and it is just a presumption, Sir, that all the people who did attend, and all the people who want to keep this headland, live in a very nice house, thank you - probably in St. Ouen - but we cannot build there. I do not have a problem with environmentalists. I do have a total problem with the comments of the Council of Ministers. How dare they - and the Minister for Education has just hit the nail on the head - support this without telling Members what the costs will be. We are talking millions of pounds here, Sir. I went to a meeting today, and there is not money in the pot yet, Sir, fully, for the town park, youth facilities in St. Helier, proper sports

facilities in St. Helier and open and recreational spaces in St. Helier; yet they want to build loads more residential dwellings in St. Helier. Now, let me remind this House... and I think the Constable may get the vote because it is all very nice to stand up and say: "Is this not a lovely bit of headland, and we must save it." I can assure this House I have had not one phone call to say: "Oh, please spend my hard-earned taxpayer's money on putting this back into public so I can go and walk up there every Sunday." Especially if I am a low earner on low income support; there is not even a bus that goes up to that area now, so I probably cannot get up there anyway. There are some beautiful places on the Island, and unfortunately this one has already been spoilt. Now, if somebody can suggest to me a way of getting around this without spending one penny of taxpayers' money, they might get my support, but I am very sorry. As Deputy Southern pointed out to me, we are not now talking nimbyism, we are talking - from the Minister of Education - somewhere else, and as long as it is not in their back yard. As I say, it is all coming toward St. Helier, and we do not have the money or the facilities to take or look after the people we have. We have all the youth crime. Sort this out before you start even talking about lovely scenery. You want to spend millions - and it will be millions, you mark my words - if this is returned to headlands. I think I have made it quite obvious, Sir, I will not be supporting this proposition.

### **7.8 Senator L. Norman:**

Like Senator Vibert, I was going to remind the Constable and the States that the Bouley Bay Hotel is not the only precedent for sites that were bought by the States for returning to nature. He mentioned the Bel Tabarin: what a wonderful idea that was. Yes, it was a wonderful idea, but unless something has happened in the last few days, that building has been demolished. It is rubble on the site - it has been for donkeys' years - access to the public is totally denied. What, may I ask, was the point? What are the Parish and whoever else - and whichever other department is responsible - doing about getting public access to that site? I was helped by the... I really have trouble with this proposition: but removing paragraph (c) has made the proposition almost innocuous. But is it? I looked at it, and I thought: "How can I know? How can I agree that it would be in the public interest for the headland, et cetera, to be preserved as open space?" I have a difficulty in agreeing and knowing whether it is in the public interest because I have no idea what the cost to the public purse is going to be. I have no idea what the legal implications of making this decision will be. I have no idea whether compulsory purchase powers - something which I abhor generally and the States traditionally do - will be needed. I need to know all those things and probably a lot more before I can agree; that I am certain and I know that this proposition is in the public interest. I really need to know that. Going further into the proposition, I am saved because I can quite happily vote against paragraph (a) because I have not got enough information to know whether it is in the public interest, but I can support (b) because (b) actually requires the Council of Ministers to consider the whole issue. That is all we are being asked to do is just for the Council of Ministers to think about it, discuss it and come up with their preferred option, which might not be to purchase it. It could be. It could be that their preferred option and their recommendation might be to spend millions of pounds on purchasing the site. All the options, right through to the other end of the spectrum, of saying: "No. Let the private owner deal with the Planning Minister and get the result they want." So I can support (b) quite easily, and I hope the Council will allow me to vote on (a) and (b) separately. But until I have all the information about the costs, the legal implications and so on, I just cannot in all conscience support paragraph (a), despite the fact that obviously we would all like to see that part of the Island returned to nature. But what are the implications? I do not know. Therefore I cannot support it.

### **Senator P.F.C. Ozouf:**

A point of order: Senator Norman has just said about paragraph (a) and (b). Is it, in fact, in order to vote against part (a) and then just to consider part (b)?

### **The Bailiff:**

I do not think it is because paragraph (b) incorporates paragraph (a) and would not make sense if the States simply adopted paragraph (b). So the States have a choice of adopting paragraph (a) and (b) or rejecting them both.

**Deputy G.P. Southern:**

I was going to stand to ask if the Minister was going to contribute to the debate, but I am saving my reply.

**The Bailiff:**

I am sure the Minister of Treasury and Resources will tell us when he is ready to tell us.

**Deputy G.P. Southern:**

In which case, are you calling me to speak now?

**The Bailiff:**

You were next on my list, Deputy. If you wish to go to the bottom of the list, I will put you there.

**7.9 Deputy G.P. Southern:**

Okay, I will go first. I will start by saying a vital question that we need today - if we are going to support this proposition - is a ballpark figure, at least, of how much we are talking about to do anything else but develop this because it is, as has been pointed out, in private ownership. So I would beg the Minister of Treasury and Resources to at least give us some idea of how much that might be today, because it is all very well to hark back to the good old days when we had money and we could purchase Bouley Bay Hotel and we could purchase the Bel Tabarin because we could afford it. How much can we afford today? I believe the Minister for Treasury and Resources has already said that in the initial discussion they had at the Council of Ministers we simply do not have the money to do this. So, unless he is going to come up with some incredibly innovative way of finding that money - perhaps the interest from the Strategic Reserve for the first time ever - for a strategic site, perhaps that might be possible. Unless he is going to come up with some way of doing that, the reality is we have not got that money, and it is no point in harking back to days when we did because there is very little we can do about it. Repeated mention has been made of this as a green field site, and certainly the headland, on the very edge, is green, but that is not a green field site. That is an eyesore development that is sitting there waiting for somebody to deal with it properly. It is a brown field site. It has already been developed. The time for deciding on this was decades ago. It is too late. As we have heard today, if they wanted to put that back into a viable tourist facility, they could do. They do not have to ask permission. They have already got permission to put a residential development on that site. As the Minister of Education was suggesting, he personally has examined the proposed development and thinks it fits perfectly. Still, he cannot bring himself to support it. He wants it built somewhere else. It would be very nice for me to be able to stand up and do an apple-pie speech saying we should be preserving this headland. It is very easy. The fact is we do not have the money or the wherewithal to do it. Judging by the level of debate that has happened at the Council of Ministers over this issue, I frankly have very little faith the Council of Ministers can come up with anything because what they appear to have done is pluck an idea - I believe it was the Assistant Minister of Economic Development, Deputy Maclean's idea - that we could do a golf course. This is an old chestnut that comes round and round again. Anyone who has had a look at the economics of a golf course will realise straight away that creating a new golf course here or anywhere is a complete financial recipe for disaster because ...

**The Bailiff:**

Deputy, do not go down this road, please. This is not what the Assembly is deciding this afternoon.

**Deputy G.P. Southern:**

I am pointing out what other possible alternatives that have been considered, and I am pointing out that they are not actually viable. I think it is relevant, with respect, Sir.

**The Bailiff:**

There are any number of options. What the Assembly is being asked to do is to decide whether it is in the public interest that the headlands should be preserved as an open space, number one.

**Deputy G.P. Southern:**

If you would allow me a bit of latitude, Sir, I do believe this is relevant to the debate.

**The Bailiff:**

Do not go too far down the road, Deputy, because I do not want a debate on whether there should be a golf course there or not.

**Deputy G.P. Southern:**

I point out that a golf course is only as sound as the business plan that goes with it that relies upon the hotel or the accommodation or the leisure centre attached to the golf course. That is where the money is, so to suggest building a golf course is a solution - that is actually not a solution. Equally, the Treasury Minister seems to be under the impression that a golf course is a wonderfully green thing because it has greens, and in fact any environmentalist will tell you that golf courses are traditionally very sterile places with very little diversity involved in them. So the thinking has really not progressed very far, and if that is an example of how the Council of Ministers is likely to approach this ... I even saw in the report the Minister of Economic Development is to run around the Island looking for sufficient land to build a golf course on or to swap for a golf course or whatever; again, errant nonsense. Let us face reality. We do not have the money. We do not have the wherewithal, and we do not have the ideas. This is a brown field site. It has been developed. It would be very nice to say go back to square one. Let us return it to the people and to environmentally sound things, but it is not possible. Let us not be fooled by saying by voting for this proposition we can do anything about this. It is not the reality.

**Deputy G.W.J. de Faye:**

A point of order, please, Sir? Sir, the last 2 speakers have both indicated they would like some indication about the amount of money that might be involved, subject to how this proposition goes. I am very concerned that discussion about amounts of money in open session in this Chamber may be entirely detrimental to the public interest. However, I am very loathe at this stage to suggest that we go to debate in camera because I know there would be Members who would be concerned about conducting debate in that way, and there are concerns about the public. I wonder; is it possible, Sir, that you might be able to offer some guidance from the Chair so that there is no danger of any Member compromising the public interest by discussing amounts of money that may cause difficulty in the future?

**The Bailiff:**

I do not know if I can help in that way, Deputy. What I tried to suggest to the last speaker was that what the States was being asked to decide was whether it was in the public interest that the Pontins Holiday Village be preserved as open space and, secondly, to ask the Council of Ministers to consider all options. It might be perfectly legitimate for some Members to say that whatever happens it is going to cost too much money, but I agree entirely with you, Deputy, that it would not be in the public interest for any sort of figures to be noised around because there are a number of options clearly which could be considered by the Council of Ministers. One does not need to spell out some of those to realise how detrimental it could be to discuss them in open forum.

**Deputy G.W. de Faye:**

Thank you for your guidance, Sir.

**Senator P.F.C. Ozouf:**

I am happy to give way, if I may go to the bottom of the list, for the Treasury Minister.

**7.10 Senator T.A. Le Sueur:**

Everyone says they want to hear from me. I do not know if they will necessarily like what I want to say because what I want to say is I have a lot of sympathy with Senator Norman. I, too, had difficulty when I saw this proposition because I think really the difficulty is trying to vote on part (a) without having the information already to hand in respect of part (b), and it is really part (b) that is the lead to the proposition; but until we agree part (a) we cannot move on to part (b). So, I looked at part (a) and noted it said that the States should agree it would be in the public interest. In the broad sense, I have no difficulty with that at all, just as it is in the public interest to build a town park. It is in the public interest to build a new waste disposal plant. It is in the public interest to have an airport that works, and it is in the public interest to have 1,001 other things we would like to have. What we have to do is to face the fact there are conflicting demands and we cannot necessarily afford them all. Until we know what this particular demand is likely to cost we are unable to make a really informed decision. To be fair, the Constable in his report to the proposition, indicated there would be a financial consequence, but until part (b) had been analysed he was not going to say what that financial consequence would be and, frankly, despite the request from Deputy Southern, I cannot give him much more help either. If he wants a ballpark figure, I can say I am perfectly sure in my own mind that it would be a figure in excess of £1 million because the site was purchased for well in excess of £1 million. I would not put a top figure on to it, and I would not put any figure on to it because it simply gives the developer a base point from which to work upwards. I would simply say the cost, whatever it will be, will be substantial. But the point I think that Members need to take account of today is that today is the time to instruct the Council of Ministers to prepare a report of all the options without delaying. It is when that report has come back to Members, and there then may be some costs attached to the various options, that we can look at that and have a more informed debate about whether indeed this is feasible or more desirable than any other capital schemes we may have because the States, in its Business Plan last September, voted for the capital programme for next year already, and they set aside the money and the priorities within that capital programme. There is a capital programme outlined for 2008. It is possible that could be changed. At this stage, I certainly do not know whether the answer is “yes” or “no”, and without the information in part (b) being to hand, I do not think Members are in a position to make that decision either. So, I think really the message I am giving is that on balance we need to accept this proposition in order that we can deliver the work required in part (b) but not to get carried away with the false idea that perhaps that is the end of the road. It is not the end of the road; it is just the end of the first turning, and there is a lot more of that road than meets the eye. So, if that depresses most of the Members who were hoping for a steering one way or the other, all I can say is no. Taking off my Treasury and Resources Minister’s hat and putting on my Deputy Chief Minister’s hat, the Council of Ministers is more than happy to take on this work and to deliver it to the satisfaction of those concerned at the earliest possible date. Finally, in response to Deputy Le Claire, in my view, the words “open space” means open space, and I do not think we want to get mixed up with thoughts of building an observatory or anything else on the site. An open space to me has only one clear meaning.

**7.11 Deputy J. Gallichan of St. Mary:**

I am glad to follow the last speaker because many of the words he gave us regarding public interest echo my own concerns. So, on the face of it, given that I am fiercely proud of this Island and that - like most of us I am sure - I would be keen to see that as much of its natural beauty as possible is preserved for the enjoyment of future generations, this proposition should be an easy call for me to make. Nevertheless, I am having some doubts about the public interest in this case. Taking on from

what Deputy Martin has said earlier, I have also received no calls whatsoever from my constituents concerning this project, but I receive many calls and many letters about constituents who would be very interested indeed in receiving mains drains. There are various points which I would like to see addressed in the summing-up please in order to be able to make up my own mind on the support of this proposition. Firstly, of course, as I am sure Members have already noted, the proposition calls for the land to be preserved, and it is currently in no fit state to be preserved. It requires extensive remediation in order to return it to a semblance of its natural state. Then it will require management if it is to be able to be enjoyed by the public. If over time it becomes covered by impenetrable gorse, then its ability to be enjoyed will be limited. Remediation and management require substantial funds on an initial and ongoing basis. I would remind Members that earlier today we were discussing the funds - or rather the lack of funds - available to cut back the grass verges. Plémont is on an altogether different scale. I urge the Council of Ministers, if they are called to look into this matter, to ensure the future viability of the area for public enjoyment, not simply the outright purchase cost. Now, I do not want to touch on figures, obviously for reasons already stated, but moving on to the possible acquisition, I congratulate the National Trust for Jersey on its excellent coastal campaign. It has already secured large stretches of our northern coastline. I believe for Plémont there is a target of £5 million, and in the first week, £28,000 has been pledged; a commendable sum, a really commendable sum, but only an absolute fraction of what is needed. So, perhaps a land swap would be part of the answer. The question has been raised why this was not done before. Of course, one reason is possibly that it was easier to consider a land swap for 30 houses than for 117. Even finding a site to accommodate 30 high-end houses would not be straightforward. We must not forget that apart from the cash cost here, there is an opportunity cost. We are looking for first-time buyer homes. We are looking for last-home buyer homes. We are looking for sheltered housing. The provision of any site for land swap would surely be the opportunity cost lost in that site for development into any one of these essential housing categories. So, this is a very, very tough decision for me, but I was not elected to take sugar-coated decisions. I ask for the facts. I hope that the Council of Ministers will be able to come forward with something and give us the facts, but in the light of the public requesting us constantly to contain our costs we have to balance our expenditure with the ultimate gain.

### **7.12 The Deputy of St. John:**

I, as a child, was also brought up in St. Ouen, and I still have some property in St. Ouen, so I have a vested interest perhaps. I, on many occasions, had reason to go to the holiday camp to take free use of the swimming pool: something which, as a child, we probably were not supposed to be doing, but we all did it and enjoyed it immensely. However, as I got older I can fully sympathise with the view that it is a blot on the landscape. I think we all agree that it certainly is. It is a planning disaster; it has been said by a number of you already. However, we are where we are, and it would give me great concern if we were to decide to agree to (a); (b) I do not have a problem with, but (a) I do. If we were to agree to (a), a bit more lobbying and perhaps the Council of Ministers would cave in to spending millions of pounds of public money that could be invested in many, many other things as a result. So, it gives me grave concern. Somebody mentioned the golf course. I am not going to go there and start a debate on the golf course, but I think Deputy Southern was absolutely right. If you are going to have that type of infrastructure there, it requires infrastructure. It requires development. It will not stand alone. It would require a hotel or condominiums or something like that. So, it is not a solution. I, like many, would love to see the headland restored to its natural environment, but it is simply not practical. There is a cost to tearing-down those buildings. The Deputy of St. Mary indicated that very well. The fact is that it would have to be maintained on a regular basis. There are ongoing costs. We are simply not in a position to undertake and underwrite those costs, so I would be very nervous in voting for this proposition, as much as I would like to see it returned to nature. I do not see how, as Members today, we can actually make a decision on this without knowing what those real costs are. It could be many millions. It could be a land swap. We simply do not know, and I would be very, very nervous to make a decision today. Albeit I

empathise and sympathise with item (b) and would be happy to receive a report from the Council of Ministers, I would be very nervous on voting yes to (a). It is simply not what I think, as an Assembly, we should be doing: effectively committing possibly the exposure of the public to a completely unknown cost and liability. I would urge Members to do the same, and I am afraid, the way it is worded at the moment, I will have to vote against the proposition.

### **7.13 Senator P.F.C. Ozouf:**

The Deputy of St. Mary, I think, is gaining a reputation in this Assembly for somebody who makes comments which balances all of the issues in a very balanced way, and I think she is absolutely right to remind us, when she indicates in her remarks, that our primary duty must be to balance Island issues and to judge all of the relevant issues. However, I do also have to say that Deputy Martin, who speaks with passion, speaks accurately when she says that there is no money for so many other issues, she is right to be suspicious. She is right, I think, to be clear to this Assembly. I know I am not going to stray into financial numbers, but the Treasury Minister said at least £1 million, and I am not going to make an advance on his offer, but we all know, I think, that we are talking potentially - I say that without prejudice or whatever - about millions, in the event of a compulsory purchase. Which, I suspect, if this Assembly is really determined to deal with this issue, is the issue that is ... I am just listening to Deputy Fox, who sounds as though he is going to make a contribution to say that it is not millions, but I think it is millions. It would take years for a compulsory purchase determination to be made because this Assembly could make a decision about a compulsory purchase - which may be perhaps the recommendation that may come forward - and then it may take years, literally, for us to know what the cost is. That cost is going to be millions. Now, the Connétable of St. Ouen... and he and I have discussed this issue on a number of occasions. I have said to him that I believe the only solution to this - and, again, this is not an easy issue - is a land swap. Actually, perhaps he needs to say in his closing remarks that he would be prepared to take a land swap in St. Ouen in order to solve this issue because clearly he is winding-up Deputies of St. Helier because ... he may or may not confirm that I have suggested a land swap. I confessed to Deputy Martin, with regret, that it was a land swap on a green area in St. Helier because that was the only one. I say that with regret because if we are going to find a land swap, then it is probably going to have to be a land swap in States' ownership. It is probably going to have to be a piece of land in States' ownership that does not have a designation for building on because that is the only way that we are not going to actually have to find any money in order to deal with it. There is going to have to be a planning gain to deal with this. I am going to support... I am with Senator Norman. I would have liked just to support part (b), but I do not think we can do that realistically. I think that you, Sir, have ruled that effectively we cannot do it. So I will support the combined vote - which I think is the only way it can be dealt with - the combined part (a) and (b), because it asks the Council of Ministers to look at it. It is easy to be critical of the Council of Ministers perhaps when you are on the other side, but we cannot set out... we have discussed figures, and it would be inappropriate, as we have said, to discuss those figures in the public domain. That is the reason why perhaps the Council of Ministers' comment is a bit woolly. There are no guarantees here. There is no cash. That is very clear. The only solution is going to be to find another site, probably in States' ownership, which is green and which can get the benefit of a rezoning. It is a compromise, and it is only in dealing with trade-offs and compromises that we will solve problems like this. The same comments are true for the town park. The town park has got a small allocation of money to it, but it is effectively going to have to come from development gain and planning gain elsewhere. So, I am going to support the proposition. The Constable of St. Ouen knows that we would all like to see this returned and that it would be in the public interest, but he has to say to this Assembly very clearly that he would support a solution which involves a compromise, involves a trade-off, and it might involve the rezoning of a piece of green land in St. Ouen.

### **7.14 Deputy P.N. Troy:**

Firstly I would like to say, as someone who is a developer, that I do not know the owner of this land, so I am not influenced in any way in my decision on this. I went to St. Ouen, and I looked at the plans, and I looked at the model that was presented by the architects and, as Senator Vibert said earlier, it is a very good scheme. It is a very good scheme because existing buildings, which are all lumped together, are demolished and removed, and the new scheme separates all of the buildings, puts them out in little hamlets around the area, and it still retains public access throughout the whole development. So the public can still get access to and from the headland and can still walk freely within the area. The buildings are moved away from the headland, so the visual impact from the headland is very small. It is a very good scheme. If the planning process does determine that the units are approved, and of course we have already heard it is approved for residential use so in theory we know residential units will be permitted there. The fact that a previous Planning Committee has determined it is suitable for residential units, then the owner of the land can now be pretty certain they will achieve some development on that site. Members have said that we do not want to discuss the details of what it will cost, but I can tell you what it will cost. I do not think there is any harm in doing that. If the owner of the land received permission for these units, this site would have a value of a minimum of £5 million: a minimum of £5 million. If the developer then includes his architect's fees, some sort of profit element, some sort of compensation from the States for that, it could be even more. So, dismiss £1 million; dismiss £2 million. We are talking a minimum of £5 million. It is a very difficult proposition, then, to send this to the Council of Ministers and say: "Council of Ministers, we cannot make up our minds, so why do you not try and do it?" I think that is the wrong thing to do, and I do not really support that at all. I would like to see part (a) either fully supported or knocked out into touch. It is difficult for Members. I am sorry I cannot support the Constable of St. Ouen because I think the planning process has already gone too far. There is the expectation residential units will be permitted. There is an application in process, and that application is likely to be determined on the information that has already gone before, which is there will be residential units there. So, I think then we get down to where Deputy Martin stated is then we have to really start looking at the cost. I have given you an idea of what the cost will be. Now you will have to make the decision, but I am afraid I cannot support the Constable of St. Ouen in this at the present time. I think he is riding on his charger a little bit too late in the day.

#### **7.15 Deputy J.G. Reed of St. Ouen:**

First of all, I would like to address the fact and explain perhaps a little bit more about the site. The edge of that particular site, with existing development, is on the edge - and I mean absolutely on the edge - of a zone of outstanding character. The actual buildings are not a designated built-up area. It is not a brown field site. They are sitting in the green zone, totally. It is not separate from - it is included and covered by - green zone. So, we are talking of the proposal and any new development being considered on green zone land because that is exactly what it is. Can I just point you to exactly why we have zones? "Development control zones are intended to give different levels of protection from potentially undesirable developments. The levels of protection reflect the sensitivity, significance or scarcity of the countryside resources comprising each zone." That is the basis at which they are determined. "Zones of outstanding character: cliffs and headlands, including the north coast headlands." It goes on to say: "The cliffs and heath land of the north coast and the southwest headlands, with their spectacular coastal scenery and sense of wilderness, geological and bird life and exceptional habitat, archaeological sites, common land, modern fortifications and high recreation value." Right. So that is quite specific. There is a high level of protection that is designated to these areas, and it says: "This particular area will be given the highest level of protection, and it will be given priority over all other planning considerations. In this zone there will be the strongest presumption against development." It then goes on to say about the green zone, again: "total aim of protecting this area." Not only protecting the area; the Island Plan goes on the say: "and ..." - that is the important word - "... enhance it." Enhance it. The question that States' Members must ask themselves is that in this particular area, we are well aware of the history, but we have an opportunity to consider the future and what we require that future to hold.



Now, do we physically believe that in this green zone - and it is: this is not a white zone; this is a green zone - do we really want to plant, right on the headland, or just off it as is the case, a large scale, new development? Would we seriously, in our right minds, be approving or supporting any development like that, which could be duplicated elsewhere across the Island in far less sensitive areas? The answer is absolutely no. We have heard a lot of words being spoken, as is usual. But I ask: "Where is the action?" That Strategic Plan everyone signed up to, commitment 4: "We will maintain and enhance the natural and built environments." What are we going to do? It goes on to say: "Few Islanders would disagree with the need to protect the Island's coast, countryside and built heritage and to conserve and enhance the natural habitats that make Jersey unique." Yet we have some Members in here who are seriously suggesting that means nothing in this case just because there happens to be a development on the site. That we are going to perpetuate that mistake for future generations. And what do we go on to say under this commitment? It talks about: "a greater public access to the countryside." Here we are. This is a perfect opportunity to provide exactly that. What are the other indicators? "Increase in the area of natural habitats achieving favourable conservation status." Again, it fits perfectly with the options available. Options - because that is what we are talking about at the moment - available at Plémont. It goes on to say: "Increasing the number of sites of special interest registered." I would suggest perhaps this whole area is comparable to Les Mielles, which is safeguarded by a particular... well, in this case, the St. Ouen Bay Planning Framework. Maybe this is an issue that needs to be considered. As I said before, the aim of the Island Plan is not only to protect the already designated areas but to enhance them. Open space is recognised as an extremely important commodity, as some Members have already said. We speak about 10, 12, 15... I do not know how many million on a town park, and quite rightly so. Yet we are equally quite happy to see a particular area - a very wild natural area - desecrated by a large development. This is a particular area of outstanding natural beauty and unique landscape value. Furthermore, there is little infrastructure to support this type of community. I would like to touch on a few other issues. I certainly have logged on to the National Trust website, and I had no hesitation in putting my name on that list, as have over 5,000 others. Equally I think the National Trust are right to promote public subscription as a way of possibly funding the protection of this area, and I explained it to a number of people who currently have not subscribed because they are looking for guidance. They are looking for guidance from this Assembly as to what we believe and we support, and what our attitude is to our environment. What signal do we want to give them? As already mentioned before, the owner of the site has suggested he would be willing and prepared to negotiate with the States, and we need to allow this opportunity to happen. Yes, I appreciate there are no guarantees, but who in their right mind is not going to grasp the opportunity? I ask States' Members really to support (a) and allow the Council of Ministers to consider the opportunities and the options. Furthermore, Plémont is already popular, and it is visited by the general public and tourists alike. Just to give you one example of how popular it is currently, we have already traffic and parking issues in that area and have had for many, many years. So much so that fortunately, in association with both Planning and Environment and Transport and Technical Services I hasten to add, a temporary car park has been created on one of the fields close by, to allow for an additional - and have a listen to this - 80 to 100 parking spaces to accommodate those that visit the area. That is in addition to the parking area that is already there; 80 to 100 cars already visiting that area over and above the provision that is already there for car parking. That just gives you some idea. That is not counting those that walk through that area and enjoy the cliff views and the scenery. As I said, we have had many people speak about the cost. Yes, quite possibly there is a cost; quite possibly that might be prohibitive, but at least let us take the opportunity or let us give the Council of Ministers the opportunity to explore this. We are all well aware that the States are sitting on a large number of properties which recently - and relatively so - we have all agreed should be disposed of. Some of those include quite large brown field sites in very nice situations; not necessarily in a green zone I hasten to add. Let us seek and allow the Council of Ministers to look properly at these sites and these options. Finally, I would just say that we have the opportunity again today to at least demonstrate to the general public that we are

committed to protecting our environment. We are committed to ensuring that important areas are protected for future generations. Let us not demonstrate that we are the money-grabbing, greedy type of people that only focus on money and nothing else.

**7.16 Senator B.E. Shenton:**

Well, I must admit that I do not like this proposition. I think it is a Shangri-La proposition. The Constable has been Constable of St. Ouen for 12 years. Plémont has been derelict for 6 years, so why has he left it so late to bring this proposition to the House? Why has he waited until the plans have been drawn up and the compulsory purchase price is probably at its highest? The same applies to the Deputy who just spoke so vehemently. Again, what have you been doing for the past 6 years?

**The Bailiff:**

Through the Chair, please, Senator.

**Senator B.E. Shenton:**

The Connétable in his speech said that not once did any of the owners go to the States and offer the land to the States to buy. This is unfair criticism. Who, when they are selling a property, would go to the States and offer it to the States first? He also criticised the fact that it was an ugly building left to disrepair. Again, developers over the years have been trying to develop the site and all the time there are hurdles being put in their way which is why we have got this blot on the landscape. This compulsory purchase will cost a fortune. We talk about land swaps as if land swaps save you money, and it worries me when the Economic Development Minister talks about it. If you swap land worth £5 million or £6 million, you are still spending £5 million or £6 million. You do not save any money. Compulsory purchase: how would the Constable feel if we compulsorily purchased his land **[Laughter]** and did a land swap with that? This land does not belong to the States of Jersey. It is not our land. If we do not build here, where else do we build? Which Parish are we going to build in? St. Clement? St. Helier? St. Brelade? This development, in my opinion, is well thought out. It is generous. It donates quite a bit of land to the Islanders and to the people of Jersey. It does not cost the taxpayer a penny. We are being asked to let the Council of Ministers review this situation. The Council of Ministers whose first initial response was let us build a golf course there, because you do not get many people going to a golf course, do you, with its restaurant and its clubhouse. If you consider a golf course to be a natural environment on the cliff pass, I certainly do not; and it is certainly not for the benefit of all the people in the Island. I believe that we should leave this to the planning process. I believe that the Constable is too late in the day. If he had wanted to do this he should have done it years ago and I think we should get on with the business and spend the money more wisely. We have got shortfalls all over the place. Income support will probably run short. We have got no money for the town park as other people have said, and we want to spend millions of pounds on just tidying up a bit of land that would have been tidied up years ago if we have not kept putting hurdles in the face of the developers.

**7.17 Deputy S.C. Ferguson:**

I am glad Senator Shenton mentioned St. Brelade. I would refer him to Noirmont and particularly Portelet Bay. As everybody will know there was another holiday camp there which has now been built on. I would point out that access to the Bay will now only be available to the young and the fit down the long public pathway. Do we want this for Plémont? Deputy Martin commented on it. I think perhaps I should remind her that this will not be a first-time buyers' development; it will be much more expensive. We must preserve our heritage for future generations. As well, without this, there will be no attraction for tourists or visitors of any kind. I accept that there may be a cost and it may be too high, but I think we should at least pause and consider it. We have the opportunity now. We must at least consider this. I will support the proposition.

**7.18 The Connétable of Grouville:**

Unlike many of the previous speakers I was not brought up in St. Ouen. In fact, Plémont was about as far as you can get from the area of Grouville that I was born in, so therefore I hope that I am not being invasive in probably trying to give some advice on this. I am going to support it because I think that at the end of the day, when we get to the bottom line on this, the Council of Ministers are going to come back to us with some recommendations. We will then have the chance to choose which way we want to go. I rather suspect that we are going to get told that we are talking about £5 million to £10 million pounds. I think Deputy Troy was probably right at £5 million; I think it will be a lot more than that. I think by the time you add in architect's fees and lost profits, et cetera, we are going to be talking about nearly £10 million and I have a suspicion that the Treasury Minister is going to advise us not to go that route. So, I am quite happy to go along with this. I am quite happy for the Council of Ministers to come back to us, but at the same time I am rather pessimistic as to what is going to happen at the end of the day.

### **7.19 Deputy J.B. Fox:**

The first thing that one learns when one is on a Planning Committee is that a developer, whoever it is, will start off with a plan which is usually as much as they think they could possibly get, and it works downwards until you end up with an acceptable level and so that is what happened at Plémont - 117 I think it was - knowing full well that you are not going to get 117. But the principal thing that the developer is after is to find out what the value of the land is and what is acceptable. So you will have different designs and different things put forward, but eventually the planning application has to be determined and that will then put a value, and that is what I would suggest to you in this case is the number one thing of this application. I like the application and the way that the 3 hamlets have been designed leaving the place at the front, but I also was involved in the Bel Tabarin and removing the blighted derelict building there and bringing it back to nature; and as has already been mentioned, I was Chairman of the Les Mielles Sub-Committee and learned a tremendous value of this Island and what people come for. Yes, things happened in the past. There were lots of little buildings all over St. Ouen's Bay; little beach huts. There were lots of old cars that occasionally you see the rust coming out on the beach still. But look what it looks like now. Now, on the other side of the coin, (a) and (b) are perfectly reasonable in this proposition, because we are being asked to look at options. We are being given one last chance to have a look and we have got an owner that says: "Yes, I have got a valuable piece of land" and I would suggest to you that he is saying: "I want it to be determined on a planning application to know what it is worth, but I would consider a land swap or some other adjustment to be determined" but I certainly would not be expecting a willing owner to be subject to a compulsory purchase because I do not think that is even in the running. It is a waste of time even considering it because I do not think it would happen. It would take years to determine and, in any event, you have got to determine the price of land and the only people that would win at the end of the day is probably the lawyers. We certainly would not win by having a headland restored, but on the other hand I would be very much interested to know what the Council of Ministers would come back for, because if they come back and say this would be an ideal place for golf course, I think that defeats the object of part (a) for a start. You can have a golf course anywhere in the Island, but you cannot have an open headland. Deputy Layzell, as he was then - Chairman of the Planning Sub-Committee that I and the Constable of St. Saviour were on for most of the time - he would call this a manicured suggestion, which means that it has got nothing to do with the environment. It might look better than an alternative that someone else has considered, but it is not what the purpose of it is. Neither do I think that it is acceptable to consider as a swap green field sites elsewhere in the Island because the whole purpose of this is to maintain the natural beauty of the Island. The States has £1.6 billion worth of real estate, some of which is just crying out for development plus housing on top of that. Now I think that it is not insurmountable for someone from our new Property Services Department - I have forgotten the precise name of it at the moment - to come up with a list and show it to the property developer who owns this site and say: "Is there any of those sites there that your company/organisation would be interested in exchanging it for?" or through, as it has been suggested, the Planning Department.

There are still a lot of alternatives, therefore I would support (a) and (b); (c) was out of the question anyway. The planning has to be determined, if for nothing else, the price.

#### **7.20 Deputy S. Power:**

I will be brief. Recently in Scrutiny, discussing a particular issue on the 'Design for Homes' Panel, we realised that Island-wide we are approaching critical mass in terms of overall development on the Island, and critical mass to us means a point approaching 50 per cent where 50 per cent of the Island is approaching developed status, and I think that is a serious point. Looking at the size here at Plémont, in times past it had the ability to accommodate somewhere in the region of 550 people; that peaked in the late 1970s and the early 1980s, but it peaked in the summer months, and for the large part of the winter months the site remained largely empty. We are now looking at a development which reduces that capacity to something in the region of accommodation and 37-odd houses for 220 people. That has implications for the infrastructure of the Plémont area and the St. Ouen area, and I have concerns about that given the approach road to Plémont and given the... I am not sure, perhaps the Constable could confirm when he is summing-up, if that road has main drains or whether it is still on a tight-tank system up there or a pump system. What I would say to Members is that this is not a site which can be developed sympathetically for first-time buyers or, indeed, the elderly. This is a development which is very much aimed at the upper end of the market and I am not sure that we need to go there with that type of development. I would have preferred to see a different type of development there. If we are going to do this it is going to cost, as previous speakers have said, £5 million plus the legal and other costs. Let us please not repeat the mistakes of Lesquendes at Les Quennevais where, during the purchase process over a long protracted period of time, the States did run up legal costs of something in the region of £7.5 million. So, this is a very serious proposition today, and from my point of view I think I will support it, but I think there are pitfalls and I do look forward to the review by Council of Ministers if it is supported.

#### **7.21 Deputy J.A.N. Le Fondré:**

Just before I start speaking can I also seek a further clarification of your ruling please on the part (a) and (b) issue? In no way do I want it to be seen to be challenging your ruling, but it occurred to me that the reference in part (b) to paragraph (a) is purely in the description of the land and I was really wondering whether in reality that was so fundamental as to prevent us voting on (a) and (b) separately?

#### **The Bailiff:**

Well, the difficulty is, Deputy, that when the States make a decision and the proposition records, as it always does "the States are asked to decide whether they are of opinion" and if the minutes then record that they should request the Council of Ministers to consider all the options to preserve the land described in paragraph (a), it does not make sense; and the 2 paragraphs, as paragraphs of propositions often do, hang together I am afraid.

#### **Deputy J.A.N. Le Fondré:**

I thought it was worth - given some of the comments we have had during the course of the debate - just to double check. Having listened to the debate so far today I would like to make the following reasonably brief comments. Fundamentally, I support the proposition on a number of grounds. I think firstly, Jersey - as we have been hearing and as we know - is an area of finite space. We need to be protecting and preferably enhancing the green and natural areas of this Island. That is one of the reasons that living on this rock is generally a pleasant experience. We have a countryside; we have some open space around us, or we can go and find it. In my view, the present Island Plan does not go far enough in this respect, in that if we continue to rezone land every 5 years or so where will we be? Or, more importantly, where will our grandchildren be? In my view, we need a mechanism to discourage building in the countryside particularly on green field sites. Now this is not a green field site and I do acknowledge the proposed design is a lot better than the present

situation. We also have to recognise that making this decision today may ultimately have a financial impact, but that does depend upon the response of the Council of Ministers. However, the more we continue to value green field sites as being worth less than brown field sites, the more we continue to encourage green field development, then the more often I think we will be faced with this type of decision which is basically to protect and - in this case - to reclaim our diminishing green and open spaces. Personally, I do not want this Island not to have green and open spaces. I do not want us to end up looking like, for example, the suburb of Milton Keynes with nicely spaced houses separated by small areas of so called protected space, which are protected only until the next Island Plan comes along. We also need to remember that many visitors seem to be coming to the Island for walking and cycling and maybe even running holidays and to enjoy our natural environment. So, in economic terms, the more we do to preserve and enhance this market we not only help ourselves, but we may also be incrementally adding to that tourism experience. In this instance there is an added dimension. The site is within yards of the one remaining puffin colony in Jersey. There are not many there, but I do believe they need all the help we can give them. Yes, that is at a cost but I do believe - admittedly with a tint of trepidation - that we should be asking the Council of Ministers to look at this. I think it could be a price worth paying but that would depend on the response and it will depend on whether we can find the money. But I therefore support the proposition.

### **7.22 Deputy G.W.J. de Faye:**

I am not normally renowned for my relationship with puffins [**Laughter**] but... well, perhaps I am, but here I am prepared to make an exception. It does seem to me that this entire issue boils down to residential accommodation. Will it be residential accommodation for hedge fund managers? Or will it ultimately be residential accommodation for the elderly? Or will it be residential accommodation for rabbits? It will, indeed, possibly be the most expensive residential accommodation for rabbits on the planet. These will be burrows bought at an extraordinary expense, but what is worrying is that in fact here we have States' Members behaving like rabbits in front of car headlights. A lot of us seem to know where we want to go but we just do not seem to be able to summon the will to go there. Of course, Deputy Lewis was absolutely spot-on the money. This is a one-off opportunity to take it or leave it. How many times have I heard States' Members complain about: "Oh, we do not have the opportunity to take decisions; now it is the Council of Ministers taking decisions; now it has been taken; now they are planning it; now this." Now this is an opportunity for States' Members to draw a line in the sand and take a decision: a decision to say that the States believes that this headland should be preserved as an open space, or possibly the very fringe perimeter of a golf course, in perpetuity. That is why, ultimately, the costs we are all worried about are not that important. Not if you are doing it permanently. This is not the same thing as a rolling revenue cost. Of course, there will be some additional monies to be spent on managing the land and putting it back into good order, but this is something that you have to decide is worth dipping into the piggy bank for, to pull out the money you have been saving for a rainy day and spend it in favour of the public interest. It takes vision. There have been examples of vision over the years. Somebody created Central Park in New York. A brilliant colonial governor declared the plateau above Perth in Australia as a national park. It is still there and it is a fantastic sight to behold: an enormous and large spread modern city with skyscrapers going to suburban areas topped off with a national park at the end of the main drag. It is the equivalent of having the whole of the plateau around St. Helier as a national park. It was an extraordinary vision. So what is the problem with the States having its own vision in our own small Island? We need a little bit of national park and here is a useful addition to it. Now, I have been very fortunate enough to have been quite well-travelled and this entire episode rather reminds me of a tour I did in Argentina where I was fortunate to end up at a spectacular location on the border between Brazil, Argentina and that other gangster country that adjoins it - whose name I have forgotten temporarily. The location is called Iguazu Falls. It is the largest, or rather the widest, set of falls on the planet. Over 240 separate waterfalls dominated by the magnificent and majestic Devil's Throat thundering downpour, and smack in the middle of this

location of a planetary order surrounded by rainforests is a Sheraton Hotel, stuck in the most extraordinary spot. Now it is an undoubted pleasure and a privilege to stay there, but you really ask yourself the question: “How on earth did this get planning permission?” and: “Would it get planning permission now?” Almost certainly, it would not. Now we have all heard the details of the various options in terms of risks that have been spelt out. Yes, the developer could suddenly rebuild a holiday camp; would not even have to ask Senator Cohen if he wanted to do that or not, he could just get on with it and rebuild what is already there. The Panel will have a tricky decision to make. We cannot pre-empt that and we should not pressurise the Panel any other way. But what the States can do - and I am told Members want to do this sort of thing on a regular basis - is make a decision **[Laughter]** - a decision that will affect the future of the Island in a potentially dramatic way and secure this place for the rabbits. Now I do not see many kestrels around my patch in St. Helier, but I have seen plenty up in the area of Plémont and Grosnez, and I do not see many rabbits in St. Helier and I doubt there will be many in the town park even if we get one. But there is plenty up... and there is also Mr. Stentiford from time-to-time and plenty other people who enjoy and understand the value of ecology and the environment. Let us not forget how important it is to invest in our environment. It is only this month that a senior government member, or it may be part of the shadow government - I can never tell these days; they all look the same and sound even more like each other - has suggested that people might start investing money to buy up whole tracks of the Amazon Rainforest. That is how seriously we need to take nature. Now here is an opportunity where Jersey can play its own small part in what, I think, will be a future cultural change. Well, we all talk about it enough, but now is the opportunity to put the money where the mouth is. We will not discuss how much money, but let us get on and approve this proposition and give the Council of Ministers an opportunity to come back to the States with some options of how we just might be able to achieve this and I urge the House, let us back this.

### **7.23 Senator S. Syvret:**

I will certainly be supporting the proposition. I am agreeing that it would be nice to be able to preserve this area as open land and it is asking the Council of Ministers to look at and consider if that is achievable and how it might be done. It is a very worthy aim; one I support wholeheartedly. I know the area in question very well. All of the coast I have climbed frequently on the cliffs there, been in the caves; and I would point out to Deputy de Faye that we need the rabbits because in large measure they create the burrows that are used by the Puffins, so they are quite important to the ecology of the area. So I do believe that it would be a great achievement if we could return this area to unspoilt coastline. However, just to sound a note of caution, I think we have to be realistic about the prospect and the possibility of readily finding the money required should we have to purchase the site, should that be one of the options. I mean, things are very difficult for Jersey financially, much harder than they have been in the past. Certainly, in my department alone I am aware of an awful lot of areas in which we could spend more money on real frontline health care, so we have to think very carefully about where the money is going to come from. I do not even think that the rainy day fund is appropriate. I think, given the nature of the world's looming energy crisis and a whole raft of other things, we could need the rainy day fund big time just to keep body and soul together in the coming 2 or 3 decades. So I think, in fact, the rainy day fund, if anything, needs to be growing at a substantially faster and larger rate than it is at present. Likewise, we have such issues as the town park which has been mentioned by other speakers. As much as it might appear very environmentally great and romantic to want to return this coastline back to its natural state, the fact is that the town park is in an area that is the poorest, most densely populated, most neglected and shabby part of the whole Island. About 12,000 people, approximately, live within a 5-minute walk of the perimeter of the site. Families, elderly people, lots of migrant community live in that area and they have got nothing by way of open space readily available to them, so I do think there is a pressing need for us to deliver the town park; and if the States were somehow to magically find whatever great sum of money it might be and pull it out of the hat, I think it would be very, very difficult to argue that it would be more preferably spent on Plémont than on

delivering this open green space for this deprived part of our community. So I do think, Sir, that in supporting the proposition I hope that the... well, I will certainly be asking the Minister of Treasury and Resources and others to really possibly think of novel ways in which the funding, if required for this project, could be derived and could be found. I do not know what they might be. Perhaps loaning it effectively from the States to buy the site and paying it back over a period of 10 or 20 years or whatever it may be. There are all kinds of approaches that might be adopted and I do think it is something novel of that type that would have to be adopted as opposed to simply taking it out of existing funds that are earmarked rather than perhaps more seriously pressing community needs.

#### **7.24 Deputy R.G. Le Hérissier:**

Just a few words. I think there have been some very good spirited contributions and I have been particularly impressed by Deputy de Faye's conversion to environmentalism [**Laughter**] and I think that will be much appreciated by the Scrutiny Waste Committee for example and I am sure -- I did notice, Sir, he did not mention in fact that there is, of course, a bus to Plémont during the summer and if Deputy Martin is stranded she will find that bus is available for her to take a trip there, so it is not that isolated. What I would say, Sir, are just a few things. I think the Constable of Grouville made a very good point. I think it is something worth testing out. The public interest is; where there is a possibility of buying it, we should. Yes, it is late in the day but I thought Senator Shenton quite frankly was over the top. I thought he was very ungenerous in his approach to the whole issue. It is late in the day but there is no way any of us, I think, when push comes to shove, would contemplate compulsory purchase. This can only be a partnership, so to speak, between willing adults because of the situation and that is all I would like to see; that we would not put a person in a corner and compel them to take part in a deal which was forced upon them, and I think the Connétable will buy that. I would commend very much the Deputy of St. Ouen; I think he spoke with great passion as did Deputy de Faye in saying that this is a very, very special kind of thing. I agree totally that there are tremendous cases to be made for social need but I am afraid that the reality is, Sir, social need, as Senator Syvret has said, could absorb all our money and more; essentially for ever more. If we cannot take a stand on this... we keep saying we must defer it because we have to deal with social need; I am afraid we will defer it permanently. So, Sir, I think it is worth perusing, bearing in mind some of the realities of the situation, but I do not think there is any harm done whatsoever in the manner in which it is framed.

#### **7.25 The Deputy of St. Martin:**

As a Parish Deputy, I can well feel how the Connétable of St. Ouen and the Deputy of St. Ouen feel and they are here obviously arguing with their heart and I think possibly they are right to be clutching at straws. But I think that is what we are doing, because I think when we look at the 'heart versus head' argument we are going to find at the end of the day that the head will win. However, on the clutching of straws I think I am quite prepared to go with that and I am quite amused to see that the former speaker - Deputy Le Hérissier - came to the House and asked for work permits and I thought that was a very good idea. We should spend some time with the Council of Ministers - offer to spend some time - and they did not have the time for that, yet they have got the time for something which I think at the end of the day will be a non-goer. But before I do make my mind up ... and I honestly feel at the end of the day the head will rule, and no matter what the Council of Ministers come up with I think the odds will be so stacked against us ever acquiring this property or the buildings. What I would like to know is to get some idea of how long is this process going to last? Because I think it is very important that the developer and everyone else involved ought to know some timescale and possibly whoever is in a position - maybe the Connétable of St. Ouen in summing-up - could give us some idea because I think if this is going to run on for years or even months I would not go with it.

#### **The Bailiff:**

I call upon the Connétable of St. Ouen to reply.

### **7.26 The Connétable of St. Ouen:**

I do not intend going through every speech that has been made, [Laughter] but I would like to thank all Members for their contribution. I think that Members have allowed themselves to be sidetracked by some of the questions which need to be answered next time around. The idea of my proposition was that it should ask in (a) the Members of this House to express an opinion: express their view that this piece of land was a piece of land that needed to be preserved for the Island. That moved on to part (b) which then put it in the hands of the Council of Ministers to come up with their best options and to come back to this House with those options with the costings, with everything else, for this House to make that decision. But in the first instance we had to voice our opinion to the Council of Ministers on how we felt, because if this House does not feel that there is any merit in trying ... I think somebody said clutching at the last straw - the Deputy of St. Martin - then there is no point in the Council of Ministers looking at the subject at all. I think we need to make that decision. I think Deputy de Faye was right; that there is a real change not only in the Island but across the world as far as trying to preserve the culture, the heritage, the scenery that exists because too much of it is disappearing. I think Deputy de Faye mentioned the forests of South America that are disappearing daily, and I said in my proposition - and I repeat it - that this is our last, very, very last chance to get back for the Island this particular headland. Now whether it can be achieved or not was not in my mind when I made the proposition. My proposition was to ask my fellow Members to voice their opinion as to whether they thought there was any merit in it, and if they thought there was any merit, to give it to the Council of Ministers to come back to this house with a proposition which can be duly debated and a decision made. I maintain that. I think that is what I intended and I am sure that that is what my proposition says. There are a number of things, and I have heard Deputy Le Hérisier point out to Deputy Martin that there is a bus every day - I will willingly come and fetch her in my car [Laughter] and providing she does not wear her high heels we can even walk around the site. Now, Deputy de Faye touched on it as well, I recently was fortunate enough to spend 4 beautiful days in the western isles of Scotland; unbelievable scenery. My camera was full by the time I came back. But then when I came back the dog needed a walk. I took the dog for a walk and I walked him from home towards Plémont and the scenery there, believe you me, is just as impressive as anywhere in the Scottish Islands. I came back and I told my wife: "When you come back from seeing the Scottish Islands that is when you appreciate the scenery you have got at home" and I think that that is when I realised that I needed to at least make an effort to come to the House and try and get some support. Senator Shenton mentioned; why have I been sitting on it for this long? I will say to him that when the proposition was made in 1999 there was a group of politicians who got together with the intention of bringing this sort of proposition to the House, but unfortunately by the time it was ready to come the Planning Minister had turned the application down and the whole thing was then subject of a court appeal, so we could not bring it and that is why it has been held up. I admit that there has been a time since the court appeal has finished until now when I have done nothing but unfortunately, and I am sure Senator Shenton will realise, that in the life of someone who is in politics everything cannot be done in the same day. There is always another issue to be tackled and, unfortunately, I think in politics we tend to attack these issues at the very last minute when they become public, and I think that is the situation we are in. I am not going to talk about the golf course because I do not think that the golf course has anything to do with my proposition. The golf course is the next step. Once the Ministers have decided whatever they decide and then somebody applies for a golf course that is a step into the future. That is a step for the Planning Minister when it gets to him. The question here at the moment is (a) do we support trying to find some way of preserving this headland for future generations - for the public of the Island - and if we believe that to then instruct the Council of Ministers to try and do the work for us. Find the costings, find possible ways of paying for that costing, and then come back to this House for this House to make the decision.



**The Deputy of St. Martin:**

With respect, I did ask if the Connétable could give us some indication how long it might take for this report to come forward.

**The Connétable of St. Ouen:**

I am sorry, Deputy. Yes you did. For obvious reasons I have said I have withdrawn part (c) of my proposition. The Planning Minister is obliged to make a planning decision within a required amount of time. So, the Council of Ministers have got to move quickly if they are going to intervene before the planning decision is made. One other thing, Sir, whilst I am standing, there was a question from Deputy Power; yes, there is mains drains on the site.

**The Bailiff:**

Connétable, you have not yet withdrawn paragraph (c) because you need the consent of the States as a matter of fact. So, may I ask first of all whether the Assembly is content to allow the Connétable to withdraw paragraph (c)? Very well, the paragraph is withdrawn and you ask for an appel? Very well, the vote is for or against paragraphs (a) and (b) of the proposition and I ask the Greffier to open the voting.

**POUR: 36**

Senator S. Syvret  
 Senator W. Kinnard  
 Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator M.E. Vibert  
 Senator P.F.C. Ozouf  
 Senator T.J. Le Main  
 Connétable of St. Ouen  
 Connétable of St. Mary  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Deputy A. Breckon (S)  
 Deputy of St. Martin  
 Deputy G.C.L. Baudains (C)  
 Deputy P.N. Troy (B)  
 Deputy C.J. Scott Warren (S)  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.B. Fox (H)  
 Deputy S.C. Ferguson (B)  
 Deputy of St. Ouen  
 Deputy P.J.D. Ryan (H)  
 Deputy of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy G.W.J. de Faye (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy D.W. Mezbourian (L)  
 Deputy S.S.P.A. Power (B)

**CONTRE: 9**

Senator L. Norman  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Deputy R.C. Duhamel (S)  
 Deputy J.J. Huet (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy S. Pitman (H)  
 Deputy of St. John

**ABSTAIN: 5**

Connétable of St. Saviour  
 Connétable of St. Peter  
 Connétable of St. Helier  
 Connétable of St. John  
 Deputy of Trinity

Deputy A.J.H. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**The Bailiff:**

Well, that completes public business. We come now to the arrangement of public business for future meetings.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**8. Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):**

I would like to propose the arrangement that is outlined on the pink sheets under M with the addition on 24th October of composting facilities at La Collette, St. Helier: cessation, P.76. That is on 24th October. And the proposition listed on that day - P.101: Code of Practice for Scrutiny Panels and the Public Accounts Committee - is moved to 21st November and I understand that Deputy Duhamel will speak on why it is being moved, Sir.

**Deputy R.C. Duhamel of St. Saviour:**

Members will be pleased to know or may be not pleased to know that there are some very weighty and meaty legal issues that really need to be sorted out before we get into the Code of Practice debate. The Chairmen's Panel has written to the Attorney General for further advice in order to answer these outstanding questions and ...

**The Connétable of St. Clement:**

Sir, I am sorry. I have not heard most of what has been said in the last 2 minutes. I apologise.

**Deputy R.C. Duhamel:**

Well, my microphone is on, but Members are mumbling, Sir.

**The Bailiff:**

Other Members might be talking amongst themselves, but I think you could perhaps help by speaking up Deputy Duhamel.

**Deputy R.C. Duhamel:**

The Chairman's Panel, Sir, has written to the Attorney General to ask for some further legal advice which, in the opinion of that committee, needs to be answered before we enter into the debate on P.101. With that in mind, Sir, we think it is only fair to give the Attorney General adequate time to come forward with those responses, so consequently we are asking for the debate to be put off from 24th October to 21st November which will give the legal officers extra time to come up with the goods.

**H.M. Attorney General:**

This Code of Practice insofar as it concerns the Law Officers is a subject which has now been hanging around for some 10 months and for my part I am anxious to get it dealt with. I say that from 2 perspectives. One is a personal perspective that I frankly find it a concern to me; and secondly, that increasingly I am beginning to worry about the way in which advice is presented to Ministers and, where relevant, Committees. So, there is a practical reason for getting on with this advice. I have read the Scrutiny Committee's letter to me and frankly I do not think there is very much new in that letter which is going to require an enormous amount of fresh legal advice. If I may just add this last rider to it, I am supposed to be away on States business in the week of 21st

November and I was not asked whether that week was convenient to me and, frankly, I would find it pretty upsetting if Members decided it was a good time to debate this proposition when I am away.

**Deputy P.V.F. Le Claire:**

Sir, it does seem clearly the wrong day then if the Attorney General is not going to be...

**The Bailiff:**

Well, Deputy, if the Attorney General can get advice to Members in time for the debate at the next meeting that, presumably, is all right from your perspective, is it?

**Deputy R.C. Duhamel:**

I do not know whether the Attorney General is able to do that, Sir, and I was giving him the benefit of the doubt.

**The Bailiff:**

My understanding is that the Attorney General said that the letter did not raise serious issues which he would not be able to deal with within the appropriate timescale.

**Deputy R.C. Duhamel:**

Well, I think there might well be a difference of opinion there, Sir. **[Laughter]**

**The Bailiff:**

Well, whether the Scrutiny Panel likes or agrees with the advice that it gets is another matter, but if the Attorney General says he can provide the advice in that time then I would have thought that the Assembly must accept that. Is there any other reason why you wish to defer it to another date?

**Deputy R.C. Duhamel:**

There is a quite a large number of items set down for 24th October. Perhaps I could suggest then, Sir, if the Attorney General is not here for 21st November then perhaps it be set down for the 7th. The reason for doing this, Sir, is that as we heard this morning it is not right that any Member, or indeed any Committee, should come to this House with late information and expect other Members to act upon it, so I was seeking, by deferring the debate, to give Members adequate time, not only to consider the opinions which will be material to the debate but to do so in good order.

**The Bailiff:**

Well, Mr. Attorney, can I ask you please before the Assembly decides this question, whether you could give an indication as to exactly when the advice would be available to Members?

**H.M. Attorney General:**

I have received a long letter from the Scrutiny Chairman. I have read it once. It asks questions I have already been asked by the Council of Ministers and have already addressed. Those questions I can deal with immediately. Insofar as the rest is concerned, I think that the letter raises more political matters than legal matters. I expect to be able to answer the Scrutiny Chairman within the next week.

**The Bailiff:**

Very well. Well, it would be available to Members by 17th October.

**Senator P.F.C. Ozouf:**

Sir, that means that on 24th October we clearly have probably 4 or 5 days debate and it would seem to me that the composting issue needs to be, I am afraid, moved because there has to be a priority of

matters and - for my part - I would have thought that the Goods and Services Tax has to go ahead; the legal advice issue has got to be dealt with, it has been hanging around for too long; and the composting facility, therefore, probably needs to be considered on the 7th. We have received today 124 pages or whatever of information and it needs to probably move and I would suggest, respectively, Sir, that it is moved to 7th November.

**The Bailiff:**

May I just find out whether I have a proposition from the Senator as if to move the composting...

**Deputy R.C. Duhamel:**

I had a proposition, Sir, to move it to the 7th.

**The Bailiff:**

I beg your pardon, Deputy ...

**Deputy R.C. Duhamel:**

I did ask, Sir, that instead of being taken on the 21st that it be taken on the 7th.

**Deputy J.A. Martin:**

That is P.101, Sir. The Attorney's....

**The Bailiff:**

Oh, I am sorry, you are quite right. We must deal with that first. Yes. I am sorry, Deputy. The proposition of Deputy Duhamel is that the legal advice issue be moved to 7th November. Is that proposition seconded?

**Senator M.E. Vibert:**

Could I just ascertain if the Attorney General is available on that date, Sir, before we make any decision?

**H.M. Attorney General:**

Yes.

**The Bailiff:**

Yes, the Attorney is available that day. Are Members content to move that to...

**Senator T.A. Le Sueur:**

Is it in order, Sir, to move an amendment to that proposition on the basis that rather than move that debate to the 7th we should move Projet 76 to the 7th?

**The Bailiff:**

Well, I think it would be procedurally more satisfactory, if Members do not wish to defer the debate on the Code of Practice for Scrutiny Panels, to vote down the amendment of Deputy Duhamel and then it remains where it is at the moment and we will then come to deal with the composting matter at a later stage.

**Deputy R.C. Duhamel:**

Can I have an appel on that please, Sir?

**The Bailiff:**

If nobody wishes to speak on that, yes, Deputy. I ask the Greffier to open the voting on the proposition of Deputy Duhamel that Projet 101 is moved to 7th November.



**POUR: 41**

Senator S. Syvret  
 Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator M.E. Vibert  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Connétable of St. Mary  
 Connétable of St. Peter  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of Grouville  
 Connétable of St. John  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Deputy R.C. Duhamel (S)  
 Deputy A. Breckon (S)  
 Deputy of St. Martin  
 Deputy G.C.L. Baudains (C)  
 Deputy P.N. Troy (B)  
 Deputy C.J. Scott Warren (S)  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.B. Fox (B)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy S.C. Ferguson (B)  
 Deputy of St. Ouen  
 Deputy P.J.D. Ryan (H)  
 Deputy of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
 Deputy A.J.H. Maclean (H)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John  
 Deputy I.J. Gorst (C)

**CONTRE: 9**

Senator L. Norman  
 Senator W. Kinnard  
 Senator P.F.C. Ozouf  
 Senator J.L. Perchard  
 Connétable of St. Helier  
 Deputy J.J. Huet (H)  
 Deputy G.W.J. de Faye (H)  
 Deputy D.W. Mezbourian (L)  
 Deputy of St. Mary

**ABSTAIN: 0****The Bailiff:**

Do you wish to move the composting proposition?

**Senator P.F.C. Ozouf:**

The time that the Assembly will sit has now been cut by at least 2 days, Sir, but I would wish to just get one undertaking from both the Transport and Technical Services Minister, the Chairman of the relevant Scrutiny Panel and Deputy Le Claire that they will undertake unequivocally that any documentation in relation to this proposition is in States' Members' hands by 9.00 p.m. on the

Friday before that sitting, because we cannot be in a situation that we have been in this morning, and if they were to give that undertaking I am happy to withdraw my proposition.

**The Bailiff:**

Can I just know whether that undertaking is available? You want an undertaking from who?

**Senator P.F.C. Ozouf:**

From the Ministers and the relevant ... I think there are probably 2 Ministers involved in this; it may well be the Transport and Technical Services Minister, the Health Minister and Deputy Le Claire who chaired some sort of panel and the Environment Scrutiny Panel. **[Members: Oh!]** I do not mean disrespect.

**Deputy G.W.J de Faye:**

In response to that I think I could well compromise myself and my officers by giving that type of undertaking. We have just been presented with a 131-page document and I think to try and assimilate that, to study it and give it the respect which a Working Party report of the States should have, and then feel this can all be achieved in a fortnight, I think is putting my officers under rather too much pressure. I would ask for a more substantial delay, Sir.

**Senator S. Syvret:**

I have already discussed this matter with my Chief Officer this lunchtime and he thinks it is most unlikely that we will be able to produce a written response to this report - 131 pages of it - in the space of 2 weeks. It is probably going to need at least 4 weeks in order to get the documentation ready; to have the work and investigation carried out; and even then that document itself will need to be in Members' hands in sufficient time before the debate so that they can read it and digest it. Deputy Le Claire has very kindly provided me with the document on C.D., so I will be able to get it distributed later this evening to all of the relevant officers in my department and they will begin the work of analysing all of its pages, but it simply is not going to be possible to respond to all of it adequately in the space of simply 2 weeks.

**The Bailiff:**

So, you propose that the matter be deferred until 7th November? Seconded?

**Deputy P.V.F. Le Claire:**

Can I just, on behalf of my panel, address the comments that were...

**The Bailiff:**

You can certainly in the context of the proposition to defer. Is that seconded, Senator? **[Seconded]**

**Deputy P.V.F. Le Claire:**

Just briefly to put things into context for Members, my report does not necessarily support Deputy Baudains' proposition and does not necessarily therefore in our view need to be responded to in connection with the proposition that Deputy Baudains is making. If it would be helpful for Members, the issues that Deputy Baudains raises were answered in questions extracted from minutes in research for our report on 4th November 1997. I am happy to circulate those, Sir.

**Deputy G.C.L. Baudains:**

I am getting rather tired of this deferral of my proposition and I do question the motives of those who seek to defer it. It was suggested it should have been deferred before the summer recess because we needed to await a report. We now have the report. Now it is suggested we need to delay in order to read it, and then a suggestion we need to delay in order to read it even longer. Frankly, Sir, I am not bothered whether the Members read the report or read War and Peace, because either

book has the same relevance to my proposition. The report which Deputy Le Claire has just written has practically no relevance to my proposition whatsoever. It is mischief making by a certain Minister, Sir, and I do ask that it is taken on the 24th. Of course, I also realise that if it is refused on the 24th then I have the right to nominate the day which it is taken, Sir.

**The Bailiff:**

Well, that is perfectly true. If the Assembly adopts the proposition of Senator Ozouf that will be the third occasion upon which the Member has sought a date for his debate and been refused and he will then have the absolute right under Standing Orders to determine when the proposition should be debated.

**The Connétable of St. Helier:**

Sorry, just very briefly. I would like take off my Godfather hat and simply observe that these are very worrying times for Back-Benchers.

**The Bailiff:**

Well, I put the appel. I ask the Greffier to open the voting which is for or against the proposition of Senator Ozouf that the composting debate be deferred until 7th November.

**POUR: 17**

Senator S. Syvret  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Connétable of St. Saviour  
Connétable of St. Mary  
Connétable of St. Lawrence  
Connétable of St. Grouville  
Connétable of St. Brelade  
Deputy C.J. Scott Warren (S)t  
Deputy J.B. Fox (H)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy G.W.J. de Faye (H)

**CONTRE: 33**

Senator L. Norman  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Peter  
Connétable of St. Clement  
Connetables of St. Helier  
Connétable of St. John  
Connétable of St. Martin  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy R.G. Le Herissier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy P.J.D. Ryan (H)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy A.J.H. Mclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)

**ABSTAIN: 0**



## Deputy of St. Mary

### **The Bailiff:**

The composting debate therefore takes place on 24th October. Does any other Member wish to...

### **Deputy A. Breckon:**

There are 2 matters set down for 21st November in reference to Howard Davis Farm and the move of the dairy. It is just to give Members notice, Sir, that a report is being prepared by consultants. This is a joint report by the Chief Ministers Department and the Scrutiny Panel of the Economic Development Committee which I chair. It is to inform Members, Sir, that the report was due the week commencing 2nd October and it never happened and we have not received it yet. The reason I say that, Sir, is that members of the Committee individually and collectively have to apply their minds to the content of it, of which we have no idea. The reason I say that, Sir, we were due to report back to the States and that cannot happen until we receive the report. I was out half an hour ago; we are in the process of chasing that and hopefully that will happen by the end of the week, Sir. But I do give notice to Members that if this report is delayed it may be that Members of this House would also need to apply their minds to the content and, to be fair to them, 21st November may be too soon, but it may be not if we get it tomorrow. But it is to inform Members of that, Sir, and it is not Scrutiny's fault I might add.

### **The Bailiff:**

That will probably be decided in a fortnight's time.

### **Deputy P.V.F. Le Claire:**

May I just, in relation to the transcript of W.E.B. (Waterfront Enterprise Board) let Members know, by way of courtesy, that the transcript of that debate... well, I am being advised that the Privileges and Procedures President will address that, so I am going to leave that to him.

### **Senator T.A. Le Sueur:**

On a previous occasion we had agreed that on 24th October the debate on Goods and Services Tax - Projet 86 - even though numerically it is inferior to Projet 75, would take place as the first item of business. I notice that numerically Projet 76 also comes in advance of that. Would the States be prepared to maintain its decision to take Goods and Services Tax exceptions as the first item of business on that day?

### **The Bailiff:**

Do Members agree to deal first with GST? Very well. That will remain at the head of the list. President, do you wish to say anything more?

### **The Connétable of St. Clement:**

Nothing else, Sir.

### **The Bailiff:**

No? Very well. Well those matters will be inscribed by the Greffier as amended.

### **Deputy P.J.D. Ryan of St. Helier:**

While Members are casting their minds to the reports, or the lack of them, and the timeliness of reports, just an update on the GST interim report on zero ratings and exemptions. My sub-panel and the Corporate Services Panel are hoping - or were hoping - to get it to Members today. Unfortunately time constraints has made that a little bit difficult, but we are nevertheless hoping to have it in States' Members' hands by next Monday and I hope that will be sufficient time.

**The Bailiff:**

Thank you, Deputy Ryan. Well, the meeting is now closed.

**The Connétable of St. Helier:**

Could I just take the opportunity to remind Members that the opening of Broad Street Square is ... it was going to be in half an hour's time, it is now in quarter of an hour, and to remind Members that their presence on their way to their cars or bicycles would be appreciated.

**ADJOURNMENT**

**The Bailiff:**

I now announce that the meeting is closed and we will reconvene at 9.30 a.m. on 24th October.