

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 19th JUNE 2007

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. The Bailiff:

We now come to the appointment of the Chairman of the Education and Home Affairs Scrutiny Panel. May I just briefly remind Members of the procedure to be followed? Nominations are made and must be seconded. If more than one candidate is nominated each candidate may speak up to 10 minutes followed by 20 minutes of question time and a bell will be rung by the Greffier to assist Members. While each candidate is speaking and being questioned any other candidates must withdraw to a place where they cannot hear the proceedings in the Chamber and they will remain under the protective custody of a member of the States Greffe. We then proceed to a vote and the successful candidate must obtain more than 50 per cent of the votes cast. So, I invite nominations for the Chairmanship.

1.1 Deputy A. Breckon of St. Saviour:

I would like to propose Deputy Mezbourian.

The Bailiff:

Is the nomination of Deputy Mezbourian seconded? **[Seconded]** Are there any other nominations?

1.2 Deputy R.G. Le Hérisier of St. Saviour:

I would like to propose Deputy Hill.

The Bailiff:

Is the nomination of the Deputy of St. Martin seconded? **[Seconded]** Very well, we will therefore proceed to an election. I invite the Deputy of St. Martin to withdraw to another place. I invite Deputy Mezbourian to address the Assembly.

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

This morning the House must elect a new Chairman for the Education and Home Affairs Scrutiny Panel. In allowing my name to be put forward for this role, I must thank both my proposer - Deputy Breckon - and my seconder - the Deputy of Trinity - for their support which I value. I certainly had not expected 2 weeks ago that I would find myself standing for this position today. The Panel has been chaired since the inception of the former Social Affairs Scrutiny Panel by the Deputy of St. Martin. Following his recent resignation as Chairman, the Education and Home Affairs Scrutiny Panel as presently constituted is made up of me as acting Chairman ably supported by both the Deputy of St. Mary and Deputy Pitman. When we learned of the Chairman's decision to resign we were sorry but not surprised as he previously had indicated to us that he had difficulty in accepting a democratic majority decision that had been taken by us against his advice. Members will not expect me to dwell on his reasons for resigning, nevertheless an explanation of matters pertinent to it may be relevant at this point. The Panel began a review last year of the role of the Centenier in the Magistrate's Court. At a late stage of that review - in fact in April of this year - following questions that had been raised, it was agreed that a legal opinion should be obtained for our consideration. This was given by Mr. Jonathan Cooper of Doughty Street Chambers and we received it in May, considering it soon afterwards. As expected, it raised a number of issues that we believed we should pursue. We did so by sending the opinion to both the Minister for Home Affairs and the Attorney General asking them specific questions based upon its content and requesting a response from them within 2 weeks. The Minister for Home Affairs, as we had anticipated, advised us that she would not be able to respond until she had received advice from the Attorney General. Although in April we had alerted the Attorney himself to our concerns he wrote following receipt of the opinion and indicated not only that he viewed the matter seriously, but that he thought it weighty, raising new issues for his consideration. As such, he would be unable to provide a response within the 2 weeks we had stipulated. The Chairman told us that we should

publish the report without waiting for a response from the Attorney. Indeed, he told us that a response was not likely to be forthcoming. Believing that for Scrutiny to be taken seriously it is crucial for reports to be balanced and impartial, we argued strongly with the Chairman that we required a response from the Attorney to our questions. To publish a report of this nature without having considered his answer, would - we believed - be irresponsible and not in the wider public interest. It would present a one-sided view only. It would certainly not be impartial. I hope that Members will by now have had the opportunity to read my written response to the question asked about our democratic majority decision to meet with the Attorney General in private and without our advisor. Despite unfounded allegations made by the former Chairman the remaining Panel members, and I quote: "Wished to hold a private off-the-record meeting with the Attorney General", my answer shows clearly that this was not the case. The meeting, due to its sensitivity, would be private and confidential, it would also be formal and minuted. We hoped to establish not only if and when we could expect his response, but to discuss any processes following receipt of it. To put it bluntly, I think that is the point when the Chairman and the Panel parted company. I believed then and I believe now that at that stage the Panel was still in the process of gathering the information that we considered necessary in order to produce a considered, balanced and impartial report. Precedents for private and confidential meetings have been already set, not least during this review when, led by the former Chairman, private meetings had been held, not only with the Attorney General but with a former Centenier who wished to testify in private. Members will note too that such private and confidential meetings do not contravene either Standing Orders or the draft Code of Practice for Scrutiny Panels and the P.A.C. (Public Accounts Committee). I believe that the review of the role of the Centenier in the Magistrate's Court must now be completed and the final considered and impartial report soon published. It is time to put political posturing on this issue aside. Today though, we must focus on looking to the future. I think it is prudent that the Panel should have some continuity and the election of a Chairman who has been involved already with the Panel and the issues it has so far considered would - in my view - be appropriate. In fact, with the nomination only of myself and the Deputy of St. Martin, we will have some continuity when the new Panel is constituted. Members will appreciate that I do not offer myself for election lightly and that following the Chairman's resignation it may in fact have been easier for me to walk away from this review and expect someone else to deal with it. Neither walking away nor political posturing is my style. There remains much work to be done. Members have seen the list of aims the Minister for Home Affairs hopes to achieve within the next 18 months and will know from the Business Plan that the Minister for Education, Sport and Culture also has much work to do. Their policies must be kept under review if they are held to account for their decisions by both the Scrutiny Panel and by private members. As presently constituted, the Panel is already committed to a review of early years' education and work is well underway on this. I am certain that Scrutiny in this area will prove invaluable. The issue has already provoked a great deal of interest from the public and we have had a number of submissions from them. The early years review will give a voice to the public to influence the development of policies and strategies that affect their lives. It is another task that must be undertaken and completed in the first instance. So the early years and the Centeniers review; we are already underway with those. But if I was elected as Chairman, how would I do things differently? There are issues of course that impact upon both the Education and the Home Affairs Departments, one example being the perceived increase in youth crime. Perhaps, rather than concentrating on each department in isolation as we have done in the past, we should acknowledge the links between them and consider a review that adopts an alternative approach by scrutinising one area relevant to both departments. While acknowledging too that scrutiny of primary legislation is time consuming and requires a grasp of technical detail, I believe that more attention should be paid by Scrutiny to the legislation that we - the Legislature - are passing. I would hope to address this matter by holding meetings to look specifically at draft legislation pertinent to our remit. If I am elected as Chairman the new Panel would, as the previous Panel did, work within the confines and the parameters of Standing Orders and, when adopted, the Code of Practice for Scrutiny Panels and the P.A.C. I believe though that while Panels must work within

those parameters, they should not be fettered or hindered by the preconceived attitudes or ideas of some Members, who, having participated in the Shadow Scrutiny process, believe that new attitudes and new ideas cannot work and are not acceptable. I would hope to prove them wrong. Learning the processes of this Assembly and of Scrutiny have so far proved to be interesting and challenging experiences. If I am elected as Chairman today, I will view that too as a challenge and I will do my best to meet it. I thank you for listening and look forward now to your questions.

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

May I, first of all, congratulate the acting Chairman on her full answer to my written question which I think raps me over the wrist for my behaviour, and ask what skills in particular she brings to the role that she thinks will enable her to avoid the situation that the previous Chairman got into of not being able to carry a majority of his members with him?

Deputy D.W. Mezbourian:

I thank the Deputy for his question and he quite rightly has noted that the response to his written question was indeed intended as a rap on his knuckles. I think Members will have noticed that the response to his question was considered and the Panel itself as presently constituted has considered the whole issue of the Chairman's resignation with care and deliberation. I regret that the Chairman of the Economic Development Scrutiny Panel felt that he should pose his question to us through a written question and the fact that he asked the Panel to release the Cooper opinion, I think, shows a lack of understanding of the Standing Orders relating to Scrutiny Panels. When the Chairman resigned the Panel issued a brief statement indicating that if Members had any questions or queries that they should contact us personally and the only person who did indeed contact us to ask specific questions was Deputy Le Hérissier. I note that he did that in response to our request and he did not use the easier route of asking questions in the House. But if I may just go back to the Deputy's question and the reason that I believe it may not contravene Standing Orders but it certainly did not act in the best interests of them. Scrutiny is to operate through Panels of Members appointed by the States and the information that is required during a review is pertinent to the Panel and it is for the Panel to decide when it chooses to release into the public domain any of that information. Not only may it decide when it chooses to release that information, it may decide if it chooses to release it and sometimes if a Panel comes across information that it believes may not be in the wider public interest then it is the Panel's right to not release that information. Going on to the second part of the Deputy's question, which I believe, and I may have forgotten it now, was the skills that I would bring to the Panel in order to ensure that we would not have my resignation perhaps in the near future. I believe in working on a consensus basis, but I acknowledge that that is not always an easy process to manage, or in fact, to reach. I am a non-confrontational person and that would be reflected in my chairmanship of the Panel. I believe that the Panel must act as a team and if I had any dissent myself from the other members of the Panel, then it would be appropriate to record that dissent, but to acknowledge too that Panel members are entitled to make their own decisions, whether those decisions are based on advice or not and in this instance, if I may refer back to the reason I believe that our Chairman did resign, it was because 3 individual members against his advice made their own decision and that is democracy and it was a majority decision. We did have advice from both the Chairman and from our advisor. We listened to it, we acknowledged it, but we are absolutely entitled to make our own decisions as is every other Member of this House.

The Bailiff:

Deputy, there is no time limit so far as these answers are concerned, but I just remind you that other Members may wish to ask you questions.

1.3.2 Deputy R.G. Le Hérissier:

I hate to come back, but the Centeniers report has been characterised in 2 different ways. One, a report that was moving along, so to speak, and sort of stumbled upon new critical information in regard to human rights which took it off in another direction; and another characterisation is that it is a report that was taking an awful long time to materialise and somehow seemed to have got bogged-down. What is the Deputy's characterisation of how the report moved along and what does she think she has learned from that process?

Deputy D.W. Mezbourian:

First of all I must thank the Deputy for his questions. I think one of the reasons that the report became, to use his term, "bogged-down" was that the Panel made a mistake initially in not giving due consideration to whether or not an advisor would be required for this particular review. Having not given that consideration and therefore not decided to engage an advisor, we proceeded with the review based upon the terms of reference that we had scoped and agreed. Very briefly, I think Members should be aware of what those terms of reference were and indeed are. We were looking to assess the justification for why a recommendation of the review of the criminal justice policy that the role of the Centenier in the Magistrate's Court should cease was not pursued by the Department of Home Affairs. We asked questions accordingly. We also had agreed to assess whether the role played by Centeniers in the Court met the Court's and consequently the public's expectations and requirements. We also examined the system of training and assessment provided to Centeniers for their work within the Court and crucially we looked at the administrative support and advice that they receive for their work. I think looking at those terms of reference perhaps it was quite easy to see that we felt we did not need an advisor in order to be able to cope and produce a thorough and comprehensive review. However, as I mentioned in my speech, the review did take longer than was initially expected and I think from that what we have learned, certainly the Deputy of St. Martin and I who were very involved in the review have learned, we must work more co-operatively in future with the officers who are there to support us. By that, I am not saying that we worked unco-operatively with them, but I think we should make better use of them and perhaps listen to their advice more. Certainly, I do not see it as a criticism of either the Deputy or myself to say that we should have considered their advice more. In my previous answer I said that indeed we listened to advice but we make our own decisions about how to treat it. In April of this year though, certain questions were raised that were, we thought, extremely pertinent and could have perhaps wide-ranging implications both upon the course our review was to take and upon the role of the Centenier in the Magistrate's Court. It was right, I believe, for us to take an opinion on that. An opinion was taken from a U.K. lawyer and, quite rightly too, we looked at the opinion, we considered it and as a Panel we sent a letter, as I have said, to the Minister for Home Affairs and to the Attorney General. That letter was signed on behalf of the Panel by our former Chairman, the Deputy of St. Martin. In that letter - and I do not have it in front of me to quote - but I believe that we used words to the effect that we acknowledged the importance of the opinion that we had received and we felt it was prudent to not finalise our report until we had received a response from the Attorney himself. The decision was reached to use those terms in our letter because we felt it was important that we produce an impartial, balanced and considered report rather than one that would use a legal opinion without giving the Attorney the chance to respond.

The Bailiff:

Deputy, do you think you should allow other Members to ask some questions too? Please do. I am not trying to stop you but...

Deputy D.W. Mezbourian:

I do tend to speak slowly.

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

This is going to be a tough choice for me because I have worked very closely with both of the Deputies and they work very well, both in different ways. Twice the Deputy Mezbourian has mentioned Scrutiny's job is to produce a balanced report. I would like her to clarify that word. I always thought Scrutiny was to produce an evidence-based report. She also mentions she can work well with a team but what she is asking us today is to be the team's leader. What qualifications does she have for that? In hindsight, on the word "balance" as the one legal opinion probably - and I have not seen everything yet - had opinions on the role of people who are maybe the Attorney General himself, maybe the role of Centeniers, does the Deputy believe that that is where the report should have finished and if there was an opinion that differed, that is when there could have been a legal challenge and that is when the Attorney General and the Law Officers of Jersey should have got involved...

The Bailiff:

This must be a question, not a speech, please.

Deputy J.A. Martin:

Well, that was a question. It is about balance and hindsight of where the Deputy feels that she thinks Scrutiny should be working. Evidence-based cannot always be balanced, Sir.

Deputy D.W. Mezbourian:

Sir, you asked me to stop answering earlier in order to allow other Members to ask questions and the Deputy has taken advantage of that by asking me 3 at once. I will do my best to respond. The public perception that the Panel understood following the decision to undertake this review, I regret to say, was that it was one of a personal agenda of our Chairman. I immediately hasten to add that at no point at all did I ever receive the impression that that was the case. Indeed, the Chairman has always and at every time acted honourably and without prejudice either way on this issue. However, he was concerned about the perception the public had of him chairing this review and quite rightly the Panel members shared the same concerns. One of the points that we put strongly to the Chairman following the receipt of the opinion was that if the report was published without allowing the Attorney the courtesy to respond - be that in his role as titular head of the Honorary Police as Attorney General or as legal advisor to the States, and there are some grey areas there, I believe - it was highly likely that the report would not be seen as being impartial because the opinion put one view only and put that view very strongly. We needed to be seen to be impartial, we needed to - and I use the word again - produce a report that we considered to be balanced and balanced by allowing a response to it from the Attorney General. Now, having said that, I think I have forgotten the other 2 questions that the Deputy asked me. I think it may have been along the lines of how I would lead the team - is that correct? Yes. If I am elected as Chairman and I hope you will consider me seriously for that role, it will be led by me, as I said earlier, in a non-confrontational manner. I have learned a lot from the Deputy of St. Martin about how to chair a meeting and I will certainly take that forward in my role as Chairman if elected. Meetings can be, I think, more concisely managed than perhaps they have been in the past. Although everyone here will know that it is extremely important that a Chairman listens to what is said to them by the members of their Panel or Committee. I think it is important not only to listen, but to take account of what is said and there is a difference I believe, in nodding and maybe indicating that you are listening to someone and taking account of the words and opinions that they are expressing to you.

1.3.4 Deputy A.J.H. Maclean of St. Helier:

I was wondering if the Deputy would be very kind and confirm whether or not she would be prepared to serve under the former Chairman if indeed he is re-elected and if not, why not?

Deputy D.W. Mezbourian:

I doubt very much whether the former Chairman would nominate me [Laughter] as one of his Panel members and I thank the Deputy for giving me the opportunity to make that clear to the

House. However, if he is successful today and he takes the very wise decision of asking me to sit on his newly constituted Panel, I believe he would be doing that because he would acknowledge that I have played an important part in the life of the Scrutiny Panel to date. As a Panel member, he has acknowledged to me that I have been a very loyal supporter to him and his chairmanship and I think that is important. I have no criticism of the way that the Deputy has chaired the Panel or led the Panel. We have reached a disagreement over a matter of procedure concerning our review and the way forward with it. The Chairman was allowed to voice and record his dissent of his disagreement, he did do that. I think he would be very wise in fact to ask me to sit on his Panel because I would continue to act in the way I have by supporting him but by questioning him as and when it was necessary.

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

I wonder if the Deputy would exercise her ability in answering a short question in that I would like to ask her if she would propose to raise the défaut for Deputy Troy?

The Bailiff:

No, Deputy, I cannot allow that.

1.3.5 Deputy S.C. Ferguson of St. Brelade:

Just a quick one. If the Deputy found herself in a position where she had one point of view and the rest of her Panel had the other point of view, if she is elected would she follow the democratic view?

Deputy D.W. Mezbourian:

Thank you, Deputy, for that question. I am sure that there will be occasions when that will happen and I have learned from the former Chairman and I would certainly go with the democratic view, that is what this election today is all about.

The Bailiff:

Thank you very much, Deputy. Thank you, Deputy, that expires the time period allowed for the questioning and...

Deputy P.V.F. Le Claire:

I do apologise if that was out of order, Sir. I was trying to raise the humour, perhaps inappropriately, Sir. I apologise.

The Bailiff:

Now, Deputy Mezbourian, would you please withdraw to the Le Capelain Room and ask the usher to escort the Deputy of St. Martin into the Chamber? Would you ask the Deputy of St. Martin to come up? Thank you. Deputy, if you have had time to recover your breath, may I invite you to address the Assembly?

1.4 Deputy F.J. Hill, B.E.M. of St. Martin:

Members know of my involvement with Scrutiny. I believe my Panels have set high standards and have played a valuable part in developing Scrutiny's profile. It is because of the standards set and the serious departures from them that led to my resignation. I believe Members are entitled to an official explanation and if satisfied in my record as a Chairman and the reason for my resignation then I trust they will re-elect me. In March the Panel circulated a draft report on the role of the Centeniers to the main stakeholders. However, the Panel rightly believed the report should be reviewed by someone with a legal background. While on a fact-finding visit to the Houses of Parliament, we met and discussed our report with Professor Le Sueur who was a Jerseyman, a professor of law and a legal advisor to the House of Lords. He agreed to read it and give us his

opinion. He raised serious human rights concerns in the way our Magistrate's Court operates and suggested the Panel should obtain a formal opinion. On 10th April, which is now over 2 months ago, the Panel wrote to the Attorney General expressing its human rights concerns and asked if he would give a formal opinion. He immediately replied stating he could not do so because he was conflicted. The Panel therefore invited expressions of interest from several local lawyers and 2 barristers specialising in human rights in London. On the basis of timeliness, cost and expertise, the Panel decided to commission an opinion from Jonathan Cooper, an eminent barrister of Doughty Street Chambers in London. It should be noted that Mr. Cooper, only on Saturday in the Queen's Birthday Honours, was awarded the O.B.E. (Order of the British Empire) for services to human rights. I would like to - I am sure Members would like to join me - in expressing congratulations to him. The Panel received the opinion on 8th May and discussed it in a draft report on 11th May. My fellow members felt very uncomfortable with the opinion, although they reluctantly agreed that it should be included in our report, they wanted to forward the opinion to the Attorney General and the Minister for Home Affairs inviting them to comment before we published our report. I opposed their view on the grounds that the Panel was trespassing into policy areas. The Attorney General could not give an opinion in the first place because he said he was conflicted. Also, it would cause further delay if the Attorney General and the Minister for Home Affairs were to delay their responses. I believe our job was almost done. We had spent almost 13 months on the review. The Minister and the Centeniers were waiting for our report. We now had to draft our final report and circulate it. It would be then for the Attorney General and the Minister for Home Affairs to comment; certainly not before. I was outvoted but suggested that comments should be provided within 2 weeks. This period was deemed reasonable. It was also agreed that Professor Le Sueur, who by now was our advisor, would continue to work on the draft and we would meet to consider the Attorney General and the Minister for Home Affairs' comments and the final draft at the end of the month which was 3 weeks later. However, it transpired the earliest we could meet was on Monday, 4th June. The Cooper opinion was forwarded to the Attorney General and the Minister for Home Affairs. We stated that the Panel did not wish to proceed without offering them the opportunity of commenting if they wished to do so, but the Panel wanted to conclude this report as soon as practical and would be grateful to receive the comments within 2 weeks. Within 2 days of forwarding our letter the Attorney General replied stating he could not provide the comments within the 2 weeks, but would respond as soon as he really could. However, he offered unsolicited advice in which he said there was no obligation to publish the Cooper opinion and urged the Panel to consider most carefully whether it would be appropriate to publish it. A reply was sent on 22nd May asking if the Attorney General would consider forwarding an outline of response setting out the gist of his views. Later that day Mr. Richard Whitehead contacted our Scrutiny Officer stating he was assisting the Attorney General in reviewing the Cooper opinion and requested the background documents sent to Mr. Cooper. These were sent the next morning. A week later the Minister for Home Affairs informed the Panel that she could not respond until the Attorney General had supplied his comments. Although we agreed to meet, 3 of the Panel decided they no longer wished to until the comments had been received and that we should wait for however long it took. I said we had agreed to what was considered to be a reasonable time for a response and it appeared that the Attorney General did not want to reply and would keep us waiting for as long as we were prepared to wait. The meeting was held on 4th June. The members considered the final draft which made reference to the Minister for Home Affairs and the Attorney General being offered an opportunity to comment on the Cooper opinion but were unable to do so within the time period. As far as Professor Le Sueur and I were concerned, the Panel had carried out its review. We had our findings and recommendations supported by the evidence, including the Cooper opinion, which was attached to our final report. We had offered the Minister and the Attorney General an opportunity to comment on the Cooper opinion and given them a reasonable time. It was now time to approve the report. The Panel was of the general opinion that the report was well-written and contained findings and recommendations that would benefit the Island and Scrutiny. However, they would not give approval until the suggested comments had been received. To find a way

forward, it was decided I should telephone the Attorney General to establish how long he needed to forward his comments. The Attorney General said he wants another 2 or 3 weeks but added that he would like to discuss the opinion in private before commenting but Professor Le Sueur should be excluded. He then said the earliest he could meet was in 3 weeks' time although the Panel wanted me to confirm the meeting for 21st June. I said we should discuss it first. Professor Le Sueur advised the Panel that although it was for them to decide, he said the meeting under the Attorney General's terms was constitutionally unorthodox. He also indicated that if the Panel excluded him, he could no longer properly carry out his role as an independent advisor if he was unable to be informed of the contents of the meeting. I also advised the Panel they should heed Professor Le Sueur's concerns and I would not be party to any such meeting. However, the Panel insisted on going ahead. In my view, their decision was a total contradiction of the principles that Scrutiny ought to be open and transparent in its dealings save for very exceptional circumstances. This was not one. I found myself in the position where I was outvoted on matters that go to the heart of Scrutiny and how Scrutiny should operate. Immediately after the meeting, I informed the Panel that their insistence to attend to the Attorney General's meeting had made both Professor Le Sueur and my position untenable and I would have to consider my position. I respect my colleagues' right to hold different views and Members will have noted, albeit reluctantly, I accepted the decision to seek comments even though I believed they were ill-advised. I believe that Scrutiny can prosper and make a positive contribution to policymaking only if Panels operate and are seen to operate in as public a way as possible. What my colleagues were proposing was a step too far. It strikes at the very heart of Scrutiny and there can be no compromise if we are to earn the public's trust and confidence. I also believe the Island's human rights reputation is at stake because the implications of the Cooper opinion go beyond the interest of tradition. We, as an Island, must face up to the fact that we have agreed to adhere to the Human Rights Law, however unpalatable it may be for some of us. Sir, it is for Members to form their own view and ask themselves what would they have done if they were in my position. As mentioned at the start of my speech, I believe I have done much to advance Scrutiny's cause and ask Members to give me their vote to enable me, with a new team, to finish the job I started in an open, orthodox and transparent way.

1.4.1 Deputy R.G. Le Hérissier:

Much has been made, Sir, of the proposed meeting with the Attorney General and it has been suggested that the resigned Chair had agreed previously to private meetings with the Attorney General. Could he identify for us, Sir, why he felt this meeting was a meeting one step too far and why he had agreed previously to a private meeting with the Attorney General?

The Deputy of St. Martin:

The meeting we had with the Attorney General was part of a fact-finding meeting. Like most Panels do when they start out a review, they have a number of meetings. Indeed, we had a number of people come to us at Scrutiny to discuss the way forward so we got an idea of what we were looking at so we could then formulate our course of action. So the difference between this one... the first one was part of a fact-finding team. That, I think, is quite unacceptable and I have said there are exceptions. That was one. However, the difference with this particular one was that we had already finished our review and, to my mind, the time for the Attorney General and the Ministers to comment is after we have done our report and it goes out to them for what we consider the 5 days method where people have a look at your report and they are invited to comment. That is the proper way of doing it. I felt, by having a secret meeting with my legal advisor...

The Bailiff:

Deputy, I am sorry to interrupt you, but I do not think a confidential meeting is the same as a secret meeting.

The Deputy of St. Martin:

Oh, right, Sir, all right. For having a confidential meeting to which our legal advisor was being excluded really was also a slight on him. If we are paying these people - very qualified people - to advise Panels, I think they should have been allowed to be there and I just felt that I have had no part with that type of thing. As I said in my speech, if we are going to look at Scrutiny as being something positive and having the public trust, we must be seen to be open and transparent.

1.4.2 Deputy P.V.F. Le Claire:

Rather regrettably, this whole incidence of re-electing a Chairman for this Panel has revolved around one issue. Therefore, we are not able to scrutinise in questioning effectively any other aspect of the Panel today so the upshot with the cards on the table is the question: what is going to be the outcome of the Deputy's successful election and what is going to be the outcome of Deputy Mezbourian's successful election? We are being asked today to decide upon a Chairman but it is on a single issue. What will be the outcome of the issue?

The Bailiff:

Deputy, you must come to your question quickly, please.

Deputy P.V.F. Le Claire:

I have put it, Sir, but I am trying to make it understandable for the Chairman who seems to be struggling to see what I am saying, Sir. What will be the outcome of this election in respect to this review if the Chairman is successful and what will be the outcome of this review if he is not?

The Deputy of St. Martin:

I think I can say what the outcome is if I am re-elected because if I am re-elected, I will go down the course that I think is the proper course; that the new Panel will look at the report and give its consideration. Hopefully they will support it as it is written and it will be then circulated to what I call the stakeholders people like the Attorney General, the Magistrate, *et cetera*. They will be given the time to comment. Then it comes back to the Panel for its consideration. If we are all happy with it, it then gets circulated to all States' Members. That is the proper process and that is how I would see it. I have not heard what Deputy Mezbourian had to say so I have no idea how she would do it so I do not feel, Sir, I can answer that part.

1.4.3 Senator J.L. Perchard:

The Deputy of St. Martin, when Chairman of the Panel - that is before his resignation - obviously was in disagreement with the majority of his Panel members over the release of the Cooper opinion. Is he, the Deputy of St. Martin, of the opinion that his Panel members wish to bury this information or just consider carefully the consequences of releasing it at that time?

The Deputy of St. Martin:

In my speech I said that upon receipt of the Cooper opinion the members felt very uncomfortable. You could say they felt very concerned but certainly they were not happy with it. They were aware of the consequences as, indeed, we all were, but as I said, at the end of the day, we have signed-up to Human Rights and, if, indeed, the opinion is correct, then we should follow it. Bear in mind that opinion is opinion. It is not fact until it has been tried before a court so it would not matter whether the Attorney General gave us an opinion or anyone else gave an opinion. The true test is when it is put to the court. However, one takes notice of opinion otherwise you would not ask for them so I do not think it was a question of me saying I am right and they were wrong. I am saying there was a process of doing so. I do not know whether it was the intention of the Panel eventually to bury the Cooper report because I do not think it ever would be. I would not have thought they were of that ilk because they knew at the end of the day the Cooper opinion will be a public document at some time or other.

1.4.4 Deputy S.C. Ferguson:

I would like to ask the Deputy of St. Martin with the considerable number of policies coming through from Education and Home Affairs, does the Deputy still feel that jobbing backwards and revisiting a policy decision of some considerable years ago was the most constructive way of utilising Scrutiny resources?

The Deputy of St. Martin:

I am disappointed to hear that question from the President of the Chairmen's Panel who, indeed, was going to propose me and decided not to but it should be borne in mind that this particular review was carried out with the knowledge and support of the Chairmen's Panel because before we started out, we made absolutely aware to the Chairmen's Panel what we were doing. In actual fact, if, indeed, the report does get through it will prove that what we have done has been highly successful and really, at the end of the day, will be of benefit to the Island. I have no reason to believe that the review should never have been carried out.

1.4.5 Deputy R.G. Le Hérisier:

Would the Deputy tell us - if we can for a moment park this issue - would he tell us what, then, are the future issues he would want to see the Panel involved with; and secondly, Sir, would he feel he has to change his management style in the light of what has happened?

The Deputy of St. Martin:

Management style, I think, is about a give and take and I have done a lot of giving and this is not the first time that we had difficulty in trying to get a report produced. It is all about style. I think most of my Panel will have made it publicly known. I know certainly Deputy Mezbourian has thought that I have been a very fair and good Chairman but there are a number of issues to be taken and I think possibly one of the most important is the one in which the Minister for Home Affairs herself is waiting for progress and that is the Criminal Justice Policy. The Centeniers' Report will be a key to that policy, I am sure. There are other issues on there. The Criminal Justice Policy as such is Pillar 9, which we have already given attention to, and given our comments to the Minister. Pillar 9 is the one to do with parole system. I think that will be helpful for this Island to have it as soon as possible and the sooner we get it, the better. There a number of other issues on Home Affairs itself. Then I go on to education but certainly one looks at the overseeing of the Prison Employment Performance Plan. That is something which is very important. There is also the Young Offenders Youth Custody Law, which this House rejected when I brought it through about 3 years ago, but that is now coming back to the States. That is another one. The Firearms Law - the improvements to that law - is going to have to come through. I think that is another one which this Panel will have to give consideration to. There is also user pays, which I think I understand the Council of Ministers accepted the other day, and education and, again, I should bear in mind these things have been discussed and, indeed, the Minister for Education is here in the House. He knows that we have discussed possible areas of reviews, including the Early Years, which the Panel is just about to get underway with, and we also said we would keep an overview of the student loans on higher education again with the approval and co-operation of the Education Minister. We wish to look at the youth service. Also, something which, I think, needs to be looked at is culture, the Arts Trust, Heritage Trust, *et cetera*. Those are areas that have to be done and also Fort Regent so there are a number of issues that have to be tackled. The Home Affairs Panel is a very busy Panel.

1.4.6 Deputy S. Pitman of St. Helier:

There have been a number of occasions when Scrutiny have received confidential advice. These are the former Social Affairs Panel received correspondence between the Chairman and the A.G. (Attorney General) to do with the honorary police. The Corporate Services G.S.T. (Goods and Services Tax) Sub-Panel met the A.G. in private. The J.C.G. (Jersey College for Girls) Sub-Panel received confidential advice in writing from the A.G. and the A.G. during Shadow Scrutiny attended meetings in private. These Panels were the Shadow Scrutiny Panels: the Vibert Panel on

Waste and the Southern Panel on Migration. Does the Deputy concede that there are occasions when it is acceptable for Scrutiny Panels to receive advice in confidence?

The Deputy of St. Martin:

Yes, it is quite interesting that Deputy Pitman did not offer those suggestions when she was a member of the Panel. No doubt she has done some research since and I am grateful but there are occasions when it is necessary, Sir, to have private meetings. As I said, they are when they are part of a national review but, to my mind, we had finished the review. The report was up and running and we were now ready to go ahead. The time for consultation would be... if, indeed, we were going to have a meeting with the Attorney General, it could have been a public one. The Attorney General could have said to us: "Look, I think this is an issue that I think is very important." I would ask possibly we do have a meeting but really we had never discussed that as a Panel. The Panel had already made its mind up they wished to have written comments. Personally, it might have been better had we had a full public meeting and asked the Attorney General, in other words, re-open our review to allow him the opportunity but that was never proffered by any one of the Panel and it was suggested we go and write to him. I do not know if there is any more I can add.

1.4.7 Deputy P.N. Troy of St. Brelade:

I would like to ask the Deputy if he feels that there was pressure to change the contents of the report or the opinions expressed in the report by any third parties?

The Deputy of St. Martin:

I did not quite catch the last bit of it , who is...

Deputy P.N. Troy:

By any third parties. Was there pressure on his Panel to change the contents of the report or the opinions expressed in the report?

The Deputy of St. Martin:

I suppose one could almost say one would have to ask the author of the letter. Certainly, I have only quoted a bit of the letter because I think it would be... if there is difficulty about stuff when it is in confidence, the Panel has information given it that it cannot impart to others but I certainly felt that the tone of the letter was not one I would have expected and I think that is one of the areas that the Panel had to juggle with. I would far rather we had had an open and aboveboard meeting. I just do not know why we were asked to have an in confidence meeting so far down the line. It seemed to be, to my mind, wrong, but that is a question maybe for the author of the letter.

1.4.8 Deputy J. Gallichan of St. Mary:

Does the Deputy of St. Martin acknowledge that perhaps another reason why that final meeting of the Panel under his leadership did not progress the report was that the other Panel members only had sight of that report which was, in fact, fundamentally different to previous drafts in a number of respects - in fact, practically every respect - a scant few days - 4 days, in fact - before that meeting and that they had all independently contacted him, asking for the meeting not to take place. He has furthermore mentioned at various times unorthodox procedures. Does he consider that the preparation of the report by the advisor rather than the Scrutiny Officer to be pertinent in this case?

The Deputy of St. Martin:

One of the problems that the Panel has had to overcome is the fact that we finished the report in early November. We then had the Overdale Report running. We also had the G.P. (General Practitioner) Out-of-Hours running and we also had the split in the Panel. Now, if anyone would like to have planned that, they would certainly not have planned that from the beginning. It was certainly not my way of doing it. However, that is how it came and it was decided that one would get ahead, make a start on the Centeniers Report by one officer. The G.P. Out-of-Hours was

another one - same officer who was going to carry out the Overdale Report, and the Overdale Report was considered to be the first one to come through so that one was done and that was completed. That same officer then made a start on the G.P. Out-of-Hours. At the same time, the officer who was given responsibility for the Centeniers Report was still working on that Centeniers Report and it took a tremendous amount of time for the officer, eventually assisted by the Scrutiny Manager, to try to draft that report. It took ages, it took a tremendous amount of input from both myself and Deputy Mezbourian, who I would like to pay tribute to because she and I had to spend a lot of time. One of the difficulties we have with the Deputy of St. Mary is that the fact she knew nothing about the inquiry whatsoever because she had not been part of it. Deputy Pitman had been ill for a number of the hearings and only attended 5 of the hearings, so when we eventually had to draft a report, I had 2 members who had been very involved with it, one who had had no involvement whatsoever and one who had only half an involvement. So, at the end of the day, the report had to be drafted and it was drafted in conjunction with myself - initially with the Scrutiny Officer - and then the advisor. The report that we did see within 4 days we had already partially agreed to on 10th May, a month earlier, and what we were now agreeing to really was a smaller report with a number of issues taken out. So I would have thought what the Deputy of St. Mary is getting at is that really there was ample time for people to read and study that report.

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

I would like to ask the Deputy a general question regarding the use of advisors and the involvement in production of reports. Does he believe that if an advisor is going to be used, that advisor needs to be party to all the meetings in the whole review or, as it seems in this case, brought in at the very end?

The Deputy of St. Martin:

The use of advisor really came into it, as I said in my speech, once we had done our initial report. There was something at the back of my mind that something was not right about it. When we went to the Houses of Parliament we met Professor Le Sueur and we said that maybe he would like to look over our report and see if there were any issues that we may have failed to cover. It was at that stage when he pointed out to us - which really, at the end of the day, probably could have been said it would have been obvious if we had had an advisor earlier on - that there were human rights concerns and once we were aware of the human rights concerns, the whole tenor of the report changed because of the consequences of the information or the advice or the opinion we had received. So therefore, as I said, the tenor of the report changed and it was necessary then to involve the advisor, who really was a legal advisor of the top class, who was then assisting the Panel. We were then following his advice.

1.4.10 The Deputy of St. Ouen:

As a follow-on question, is it not the case that one could consider that the Scrutiny Panel started a second review rather than completing its terms of reference and if that is not the case, could the Deputy explain why?

The Deputy of St. Martin:

No, I do not think it was a second review because really it was, had we picked up that very crucial point... and I have got the transcript here with me now. And when an answer was given by the Attorney General on 7th November at a public hearing, I just do not know why it... having read it now, had I been aware of human rights concerns, I would have asked the Attorney General that question there and then and our Panel obviously would have gone down that route. But really it was as a result of the information received after the Cooper opinion that changed the tenor of the actual report but it was still very much involving the role of a Centenier in court so really - certainly to my mind - it was within the terms of reference. I may add that no one else in the Panel either

dissented from what we were about doing, getting this advice. I think what the concern was was what the advice told us and that has been the concern that we will have to address.

The Bailiff:

Do you have a very short question, Deputy Martin? Deputy Martin, do you wish to ask a very short question? No. Very well. Well, I think that effectively concludes the question period for the second candidate and I invite the Greffier to ask Deputy Mezbourian to come back to the Chamber and I invite any other Member in the precincts who wishes to vote on this matter to return to his or her seat, thank you. **[Aside]** Can I ask the Ushers and Deputy Viscount to circulate the ballot papers? Is there any Member who does not yet have a ballot paper? May I call Members to order, please. Is there any Member who does not have a ballot paper? Very well. Well, I ask the Deputy Viscount and Usher to collect the ballot papers. If all the ballot papers have now been placed in the urns I will ask the Attorney General and the Deputy Viscount to act as scrutineers. Would Members agree to return to the Order Paper while the votes are being counted?

QUESTIONS

2. Written Questions

2.1 THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY DEPUTY J.G. REED OF ST. OUEN REGARDING THE DEPARTMENTAL HEADCOUNT AS AT 31ST DECEMBER 2007:

Question

Would the Minister provide a total budgeted headcount as at 31st December 2006 and explain why these figures were not included in R.51/2007 'Public Sector Manpower Report: December 2006'?

Answer

The total budgeted headcount of 2,499 as at 31st December 2006 for Health and Social Services was included in R.51/2007 'Public Sector Manpower Report: December 2006.

2.2 THE CHIEF MINISTER BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Chief Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department and the non-Executive Departments?

Of the staff posts transferred to and from his Department and the non Executive Departments during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

The total number of vacancies is given below in respect of the Chief Minister's Department and the non-executive departments -

Department	30 June 05	31Dec 05	30 June 06	31 Dec 06	30 May 07
Chief Minister's department	9.44 fte	8.35 fte	7.06 fte	6.2 fte	5.72fte
Judicial Greffe/Viscounts	3.34 fte	4.74 fte	2.04 fte	3.94 fte	2 fte
States Greffe	10.46 fte	0 fte	7.13 fte	5.13 fte	2.32 fte
Probation	1 fte	1.24 fte	4 fte	2.24 fte	2.24 fte (incl. trainee posts)
Official Analysts	1.44 fte	2.14 fte	1.61 fte	1.61 fte	1.47 fte
Government House	1 fte	0	0	0	0
Bailiff's Chambers	0	0	0	0	0
Law Officers	1.68	5.87 fte	5.41 fte	3.41 fte	2 fte
Overseas Aid	0.19fte	0.19 fte	0	0	0

None of the posts transferred to and from Chief Minister's Department during the above periods were vacant at the time of transfer, with the exception of one H.R. post from the Treasury.

In December 2005, following the States Human Resources and ICT transformation programme, HR and ICT posts from each States department were transferred to the Chief Minister's Department. CMD did not transfer any posts to other departments during this period.

The Law Draftsman formerly reported to the States Greffe, and in December 2005 the reporting line changed to the Chief Minister's Department. All posts were filled at the point of transfer.

Whilst posts have been reported as unfilled, some of the work has continued to be performed in order to maintain services and this cover has been achieved through a number of ways including temporary staff, acting-up arrangements, overtime and short-term interim staff. Therefore it is not possible to give an accurate figure in relation to any potential savings directly related to particular vacancies.

However, during the period 2005 – 2007, the Chief Minister's Department has undergone a major organisational restructure which, linked to the implementation of the Fundamental Spending Review and a programme of year-on-year efficiency savings, has achieved financial savings of £700,000 a year. Whilst it is clearly desirable that savings should be achieved wherever possible, I am of the view that the Chief Minister's Department is under-resourced at the present time.

In the case of the Law Officers' Department the 'vacant' posts were to be funded from the Criminal Offences Compensation Fund. The funding would only have been released as posts were filled. There has been a delay in filling these as legal posts are difficult to fill.

Six existing vacancies are currently budgeted for, and the number of vacancies unfilled (and budgeted) for a period of 12 months or more at May 2007.

Department	30 June 05	31Dec 05	30 June 06	31 Dec 06	30 May 07
Chief Minister's	0	0	0	1	1
Judicial Greffe/Viscounts	Information not available due to absence				0
States Greffe	2*	2*	2*	2*	2*
Probation	0	0	0	0	2**
Official Analysts	0	0	0	0	0
Government House	0	0	0	0	0
Bailiff's Chambers	0	0	0	0	0
Law Offices	0	0	0	0	0
Overseas Aid	0	0	0	0	0

* Posts are not budgeted for (may be filled soon from savings in Scrutiny budget).

** Trainee posts were vacant as there are insufficient funds to fill the posts. Changes to the way Probation officers are trained may allow for funding to be made available in future

2.3 THE MINISTER FOR TREASURY AND RESOURCES BY THE DEPUTY OF ST. OUEEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

<i>TREASURY RESOURCES</i>	<i>& VACANCIES</i>
<i>30th June 2005</i>	<i>21 + 1 seasonal</i>
<i>31st December 2005</i>	<i>27 + 2 seasonal</i>
<i>30th June 2006</i>	<i>41 + 3 seasonal</i>
<i>31st December 2006</i>	<i>36 + 6 seasonal</i>
<i>30th May 2007</i>	<i>28 + 1 seasonal</i>

The increase in vacancies from mid 2005 is largely due to –

- there are 14 Trainee posts allocated to the Treasury for development of qualified accountants. No trainees were appointed at this time and the posts were unfunded. The Trainee vacancies reduced in December 2006 as 4 trainees have been appointed for reasons of succession planning;
- the transfer of posts to Treasury and Resources during 2006 increasing the overall headcount for the Department. This was due to the States finance transformation programme and establishment of Property Holdings;

- the Treasury and Tax divisions were recruiting at the time of the June 2006 vacancy count and experiencing some difficulty filling posts, particularly in qualified senior roles. By December 2006 most posts had been filled;
- the Treasury Shared Services division has not budgeted for all posts following the centralisation of processing and payroll in line with savings arising from the finance transformation programme. Six posts were saved by the end of 2006.

Of the staff posts transferred to and from his Department during the above periods, how many were actually vacant at the time of transfer?

<i>TREASURY & RESOURCES</i>	<i>vacant transfers in</i>	<i>vacant transfers out</i>
<i>Year end date</i>		
<i>31st December 2005</i>	<i>2</i>	<i>1</i>
<i>31st December 2006</i>	<i>3</i>	<i>1</i>

What funds were saved by the Treasury & Resources Department from unfilled posts in each period?

Whilst posts have been reported as unfilled, some of the work has continued to be performed in order to maintain services and this cover has been achieved through a number of ways, including temporary staff, acting-up arrangements, overtime and short-term interim staff. Therefore it is not possible to give an accurate figure of the savings made.

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Existing vacancies currently budgeted and to be filled = **10 + 1 seasonal**

Vacancies unfilled for a period of 12 months or more = **18**

(all unbudgeted posts 11 are for trainee posts)

2.4 THE MINISTER FOR ECONOMIC DEVELOPMENT BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

30/06/2005	30/06/2005	31/12/2005	31/12/2005	30/06/2006	30/06/2006	31/12/2006	31/12/2006
FTE	H/C	FTE	H/C	FTE	H/C	FTE	H/C
				7.06	8	6.2	9
5.2	6	5.74	7	8.98	6	12	11

2005 - 0 Transferred in & 1 Transferred out (1 filled post)

2006 - 1 Transferred in (vacant post) & 5 Transferred out (5 filled posts)

Using an average salary it can be estimated that the gross savings were:

31/12/05	5.74 FTE vacant	=	£156,032.49
30/06/05	5.2 FTE vacant	=	£141,353.47
30/06/06	8.98 FTE vacant	=	£226,737.46
31/12/06	12 FTE vacant	=	£302,989.92

The gross savings would reduce if cover staff were required for the vacancy periods.

Current vacancies in Education Development at 30th May 2007 = 8 posts

2 have been vacant for 12 months (Finance secondment filled post & visitor services Info Officer). The remaining 6 are all pending recruitment having recently been advertised.

2.5 THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

	FTE	Headcount
Vacancies as at 30/6/05	16.70	(52)
Vacancies as at 31/12/05	25.52	39
Vacancies as at 30/6/06	(12.85)	10
Vacancies as at 31/12/06	45.16	53
Vacancies as at 30/05/07	6.78	23

	Headcount
Transfers to Chief Minister's - HR	(10) no vacancies
Transfer to Chief Ministers - ICT	(3) no vacancies
Transfer to Treasury and Resources - Finance	(6) no vacancies
Transfer to Treasury and Resources - Property Holdings	(10) 1 vacant
Transfer to Health and Social Services	(38) 12 vacant*
Transfer from Health and Social Services - School Liaison	1 not vacant

* 1 caretaker, 1 cleaner, 10 growth reference K Bull report

The department does not hold data on delays to recruitment to posts in schools and colleges. Vacancies in teaching establishments usually have to be filled with temporary staff such as supply teachers, teaching assistants, caretakers and school support staff. When a vacancy occurs in other areas of the department there is often a delay in recruitment resulting in savings which have contributed to meeting short-term funding pressures on the non-staff element of the budget.

Under the Department's scheme for devolved financial management, Headteachers are given a staffing allocation based on FTE and Headcount but the Headteacher is afforded flexibility in the use of funding. The Headteachers have the responsibility for making the decisions in relation to recruitment and / or the use of funds for other purposes within the total allocation.

The department reports half yearly on the actual staffing against the budgeted amount for all sections including schools and colleges, sport centres, library and youth service.

2.6 THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY THE DEPUTY OF ST. OUVEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

	FTE	Headcount
Vacancies as at 30/6/05*	30	58
Vacancies as at 31/12/05*	77.42	102
Vacancies as at 30/6/06*	20.71	0
Vacancies as at 31/12/06*	9.3	28
Vacancies as at 31/05/07	195.75**	

*These vacancies, as reported for the Public Sector Manpower Reports, do not include those covered by temporary staff.

**The majority of these vacancies are filled by temp/agency/bank/locum staff.

Department	Transfers From HSSD	Transfers To HSSD	Vacancies at time of transfer
Chief Minister's	28	0	0

Treasury and Resources	7	0	1
Home Affairs	0	5	0
Education, Sport and Culture	1	38	12

Whilst posts have been reported as unfilled, most of the work has continued to be performed in order to maintain services and this cover has been achieved through a number of ways including temporary staff, acting-up arrangements, overtime and short-term interim staff. Therefore, without a substantial amount of work with each budget holder, it is not possible to give an accurate figure of the savings made.

All existing vacancies are budgeted for.

The current H.R. Information System does not track vacancies. Therefore the Department is unable to identify which vacancies have remained unfilled for a period of 12 months or more.

2.7 THE MINISTER FOR HOME AFFAIRS BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within her Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

The number of public sector vacancies **as at** 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within the Home Affairs Department are as follows:

Date	Full Time Equivalent (FTE)	Headcount
30 June 2005	36.53	39
31 December 2005	60.45	65

30 June 2006	45.86	49
31 December 2006	41.21	43
31 May 2007	26.31	27

Of the posts transferred from the Department during that time the vacancies at the time of transfer were as follows:

Transferred to	Reason	FTE	Headcount
Chief Minister's	HR Transformation	0.00	0
Chief Minister's	IT Transformation	0.00	0
Treasury and Resources	Finance Transformation	0.00	0
Health and Social Services	Joint Emergency Control Room	0.00	0
Transport and Technical Services	Driver and Vehicle Standards	0.00	0
Non Ministerial States Funded Bodies	Probation Service	1.24	3
Transport and Technical Services	Joint Emergency Services Workshop	0.00	0

States of Jersey Police

Of the vacant posts within the Home Affairs Department 10 vacancies relate to Police Trainee posts – these are unfunded posts but are part of the agreed establishment to support the annual recruitment process for Police Officers.

A further number of vacancies relate to permanent police posts which vary due to the timing of leavers/retirements and the annual recruitment process. The Police staff budget is calculated based on a number of leavers annually and as vacant posts are covered by overtime and acting-up arrangements it is not possible to accurately calculate any budget savings relating to specific vacancies.

Prison

Vacancies at the Prison reflect an increase in the agreed establishment but uncertainty over the future prison budget resulting in a delay in the recruitment process for some new posts. Any staff savings during the period have been offset against overspending in non staff areas and in 2006 were specifically utilised to support non staff expenditure on the Prison Performance Improvement Plan.

Other Areas

Vacancies in other areas of the Home Affairs Department are either unfunded or covered by overtime or temporary staff cover, therefore it is not possible to accurately calculate any budget savings relating to specific vacancies.

Of the existing vacancies, 7.06 posts are currently budgeted for in 2007 and 2 posts have remained vacant for the period June 2005 – May 2007.

2.8 THE MINISTER FOR HOUSING BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

The number of vacancies in the Housing Department for the requested periods were as follows:

<i>Housing Department</i>		<i>Vacancies</i>	
Date	Fte	Headcount	
30th June 2005	1.49	2	
31st December 2005	2.27	6	
30th June 2006	3.19	3	
31st December 2006	6.8	8	
30th May 2007	3.2	4	

The increase in vacancy levels from June 2006 to December 2006 was due to a decision not to fill two posts due to the impending transfer of the Subsidies team to the Social Security Department.

15 posts were transferred to the Chief Minister's Department in 2006, of these 2 posts were vacant.

Whilst posts have been reported as unfilled, some of the work has continued to be performed in order to maintain services and this cover has been achieved through a number of ways, including temporary staff and acting-up arrangements. Therefore it is not possible to give an accurate figure of the savings made.

There are presently 3 vacancies within the Department that are budgeted for. One of these has been vacant for 5 months, one has been vacant for 3 months and the other has become vacant this month. All are being actively recruited and are expected to be filled within the next 2 months.

2.9 THE MINISTER FOR PLANNING AND ENVIRONMENT WILL TABLE AN ANSWER TO A QUESTION ASKED BY THE DEPUTY OF ST. OUEEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

Planning and Environment	FTE	HEADCOUNT
Vacancies as at 30/06/05	9.83	10
Vacancies as at 31/12/05	11.56	12
Vacancies as at 30/06/06	5.38	6
Vacancies as at 31/12/06	6.28	7
Vacancies as at 30/05/07	3.88	4

Planning and Environment	FTE	HEADCOUNT
Transfer to Transport and Technical Services	0.75	1
Transfer from Transport and Technical Services	5	5

Planning and Environment does not hold data on delays to recruitment to posts and where vacancies occur they usually have to be covered by temporary staff, acting-up arrangements or, in the case of manual worker posts, overtime. It is not, therefore, possible to provide an accurate figure in relation to any potential savings directly related to particular vacancies.

Planning and Environment	FTE	HEADCOUNT
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Budgeted vacancies as at 30/05/07	1.00	1
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Planning and Environment	FTE	HEADCOUNT
Vacancies unfilled for a period of 12 months or more	1.00	1

N.B. All figures within this report exclude seasonal posts.

2.10 THE MINISTER FOR SOCIAL SECURITY BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

Vacancies -

Department	30 June 05	31 Dec 05	30 June 06	31 Dec 06	30 May 07
Social Security	0	-1.34 full time equivalent (fte) 0 head count (h/c)	- 1.9 fte 1 h/c	1.89 fte 5 h/c	0

Nine posts were transferred to the Chief Minister's Department in January 2006. None were vacant.

Funds saved

Department	30 June 05	31Dec 05	30 June 06	31 Dec 06	30 May 07
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Social Security	Nil	Nil – the Department had more staff in post than budgeted for due to increased resources required as a result of the on-going Business Transformation process.	£7300 (approx. postholder appointed Mid July)	Nil –One post was filled by an ‘exempt’ pensioner and the other vacant posts were unbudgeted backfill contract posts to enable existing staff to be released for testing/training for Income Support.	nil
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The Department does not currently have any vacancies and no posts have been left unfilled for more than 12 months

2.11 THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY THE DEPUTY OF ST. OUEN REGARDING STATISTICS ON STAFF VACANCIES:

Question

Would the Minister advise the Assembly what the total number of public sector staff vacancies were for the six month periods to 30th June 2005, 31st December 2005, 30th June 2006, 31st December 2006 and 30th May 2007 within his Department?

Of the staff posts transferred to and from the Department during the above periods, how many were actually vacant at the time of transfer?

What funds were saved by Departments from unfilled posts in each period?

How many of the existing vacancies are currently budgeted for and how many vacancies have remained unfilled for a period of 12 months or more?

Answer

For context purposes the total establishment for Transport and Technical Services as at 31st May 2007 was 499.30 FTE with a headcount of 543.

Transport and Technical Services	FTE	HEADCOUNT
Vacancies as at 30/06/05	46.87	55
Vacancies as at 31/12/05	35.14	48
Vacancies as at 30/06/06	29.20	43

Vacancies as at 31/12/06	33.82	46
Vacancies as at 30/05/07	39.15	51

Transport and Technical Services	FTE	HEADCOUNT
Transfer from Planning and Environment	0.75	1
Transfer to Planning and Environment	5	5
Transfer to Government House	1	1
Transfer to Treasury and Resources	2	2
Transfer to Jersey Property Holdings	3	3
Transfer to Chief Minister's Department	1	1

Transport and Technical Services does not hold data on delays to recruitment to posts and where vacancies occur they usually have to be covered by temporary staff, acting-up arrangements or, in the case of manual worker posts, overtime. It is not, therefore, possible to provide an accurate figure in relation to any potential savings directly related to particular vacancies.

However, during the period 2005 to 2007, the Department has undergone a major organisational restructuring which, linked to the implementation of the Fundamental Spending Review and a programme of year-on-year efficiency savings, has achieved a financial saving of £932,850 and a reduction of 27 posts. As part of the re-organisation process each vacancy is closely evaluated and a decision made as to whether it is essential to recruit.

Transport and Technical Services	FTE	HEADCOUNT
Budgeted vacancies as at 31/05/07	27.26	28

Transport and Technical Services	FTE	HEADCOUNT
Vacancies unfilled for a period of 12 months or more	11.88	12

Within the Department 11.88 posts have been vacant for more than a year. The reasons for the delay in filling these posts are as follows -

- 2 posts reflect the extreme difficulty in recruiting senior professional staff within specialist disciplines.
- 3 Trainee posts will be filled shortly as part of succession planning.
- 6.88 are subject to the continuing organisational restructuring programme.

N.B. All figures within this report exclude seasonal posts.

2.12 THE CHIEF MINISTER BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE JERSEY COMMUNITY RELATIONS TRUST:

Question

With regard to the Jersey Community Relations Trust, would the Chief Minister advise –

- (a) who the current members are?
- (b) how often they meet?
- (c) whether any member has missed more than 10% of meetings and, if so, how many?
- (d) achievements of the Trust to date?
- (e) funds expended to date?

Answer

- (a) The current Trustees are -

Mrs Iris Le Feuvre, MBE
Mrs Marisha Carter
Mr Freddie Cohen (now Senator*)
Mr Nick Hutchinson
Mr Geoff Cornwall
Mrs Collete Crill
Mr Tim Langlois
Mrs Lorna Pestana

* Senator Cohen was not a States member when he was appointed as an independent Trustee, and has continued as a member of the Committee since his election, in accordance with paragraph 5.9 of the Trust's Constitution.

The terms of office of the Chairman of the Trust (Mr. Nick Hutchinson) and the States-appointed Trustee (Senator Philip Ozouf) expired on 7th June 2007, and I will be bringing forward a proposition to the States in the very near future for their reappointment or replacement.

- (b) The Constitution of the Trust requires that the Committee of Trustees should meet not less than four times a year.

In 2005 the Trustees met on five occasions; in 2006 they met seven times; and in 2007, up to May, they have met five times.

- (c) The Trust is an independent body. The Chief Minister's Department does not participate in meetings of the Trustees, and keeps no record of attendance by the Trustees.

However, the Trust has informed me that all but two of the Trustees have missed more than 10% of the meetings, for valid reasons. The number of Trustees is based on an assumption that not all can attend every meeting, since all are volunteers and the majority have full-time jobs and other commitments. Meetings are therefore deliberately alternated between early

mornings or lunchtimes, to provide flexibility for those who are unable to attend at one of these times.

The average meeting attendance was 74% which, in my opinion, is very good given the voluntary nature of the role, and all the Trustees should be commended for their commitment and support for the Trust.

(d) The achievements of the Trust were listed in the Community Relations Trust's Strategic Plan 2007-2011, presented to the States by the Chief Minister on 27th March 2007 (RC. 29/2007). These included -

- Preparing a directory of organisations involved in community relations issues
- Establishing contacts points for the public and publishing a website
- Organising an educational exhibition in conjunction with the Anne Frank Centre
- Organising public meetings to promote the objectives of the Trust
- Developing a business plan
- Developing a link with Rwanda on community issues
- Actively contributing to consultation on human rights, immigration and discrimination law proposals
- Actively contributing to the school citizenship curriculum on discrimination issues
- Engaging with the Statistics User Group to develop indicators on community relations
- Organising promotional events to raise awareness of community relations issues
- Organising events to engage community cohesion, e.g. Live8Jersey
- Giving support for 10 small scale projects to promote community relations
- Launching an island-wide Anti-discrimination Promise for businesses and public sector organisations.

In 2007, the Trust will –

- Organise a major Discrimination Conference – on 7th September
 - Roll-out further the Anti-discrimination Promise
 - Further increase its profile and business activities.
- (e) The Trust received an initial pump-priming grant approved by the States of £100,000, which was intended to support it for the first 18 months, and has since then raised a further £48,000. In its first three years the Trust has spent £127,000 and, at the time of preparing its Strategic Plan, it had £21,000 in balance.

2.13 THE CHIEF MINISTER BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE ISSUE OF SCRUTINY PANELS OBTAINING ACCESS TO THE LEGAL ADVICE RECEIVED BY MINISTERS:

Question

Will the Chief Minister outline how he plans to resolve the issue of Scrutiny Panels obtaining access to legal advice given to Ministers?

Answer

The Chairmen's Committee have now lodged a Report and Proposition for debate on 17th July 2007 and the States will therefore decide how this issue should be resolved.

The Council of Ministers will be considering what position it wishes to take on this matter at its meeting on 28th June 2007.

2.14 THE VICE-CHAIRMAN OF THE EDUCATION AND HOME AFFAIRS SCRUTINY PANEL BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE 'COOPER' OPINION RELATING TO THE ROLE OF CENTENIERS:

Question

Will the Vice-Chairman outline to members whether the Panel agreed to the conditions prepared by H.M. Attorney General prior to their meeting to discuss the Cooper opinion on the rôle of Centeniers, and, if so, why?

Will the Vice-Chairman release to all States members the Cooper opinion and other advice received by the Panel to date, and if not, when will the Panel be prepared to do so?

Answer

1. The Education and Home Affairs Scrutiny Panel gave consideration to meeting H.M. Attorney General at a Panel Meeting on 4th June 2007. This Panel Meeting occurred prior to the resignation of the Deputy of St. Martin as Chairman of the Panel. During the course of this meeting, telephone correspondence occurred between the Chairman and H.M. Attorney General. The Panel subsequently understood that H.M. Attorney General had asked for a private and confidential meeting with Panel Members only and without their advisor. The meeting would be formal, however, and therefore minuted. A precedent for this arrangement had already occurred during the Review of the Rôle of the Centenier in the Magistrate's Court when, on 10th July 2006, the former Social Affairs Scrutiny Panel, led by the Deputy of St Martin, had met not only H.M. Attorney General in private session but also a former Centenier who wished to give testimony in private session.

The Panel agreed by a majority decision that it would meet H.M. Attorney General on the basis described above; the intention was not, however, to discuss the legal opinion given to the Panel by Mr. J. Cooper. The Panel wished to consider with H.M. Attorney General the process by which the Panel could elicit advice and evidence from him and, in addition, the subsequent way forward in dealing with such advice.

The Panel would like to stress that, in making this majority decision, it is satisfied that it has acted in accordance with accepted procedure.

In particular, it would highlight Items 6.7, 9.1, 9.15 and 10.14 of *Code of Practice for Scrutiny Panels and the Public Accounts Committee* in addition to Standing Orders 138(6) and 138(7). These items (included as an appendix to this response) indicate that Scrutiny Panels may hold meetings in private session and receive evidence confidentially if it is felt appropriate to do so. The Panel believed that it would be so appropriate in this matter given the sensitivity of the

issue, and on a majority decision therefore agreed to meet H.M. Attorney General in private session.

In this regard, the Panel acted no differently to other Scrutiny Panels that have conducted meetings in private session and, as previously stated, no differently to how it had previously conducted earlier meetings during the Review of the Rôle of the Centenier in the Magistrate's Court.

2. Members will be aware that, at the sitting on 19th June 2007, the States will elect a new Chairman of the Education and Home Affairs Scrutiny Panel. It would therefore be inappropriate to make any firm undertaking at this time regarding the potential future release of Mr. Cooper's legal opinion. Following the election of 19th June 2007, and the subsequent reconstitution of the Panel, it will be for the newly constituted Panel to decide how it wishes to proceed in relation to this matter.

The Panel would again highlight that, in not releasing Mr. Cooper's opinion to date, it has not ignored procedure. Item 11.1 of *Code of Practice for Scrutiny Panels and the Public Accounts Committee* indicates that Scrutiny Panels will prepare their reports once all the evidence has been received. Item 11.3 indicates that Panels, whilst preparing their reports, will generally hold meetings in private to discuss the evidence it has received.

Significantly, Item 11.3 states that -

“It is important that the Panel's preliminary views are not broadcast prematurely.”

It is the opinion of the current Panel that the Review of the Rôle of the Centenier in the Magistrate's Court has not yet been completed. The Panel considers that it has yet to gather all the evidence and advice required for a firm view to be formulated (and thus for a balanced report to be finalised and approved). To date therefore, it would have been premature to release Mr. Cooper's opinion: the Panel had a responsibility to give consideration to the sensitivity of the issues involved and the potential implications that releasing the opinion in isolation might have on the subsequent course of the review.

The Panel acknowledges that much evidence received by Scrutiny Panels is often made public before presentation of the final report by being uploaded to the Scrutiny website. However, the Panel has not set a precedent in its treatment, to date, of Mr. Cooper's opinion; there have been previous occasions on which Panels have not released or uploaded evidence as the evidence in question has been designated as confidential.

1. Extract from *Standing Orders of the States of Jersey* -

“138 Scrutiny panel: proceedings

- (6) The public may observe a meeting of or hearing by a scrutiny panel, unless the scrutiny panel decides otherwise.
- (7) A member of the States who is not a member of a scrutiny panel may observe any of its meetings or hearings, but must withdraw at any time when it is discussing or hearing any matter or information which, by virtue of any enactment or code, it is entitled to discuss or hear in private.”.

2. Extracts from *Code of Practice for Scrutiny Panels and the Public Accounts Committee* -

“6.7The Panel may decide to take all or part of a meeting in private. The agenda will normally indicate in advance of the meeting those items which will be taken in private session. The Panel may, however, decide in the course of a meeting that it should continue in private session.

9.1 A large part of the Panels’ workload will involve taking evidence and gathering views. Panels will gather evidence formally through written submissions and oral evidence sessions. They will consider documentation provided by the Executive and may conduct fact-finding visits in order to clarify technical and practical issues.

9.15 The Panels are committed to the principle of open access to information with appropriate data protection. In principle, all written evidence received by the Panel will be published on the website. However, where the Executive or any other witness considers that the information to be provided is of a sensitive or private nature, a request should be submitted to the Panel Chairman, in advance, for the information to be treated in confidence. In addition, the Panel may decide itself that certain information should be treated in confidence.

10.14 The Panels may agree to take oral evidence in private session if the matters under consideration are of a sensitive, confidential or private nature.

11.1 Once all the evidence, both written and oral, has been collected the Panel will meet to consider and analyse it. The Chairman will previously liaise with the Scrutiny Officers in preparing a draft ‘Heads of Report’ document based on an assessment of the evidence received.

11.3 The Panels’ discussion at this stage will generally be held in private as this will allow a more frank exchange and development of views and an opportunity to reflect on the evidence received. It is important that the Panel’s preliminary views are not broadcast prematurely.”.

2.15 THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE LEGAL OPINION ON CERTAIN ARTICLES OF THE HUMAN RIGHTS (JERSEY) LAW 2000:

Question

- (a) Will the Minister outline to members what issues have been raised by the legal opinion obtained by the Education and Home Affairs Scrutiny Panel from Mr Jonathan Cooper, and released to her, concerning Articles 5, 6, and 7 of the Human Rights (Jersey) Law 2000?
- (b) Would the Minister further state on what occasions since 1990 the position of Centeniers in the Magistrate's Court has been raised with her or her predecessors, and what difficulties with the present system, if any, were highlighted?
- (c) Would the Minister state whether legal advice was sought on these issues from the Law Officers' Department or elsewhere and, if so, would she reveal what advice was given?

Answer

- (a) The legal opinion from Mr Jonathan Cooper belongs to the Education and Home Affairs Scrutiny Panel. It was commissioned and paid for as advice to them so it is up to the Panel to decide if it is to be published and if so when and how the information contained within it enters the public domain.

The Opinion was sent to me in confidence and I respect the Panel's view that, by a majority, they would not publish the Opinion until they had finished their work on the wider issues. Because the Panel is continuing to work on the matter it would be inappropriate for me to comment further on the Opinion.

- (b) As President, then Minister for Home Affairs the position of Centeniers in Court has been raised with me as follows –
 - (i) In the context of the Rutherford Report. This report was not a judicial services review but an overview of criminal justice matters which were the responsibility of the Home Affairs Committee of the time. Court services are not part of the Home Affairs remit but are matters for the Judiciary or Prosecution.
 - (ii) During focus group discussions on the development of the Home Affairs Criminal Justice Policy where no difficulties were raised about the rôle.
 - (iii) During hearings of the Education and Home Affairs Scrutiny Panel.
- (c) There is a draft code for Ministers with respect to legal advice. The current code requires that Ministers do not say whether legal advice has been sought or what any such advice may consist of. These matters are to be brought to the States for debate by the Chairmen's Committee. Until that time I am bound by the existing rules. Depending on the outcome of that debate the position might change.

2.16 THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR REGARDING THE POST OF PROCUREMENT AND CONTRACTS MANAGER:

Question

Would the Minister advise members –

- (a) whether the position of Procurement and Contracts Manager has been opened to external recruitment, and if so, why?

- (b) of the annual staff budget for the Corporate Procurement section and outline how the effectiveness of the section is measured?

Answer

- (a) The position of Procurement and Contract Manager has been opened to recruitment outside of Jersey. The position was advertised locally and only two applications were received. Neither of the applicants had the pre-requisite professional qualifications, or the experience required for the job.
- (b) The annual staff budget for the Corporate Procurement section is £311,614. The Corporate Management Board has agreed an additional £150,000 for staffing on a two year trial basis. The additional funds have been ring fenced as “pump priming” to provide additional procurement expertise to deliver savings in excess of the £2 million previously identified. The Corporate Procurement annual savings targets have been increased to cover the additional salary costs and it is expected that the new posts will achieve at least savings three times their cost.

The effectiveness of the section is measured by the performance indicators detailed below. These indicators form part of the Treasury and Resources performance plan and are reported on quarterly. Due to the relatively new structure and remit of the section some of the indicators have yet to be reported on.

Indicator	
1.	Achievement of actual savings against target within the required timescale
2.	Cost of corporate procurement as % of total States non-staff/non-benefits expenditure
3.	Estimated ongoing corporate procurement savings per annum as result of contracts agreed during year
4.	No. of corporate procurement contracts/purchasing arrangements reviewed during year
5.	Actual corporate procurement spend committed against pre-established contract arrangements as a % of non-pay spend
6.	% of non-pay corporate procurement spend which is actively managed by procurement professionals

2.17 THE MINISTER FOR PLANNING AND ENVIRONMENT BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR REGARDING THE MODERATION OF HIS POWERS:

Question

In the light of the Minister’s recent comments that there needed to be more effective checks and balances as to how he exercised his powers, would he outline what steps he or others are taking to restrict or moderate his powers?

Answer

In order to answer this question, I need to clarify what I said to the Privilege and Procedures Committee's Machinery of Government Sub-Committee on 9th March 2007, as most Members will only be aware of the somewhat misleading front page article in the Jersey Evening Post on that day, under the headline "Curb my Powers". First of all, I did not use those words. Rather I posed the question of when there was so much to consider in the establishment of Ministerial government, whether the States had considered that all planning powers would be vested in the Minister.

Planning decisions can be made in one of three ways: by the Minister, by the Planning Applications Panel, or by Planning Officers under delegated authority.

The vast majority of decisions are not made by the Minister, but by the Panel or officers under delegated authority. Those powers that are delegated are governed by appropriate Codes of Practice or Conduct. The Panel (and my own conduct) is covered by the States Members' Code, adopted by the politicians involved in the planning process for the last three years. This was instigated by Senator Ozouf when President of the Environment and Public Services Committee. Professional and Civil Service codes apply to officers of the Department involved in making delegated decisions, and as members know, I have instituted a system whereby no decisions are made unless checked and endorsed by senior officers.

Decisions of the Panel are made in public as required by the new Planning and Building (Jersey) Law 2002. The Law does not require decisions of the Minister to be made in public. Nevertheless, I have, during my term of office, introduced a system under which all key planning decisions made by the Minister are also made in public. I intend to move towards making all my application decisions in public.

Since the introduction of Third Party Appeals in March 2007 the decisions of the Minister can be challenged both by the applicant through the existing system of appeals and by objectors through the new Third Party Appeals system.

Relatively few jurisdictions around the world have so far introduced Third Party Appeal powers; they give third parties affected by planning decisions a statutory role in the process, which is a particularly important check on the power of those making planning decisions. All planning decisions must be demonstrably reasonable, in the light of policy and other material considerations.

I welcome and fully support the additional transparency built into the new Planning and Building Law in Jersey. This introduced public Panel hearings and I have implemented a system where applicants and objectors can address the Panel. Similarly I take my own decisions on planning applications following a public hearing where applicants and objectors are free to state their case.

In the realm of Planning Policy, the new Planning and Building Law also incorporates additional safeguards. With the current Island Plan Review, for example, I shall be seeking to involve States Members in the process at all key stages. There will be widespread and thorough consultation and an Examination in Public to consider objections and representations, leading to a formal and independent report.

So I believe that there is now a solid range of checks and balances in place for the Minister for Planning and Environment, both in the determination of planning applications and the development of planning policy. This is particularly so now that third party appeals are in place, when, if there are concerns about the soundness of a Ministerial, Panel or officer application decision, it can be reviewed by the Royal Court.

I think we now have a fair balance. My evidence to, or the deliberations of, the Machinery of Government Sub-Committee may lead to recommendations about my powers, but that is a matter for the Privileges and Procedures Committee, and possibly the States.

2.18 THE CHIEF MINISTER BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING THE SYSTEM OF GREEN AND WHITE PAPERS:

Question

Would the Chief Minister confirm that all Departments now abide by the system of Green and White Papers and, if not, why?

Answer

I can confirm that all Departments now abide by the system of Green and White Papers. As noted in my response to Deputy Le Hérissier on 5th June 2007, there were 25 consultations in 2006, and there have been seven consultations to date in 2007, with more in the pipeline.

The system of Green and White papers came into effect in December 2005 with the introduction of ministerial government, and a number of improvements were made in late 2006. These included the following changes -

- the change of names to ‘Green’ and ‘White’ papers to make the system more easily recognisable;
- the adoption of revised principles to reflect the feedback received from the public in a survey of consultees; and
- the publication of improved guidelines, particularly for ensuring the publication of a summary of submissions received.

It is recognised that this is a relatively new process, and there have been a number of occasions on which departments have overlooked the requirement to go through a two-stage consultation process. However, these instances have been identified and acted upon, and the new arrangements are already proving their worth in terms of securing greater engagement from the public.

To maintain the momentum there will be further training later this year for States employees who are involved in running consultations. In addition, the system will be promoted more widely in the community so that everyone has the chance to express their views.

2.19 THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING THE PURPOSE OF AN EXTERNAL EXAMINATION OF THE DEPARTMENT:

At a recent Ministerial briefing, the Minister stated that the Department was going to subject itself to a form of external examination. What is the purpose of this exercise, who is the external body and what will this cost?

Answer

As Minister for Education, Sport and Culture, I maintain the view that the aim of my Department ‘to strengthen our community through learning and engagement’ is vital for the future success of

our Island. We often hear or read statements from government and organisations in both the public and private sectors that “our people are our greatest resource” and, without doubt, our Island is dependent on the creativity, commitment, industry and engagement of those who live here and contribute to the economy and society in general. The role of my Department is central to this as investment in learning and continuous development for all members of the community and the provision of opportunities for participation in education, sport and culture for all to achieve through active engagement is essential.

However, there is a legitimate debate regarding the appropriate level of public investment to provide those opportunities and a proper concern that the investment made is applied efficiently and effectively. There are those who would argue that the current level of investment is insufficient to meet the needs of a society and community that is dependent on high value added activity and anticipates sophisticated skills and abilities. There are also those who would argue that too much is spent on public services, including those provided through Education, Sport and Culture Department. For these reasons, I believe that it is important that there is a fundamental review of expenditure on Education, Sport and Culture in order that there may be a well-informed debate to assist decisions regarding future spending. I recently agreed terms of reference for such a review which have been forwarded to the Chief Minister’s and Treasury and Resources Departments for consideration. At this stage, the appropriate independent authority that may undertake the review has not been identified nor is it possible to give an estimate of cost.

As a separate exercise, the Comptroller and Auditor General has decided to undertake a Review of financial planning practices in the Department and is already working with officers of the Department to undertake preliminary work which he has advised will be undertaken over the course of the next few weeks.

2.20 THE CHIEF MINISTER WILL TABLE AN ANSWER TO A QUESTION ASKED BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING THE SUCCESSION AND CAREER MANAGEMENT POLICY:

Question

In a written answer dated 5th June 2007, regarding Succession and Career Management Policy, the Chief Minister stated with that “the policy may not have been fully adhered to in all cases”. Would the Chief Minister explain what he meant by this statement and what steps are being taken to ensure adherence to the policy?

Answer

The Succession and Career Management Policy sets out clear principles to ensure there is a pool of appropriately skilled people from within the public service to meet future demands and minimise recruitment from outside the Island. The policy also sets out a number of more formal processes which are designed to support these principles, e.g. the inclusion of succession planning discussions in the business planning process, and the holding of specific meetings of departmental management teams twice a year to discuss succession planning.

It is in relation to these more formal processes that the policy has not been fully adhered to in all cases, and this is something that will be addressed during the review and updating of the Succession and Career Management Policy that I announced in my answer to Deputy Le Hérisseier on 5th June 2007. This revised policy will be brought to the States Employment Board for approval as soon as practicable, and I expect the policy to be clear as to how it will be implemented by the Corporate

Management Board, individual Chief Officers, Departmental management teams, and Human Resources staff.

I remain of the view that departments have been acting in accordance with the spirit and principles of the policy, both in terms of training and developing their staff, and during the recruitment and selection process, and local staff have therefore been well-placed to apply for and secure senior positions in the public sector.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS - RESULT OF BALLOT

The Bailiff:

Very well, I can now announce the result of the ballot for a Chairman of the Education and Home Affairs Scrutiny Panel. Forty-one votes were cast for Deputy Mezbourian, 7 votes for Deputy of St. Martin and I declare that Deputy Mezbourian has been duly elected as Chairman of the Scrutiny Panel.

Deputy D.W. Mezbourian:

If I may, with your permission, I would like to thank those who have placed their confidence in me by voting for me and I would be guided by you, Sir, as to when I should nominate the new Panel.

The Bailiff:

Well, perhaps we can deal with oral questions first of all, Deputy, and complete that and I will then, if you wish to deal with the matter at that stage, ask you to propose the members of the Panel.

Deputy D.W. Mezbourian:

Thank you, Sir.

3. Oral Questions

3.1 Deputy K.C. Lewis of St. Saviour of the Minister for Planning and Environment regarding the lowering and re-routing of La Route de la Liberation:

Will the Minister advise whether it is envisaged that when La Route de la Liberation is sunk, the road will be redirected through Les Jardins de la Mer and if this is the case, will the Minister give assurances that the gardens will be recreated?

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

The Hopkins master plan is in the final stages of completion. I have seen the work in progress 10 days ago and it is simply stunning. The plan rests on the lowering of the highway that presently separates the town from the Waterfront. The area comprising Les Jardins, Esplanade Square and the present road is treated as one. The new area will have 3 new public squares and many smaller public areas in total the size of 3 Royal Squares. In addition to this, the present Weighbridge area will be replaced with a Hopkins-designed soft landscape public area incorporating the proposed National Gallery. The Hopkins master plan does involve excavating the Les Jardins garden area. However, as part of the development agreement, the Les Jardins gardens will be reinstated with a Hopkins-designed new public garden at the developer's cost. The Hopkins master plan will be presented to the States' Members in the coming weeks. The whole of the Hopkins master plan will be taken to the States for debate in the autumn of this year. I will only bring forward the Hopkins master plan on the basis that it delivers a lowered road paid for by the developers at no risk to the States in addition to a significant capital payment to the States much of which must be used to reinvigorate the town.

3.1.1 Deputy K.C. Lewis:

A supplementary, Sir? Would the Minister confirm that the La Fregate cafeteria will remain untouched?

Senator F.E. Cohen:

Absolutely, Sir.

3.1.2 Deputy G.P. Southern:

The Minister mentioned “at the developer’s cost”. Either now or in the future, will the Minister reveal what the developer’s profit margin is likely to be?

Senator F.E. Cohen:

That will not be for me to reveal because the negotiations clearly are between the Waterfront Enterprise Board and the developer. What I can assure Members is that a complete package will be presented to Members in the run-up to the debate on the Hopkins master plan that will apprise them of all the necessary details in relation to the financial package.

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

I notice the Minister referred to a National Gallery being built. When will Members have full details of that matter?

Senator F.E. Cohen:

At the time that the Hopkins master plan is presented to the States.

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

Would the Minister confirm that, in fact, the question should be “if” rather than “when” the road is sunk and that this matter is all due to be debated. Would he also confirm that there must be full public consultation into these extremely major proposals for the town?

Senator F.E. Cohen:

As far as I am concerned the only solution for the Waterfront is to lower the road. There is no question of “if”. It is “when” and I can confirm that there will be a full consultation, a full presentation to States’ Members and States’ Members will have the opportunity of expressing their views on all matters relating to the Hopkins master plan.

3.1.5 Deputy G.P. Southern:

When the proposals come forward for the National Gallery, will they come complete with the future running costs and the need for public subsidy that is usually the case in small museums elsewhere?

Senator F.E. Cohen:

I think that a National Gallery is something that we should all aspire to. Anyone who has knowledge of small galleries that have been established in recent years in other places will know the extraordinary economic benefit that can be derived from such investment but I can confirm that the full details of the running costs will be presented to States Members at an appropriate time.

3.1.6 Deputy G.P. Southern:

Supplementary, Sir. The Minister mentioned the economic benefits associated with small museums. Will he give me and other Members such details?

Senator F.E. Cohen:

A National Gallery, or a significant gallery of any sort, gives residents pride in their community. It gives them the ability to see works of art that otherwise they would have had no opportunity to see.

It has tourism benefits. You only have to look at the work, the increase in numbers in St. Ives to give you an idea of just what difference it can make to the numbers of people coming to our jurisdiction.

Deputy G.P. Southern:

If I may, Sir, my question may not have been clear. I did intend to say economic benefit and in writing.

Senator F.E. Cohen:

Could I ask for the question to be repeated because I have not understood it?

The Bailiff:

Well, I thought you had answered it but the question was...

Deputy G.P. Southern:

I did intend that the Minister explain to Members, with examples which he mentioned, of the economic benefits in writing of exemplars of small museums being good for the economic well-being of the Island.

Senator F.E. Cohen:

I think the Deputy has led to the correct way to answer the question, which is that I will prepare a paper and distribute it to Members.

3.1.7 The Connétable of St. Helier:

I broadly support the Minister's proposals and I would not want to see any further delay in implementing the Waterfront master plan but I was troubled in his answer to my previous question where he appeared to be suggesting that there would be no public consultation into these proposals and that would seem to me to be an error, given the amount of public involvement there has been in the past.

Senator F.E. Cohen:

That is not what I said at all. I said there would be full consultation, including full presentations to States Members. I am planning on endeavouring to deliver an interim update to Members before the recess and then a fuller presentation from Sir Michael Hopkins to explain the proposals. There will be a very full and frank consultation and there will be significant details made available to Members, some of which may, for commercial reasons, have to remain in confidence but Members will certainly get all the necessary information.

The Connétable of St. Helier:

Sorry, Sir, point of clarification. I am looking for that word "public".

Senator F.E. Cohen:

I have given the undertaking that has been requested. There will be full consultation. That will be public and States Members. I cannot really say any more.

3.2 Deputy G.C.L. Baudains of the Chairman of the Environment Scrutiny Panel regarding the numbering sequence of Minutes of the Panel dated 16th February 2007:

Would the Chairman explain why the minutes of the meeting held on 16th February 2007 carry the unusual sequence of 40a and would he further explain why a meeting was called for a single item?

Deputy R.C. Duhamel of St. Saviour (Chairman of the Environment Scrutiny Panel):

This meeting was held at the conclusion of a public hearing that took place on 16th February and took advantage of all the Panel members being present to deal with the specific issue, which was time-sensitive. The meeting was called after the circulation of the agenda of meeting 41 that was held on 22nd February and therefore came out of numerical sequence. For the sake of expedience, it was numbered as 40a. I am therefore able to reassure Deputy Baudains that the numbering of the minute does not imply any greater additional administration being undertaken to record this simple item. I can further confirm, Sir, that my Scrutiny Officers are fully engaged in the final stages of 2 major reports, both of which are due to be published within the next 4 weeks and that the Environment Scrutiny Panel strives to keep the bureaucracy to a minimum.

3.2.1 Deputy R.G. Le Hérissier:

Would the Chairman confirm what the item in contention was under 40a? Was it, in fact, the payment of a sum of money towards a gift for people who had organised a trip for the Panel?

Deputy R.C. Duhamel:

The questioner is correct. It was seeking an authorisation for that. In actual fact, the Panel having decided that it was in order to select appropriate gifts for those persons who had assisted in the fact-finding visit that the Panel undertook to Vienna, subsequently took a further decision and no moneys were, in fact, spent.

3.2.2 Deputy R.G. Le Hérissier:

Even though money was not spent, could the Chairman confirm that the Panel agreed to the sum of £250 for the payment of gifts?

Deputy R.C. Duhamel:

No, Sir, I cannot agree that because the minute says appropriate gifts not exceeding a total of £240 for both. [Laughter]

3.2.3 Deputy G.P. Southern:

Could the Chairman indicate whether this practice of revisiting decisions - yes, we will, no, we will not - is common practice in his Panel?

Deputy R.C. Duhamel:

I do not think it is but for those Members of the House who do us the invaluable service of reading our minutes perhaps they would like to draw attention to the cases, the instances, upon which it has occurred.

3.3 Deputy J.A. Martin of the Chief Minister regarding a breakdown of the latest population figure, including net inward migration:

Would the Chief Minister provide a breakdown of the latest population figure that includes net inward migration of 700 people to show the numbers of low skilled immigrants, permanent and time limited (j) category employees in the private and public sector and in their departments, please, and their dependants?

Senator F.H. Walker (The Chief Minister):

As reported by the Statistics Unit earlier this month, Jersey's estimated resident population at the end of 2006 was 89,300. The increase of about 900 on 2005 comprised net inward migration of some 700 people and natural growth of almost 200. Net increases in the number of (j) category and non-qualified employees, together with their dependants, rounded to the nearest 10, were 200 (j) category employees, 340 dependants of (j) category employees, 100 non-qualified employees and 60 dependants of non-qualified employees. Total numbers of non-qualified and (j) category

employees were presented in the Labour Market Report published on 4th April and showed that at the end of 2006, there were 6,610 non-qualified employees as defined under the Regulation of Undertakings, 1,610 (j) category employees, of which 900 were in the private sector and 710 in the public sector. From the perspective of the Housing Regulations, as already stated in the Report Jersey Resident Population 2006, there were about 9,000 adults in Jersey who were not residentially qualified at the end of 2006.

3.3.1 Deputy J.A. Martin:

I thank the Minister for his detailed answer. In the letter to all States Members in the last paragraph, he tells us with the population figures that we are fully on-track with economic growth, that is that there should be no more than 500 jobs per year. Can he quantify that by telling us the... we may be on-track with economic growth but he has just told us we have now 440 dependants of the 700 people, so more dependents; about half working, and half who have brought dependents. So, how is this economic growth? Can he quantify his statement in his letter to us?

Senator F.H. Walker:

I am not entirely sure what the question is. When I said we were on-track with economic growth; that is a fact; we are. Of course, what we, the States, and in particular the Council of Ministers, and the Ministers responsible for the Economy and Population, have to balance is the need for economic growth and the tax receipts that we must have on the back of it, particularly in the wake of Zero/Ten; and that of inflation. Because if we have economic growth, and if we have no inward migration, as Jersey has shown over now a very, very long period, the inward migration is not new to Jersey; we have been experiencing it in big numbers ever since 1890. What we have to do is balance economic growth against the numbers of people and against inflation. That is exactly what we do do. I would point out, Sir, that the actual growth in the working population, which is what the figures stated by the Council of Ministers previously our ceiling to work to over the last 5 years, has been well under the one per cent figure. Well under the 500 figure per annum. We need to take these over more than one year. We need to look at these figures over a more extended period. Within that period we are well within target.

3.3.2 Deputy G.P. Southern:

The Housing Minister is reported as saying that he is inundated with a number of (j) category requests which he is forced to turn down because we have not sufficient housing. Does the Chief Minister support his Housing Minister in the urgent need to build more housing?

Senator F.H. Walker:

Do I support the Housing Minister in the urgent need to build more housing? Yes, I do, but we are not talking here about urgent need caused by inward migration. We are talking here about an urgent need for locally residentially qualified people, and in particular those who need to move into sheltered homes. That is the need, very clearly expressed by the Housing Minister, and fully supported by myself.

3.3.3 Deputy G.P. Southern:

The Chief Minister avoided saying how many of the 200 (j) cats. were permanent (j) cats. and how many were temporary. Given that permanent(j) cats. are now the rule rather than the exception, does he not believe that they will sooner or later be making a demand on the housing market and will take-up some of that housing?

Senator F.H. Walker:

(j) category employees have always inevitably - because they come to live in Jersey - taken-up housing in Jersey. The fact is though that currently housing sales in Jersey, which are running at very high levels, are 92 per cent taken-up by local people.

3.3.4 Deputy J.J. Huet of St. Helier:

Of the 340 dependents of this 200-odd (j) categories, can we be told how many of these are children that will need educating at our schools, please?

Senator F.H. Walker:

I cannot give the Deputy the answer to that specific question this morning, but I will, of course, do so as soon as possible.

Deputy J.J. Huet:

Will the Minister get that information?

Senator F.H. Walker:

I think I just agreed to do that, yes.

3.3.5 Deputy J.A. Martin:

The Minister was just pointing out we are way below the one per cent of workers, because we could allow 500 workers, but what he has now told us is we have 300 workers across the skills, high and low paid jobs, who have brought in 400 dependents. As the Deputy before me has just pointed out, I would presume an amount of these would be children. But if on 300 workers we have 400 dependents, what happens when we reach our limit of 500 workers, will we have about 600 to 700 dependents? Now, my question is again, Sir, the P.25 was not an immigration control, but a monitoring policy. Would the Minister not accept this? We have no say; only over the jobs. We have 300 workers and 400 dependents across all skills. Could he not agree with this, please, Sir?

Senator F.H. Walker:

Well, Sir, I am not arguing with the figures, because they are the figures I supplied to the Deputy in my answer, so no way am I arguing with the figures. Can I predict precisely what the situation will be in the future? No, I cannot. Can we control the situation under existing migration policy? Yes, we can.

3.3.6 Deputy J.A. Martin:

I really must follow that up. He says: "Can we control?" Can the Minister accept they can control only allowing 500 extra jobs every year across all sectors? They cannot control after that, once the person is working in that job, the number of people that person brings to the Island as dependents. Now, maybe the Minister, Sir, could also revisit this number of the supposedly... well, we will never get to 500, but it would seem to me we have passed the 500, although only 300 of them are working.

Senator F.H. Walker:

I think I see absolutely now the point the Deputy is striving to make. It is a point that the Ministers responsible, and the Council of Ministers, do have to focus on and are focusing on. As I have informed the States on, I think, 3 separate occasions recently, we - being the Council of Ministers - will be producing a very major population report, and ultimately, after consultation, a report and composition later this year; I hope to debate early next year. So, Ministers are aware of all the issues and I think that will be abundantly clear when the population report is published.

The Bailiff:

A final supplementary, Deputy Southern.

3.3.7 Deputy G.P. Southern:

The Chief Minister referred to the impact of not allowing immigrants in on inflation. Does he also accept that the allowing of these sorts of numbers of immigrants in will also have an impact on inflation led by a rise in house price inflation?

Senator F.H. Walker:

As I have already said, 92 per cent of house sales currently are to local people. The impact of the very small number of non-local housing transactions will be small. There will be some impact, but it will be negligible and it will be far less than Jersey putting up the barriers and saying we cannot bring in any more labour to support our industries. Far, far less. Let me remind the Deputy and the House, Sir, that Jersey has relied on inward migration for at least the last 100 years to fuel its economy. This is not new. We are in exactly the same position as we have been in for at least 100 years. The figures are different. The figures are being monitored. The situation does need controlling, and that is exactly what the Council of Ministers is doing.

3.4 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding the introduction of a Financial Services Ombudsman:

Does the Minister have any plans to introduce a Financial Services Ombudsman and, if so, when does he intend to bring the relevant legislation forward?

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

I should start by saying that I do support the concept. However, my difficulties are ones of cost and implementation. This issue is a complex one to deal with a short oral answer. It also has a bearing on a number of other issues, such as the arguments for greater regulation of the domestic financial services sector, the need for compensation schemes, and the current effectiveness or otherwise of the schemes already provided by companies by way of self-regulation. Last year I presented a report to the States in relation to the introduction of a Financial Services Ombudsman Scheme. The key findings of that report were that Guernsey has decided against a scheme, and that the only other comparable jurisdiction with an ombudsman scheme is the Isle of Man. That scheme is funded by government. If a similar scheme was operated in Jersey, or set up in Jersey, we would estimate the annual cost to be in the region of £500,000 to £750,000; and probably higher. Also, 94 per cent of the claimants were non-Isle of Man residents. The average compensation award was small, under £1,000. It gives me no pleasure to inform the Assembly that we do need to be aware of believing that we can match the infrastructure of larger jurisdictions, such as the U.K., where the costs of industry-only regulation can be absorbed by a vast captive market, and particularly levied against repeat offenders. However, I understand and support the concept. My problem is one of resources. I propose to approach the finance industry to identify if there are alternative solutions, for example, the use of the mediation court service, and possibly a voluntary scheme. I do understand that if I fail to convince the industry for a voluntary scheme, then I am going to have to bring forward legislation for a compulsory scheme. But this Assembly is going to have to find £750,000 to pay for it.

3.4.1 Deputy R.G. Le Hérissier:

Does the Minister not acknowledge that when other people have laid down complications he has called them ditherers and indecisive and undynamic. Does he not further acknowledge, Sir, that with the very complex and sophisticated regulatory scheme in, which again met with similar sentiments to those he has expressed, it is now being lauded by him and his Ministerial colleagues?. Why is this essential part...

Senator P.F.C. Ozouf:

I am not sure that I have never ever been accused of being a ditherer. It is something that is high up on my agenda. I am not sure whether the Deputy has read the report, but the reality is that an alternative scheme for Jersey will cost, if we take the Isle of Man model, £750,000; 94 per cent of those claimants will be non-Jersey people. The people that I am worried about are the domestic people, the Island residents, and I am trying to find a solution that benefits the people we are

targeting, but also has a cost which is not going to be thrown out by this Assembly. I will not win a debate for £750,000 against Home Affairs, Health, or Education. I simply will not win it.

3.4.2 Deputy C.J. Scott Warren of St. Saviour:

Would the Minister concede that the annual cost which is mentioned for the Financial Services Ombudsman could well be, over a period of years, outweighed by the increase in our standing as an international finance centre?

Senator P.F.C. Ozouf:

I think the Deputy is right to say that we need good regulation, and the J.F.S.C. (Jersey Financial Services Commission) with a budget of £7 million or £8 million is precisely doing the job of raising our reputation. The issue here is one of putting in place a fast and efficient complaints procedure for the domestic financial services industry; somebody that has an argument about their banking charges, somebody that has an argument about a financial services player who has misadvised them, or given them incorrect advice in relation to a pension, or an endowment. That is what we are trying to do; it is the domestic market that we are trying to solve the problem for. I have not found a solution to that. But I am going to talk to Jersey Finance, I am going to talk to the Bankers Association, to see if we can find a voluntary scheme which does not have the bureaucratic burden of cost.

3.4.3 Deputy G.P. Southern:

In his consideration of a Financial Ombudsman, does he envisage that such a position will cover pension arrangements, both private and occupational, under any scheme that he brings forward?

Senator P.F.C. Ozouf:

Well, there are certain other arrangements that are in place for the regulation of pension schemes, and an ombudsman is not a regulator. It is somewhere that deals with complaints, so the issue of pension regulation is different from the issue of a Financial Ombudsman. The Financial Ombudsman is designed to deal with individuals, and it is a relatively small complaint in most cases. The Isle of Man puts the average compensation at about £1,000. That is a lot of money for individuals, but we need to put it into overall concept. Pension Regulations are not what are being asked I think.

3.4.4 Deputy K.C. Lewis:

Does the Minister believe there could be merit in possibly sharing an ombudsman with other jurisdictions, such as the Isle of Man?

Senator P.F.C. Ozouf:

My difficulty there is that I will be asked to share a scheme that is costing, if we were to basically pool our resources, well, probably at least £500,000. That is the difficulty. 94 per cent of those people would be non-Islanders, and frankly our excellent court system, and the mediation system that exists in the courts, are there to deal with disputes I think for non-Island, wealthy individuals. So, no, not the Isle of Man, because I will have to come to this Assembly to ask for £500,000 at a minimum. My problem with Guernsey is they said no, they do not want one. I do not necessarily agree with that.

3.4.5 Deputy S.C. Ferguson:

Would the Minister be able to share his estimates of the figures with Members, and has he not considered the fact that I think the Isle of Man Ombudsman is part of the equivalent of our Trading Standards Department, and when they are not working on financial services work, as I understand it, they are doing general work. So, would the Minister share the figures with the House?

Senator P.F.C. Ozouf:

I am happy to do so. It is, I think, fairly fully outlined in the report that I submitted last June. Also, the *pro rata* example is that of the United Kingdom's Ombudsman, who I am told receive approximately 100,000 complaints per year and have a staff of over 950. So, she is right to say that it is in fact a shared resource within the O.F.T. (Office of Fair Trading) in the Isle of Man. I do not agree with the concept of the O.F.T. because we have got our independent regulator, the J.F.S.C., who is covering some of the same ground. But I am happy to share some of the detail. I am confident that I have been properly advised that an Isle of Man scheme equivalent would cost Jersey a minimum of £500,000, and probably £750,000, but I am happy to share the figures with the Deputy.

3.5 Deputy J.A. Martin of the Chief Minister regarding the recording of informal meetings of the Council of Ministers and other bodies:

Would the Chief Minister inform Members who determines when a meeting of the Council will be deemed informal, and therefore not minuted by a Committee Clerk? Why are the meetings of the Migration Advisory Group (MAG) not minuted, and why are the minutes of the Corporate Management Board not available to Members? Thank you, Sir.

Senator F.H. Walker:

It has been agreed by the Council of Ministers that general discussions without decisions - emphasise "without decisions" - being taken do not need to be minuted by a Committee Clerk. These informal discussions tend to be on general matters, and never come to a formal conclusion. If any decision is required the matter has to be brought back to a formal meeting of the Council, at which time any decisions made are fully minuted. The Migration Advisory Group is not a decision-making body. As its name implies it is an advisory group, and merely assists Ministers in making decisions in areas for which they are accountable. However, following discussions with the Corporate Services Scrutiny Panel, it has been agreed that minutes will be kept in future. The Corporate Management Board is an officer group which meets to consider operational matters relating to the management of the public sector, and it is not therefore appropriate that the minutes should be made available to Members. Any matter requiring a policy decision is brought to the relevant Minister, or the Council of Ministers, and is recorded either in the form of a Ministerial Decision, or in the minutes of the Council of Ministers. The important point, which I must emphasise, is that all decisions taken by Ministers, and the Council of Ministers, are fully and properly recorded.

3.5.1 Deputy J.A. Martin:

I raised this question because over the last few weeks - on 3rd May and 8th June - the full Council met to discuss the implementation of the Income Support Policy, and both times I have asked for the agenda and also asked for the minutes, and these have been deemed by the Clerk as a general discussion, therefore: "A Committee Clerk will not be present, and will not take formal minutes." We have asked before if we can have minutes to the agendas, and we have been told: "Yes, no problem." Now it seems for fairly important discussions, the Minister has just said, Sir, that if it is not a decision-making body that they do not need to take minutes. Well, I am very sorry, Sir, would not the Minister agree there have been 2 long meetings, one I think that lasted 3 to 4 hours, and the other probably about the same, discussing the policy of Income Support, and there is a final draft going back to the Council on the 22nd. Will he inform the House if this is going to be informal? If informal, there will be no paper chase, Sir.

The Bailiff:

Deputy, that is a very long question. I think you have come to the end.

Deputy J.A. Martin:

Yes, sorry, Sir, I think the Minister gets where I am coming from. It is frustrating, Sir.

Senator F.H. Walker:

I am sorry the Deputy is frustrated. The point is that these meetings to which she refers are primarily briefing sessions. They offer the opportunity to the Social Security Minister and his team to brief the Council of Ministers on the latest position of Income Support. Again, the crucial point is that no decisions were taken of any binding matter whatsoever. Any such decisions have to come back to the Council of Ministers, at which point they are noted and minuted in the normal way. Any decision by the Social Security Minister is minuted and taken in the formal way as always. So, there is no question of any decisions being taken which affect this House, or affect the outcome of Income Support. This is an informal briefing. Sir, can I say, they are very, very useful, and we most certainly intend to maintain that practice. I am sure other groups of States Members have informal briefings and informal discussions, and without taking decisions, and without keeping minutes. That is a good practice if one is to be kept fully up to date and fully informed.

3.5.2 Deputy G.P. Southern:

The Minister repeatedly says no decisions were made. However, at the most recent meeting that was prior to the Minister of Social Security relating his final version of Income Support to the Scrutiny Panel. So, it may not have interfered with the process elsewhere, but certainly a decision was made and we do not know what grounds to halt that process while something else was investigated. Certainly, it interfered with Scrutiny work because we have had our adviser lined-up for 21st and 22nd of this week, and we have had to put it off for the second time seeing the final draft. We have been working for 15 months on Income Support. We have still to see a final draft and we do not know on what grounds the other Ministers are questioning which way they are going forward. Will the Minister accept that holding meetings without minutes interferes with the Scrutiny process because we cannot see the audit trail?

Senator F.H. Walker:

Sorry, but that is completely erroneous and misleading. The decision taken to delay the implementation of Income Support was formally taken by the Minister for Social Security.

3.5.3 Deputy A. Breckon:

My question was related to the previous answer. The Minister said no decision was taken at the Council of Ministers informal meetings. Sir, could he confirm that they did not make a decision to seek a delay to Income Support? The Council of Ministers did not take a decision to seek to delay Income Support; it was the Minister of Social Security.

Senator F.H. Walker:

Yes, Sir, I do confirm that, as I have just said in answer to the previous question.

The Bailiff:

Final supplementary.

3.5.4 Deputy J.A. Martin:

Well, then, that begs the question that the final draft is coming back again to the Council of Ministers on the 22nd. Hopefully there will be a decision. So, will this be an informal or a formal minuted meeting so we can find out the concerns, if any, of the Council of Ministers?

Senator F.H. Walker:

At the moment the meeting on the 22nd is planned as another informal presentation and discussion and therefore no decision will be taken. As soon as a decision is taken by the Council of Ministers and signed-off by the Social Security Minister, it will be made publicly available in the normal way.

3.6 Deputy G.P. Southern of the Minister for Treasury and Resources regarding :

Will the Minister inform Members how many private equity companies are registered in Jersey, and explain whether the tax position in Jersey in relation to these companies compares favourably with the U.K., and what measures are in place in Jersey to ensure protection for Jersey employees' pension funds and that tax revenues are maximised following the takeover of a local company by a private equity, either foreign or locally owned?

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

I do not know the number of private equity companies registered in Jersey, and the Comptroller of Income Tax does not keep a specific list of such companies. The Jersey Income Tax Law is very different indeed to the U.K. Tax Law and it would take an inordinate amount of time and resource to give a comprehensive and detailed answer which would also address a tax position of individual shareholders within such funds. What I can say is that the tax assessment of a private equity company in Jersey is determined on exactly the same basis as for any other company in Jersey, depending on whether it had income tax, international business, or its own company status. There are no special rules, concessions, or practices, applicable to private equity companies. Protecting employees' pension schemes is not directly a matter for me to answer. That question needs to be addressed to the trustees of the pension schemes themselves, or to the employees, or to the Social Security Minister in the context of employment legislation. However, for what it is worth, my view is the change in ownership of a local company's shareholding does not change the pension rights or other contractual obligations of those company's employees. Finally, Sir, I am not sure what the Deputy is seeking to ascertain in relation to his query on the tax implications of a takeover of a local company by a private equity group, or indeed a U.K. company, or by an individual. As I have already said, tax revenues generated by a private equity company will be assessed and collected on exactly the same basis as for any other company in Jersey. So, it is not possible to maximise tax revenues for these companies any more than it is possible to maximise them from any other tax payer. The same provisions of the Income Tax Law apply to them all.

3.6.1 Deputy G.P. Southern:

Is the Minister content that a private equity company may be the company that offers the highest bid to takeover Jersey Telecom in the near future?

Senator T.A. Le Sueur:

That, Sir, would be determined on a number of factors, and one of those factors might indeed be the relative tax revenues that we might get in the future as a result of the purchaser. I think all I would say is at the moment because the different competing qualities of different sorts of purchasers have different criteria none would be ruled out, but none would necessarily be favoured either.

The Bailiff:

Final supplementary, please, Deputy.

3.6.2 Deputy G.P. Southern:

Will the Minister assure Members that this particular issue about the differing nature of potential bidders will be absolutely fully examined by the investigation taking place currently due to report on 13th July?

Senator T.A. Le Sueur:

I cannot speak for that particular report, Sir, because that was dealing with the economic impact on the sale. The question to which the Deputy refers appears to be talking about the fiscal impact, which is slightly different, but certainly in the context of the debate, when we ever have it, on the

sale of Jersey Telecom, I shall make sure that all the information that is required in order for the House to make an informed decision is made available to them.

3.7 Senator B.E. Shenton of the Minister for Planning and Environment regarding the overall concept for the development of the Waterfront:

Following the approval of the Castle Quay development would the Minister advise the Assembly whether he has an overall concept for the Waterfront, and if so will this be made public, or will other developments continue to be considered on a piecemeal basis?

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

One of my key 2005 election manifesto commitments was to address the significant public dissatisfaction with the Waterfront. Shortly after my appointment as Planning Minister I launched a public consultation programme and a forum to identify what Islanders wanted on the Waterfront, and this resulted in a Supplementary Planning Guidance authored by Mr. Chris Shepley, C.B.E. The clear message was that the public regarded many of the present buildings as being of poor standard and they wanted something very significantly better. I therefore appointed Sir Michael Hopkins and his team as my Waterfront design advisers. Hopkins Architects were listed as one of the world's 5 leading architectural practices in 2006. The whole concept of this appointment was to develop a strong cohesive design framework for the Waterfront and to stop piecemeal development. As I said in the answer to a previous question, the Hopkins master plan is in the final stages of completion. To reiterate, the plan rests on lowering of the highway that separates the town from the Waterfront. The area comprising Les Jardins, Esplanade Square, and the present road is treated as one, and will be developed using synergistic architectural principles to ensure exceptionally well-designed buildings set in a grid layout to replicate the existing town. To reiterate, the whole of the Hopkins master plan will be taken to the States for debate later this year, and I again confirm that I will only bring forward the Hopkins master plan on the basis that it delivers a lowered road, paid for by the developers, in addition to a significant capital payment to the States.

3.7.1 Senator B.E. Shenton:

Is the Minister confident that he can correct previous planning mistakes on the Waterfront, and does he share the apparent view of one of his colleagues that a poorly-designed Waterfront hotel built to a budget is better than no hotel at all?

Senator F.E. Cohen:

I am entirely confident that the remaining buildings to be completed on the Waterfront will be of an entirely different quality to those that were built in the past. As I have already given a commitment to the House, the Hopkins team will be retained to ensure quality down to the door handles. We are now in a very different position to the decisions faced by some of my predecessors. The economic climate is more buoyant. We now have developers interested in producing very high quality buildings, and the market has moved forward. I am not sure that the opportunities that are available to me in terms of insisting on high quality buildings were available to my predecessors and that may account for some of the poor quality buildings we now see.

3.7.2 Deputy G.P. Southern:

Does the Minister accept, like me, that the Castle Quay development appears to be a glorified wind tunnel with 2 buildings very close together at 7 storeys high? Will he accept that like Century Buildings, which appeared with pretty pictures of al fresco dining, that in future when al fresco dining facilities appear on architect's plans and design briefs, that they are accompanied by a wind sock to suggest the strength of the wind howling down these high buildings and between them?

Senator F.E. Cohen:

Firstly, I would say that the proposals for Castle Quay, because they have been tested by the Hopkins team, are buildings of good quality and we will ensure that with the co-operation of the Société and Save Jersey's Heritage that the façades are appropriate and demonstrate local relevance. The buildings were tested in comprehensive wind-testing models and I am pleased to report to the House that one of the key elements of the Hopkins master plan is to test all future buildings to ensure that we do not end up with wind tunnels requiring wind socks. But do remember that the key to the Hopkins master plan is a Waterfront predominantly of only 5 storeys.

3.7.3 Deputy G.P. Southern:

A supplementary if I may? Will the Minister bring to the House those results he was talking about, wind testing on Castle Quay?

Senator F.E. Cohen:

I am not sure that it would be appropriate for me to distribute those. I will make inquiries. I will certainly make sure that they are available in private, but they may be the developer's copyright, I am not sure.

3.7.4 Senator J.L. Perchard:

We all look forward to the Hopkins master plan that the Senator has promised shortly for us to see. Could he confirm that the proposal for a youth facility on the Waterfront will be included in the master plan?

Senator F.E. Cohen:

The Senator is a Director of W.E.B. (Waterfront Enterprise Board) as far as I am aware, and it is for W.E.B. to ensure that youth facilities are included in the comprehensive arrangements for the Waterfront. I have already insisted that an independent review is carried out of the Hopkins master plan proposals from the perspective of youth and families, and I hope to have that shortly, and it will certainly be distributed to Members.

3.7.5 Senator J.L. Perchard:

A supplementary, Sir? Yes, the Minister is absolutely right, I am a Director of the Waterfront Enterprise Board for the time being, and I have some influence there. But the Minister has already advised the Assembly that the master plan will include specifics like an art gallery. Will it include specifics like a youth facility?

Senator F.E. Cohen:

There are specific youth facility requirements in-built, but they are effectively directed by W.E.B.. In all of the discussions I have had it is W.E.B. that has played the main part in determining what uses are put to various parts of the master plan. I do not think there is a problem here. I have given an assurance that I am reviewing the master plan from the perspective of youth and families. I have no doubt that there will be appropriate youth facilities, but I think it is for W.E.B. to negotiate with the developers precisely where those youth facilities are placed and how they are funded as part of the package that W.E.B. is presently negotiating with developers.

The Bailiff:

Final supplementary, Senator Shenton.

3.7.6 Senator B.E. Shenton:

Is it not a fact that the Minister for Planning has taken over responsibility for the Waterfront from W.E.B. and is now solely responsible for the Waterfront, as opposed to W.E.B., as it was in the past?

Senator F.E. Cohen:

That may be what I would like to have done, but that certainly is not the position that I am in. The position is very clearly that W.E.B. is in charge of directing how the Waterfront progresses. Very clearly, as I am the Planning Minister, I have set a certain criteria. The main criteria are my design aspirations, and it would be foolish for W.E.B. to operate outside of those specifications. So, as far as the deals and the buildings are concerned, those are dealt with by W.E.B. All I will deal with is determining whether or not they are given a consent. But I have set parameters under which effectively W.E.B. have chosen, I believe sensibly to work, and presently I must say W.E.B. are working extremely well.

3.8 Deputy G.P. Southern of the Minister for Treasury and Resources regarding alternatives to charges levied under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended:

Would the Minister advise what progress, if any, has been made in examining alternatives to the Regulation of Undertakings and Development Law charge, the so-called “R.U.D.L. charge” for raising revenue from non-Jersey owned companies under the Zero/Ten tax proposals, particularly the Blampied proposals recommended in the Corporate Services Report S.R.4 published in September 2006? If none, will he explain why and inform Members when he will report on this issue?

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

I have given careful consideration to this matter, bearing in mind the advice received from B.D.O., which is a firm of international accountants who were appointed by the Corporate Affairs Scrutiny Panel, that the original proposal would not achieve tax credit status in the United Kingdom; it was mooted for it. It is doubtful whether that original proposal, and the revised proposal that was later suggested, would be an appropriate measure to proceed with. Nevertheless, I have asked for and received from O.X.E.R.A. (Oxford Economic Research Associates) a paper on the economic impact of the Blampied proposals which I will be considering in due course, and I will share the conclusions with the Assembly later this year in the course of my comments on the detailed shareholder regulations.

3.8.1 Deputy G.P. Southern:

Granted that he has a fresh paper from O.X.E.R.A. under consideration, will he agree to release that information to the Corporate Services Panel in due course before he presents his conclusions to the States?

Senator T.A. Le Sueur:

Yes, Sir, I will, and I have.

3.8.2 Senator J.L. Perchard:

A supplementary, if I may? Does the Minister accept that the Corporate Services Panel were looking in the right direction with regards to this matter in order to create a level playing field? There is concern that non-locally owned businesses trading in Jersey under Zero/Ten will be at a commercial advantage over locally owned businesses trading in Jersey under Zero/Ten, and does the Minister recognise if it is not the Blampied proposal, we have got to find a method to correct this imbalance?

Senator T.A. Le Sueur:

Yes, Sir, I share the concerns of that Panel and I appreciate the work that they have done in helping me to try to find a solution to what appears to be an insoluble problem. All I can say is that while we are still looking, and various alternatives have been considered, no clear alternative has yet been found which seems to fit all the requirements. But, Sir, that is something which I hope to discuss

with the Corporate Affairs Scrutiny Panel, for whose help I am grateful, and will need to be discussed when we debate the detailed shareholder regulations later this year.

The Bailiff:

A final supplementary, Deputy.

3.8.3 Deputy G.P. Southern:

Thank you, Sir. Given that no solution has been found to this particular problem, does the Treasury Minister not consider that with hindsight a rapid jump to Zero/Ten in fact will cause the so-called black hole to be continually increasing, given global trends of multi-national ownership in the Island which will mean an increasing deficit in terms of a lack of tax stake from a foreign-owned company?

Senator T.A. Le Sueur:

No, Sir, although that is one aspect clearly of the fiscal deficit, it is relatively small in the overall scheme of things and is not one which gives me undue concern, although if we can deal with it in an effective way, I would be glad to do so.

3.9 Deputy K.C. Lewis of the Minister for Treasury and Resources regarding the operation of any 'Vulture Funds' in or through Jersey:

Will the Minister advise whether he is aware of any "Vulture Funds" operating in or through Jersey, whereby outstanding Third World debts are purchased by companies which then seek to recoup the full amount of the debt plus penalties? If so, would the Minister assure Members that such funds will be prohibited from operating within the Jersey financial system?

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

No, Sir, I am not aware of any "Vulture Funds" operating in or through Jersey. Nor would I or Jersey Finance Limited wish to see any such activities carried on in or through Jersey. Having said that, it is difficult to give any categorical assurance that no such activities could occur in Jersey. The Jersey Financial Services Commission has assured me that within the limits of their powers they will discourage any such activity where it is known to them. However, the memorandum and articles of association of a company are usually so widely drawn as permits a variety of activities, not all of which will come under the direct scrutiny of the J.F.S.C. I would hope that all those engaged in the finance industry would be watchful and seek to discourage any activities of this nature. I am grateful to the Jersey Finance Limited for their support in this way. I should perhaps add that debt restructuring is a common activity in all jurisdictions, including Jersey, and is normally used for legitimate commercial purposes. Any attempt to try to legislate against "Vulture Funds" specifically would be extremely difficult without closing the door to a whole range of legitimate corporate debt restructuring. I would prefer to rely on the desire of responsible members of our finances services industry to ensure that "Vulture Fund" activities do not occur in Jersey and Jersey Finance Limited, and the Jersey Financial Services Commission, share that view.

3.9.1 Deputy K.C. Lewis:

I thank the Minister for his reply, Sir, and I take great comfort from that. The Minister is no doubt aware that "Vulture Funds" are in clear breach of international debt cancellation agreements. Further to that, recently a British Virgin Island based company did in fact buy the debt owed to Romania for just a few million dollars and then sued Zambia for the full amount, thereby negating all the good work done by organisations such as our own Overseas Aid. I believe they got about 48 million dollars. Will the Minister undertake to block any future funds that attempt to come through Jersey? Thank you, Sir.

Senator T.A. Le Sueur:

Yes, I am aware of the Romanian case that the Deputy talked about, and I am reassured by the stance taken by the local industry. In terms of blocking funds coming in, when it is clear what the funds are being used for, yes, Sir, I am sure we can take whatever steps are within our power to do that. But I would repeat that very often these things come more or less under the radar, and it is not always as easy as might be assumed to detect them.

3.10 Deputy G.C.L. Baudains of the Minister for Planning and Environment regarding the staff employed in the Meteorological Section of the Environment Department:

Would the Minister advise how many staff are currently employed in the Meteorological Section of his Department, and outline the tasks that they perform?

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

Currently 17 staff are employed in the Meteorological Section. They include, first, the Principal Meteorological Officer in overall charge of the section, and second, a team of 10 forecasters. This includes 2 senior meteorologists, 5 senior forecasters, and 3 junior forecasters. Finally, a team of 6 meteorological observers. This includes a senior meteorologist in charge of the observing team, and an information technology officer responsible for the section's essential computer and communications systems. The forecasting team is responsible for preparing aviation forecasts for the Channel Islands Control Zone at airfields. They are also responsible for the public service and maritime forecasts, and warnings prepared for the local media here and in Guernsey, premium rate telephone services in both Bailiwicks and various local internet sites. The observing team maintain the weather watch. They also provide the half-hourly aviation met reports which are required under international regulations for Jersey Airport to operate. They also support the duty forecasters. A shift system operates 24 hours a day, 7 days a week, 365 days a year, with one senior forecaster and a qualified observer available throughout the 24 hour period, and a second forecaster available between 7.00 a.m. and 3.00 p.m. Thank you.

3.10.1 Deputy G.C.L. Baudains:

Notwithstanding the importance of the service that they provide - I think we all appreciate that, Sir - I wonder does the Minister believe that given the computerisation of weather forecasting these days that the number is appropriate. Would he perhaps consider reviewing this area of his department on an efficiency basis?

Senator F.E. Cohen:

I do not know the answer to the question. What I do know is that the team previously was 21. It has been reduced to 17, and when certain technology is implemented it can be reduced to 15. I am told it cannot be reduced any further. But I do think it would be worthwhile reviewing the whole of the department from a perspective of what the States as a whole wants to get out of it and value for money, and I intend to implement that, but it is going to take some time.

3.11 The Deputy of St. Martin of the Chief Minister regarding the bringing in to force of the Human Rights (Jersey) Law 2000:

On approving the draft Human Rights (Jersey) Law (P.197/99) in 2000, the Assembly was advised that it could not come into force until certain laws were Convention Compliant. Would the Chief Minister advise whether audits of Loi (1864) réglant la procédure criminelle, Criminal Procedures (Connétables and Centeniers) (Jersey) Law 1996, and the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949 were undertaken? If so, when, and were they deemed Convention Compliant?

Senator F.H. Walker (The Chief Minister):

When the States passed the Human Rights Law, Members knew there would be things which needed to be addressed before the Law came in. We also knew that other things might crop-up from time to time which needed attention. However, it would have been inappropriate to have delayed bringing the Human Rights Law into force until there was complete certainty that all laws were compliant in every respect. The laws to which the Deputy has referred were not the subject of an audit before the Human Rights Law came in. My understanding is that the Education and Home Affairs Scrutiny Panel are undertaking a review of the Centeniers' function in the Magistrate's Court and that some legal issues have arisen in the context of that work. There is, therefore, nothing more for me to say until that Panel's report is published.

3.11.1 The Deputy of St. Martin:

I am not aware of what the new Panel is going to look into or not look into, but could I ask the Chief Minister, is there any reason why these particular laws were not looked into? Because, having looked at page 9 of the proposition of 1999 - and I agree with the Chief Minister, it was delayed until these laws were looked at - is there any particular reason as to why these were not looked at?

Senator F.H. Walker:

No, I cannot. I think that is either a question for the Attorney General, or to be addressed by the new Education and Home Affairs Scrutiny Panel in their review.

3.11.2 The Deputy of St. Martin:

Bearing in mind that these were not checked, and also bearing in mind the public interest in this particular matter, would the Chief Minister give an undertaking that these laws would be looked at now to see whether indeed they are compliant with Convention rights?

Senator F.H. Walker:

I believe that is one of the things, although the Panel themselves will, of course, make their own decisions. I believe that is one of the issues that will be looked at by the new Panel, and in common with the Deputy, I await their report.

3.12 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the delay in progressing a Freedom of Information Law:

During his nomination speech for the chairmanship of the Privileges and Procedures Committee in December 2005, the Chairman advised the Assembly that if appointed he would seek to progress a Freedom of Information Law as soon as possible. Would the Chairman explain why there has been such a substantial delay in bringing this Law to the Assembly?

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

I believe that the Deputy's question has been comprehensively answered in the report which accompanies R.60/2007: Freedom of Information (Jersey) Law - Second Consultation, which was issued to Members and the public yesterday. The Deputy I am sure would acknowledge that this is a major piece of legislation which needs to be right and suitable for a small island. The initial consultation on the first draft drew attention to the need for the Law to be simpler and also to have its resource implications investigated. The new draft Law in P.P.C.s (Privileges and Procedures Committee) opinion is simpler and more suited to the Island's requirements. We are extremely pleased that the Corporate Services Scrutiny Panel has agreed to review the resource implication and will do so in the first quarter of 2008. I am still fully committed in putting a Freedom of Information Law on the Statute Books as soon as practically possible.

3.12.1 Deputy R.G. Le Hérisier:

Would the Chairman not concede that after a possibly over-the-top bout of research and consultation the first draft was put forward and he accepted that as a draft to go for law drafting. It was already, as he stated, ready for law drafting, as he also stated in December 2005. We now appear to be on the third or fourth round of consultation. We now appear to have appointed Scrutiny as a body learned in the assessment of resource implications. Would he not accept that there is an almost stalling process going on here and that there are people who basically do not want this Law to go forward?

The Connétable of St. Clement:

No, Sir, I would not agree with that. As I said in my statement, we want a Law that is simpler and also affordable for the Island. I would point out to the Deputy that we do not appoint the Corporate Services Scrutiny Panel. We ask them if they would be willing to do the review and they have agreed to do so.

3.12.2 Deputy R.G. Le Hérisier:

If the Chairman was so intent on progressing this as fast as he originally suggested he wished to see it progressed, why did he not employ somebody, or go to some individual who was learned in this particular kind of legislation to get a report? This is now going to stretch for months and months and months. Four rounds almost I suspect of consultation, and people are beginning to think that there is some kind of ulterior motive why this Law is being delayed so long. It is just unconscionable.

The Connétable of St. Clement:

I can just only repeat what I have said before that we want a Law that is simpler to operate and we need to have the consultation to get that, and unfortunately Corporate Scrutiny cannot fit the review into their programme before 2008. We would like it sooner, but we are in Scrutiny's hands on this matter.

The Bailiff:

Deputy Scott Warren, final supplementary, please.

3.12.3 Deputy C.J. Scott Warren:

How can the Chairman of Privileges and Procedures give this House an assurance that with this delay this Law is not in fact going to be watered-down, because I did believe that the draft that we had in the former Committee was well-researched and a good one. Thank you.

The Connétable of St. Clement:

I can give the Deputy that assurance; it will not be watered-down. It will be a Law that is fit for the Island and strong.

3.12.4 Deputy R.G. Le Hérisier:

Just a final supplementary. Although the Chairman resorted to the report as an explanation, could he tell the House why in possession of a full draft, full research, full prior consultation, it took 19 months to reach the conclusion a simpler version was required?

The Connétable of St. Clement:

I am not certain that it did take that time. The problem I think was that we probably consulted a little too much and in consultation we found that the Law in that form was not workable. We have tried to progress it as quickly as possible.

3.13 The Deputy of St. Martin of H.M. Attorney General regarding the compliance of the arrangements by which Centeniers present cases in the Magistrate's Court with the Human Rights (Jersey) Law 2000:

I think it would be fair to mention to Members that the actual question I did ask has been rephrased, but maybe I will have an opportunity of asking the original question in my supplementary. Would the Attorney General confirm that the present arrangement in which Centeniers present cases in the Magistrate's Court is compliant with the Human Rights (Jersey) Law 2000? If so, would he explain why?

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

Centeniers have presented cases in the Magistrate's Court for a period of over 150 years. From time to time adjustments have been made in the procedures which have been adopted in that court, and there is no reason to think that this process will not continue in the future. However, in the light of what has been said this morning, I would like to say that I have no significant concerns about the overall fairness of the system and the justice generally delivered in that court. The role of the Centenier in the Magistrate's Court is, as Members have heard for quite some time this morning, under review by the Education and Home Affairs Scrutiny Panel. In the statement which the Deputy made to States Members and to the media following his resignation, he said that he telephoned me on 4th June and asked me when my comments on this subject would be available to the Panel. He reported that I had said they would be available in 2 to 3 weeks. I expect to advise the Panel on the usual basis broadly within that timescale, and in those circumstances I do not propose to answer the question today.

3.13.1 The Deputy of St. Martin:

May I ask a supplementary question? Will the Attorney General confirm that the dual role of the Magistrate in the Magistrate's Court is compliant with the Human Rights Convention?

The Attorney General:

As I have said, Sir, I intend to be advising the Panel in due course.

3.13.2 Deputy G.P. Southern:

Can the Attorney General explain on what grounds and under what articles of the Human Rights Law the role of the Centeniers might be open to question?

The Attorney General:

I would expect to be reviewing certainly Article 6 of the Human Rights Convention, which is the right to a fair trial. It is likely that there will be other Articles which I will need to review in the context of the advice which has been sent to me by the Panel and on which I will be advising the Panel in due course.

3.13.3 Deputy J.A. Martin:

In hindsight, given that there may be a question - and I will probably get this word wrong, Sir - that the Attorney General is titular head of the Honorary Police, would the Attorney General not concede that possibly he could be very conflicted if he is going to give an opinion; it will be just 2 opinions. The question I am basically asking is, is it human rights compliant? Now we are told from 2000 - from our Chief Minister, Sir, and from the A.G. - that nobody has looked at this Law and they expect Scrutiny now to come up with the answer. Well, I do not think that is fine. But I will say that I really think the Attorney General could be conflicted and could he answer that? It is not answering a question, it is just where he feels he stands on this?

The Attorney General:

It is obvious that the Attorney has a series of different functions, potentially as adviser to the Minister, potentially as adviser to the Panel, potentially as titular head of the Honorary Police, and

also as the *partie publique* responsible in the criminal justice system. That is where we are. Ultimately, legal issues can only be resolved in a court. In my view it is inappropriate to try to resolve legal issues in this Assembly. Contrary to what the Deputy of St. Martin said this morning, I did not tell the Panel that I would not advise as I had a conflict of interest. I said to him that as the Panel had expressed concern to me that it would not be appropriate for me to advise, and as the Panel had the advice at that time of Professor Le Sueur, I agreed that the Panel should seek legal advice from an outside source. I think it is obvious that I would recognise - as Attorneys have always recognised - that there are a number of different duties, and one has to resolve those as best one can in advising the Assembly, which is where ultimately decisions are going to be taken, or advising Ministers in the context of the Executive. It would be silly not to recognise these different functions exist, but the alternative is to see legal issues debated in this Chamber, which seems to me to be an inappropriate conclusion.

3.13.4 Deputy G.C.L. Baudains:

I am slightly confused, Sir, because the Attorney General has told us that he would rather give this information in a confidential meeting with the Scrutiny Panel rather than to this Assembly. But it does seem to me a straightforward question. Either the issue is human rights compliant, or it is not. I really cannot see, Sir, why that has to be a confidential issue.

The Bailiff:

The Attorney did not say he would give the information. He said he would give the legal advice to the Scrutiny Panel. Not information, legal advice.

Deputy G.C.L. Baudains:

Thank you for the clarification, Sir. I am still unsure why the Attorney General is unable to tell us either it is, or it is not. Or is the fact that it has not been identified either way yet the actual answer.

The Attorney General:

Under the States of Jersey Law the Assembly has set up a system of Scrutiny Panels. I understand that to mean that Scrutiny Panels will review what they have decided to review, will take evidence where it is appropriate to take evidence, will take advice where it is appropriate to take advice and will come back with their recommendations as to what, if anything, ought to be done in relation to the subject matter of their inquiry. At the moment there is not an issue which is before the States Assembly for consideration. There is no debate currently before the States Assembly on which I would be required as Attorney to give the States advice. I am required under the circumstances which have arisen to give the Panel advice and that is what I intend to do.

3.13.5 Deputy J.A. Martin:

Yes, I do think it would be a straightforward answer yes or no. My question to the Attorney General is he has obviously agreed to give the Panel advice or an opinion, whatever we want to call it. What I would like to know from the Attorney, and because the Attorney says there is not an issue before the Assembly, if these laws have not been changed since 2000 when then the Assembly was advised there was an issue about human rights, it will come before the Assembly. My question, Sir, basically is when the Attorney advises the new constituted Panel will they be able to make his advice public so, in the new Chairman's word, give a balanced answer?

The Bailiff:

I am not sure that is a question for the Attorney General, Deputy. That is a question for the Panel. But the question is whether the Panel is going to make its conclusions and the advice that it has received public. That is a matter for the Panel, not for the Attorney General.

Deputy J.A. Martin:

Sorry, Sir, that is a problem we have with the Attorney General. The Attorney General will meet in confidence and it is his advice, Sir. I am asking him through the Chair will it be under this that he gives the advice to the Panel because if he does they will not be able to then use it, but will he lift that restriction and give them the advice so then we all know what is going on and we can make -- well, it will be illegal. It probably will end up in the courts. I do not know but until we know what the advice is either way I think this House is very much at a disadvantage. It is the Attorney I think who needs to answer this question, not the Panel.

The Bailiff:

That is a different question. The Attorney can answer that.

The Attorney General:

The question of the publication of the Attorney's advice is something which is going to arise in the context of the Chairmen's Committee's proposals on the Code of Practice. There will be full debate by the States and a decision by the States as to the way in which approaches to the Attorney for advice will be treated. The Deputy will know that for a number of reasons, which were set out by both Law Officers in a report to the States on the last proposal of the Chairmen's Committee, that we hold very strongly to the view that legal advice should not be published. That matter will be debated in the States on 17th July. Really it seems to me that that is the appropriate time to debate it.

The Bailiff:

Final supplementary I think, Deputy.

The Deputy of St. Martin:

With respect, Sir, we have another 20 minutes I think of the questions.

The Bailiff:

With respect, Deputy, the Chair decides when to draw the supplementary questioning to an end. Final supplementary.

3.13.6 The Deputy of St. Martin:

I stand corrected, Sir. I understood the questions were one-and-a-half hours, Sir. I have 2. Obviously I will only be able to ask one. Is the Attorney General aware of a similar question being asked in the House of Keys last year by the Chief Minister of the Attorney General? The Attorney General answered: "Mr. President, I think that as a matter of principle it is wrong that the police should be involved." This was followed on by "hear, hear". "But both investigation and prosecution... that the principle which I think has been endorsed by the Council of Ministers over a long period of time is also reflected in the directions which have come from the European Commission from time to time that the prosecution and investigative part of the court process should be separate." Is the Attorney General aware of that comment and also was it one which he would endorse?

The Attorney General:

I was not aware of the comment. As a matter of general principle I am not sure that I would normally wish to comment upon matters which have been said by other Attorneys General in other jurisdictions. But having said that, on this particular occasion I will and say that it is very unusual that those responsible for the investigation of the offence should be responsible for the prosecution of it. There have been directions given by me to Centeniers that where they are personally engaged in the investigation of an offence they should not take the decision as to whether there should be a prosecution. That is not to say it never happens. There may be exceptional circumstances when it does happen but it is very, very rare indeed. So I am happy to tell the Deputy that as a matter of

broad principle I agree with my colleague Attorney in the Isle of Man. I do not always agree with him but I do on this occasion.

The Bailiff:

Well, that concludes all...

The Deputy of St. Martin:

Could I thank the Attorney General. It is very difficult for us to ask these questions but I do believe in the interest of the public interest these questions are asked. I do apologise if I have in any way made the Attorney General feel uncomfortable because I am just as uncomfortable asking the questions. Thank you, Sir.

The Bailiff:

Well, I may just say from the Chair, Deputy, that no Member should feel uncomfortable about asking the Attorney General any question at all. I am quite sure looking at him the Attorney General feels entirely relaxed. [Laughter].

4. Questions to Ministers without Notice - Minister for Transport and Technical Services

The Bailiff:

Now we come to questions to Ministers without notice. The first question period is of the Minister for Transport and Technical Services.

4.1 Deputy K.C. Lewis:

Further to news that several lorries were ordered off the road last week by the D.V.S. (Driver and Vehicle Standards Department) due to defects, surely part of the answer would be to remove the Vehicle Registration Duty thereby encouraging people to import newer, more efficient vehicles that are safer and less polluting. Does the Minister not agree?

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

The matter of the removal or not of Vehicle Registration Duty is not a matter for me. It is a matter for the Treasury Minister who I am sure will consider all issues pertaining to vehicle registration when he reviews that issue. I am currently very satisfied with the particular and perhaps unique way that the Island deals with monitoring defective vehicles by on-the-spot road checks. The penalty for failure is very severe. Vehicles are immediately impounded and occasionally almost immediately scrapped if they are in particularly poor condition. It is a system that I believe works well. However, if I can advise the Deputy and the House, I will be expecting a report from Driver and Vehicle Standards Department that will look into the possibility of regular licensing requirements for heavy vehicles that would be similar in concept to the United Kingdom practice of the M.O.T. (Ministry of Transport) but probably not on such a regular basis and certainly not extending itself as far as private motor vehicles.

4.2 Deputy G.P. Southern:

Will the Minister inform Members what consultation and what progress has been made with the representatives of the taxi and cab drivers associations towards unifying and simplifying the taxi and cab registration process on the Island?

Deputy G.W.J. de Faye:

Quite significant progress has been made in this direction. A number of policy matters have now been thoroughly considered by my department and also by an inter-departmental officer group. In a matter of a week or so it is my intention to sit down with the leading representatives of the taxi

and cab industries and in an open consultative process I will be presenting the various policy issues to them and I expect a full and wide-ranging discussion to ensue.

4.2.1 Deputy G.P. Southern:

Can the Minister inform Members when any consultative meetings have been held prior to the finalisation of his policy which he is now going to present to the taxi drivers?

Deputy G.W.J. de Faye:

I regret I cannot give the Deputy the exact number but very early on in my role as Minister I set up a consultative board which comprises representatives of the rank industry, representatives of the cab drivers and also representatives of the cab operators. I have met with them myself initially. Subsequently that group has had reasonably regular meetings with officers in my department. They have outlined all the issues that they feel are important. Those are the issues that we have carried forward.

4.3 Senator J.L. Perchard:

What does the Minister believe will be the likely impact on motorists, the economy and St. Helier of the loss of 350 car parking spaces at Gas Place during the development of the town park? Also does he have a view on the impact of losing in excess of 500 car parking spaces during the construction of the Esplanade Square development and the new lowering the road project? Is his department planning now for this loss of in excess of 850 car parking spaces? Will he inform us as to what plan he has?

Deputy G.W.J. de Faye:

Yes, Sir, the plan is extremely simple. My department in co-operation with other key bodies such as the Parish of St. Helier will find alternative car parking spaces. It is a very simple approach. I can also assure the Senator that I feel confident that at this stage the residents of St. Helier and indeed commuters into St. Helier should not expect to suffer any inconvenience because we will be instituting plans to find appropriate alternative car parking places which will in due course almost certainly involve the construction of new, multi-storey car parks in key locations.

4.4 Senator B.E. Shenton:

Driving in town at the moment is absolute chaos. There used to be a policy where road works were not carried out during the summer months. Is the Minister of the opinion that tourism is in such decline that he can clog-up the town for the summer months and, if not, what is he going to do about it?

Deputy G.W.J. de Faye:

I am afraid I simply reject the Senator's analysis that driving into town is chaos. On numerous occasions now when major road workings have been put into place by the Transport and Technical Services Department, the media have speculated widely on the basis that road chaos predicted and in every single circumstance bar one there has been absolutely no difficulty at all. In fact over the last 18 months or so my department has received a series of warm accolades and congratulations from all quarters about how well road works are being carried out. So I simply reject the Senator's assertion in the first place and, therefore, there really is no point in answering the remainder of the question.

4.5 Deputy R.C. Duhamel:

Will the Minister advise the House when he intends to returning to the House with his Integrated Travel and Transport Plan?

Deputy G.W.J. de Faye:

I regret that the Integrated Travel and Transport Plan has taken so long in its generation but it is, as I am sure Members will be aware, being victim to effectively changing external circumstances such as the determination to produce the EDAW Report which itself was backed by a specific report on transport strategy by Peter Brett Associates. It really would have been fairly improper of me to have attempted to foreshadow those reports with the transport strategy. Indeed it makes absolute sense to me to delay a finalisation of the Integrated Travel and Transport Strategy until the whole of the implications of EDAW and its impact on St. Helier have been thoroughly fleshed-out. That, in effect, has now happened and I am fully looking forward to seeing the final form of the Integrated Transport and Travel Plan being presented to this House in a matter of a month or so.

4.6 Deputy J.J. Huet:

Just going back to car parking, Sir; is the Minister aware that the Waterfront Enterprise Board has got it well in hand about the Esplanade Square to emergencies for the cars when development is started there?

Deputy G.W.J. de Faye:

I am very grateful for that reminder from my Assistant Minister. She does do a very commendable job in her role. Yes, it is in fact the case that all the construction that is going ahead on the Waterfront, a lot of it involving significant new underground car parking, is in fact being done in a specially phased way to ensure that car parking spaces will be available during the construction phase.

4.7 Deputy J.A. Martin:

I have raised my head because I know you do not like to keep flashing my light and not looking at you at the same time. My question to the Minister, Sir, is yes, we have an Integrated Transport Plan that he hopes to bring to the House yet when questioned about what he will do with the loss of car parking spaces at Gas Place and the Esplanade he answered he will find alternative car parking space. Not any other solution, not even a temporary solution. Please, Sir, could the Minister tell us some alternatives that are in his Integrated Transport Plan that might alleviate car parking altogether or lessen it in the longer term?

Deputy G.W.J. de Faye:

I would not want to create any panic by suggesting that I intend to alleviate car parking altogether. The fact of the matter is that there are some areas over which I have a certain level of control in terms of how the Island adopts its travel and transport and there are others where I simply do not. It is all well and good for me to encourage commuters into St. Helier to walk into town, to perhaps cycle into town or even to use the new fully integrated Island summer bus service. However, the fact of the matter is that there is no getting away from the fact that the bulk of Islanders prefer to drive into town and they prefer to drive into town and find a convenient parking place. So there is a clear onus on me to continue to provide appropriate levels of car parking space and that is certainly what I intend to do.

4.8 Deputy C.J. Scott Warren:

Has the Minister and his department given any further consideration to the parking known as, I believe, automated? I think they were known as “sky parks” which allow a far greater number of cars to be parked with the use of robots in a confined space.

Deputy G.W.J. de Faye:

I have to confess I have no personal experience of being parked by a robot but I am aware of these systems and certainly my department is aware of these systems. They have certain advantages but they also, it has to be said, have a number of disadvantages, not least of which is the ability to access your vehicle and also the amount of time that these particular garages take to load and

unload vehicles from their stacking systems. I hesitate to suggest this but there are also rather significant problems should there ever be power shortages.

The Bailiff:

A supplementary, Deputy Martin, or not? No?

Deputy J.A. Martin:

Well, I could stretch. It is about a car park but it is more specific.

The Bailiff:

For a supplementary I think I ought to move on to Deputy Scott Warren. Deputy Scott Warren has asked one. I beg your pardon.

4.9 Deputy R.G. Le Hérissier:

Would the Minister assure the House that the bus pass system whereby women get passes at 60 and men at 65 is now human rights compliant?

Deputy G.W.J. de Faye:

I do not believe I can assure the House that it is necessarily human rights compliant but I follow simply in the wake of the Social Security Department who issue their benefits in line with the similar age discrimination or however you wish to pitch it. Age advantage, I suspect, perhaps to one gender as opposed to another. We merely follow how the benefits are dealt out. That seems currently the fairest and most practical thing to do. I am very happy to review the situation and I will certainly keep it under scrutiny. But at this particular moment in time I do not see any need for the bus passes in particular to set some trend in the way that they are allocated.

The Bailiff:

Deputy Southern you are next on my list but I also saw Deputy Pitman and as you have already asked 3 questions I do not know whether you want to yield to her.

Deputy G.P. Southern:

I believe I asked one of this particular Minister, Sir.

The Bailiff:

Two actually.

Deputy G.P. Southern:

If you say so.

4.10 Deputy S. Pitman:

Will the Minister not agree that if the States continue to significantly increase parking spaces in town this will only encourage more car use and will contravene international government environmental goals in attempting to reduce gases that are contributing to climate change? Will the Minister, Sir, take this into consideration with his Travel and Transport policy?

Deputy G.W.J. de Faye:

As with everything, Sir, how we manage travel and transport particularly around our capital is a matter of checks and balances. Indeed the Deputy is quite right to hone-in on the very important issue of exhaust gas emissions. Unfortunately we have seen recently the public response to early attempts to deal with the exhaust gas emission problem. It is one that I would assure the House is constantly monitored and we do come well within E.U. (European Union) guidelines. But it is a subject that I intend to address and in due course I would hope to find some method of perhaps

favouring electrical and hybrid powered vehicles which have significantly lower exhaust emissions but as with everything that may require a little extra budgeting.

5. Questions to Ministers without Notice - The Chief Minister

5.1 Deputy J.A. Martin:

In I think the last supplementary question by Deputy Breckon on the Council of Minister's view of Income Support, the Chief Minister, Sir, said that it was the Social Security Minister alone who decided to delay again the Regulations being drafted. So could then the Minister confirm, as there are no formal minutes of the meetings, that all the other Ministers present were very happy with the Income Support briefing they received from Social Security?

Senator F. H. Walker (The Chief Minister):

We were very happy with the briefing we received from Social Security. It was extremely comprehensive and extremely helpful.

5.2 Deputy S.C. Ferguson:

The Scrutiny Panels have undergone a considerable amount of training to ensure they approach Scrutiny in a professional manner. There is also a Code of Practice with regard to the conduct of Scrutiny which will be debated shortly. Given the different approaches taken by Ministers regarding Scrutiny Reports which question policy would the Chief Minister not think that it might be useful for the Council of Ministers to consider drafting their own Code of Practice in regard to receipt of Scrutiny Reports and perhaps in view of his success in dealing with these does he not think that he should get Senator Le Sueur to draft such a document?

Senator F. H. Walker:

I think it is true to say that both Ministers and Scrutiny Panels have different approaches to Scrutiny. There is no common approach either by the Panels or indeed by Ministers. But I do take the point made by the Deputy and I would have no problem at all with a Code of Practice for Ministers. I note that Senator Le Sueur has fled the Chamber. **[Laughter]** Although he does set an excellent example, I agree, I doubt that is a responsibility he would probably wish to take on with everything else he has on his hands at the moment. But I will take the proposition or the idea - the proposal - I will take it seriously.

5.3 Deputy K.C. Lewis:

Further to news that the Jersey Hospice costs over £5,000 per day to run, does the Chief Minister agree with the principle of a no-strings annual grant towards Jersey Hospice Care?

Senator F. H. Walker:

My understanding is that Jersey Hospice have made it clear they do not want States' grants. Jersey Hospice are an extremely successful organisation, extremely successful not just in the amazing level of care they offer to their patients and families but also extremely successful in the way they get volunteers to work for them - of which there are many - and extremely successful also in raising funds. So I see no need for nor do I see any wish for States intervention at this point.

5.4 Deputy S. Pitman:

Could the Chief Minister explain why one member of his Council has prohibited the siting of mobile phone masts on or within close proximity to departmental properties; that is, Sir, schools? Does the Council of Ministers have a consistent policy with regard to this?

Senator F. H. Walker:

This question has been asked and answered on numerous occasions by both the Health Minister and by the Planning Minister whose remit it clearly falls within. I do not believe I can add anything further to statements they have made to this House on numerous occasions.

5.5 Deputy G.P. Southern:

Yes, Sir, in the absence of any minutes of the Council of Ministers meeting at which Income Support was withdrawn and agreed a delay, could the Minister...

Senator F. H. Walker:

On a point of order, that is not what happened but I will allow if I may the Deputy to continue.

Deputy G.P. Southern:

I am sorry if I get it slightly wrong but in the absence of minutes it is to be expected I think. Could the Chief Minister explain on what grounds there were questions raised that should have required the Social Security Minister to agree to bring back, subject to some consideration, his proposals?

Senator F. H. Walker:

The Social Security Minister and his team - as the Scrutiny Panel is well aware - have been refining their proposals for Income Support over a period of many months. The Council of Ministers had a discussion, as I said - a presentation - on the latest thoughts from Social Security. On the back of that discussion the Social Security Minister felt it appropriate to defer the introduction of income support in the full knowledge that the introduction of G.S.T. has been deferred and that, therefore, he had more time available for consultation and further refinement. That to me is good, sound, solid government.

5.5.1 Deputy G.P. Southern:

A supplementary if I may, Sir. The Chief Minister has not answered the question. On what grounds was there a need to revise?

Senator F. H. Walker:

It is not a question of a need to revise. It is a question of refinement and that is what is going on all the time. I really do not know where the Deputy is heading here. What the Social Security Minister is trying to do is to come up with absolutely the best possible Income Support Scheme. It is intensely complex as the Scrutiny Panel will be only too well aware. Trying to get the right balance in the scheme, trying to make sure it meets the needs of everyone whose needs it needs to meet is extraordinarily difficult. The Social Security Minister is doing absolutely the right thing by using the time he has available to ensure that he refines to the best possible extent.

5.6 Deputy P.J.D. Ryan of St. Helier:

Further to, first of all, Deputy Ferguson's question relating to Council of Ministers' Codes of Practice when it comes to dealing with Scrutiny, and then followed to some degree by Deputy Southern's question about lack of minutes of Council of Ministers' Sub-Committees or however they are described, would the Chief Minister confirm that first of all I have written to him via email asking him whether he would be prepared to review the current policy of the Council of Ministers that they do not take minutes at certain meetings? Would he confirm that I have written to him? Would he confirm whether he would be prepared to look at the question when there are full-blown Scrutiny reviews underway whether he would be prepared to consider that under those circumstances minutes are advisable in order to minimise misinformation, conjecture which in turn might lead to distrust, therefore, making the job of Scrutiny that much more difficult? Would he be prepared to take the review of that particular situation on board?

Senator F. H. Walker:

Firstly, I am not aware of the Deputy's letter. I have received a letter from the Deputy inquiring about minutes for the Migration Advisory Group to which I have responded in the positive. I made that clear in an earlier answer this morning. I am not aware of any other letter that the Deputy has written to me so I would perhaps ask him in return for clarification on that point.

Deputy P.J.D. Ryan:

That is the email I was referring to through you, Sir.

Senator F. H. Walker:

In which case, Sir, the proposal has changed as I referred in earlier on, Sir. Minutes will in future be kept.

5.7 Senator J.L. Perchard:

What was the Chief Minister's reaction when his Minister for Economic Development disowned all responsibility for the choice of the Flying Banana? **[Laughter]** Does he feel it would have been more prudent of his Minister for Economic Development to have at least kept quiet on the matter? **[Laughter]**

Senator F. H. Walker:

Keeping the Minister for Economic Development quiet on any matter is one of my perennial struggles. **[Laughter]** I do not recognise what the Senator is asking, Sir. I do not recognise the Flying Banana terminology. But, Sir, the Minister for Economic Development has made it very clear throughout that although he fully supported and continues to support the brand in its generality, he has always had personal reservations about the logo. That has become known and he responded to questions put to him by the media. I was aware that he was going to. I was aware of the answers he was going to give. I am perfectly content with that situation.

5.8 Deputy A.D. Lewis of St. John:

I wonder if the Chief Minister could confirm that in a recent question to him in the States that I asked, he said he had the full support of the finance industry for the said logo and brand. Can he confirm that he still has that as I have been given to understand that Jersey Finance or their members have no intention of using the brand mark in any of their publicity?

Senator F. H. Walker:

I do not think I ever made the claim that we had full support of the finance industry. That would be a difficult claim to make. What I did say was that the working party established, which was comprised partly of finance industry members was supportive. I am not aware of the position that the Deputy has referred to but I will of course establish the truth behind that comment.

5.9 Deputy J.A. Martin:

Sorry to labour the point, but the Chief Minister in his last speech to Deputy Ryan, and this follows on from Deputy Ferguson as well, what a very important piece of work, fundamental changes to our benefit system, it will go on for years, changing years of established welfare system. Now as I said before, Sir, they have had 2 meetings, at least 4 hours each. Now the Chief Minister, Sir... and we will all be very sad to see him go as he said he is going to retire but someone has to live with the consequences of bringing in this new benefit system. Unless we know... and we know that there must have been some heated discussion around these proposals, they have gone back now twice and they have been presented again. All right then if there is no dissent, Sir, will the Minister please rethink his decision on the 22nd and not make it an informal meeting but make it a formal meeting that is minuted so for future reference we know what all the Ministers in place have to say or have opinions of about certain parts about the new benefit system that should be carrying on to the future.

Senator F. H. Walker:

The straight answer to the question is, no, I will not. I believe it is absolutely vital that the Council of Ministers - and I am sure Scrutiny Panels do the same; I know that some do, Deputy - can have informal discussions and can have briefings. That is what we are talking about. We have briefings. As soon as Ministers' opinions are required and as soon as Ministerial Decisions are taken those will be made available to not just Scrutiny, of course, but to States' Members and the public in the normal way. There is no question of holding anything up here. There is no question of withholding any decisions or opinions. But the importance of having informal discussions and briefings so that Ministers are properly informed cannot be underestimated.

5.9.1 Deputy J.A. Martin:

Sorry, supplementary, Sir. When would discussions become decisions? We do not know that, Sir. We do not know that. And Scrutiny does not have informal meetings because we are not a decision-making body. We never come to the point until we come to... but the Ministers are. We need to know when the discussions... I am being told by Senator Le Main that I need to know. No, Sir, it is the public that need to know. We need to know when the Council are making decisions and if there is anything wrong with the decisions that there is a paper trail for not this House, not even maybe 4 years' time, maybe 10 years' time. Well, who made that decision and who said this is the right way to go? Okay, Sir, the Chief Minister has said he will not change his mind and he will not make the meeting on the 22nd formal. So I presume there will be more discussions and we will not have draft Regulations lodged in the week following that.

Senator F. H. Walker:

Correct, Sir, because the Member has herself made the point equally as well as I could and did earlier that when there are decisions States Members need to know. Exactly right. When there are decisions Members of the States will know as always. If any Minister dissents from that decision, he or she as they always do has the right to have their dissent recorded and if they wish to do so it will be. So I repeat exactly what the Deputy herself has said, Sir. When decisions are taken, minutes are kept and everyone is informed in the proper way. She and I are in more agreement than she realises.

The Bailiff:

I am afraid that concludes the second question period.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

The Bailiff:

I notify members that Deputy Baudains has lodged a proposition, P.85 Environment Scrutiny Panel Vote of No Confidence. Deputy Mezbourian, do you wish to propose the names of members of the Scrutiny Panel?

6. Deputy D.W. Mezbourian:

Yes, if it is acceptable to the House to do so now. I mentioned in my speech that I thought it was appropriate for the Chairman to be someone who had sat formerly on the Panel. Obviously that was going to be the case with the former Chairman and myself standing. I think it would be unwise to suggest that I nominate someone who has not been involved so far with this review. I would ask the House to accept my nomination then of the Deputy of St. Mary and Deputy Pitman in order that we can continue with this review and get the job done and get the report published as soon as possible. I obviously reserve my right to perhaps nominate an additional member to the Panel following the publication of our report, Sir.

The Bailiff:

Are there any other nominations for the Education and Home Affairs Scrutiny Panel? Then I declare that the Deputy of St. Mary and Deputy Pitman have been duly elected to membership of the Scrutiny Panel. Deputy Mezbourian, the Deputy Greffier has just reminded me of the provision of Standing Orders which states that a Scrutiny Panel is generally composed of a Chairman and a number of members determined by the Chairman of the Panel but not more than 4. Are you determining that there are going to be 2 members of your Panel at this stage?

Deputy D.W. Mezbourian:

Yes, Sir, I believe that was what I was intending to do.

The Bailiff:

Or 3? But you hinted that you reserve the right to come back in due course and suggest somebody else for your Panel. But Standing Orders appear to require the Chairman of the Panel to lay down how many members of the Panel there are going to be. The implication is that she will eventually, in short order, fill them. Perhaps I am not making myself as clear as I would wish. But you must determine the number of members of your Panel. If you are determining the number of members of your Panel as being 4, including yourself, then I think you ought to indicate when you are going to come back and propose another member of the Panel. Alternatively, you can simply say if you like that you only wish to have 2 other members apart from yourself.

Deputy D.W. Mezbourian:

I hope I have not misled you or the House. My intention is to nominate 2 other Panel members, apart from myself, at this stage, Sir. Those 2 members will be the Deputy of St. Mary and Deputy Pitman. Is that compliant, Sir?

The Bailiff:

You may have a Scrutiny Panel of 3 members. That is perfectly compliant with Standing Orders. If that is what you want, that is what you can have.

Deputy D.W. Mezbourian:

Yes, Sir, so in fact let me reaffirm. I would like to clarify, Sir, that the intention is that I nominate the 2 members who I have already mentioned and myself so that there will be a Scrutiny Panel of 3.

The Bailiff:

Very well. Very clear. Thank you very much.

Deputy D.W. Mezbourian:

Thank you, Sir.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

Senator M.E. Vibert:

I was noticing you looking at the time. Perhaps if Members agree certainly the 2 propositions I do not believe are particularly controversial. Then it would only leave setting of business. Perhaps we could try to get that done in quarter of an hour, Sir.

The Bailiff:

It is a matter for Members. Members should not rush legislation like Regulations but if it is not a controversial matter. Shall we carry on until 1.00 p.m. and see how things go?

Senator F.H. Walker:

Yes, Sir, could I just make a point? There is a presentation at lunchtime on Tax Information Exchange Agreements but I have checked and if Members wish to continue that can be delayed to suit Members' wishes.

The Bailiff:

May I suggest we carry on until 1.00 p.m. and we will see whether business is completed or not. The next item of business is the statement of the President of the Scrutiny Chairmen's Committee.

7. Deputy S.C. Ferguson:

The Chairmen's Committee was very surprised to read that the Chief Minister was proposing that the Privileges and Procedures Committee compile a chronology of the work of the Scrutiny Sub-Panel and inquire into other aspects of its work into the Housing Department's Property Plan. No prior consultation has taken place either with the relevant Scrutiny Panel or with the Chairmen's Committee. Indeed it is very concerned that the Chief Minister should have announced this move before a debate has taken place in the States on the Plan. The debate will provide the opportunity for Members to comment both on the report and on the Housing Department Plan. Should any concerns flow from that debate, as to the approach taken by the Panel and indeed by the Housing Department, then that is the time to seek an inquiry.

PUBLIC BUSINESS

8. Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 4) (Jersey) Regulations 200- (P.57/2007)

The Bailiff:

We come then to Public Business and the first item of Public Business is the Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 4) (Jersey) Regulations 200-. I ask the Greffier to read the citation of the draft.

The Deputy Greffier of the States:

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 4) (Jersey) Regulations. The States, in pursuance of Articles 2, 6, 8 and 29 of the Sea Fisheries (Jersey) Law 1994 and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations.

8.1 Senator P.F.C. Ozouf:

You rightly point out to the Assembly that Regulations should not be rushed. However, I think that this is a relatively - I hope - straightforward matter and there is a clear explanatory note for Members' benefit. Basically, the existing Regulations provide a minimum size for fish or shellfish and then fish or shellfish is described when using its normal English name and a universally accepted Latin name. From time to time the Latin name for a species may change. It is important that our legislation is amended to reflect this. If it were in French, German or Spanish I would be able probably to properly pronounce it but the English varieties that we are dealing with here are the legislation deals with the English translation of lady crab and spider crab. The opportunity is also being taken to amend the term "fishing vessels" to "fishing boat". Again, this is a housekeeping exercise but the main Fisheries Laws and other Regulations all use the term "fishing boat" and the amendment will bring this Regulation in line with them. Sir, I move the preamble.

The Bailiff:

Are they all seconded [**Seconded**]. Does any Member wish to speak on the principles of the draft?

8.1.1 Deputy G.C.L. Baudains:

Yes, I will not repeat the comment I made a couple of meetings ago about the lawyer and the judge, Sir, but I must say I am so overwhelmed by this information. I find it so helpful.

The Bailiff:

I put the principles. Those Members in favour of adopting them kindly show. Those against? The principles are adopted. Deputy Southern do you wish to scrutinise the Regulations?

Deputy G.P. Southern (Chairman of the Economic Affairs Scrutiny Panel):

No thank you, Sir.

The Bailiff:

Minister, do you propose the Articles?

Senator P.F.C. Ozouf:

I think I do not need to say anything else. Yes, *en bloc*, Sir.

The Bailiff:

Regulations 1 to 3 are proposed and seconded. Does any Member wish to speak? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? The Regulations are adopted in the Second Reading. Do you propose the Regulations in Third Reading?

Senator P.F.C. Ozouf:

Yes please, Sir.

The Bailiff:

Seconded. **[Seconded]** Does any Member wish to speak on the Regulations in Third Reading? I put the Regulations. Those Members in favour of adopting them kindly show. Those against? The Regulations are adopted in Third Reading.

9. Jersey Competition Regulatory Authority: Re-appointment of Chairman (P.70/2007)

The Bailiff:

We come to P.70 - Jersey Competition Regulatory Authority: Re-Appointment of Chairman. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001 to re-appoint the Right Honourable The Lord Kingsland as a member and non-executive Chairman of the Jersey Competition Regulatory Authority for a period of 3 years with effect from 21st July 2007.

9.1 Senator P.F.C. Ozouf:

The Jersey Competition Regulatory Authority is one of the most important bodies this Assembly has set up in recent years. Their work is vital for consumers and to the success of the economy. There has been much work done but a lot more to do: number portability, review of supermarkets coming to the Island and many other competition issues. The Right Honourable Lord Kingsland was appointed in 2004. He has brought skill, sensitivity and firmness to the J.C.R.A. (Jersey Competition Regulatory Authority) and over the last 3 years the body's reputation has improved exponentially. I am delighted that he has agreed to serve for a further 3 years and commend his re-appointment to the Assembly.

The Bailiff:

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

9.1.1 Deputy R.G. Le Hérissier:

At the risk of setting hares running, I wonder if the Minister could tell us were the good Lord to be re-elected is it intended to commission a study... **[Laughter]** sorry, a slight slip. Is it intended to commission a study of the workings of the Competition Authority given the controversy that surrounds its working and the excellent energy it has shown but nevertheless within controversial circumstances?

9.1.2 Deputy G.P. Southern:

May I congratulate the Minister on his choice of leader of the J.C.R.A? It is refreshing to find a man so direct and straightforward in terms of his dealings. May I remind the Minister that if any investigation is to be done of the J.C.R.A. it will probably fall to the Economic Affairs Scrutiny Panel and at the moment it is hovering around number 3 on our hit list?

The Bailiff:

I call upon the Minister to reply.

9.1.3 Senator P.F.C. Ozouf:

I have the greatest of respect to the Right Honourable Lord Kingsland but I did not know that he had any powers further extending to that. As far as I am concerned a body such as the J.C.R.A. and the J.F.S.C. after a period of their implementation and working should be reviewed. I regard that as something of my responsibility. If the Chairman of the Economic Affairs Scrutiny Panel - and I am pleased to hear that he has complimentary remarks to make of Lord Kingsland and his stewardship of the J.C.R.A. - that is a matter for the Scrutiny Panel. But as far as I am concerned the J.C.R.A. having been set up in 2001, it is appropriate to review their powers. I have always indicated that indeed under the Competition Law it will be a requirement to update that Law and probably to widen and strengthen its powers. In respect of the important debate on the privatisation of Jersey Telecom potentially there is currently a review being conducted with the Scrutiny Panel and indeed the Treasury and Resources Minister about the powers of the J.C.R.A. in the Telecom Law. So, yes, a review is required but I could not think of a better individual to continue to chair the J.C.R.A. during this period of further widening of their brief of their important responsibilities. I commend the re-appointment to the Assembly.

The Bailiff:

I put the proposition. Those Members in favour of adopting it kindly show. Those against? The proposition is adopted.

Senator P.F.C. Ozouf:

I should have said I do thank the Lord Kingsland for his excellent service over the last 3 years. I omitted to make that from my remarks.

The Bailiff:

Thank you very much. I come finally to the arrangement of Public Business.

ARRANGEMENT OF PUBLIC BUSINESS

10. The Connétable of St. Clement (Chairman of the Privileges and Procedures Committee):

Before I propose item under M, I have been made aware that a problem has arisen in regard to P.6 - the Social Housing Property Plan. The Minister is naturally anxious that the Plan is debated at an early date but I should mention to the Assembly that the Chairman of the Sub-Panel scrutinising the Plan will be absent from the Island on 3rd July. It might be appropriate that the debate is moved until 10th July but I feel that Deputy Power should make that proposal, Sir.

The Bailiff:

I am sorry, Chairman, you are suggesting that the States should extend its meeting to 10th July to accommodate the requirements of Deputy Power?

The Connétable of St. Clement:

Yes, Sir, but I thought he would be best to explain the reason why he is absent.

The Bailiff:

He is on States' business as I understand it as a member of the delegation of the APF (Assemblée Parlementaire de la Francophonie) in Gabon.

10.1 Deputy S. Power of St. Brelade:

If I may just briefly say that I shall be in Libreville, Gabon, West Africa for 3 days with 2 Jersey students who are attending a Conférence des Jeunes.

10.1.1 Senator T.J. Le Main:

But, Sir, saying that, the Deputy can be replaced. He has got 2 very experienced members on the Scrutiny Panel that could easily take charge of putting the case of the Scrutiny Panel. It is very, very important, Sir, that we get this debated. It is very, very urgent to a lot of people. I urge the Assembly to either accept the 3rd or I would be really pleased if it was the 10th as an alternative.

Deputy S. Power:

May I just comment on what the Senator said? It is not quite as straightforward as that. I, for instance, have had to get a visitors' visa from the Embassy of Gabon in London. That is not an instant thing. Also if somebody were to stand-in at short notice I do not believe they have got time now to get the inoculations necessary.

The Bailiff:

President, I think you have got to make a proposition. Are you proposing that the business as set out in the Order Paper be amended so that the debate on Projet 6 take place on 10th July as a continuation of that meeting?

Senator T.J. Le Main:

I am, Sir.

10.1.2 Deputy P.V.F. Le Claire:

It does seem to me that there might be a degree of confusion between what was said between the Senator and the Deputy, Sir. The Senator said that he would be happy for the Plan to be debated on the 10th. The Deputy is back on the 10th. Surely we could place that item for the 17th.

The Bailiff:

That is exactly what is being proposed, Deputy. Are Members content to have the debate on Projet 6: The Social Housing Property Plan on 10th July as a continuation of the 3rd July meeting?

10.1.3 Deputy J.A. Martin:

It is just probably procedure, Sir. If it is a continuation on the 10th that will be the only thing or can we move? Is there anything on the 17th? If we are going to have an extra meeting my question is basically, Sir, are there a few other things we could move and bring back to the 10th that were on the 17th? We may be all day but if it is going to be... we have already put one day aside. It is just a question is a continuation or an extra meeting would be the best way to solve this. I think, that is my question, Sir?

The Bailiff:

The proposal as I understand it is that it is a continuation of the meeting. Therefore, we will not have 2 hours of questions on the 10th.

10.1.4 Senator F.H. Walker:

I am sure that will be the case. I do not know whether it is relevant or not but I will not be here on the 10th. I will be out of the Island on the 10th. I was rather anticipating that this would be moving to the 17th.

10.1.5 Deputy G.P. Southern:

If I may, Sir, I believe all the pressure to have a debate at the earliest possible moment has come from the Housing Department. The fact is we have seen the bare bones of some of the objections in the Scrutiny Report. I do not think the Scrutiny Report has had time either to be digested or to be completed fully in this sort of short timescale. There is nothing urgent in the Housing Property Plan that precludes it moving to September.

10.1.6 Senator T.J. Le Main:

Could I respond to that because I think it is terribly important that we are dealing with people here? We are dealing with ordinary people. We have got timetables: we have got sale of Le Squez, we have got timetables to meet. It is terribly, terribly urgent to hundreds and hundreds of people that we get this through before the summer recess. Sir, I urge Members to please... we have delayed it. I have delayed it for 2 weeks because the Scrutiny Report has only been out a couple of days. There is ample opportunity for any Member to contact me, to talk to us, to talk to Scrutiny. I urge Members to please, on behalf of all these people that are relying on us, to have a decision made once and for all, to debate it either the 3rd or the 10th of next month.

The Bailiff:

I would like to say, from the Chair, that there is another option. If Members accept that it is undesirable to debate this projet in the absence of Deputy Power in the light of the Scrutiny Sub-Panel's Report, another option is to debate it on 17th July. If any Member wishes to propose another...

Senator T.J. Le Main:

If it could be taken as the first item on the agenda.

10.1.7 Senator F.H. Walker:

Can I please propose that it is taken on the 17th? And picking-up what the Housing Minister has said, that could also taken as first item on Public Business.

The Bailiff:

Very well. Are Members content to deal with the matter in that way? So we approve the list of matters for 3rd July save that the Housing Plan is deferred to the first item on 17th July.

10.2 Deputy A. Breckon:

May I ask procedurally if the Chairman of P.P.C. proposes Deputy Baudains' proposition? My understanding is that a vote of confidence is taken at the next meeting as the first item. Has that been proposed? I did not hear that.

10.2.1 The Connétable of St. Clement:

I was just about to propose that because I did say in my remarks that before I proposed the items on M. What I would do now, Sir, is propose that the items as listed on the pink sheets under M with the addition of P.85 which is an Environmental Scrutiny Panel - Vote of No Confidence which I

understand would be taken as the first item on that day and that the Social Housing Property Plan is now debated on the 17th instead of 3rd July, Sir.

The Bailiff:

I am sorry, you have lost me.

The Connétable of St. Clement:

P.85, Sir, which was lodged today, which is a Vote of No Confidence will have to be debated on 3rd July so I am adding it to the list on that date, Sir.

The Bailiff:

Right, very well, yes.

10.2.2 Deputy R.C. Duhamel:

I am probably as surprised as most Members that we do have a Vote of No Confidence proposition on the table lodged today without notice to the Scrutiny members on my Panel or indeed to me, Sir. It poses a particularly difficult problem for us because there are, as I mentioned to the House this morning in reply to the oral questions, there are 2 reports that the Panels have been working on for a substantial period of time which are in the throes of being finished off for publication. I did indicate, and it is all minuted, that the publication date was for 17th July. If indeed we go ahead with a Vote of No Confidence on 3rd July, in effect, Sir, the House would be denying the Panel the opportunity to finish those reports and lending weight to a request for a Vote of No Confidence which is...

The Bailiff:

Deputy, that is a matter for argument when the matter is debated, is it not?

Deputy R.C. Duhamel:

I am not sure it is, Sir. That is why I am suggesting although it says under the Standing Orders that an item has to have a minimum period of 2 weeks, I would formally propose, Sir, that we be given 4 weeks and that it be taken on 17th July or any other further meeting in order for the Panel to finish its work.

The Bailiff:

Deputy Duhamel is quite correct. The minimum lodging period for a Vote of No Confidence is one of 2 weeks. Deputy Duhamel wishes to propose that the Vote of No Confidence in his Panel be deferred until 17th July. Is that right?

Deputy R.C. Duhamel:

Yes, Sir, that is correct.

The Bailiff:

Is that amendment of Deputy Duhamel seconded?

Deputy P.V.F. Le Claire:

As we are tabling the report on the 17th I would like to second that amendment.

10.2.3 Deputy G.C.L. Baudains:

While I appreciate the dilemma that the Chairman of the Panel finds himself in, Sir, I would point out that if we do defer it to the next sitting then should the Vote of No Confidence be successful there will not be sufficient time to put a new Panel in place before the summer recess. The whole point of my proposition is that I do not believe the Panel has been getting on with its job. It would seem ironic then if we were to then have an inactive Panel throughout the entire summer recess.

The Bailiff:

Well, may I put the...

10.2.4 Senator M.E. Vibert:

Can I just say that as far as I am aware convention has always been since I have been in the House that a Vote of No Confidence is debated at the next available sitting. The obvious reason for that is that because the Member bringing it has no confidence in the body or the Chair of what is being proposed. I think it would be a very dangerous precedent to put off having a Vote of No Confidence. The whole idea of a Vote of No Confidence is that it is dealt with as soon as possible.

The Bailiff:

Very well. Well I put the amendment...

Deputy R.C. Duhamel:

Could we have an Appel, please?

The Bailiff:

Yes, very well. Any Member who wishes to vote on this matter should return to his or her seat. The voting is for or against the amendment of Deputy Duhamel that the Vote of No Confidence in his Scrutiny Panel be deferred to 17th July.

POUR: 16		CONTRE: 27		ABSTAIN: 0
Senator B.E. Shenton		Senator L. Norman		
Senator F.E. Cohen		Senator W. Kinnard		
Senator J.L. Perchard		Senator P.F. Routier		
Connétable of St. Mary		Senator M.E. Vibert		
Connétable of St. Peter		Senator T.J. Le Main		
Connétable of St. Helier		Connétable of St. Ouen		
Connétable of Grouville		Connétable of St. Clement		
Connétable of St. Martin		Connétable of Trinity		
Deputy R.C. Duhamel (S)		Connétable of St. Lawrence		
Deputy of St. Martin		Connétable of St. Brelade		
Deputy C.J. Scott Warren (S)		Connétable of St. John		
Deputy J.A. Martin (H)		Deputy A. Breckon (S)		
Deputy J.A. Hilton (H)		Deputy J.J. Huet (H)		
Deputy P.V.F. Le Claire (H)		Deputy G.C.L. Baudains (C)		
Deputy J.A.N. Le Fondré (L)		Deputy R.G. Le Hérissier (S)		

Deputy S. Pitman (H)		Deputy G.P. Southern (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		
		Deputy P.J.D. Ryan (H)		
		Deputy of St. Peter		
		Deputy G.W.J. de Faye (H)		
		Deputy D.W. Mezbourian (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		
		Deputy of St. Mary		

The Bailiff:

Now may I take it, therefore, that Members agree that the Vote of No Confidence will be dealt with as the first item on 3rd July and the Housing and Social Policy matter will be taken as first matter on 17th July?

The Bailiff:

Very well. If Members are...

10.3 Deputy G.P. Southern:

If I may, Sir. Item P.68 which is due to be debated on 3rd July was put back from today. My understanding was that it was going to be looked at again by P.P.C. to lodge some comments or amendments to it. Can I be assured that not having seen any amendments that none will be coming in the afternoon that I have to prepare for?

Senator M.E. Vibert:

Sorry, Sir, did he say in the afternoon? I believe that comments will be issued before 3rd July before the debate.

ADJOURNMENT

The Bailiff:

Very well. If Members are content with all those arrangements the House stands adjourned until 3rd July.