

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 23rd MARCH 2010

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[9:30]

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

QUESTIONS

1. Written Questions

1.1 SENATOR B.E. SHENTON OF TO THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PROTECTION OF A BUILDING DEFINED AS BEING OF LOCAL INTEREST:

Question

Will the Minister explain whether, where a building is defined a being of “local interest” only, the whole building is protected; whether the owner is informed the property is so listed (as would be the case for a building of special interest) and why are applications on such property, particularly the rear, subject to rigorous officer involvement as if they were of “special” interest- in which case such buildings should be designated as sites of special interest – (SSIs) - under the Planning and Building Law?

Answer

This question comprises three parts each of which is dealt with in turn:

- i) The extent of protection afforded to historic buildings is set out in published supplementary planning guidance. Advice Note 6: *Managing change in historic buildings* (June 2008), provides the following advice (emphasis added);

‘Once protection is conferred upon a building or site, consent is normally required for demolition, in whole or in part, and for any works of alteration, extension or excavation which would affect its character as a building or site of architectural, archaeological, historic or other interest. It is a criminal offence to carry out such works without consent where it is required.

Controls apply to all external works to protected buildings, and also to internal works where the building is a Site of Special Interest (SSI) that would affect its special interest. Consent is not normally required for minor repairs using the same material, but, where repairs are extensive or involve different materials or include alterations which would affect the character of the building, consent is required. Whether repairs actually constitute alterations which require consent is a matter of fact and degree which must be determined in each case: further advice on this is provided in the appendices to this document. Where painting or repainting of a protected building would affect the building’s character, consent is required. Further detailed guidance on alterations to protected buildings, is given in below.

It should be noted that controls apply to the whole of a protected site, not just the front elevation or the main building. Also in Jersey, churches are not exempt from control as they are in England. It is also relevant to note that approval under the Building Byelaws is distinct from planning permission and building owners should

ensure that they have all necessary permissions to undertake work to a protected building or site.

- ii) The process of Listing (in the case of Sites of Special Interest) and Registration (in the case of Buildings of Local Interest and Archaeological Sites) was described in response given by the Minister for Planning and Environment to a written question from Senator JL Perchard on 02 February 2010 (1240/5(5084)).

As previously stated, the process involves the following (emphasis added):

‘The process of Listing or Registration involves the service of a Notice of the Minister’s Intent to List or Register a building or place. This can be served on the owner or, where the owner is not known, on site. The Notice will be accompanied by a schedule, plan and photographs setting out why the building or place is considered to be special or important.

The service of a Notice of the Minister’s intent to List or Register a building or place provides the owner, and any other interested party, with an opportunity to submit written representations directly to the Minister about the proposals to include it in the List or on the Register. Any such representations should relate to the special interest of the site and the Minister has to take any such representations into account. He does this at a Public Hearing, where owners and other interested parties are provided with an opportunity to speak in support of their representation before the Minister makes his decision whether or not to add the building or place to the List or the Register. Once the Minister has made a decision, the owner is notified in writing, and the List and/or Register, is updated.’

- iii) The Minister for Planning and Environment has published details about the basis upon which he determines whether a building or place ought to be designated as a Site of Special Interest or a Building of Local Interest in supplementary planning guidance. Practice Note 9: *The identification and designation of buildings and places of architectural, archaeological, historical or other interest* (November 2008), provides details of the criteria used.

The basis of designation of Sites of Special Interest (SSI) and Buildings of Local Interest (BLI) can be summarised as follows:

- The essential criterion for the designation of an historic building as a Site of Special Interest is that its special interest extends substantially to its authentic fabric, plan form, interior features, or historical associations of the interior: in other words, it is not substantially confined to the exterior of the building and the contribution which it makes to the character or appearance of its townscape or landscape setting;

- Buildings of Local Interest are those which substantially retain their historic form and detail, or sufficient for that form and detail to be readily recovered from surviving evidence, and so make a significant and positive contribution to the architectural and historical identity, character and amenity of Jersey

Planning applications for works affecting all historic buildings – whether SSI or BLI - are considered consistently according to general principles related to managing change in the historic environment, as set out in Advice Note 6: *Managing change in historic buildings* (June 2008).

The States 2002 Island Plan also provides the policy context for the determination of planning applications affecting historic buildings where there is a policy presumption in favour of preserving the architectural and historic integrity of all historic buildings, as set out in Policy G13.

POLICY G13 – BUILDINGS AND PLACES OF ARCHITECTURAL AND HISTORIC INTEREST

There will be a presumption in favour of the preservation of the architectural and historic character and integrity of registered buildings and places. Applications for the alteration or change of use of a registered building must contain sufficient information against which the impact on the fabric and appearance of the building can be assessed.

Permission will not normally be granted for the:

- (i) total or partial demolition of a registered building;
- (ii) extension or other external alteration works which would adversely affect the architectural or historic interest, character or setting of a registered building or place;
- (iii) addition of external items, including satellite dishes, antennae, signs, solar panels, rooflights and PVCu or aluminium doors or windows, which would adversely affect the special interest or character of the building; and
- (iv) removal of natural roofing materials and render or stucco and their replacement with modern alternative materials.

In addition, where the registered building is designated as a Site of Special Interest, permission will not be granted for alterations which would have an adverse impact on the internal structure, historic interiors and fittings.

Permission may be granted for partial demolition, but only for the removal of inappropriate additions to the building, where their removal would not harm, or would improve the historic character and appearance of the building or its setting.

This accords with the purposes of the Planning and Building Law and the obligations of the Minister under the Convention on the Protection of the Archaeological Heritage (revised) (Valetta, January 1992).

Where planning applications are refused for works to historic buildings on grounds relating to the protection of heritage value, they remain open to the possibility of appeal, as with all other planning applications.

1.2 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING NEW DWELLINGS IN ST. LAWRENCE FROM 2002 TO 2009:

Question

Will the Minister advise how many new builds (houses/flats/apartments) have been constructed in St. Lawrence from January 2002 to December 2009 and provide the information on an annual basis, showing separate totals based on the number of bedrooms per dwelling?

Answer

I should like to thank the Connétable for early notice of this question.

However, even with the additional time, the Department is unable to supply the information exactly as requested, as not all of the necessary data is collected and entered in the Department's computerised application monitoring system, on a parish by parish basis.

The information on total Category A (affordable) and Category B (market) housing completions in the Parish for the years in question is shown in the table below.

Annual Net Completions by Category – St Lawrence

Year	Cat A	Cat B	TOTAL
2002	-	54	54
2003	-	71	71
2004	-	3	3
2005	-	4	4
2006	17	100	117
2007	-	10	10

2008	16	20	36
2009	86	3	89
TOTAL	119	265	384

However, while the Department aggregates numbers of dwellings by type and size on an Island-wide basis (biennially for the 'Planning for Homes' document) it cannot express this information by Parish, going back to 2002, without recourse to raw application data (the original files) and cross-checking them to all completions. This would take weeks of work and take someone off-line. It is possible that this information might be obtained more readily from Parish rate returns if required.

Fortunately, we have the information on dwelling sizes in St Lawrence for 2007 and 2008, and these are shown below.

Net Completions by Type and Size – 2007 – St Lawrence

Category	HOUSES							FLATS					
	1 bed	2 bed	3 bed	4 bed	5 bed	unknown	Total	1 bed	2 bed	3 bed	4 bed	Total	
Cat A	-	-	-	-	-	-	-	-	-	-	-	-	-
Cat B	-	1	8	2	-	-2	9	1	-	-	-	1	
TOTAL	-	1	8	2	-	-2	9	1	-	-	-	1	

Net Completions by Type and Size – 2008 – St Lawrence

Category	HOUSES							FLATS				
	1 bed	2 bed	3 bed	4 bed	5 bed	unknown	Total	1 bed	2 bed	3 bed	4 bed	Total
Cat A	-	-	16	-	-	-	16	-	-	-	-	-
Cat B	-	3	8	5	-	-	16	4	-	-	-	4

TOTAL	-	3	24	5	-	-	32	4	-	-	-	4
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The Department will be capturing this information on the system for all housing applications, after the new Island Plan is adopted, as a performance measure. This will enable it to produce information in the manner requested by the Connétable, in future.

1.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING COMPLAINTS ABOUT DOG MESS:

Question

Having received complaints from island residents about dogs’ mess on the Island coastal footpaths, the Jardin d’Olivet and the sand dunes, with dog owners often not taking the trouble to pick up and dispose off the waste and others picking up mess but not disposing of plastic bags in an appropriate manner, would the Minister inform members what action, if any, he is taking to deal with the problem?

Answer

The problem of dogs’ mess is an ongoing issue which officers of the departments working in the Island’s open spaces find particularly frustrating. Whilst the majority of dog owners are diligent in disposing of dog waste in an appropriate manner there is, unfortunately, a minority who are not.

Officers from both TTS and the Environment Department administer these areas and are continually striving to solve the problem. For example, each spring when dogs are no longer able to run on Jersey's beaches off lead, Environment run a campaign which involves Officers patrolling problem areas, talking to dog owners, putting up posters and distributing dog bags.

Owners who allow their dogs to foul in a public place can be prosecuted under the Policing of Parks (Jersey) Regulations 2005, The Policing of Roads (Jersey) Regulations 1959 (Revised Edition of Law at 31st August 2004) and the Policing of Beaches (Jersey) Regulations 1959. Whilst these laws are under the administration of various departments, responsibility for prosecution lies with the Connétables and their Centeniers.

There is a general view that until there are some prosecutions there will always be people who will not clean up after their dogs.

1.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE PROGRESS OF MAIN DRAIN EXTENSIONS INTO THE COUNTRYSIDE:

Question

Having been notified by the Minister in January 2009 that all matters relating to the extension of mains drains would be covered in the forthcoming Liquid Waste strategy, would the Minister explain why, some 16 months into his term of office, the Strategy has not yet been produced and would he inform members when it will be issued for consultation and what proposals it is likely to include?"

Answer

The liquid waste strategy is 90% complete in draft form. The environmental, asset and engineering details of the strategy are finalised and these specific elements will be published for consultation to the environmental scrutiny panel in April.

However, my team have not finalised two key aspects of the strategy, how to raise the necessary funding and the preferred organisational structure for liquid waste, moving forwards.

The strategy covers four main areas, namely, process improvements, maintenance of existing assets, network capacity enhancements and foul sewer extensions.

Process improvements cover all aspects of treatment and the replacement of the sewage treatment works at Bellozanne.

Maintenance of existing assets covers the long term maintenance needs of the sewerage network, surface water networks process assets and pumping stations.

Network Capacity enhancements details the necessary work the network will need to safely match any predicted population growth.

Foul sewer extension covers the long term plan for extending the existing network and includes a review of how to undertake this in a cost effective and innovative manner.

As Minister for TTS I and my team are striving to deliver the Liquid Waste Strategy in a timely fashion, however, my department has limited resources.

Progression of the Liquid Waste Strategy requires additional funding to enable a business case to be developed which will set out for States Members the preferred means of delivery. To enable the Strategy to be progressed a total of £0.5 million is required.

Finally, the current economic downturn has led me to challenge the initial timescales for delivery of this strategy and I feel there is a need to further consider the funding mechanisms options for the medium term.

1.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE OVERALL COST OF INCOME SUPPORT:

Question

Can the Minister inform members of the number of persons currently receiving Income Support, and the weekly cost to the Island and will he further state how many people receiving it have been unemployed for longer than 12 months, 6 months and 3 months?

Does Income Support include payment of mortgages, if so, for how long does this support continue per person and what has the total cost to the taxpayer been since Social Security implemented the Income Support system?

Answer

8,544 households received Income Support (IS) (including transition) on 28th February 2010, and the equivalent weekly benefit cost was £1,474,054¹.

The table below provides details of the number of individuals in receipt of IS who are registered as actively seeking work for the periods requested (figures as at 31st January 2010).

Duration of unemployment	Number of individuals actively seeking work
3 to 6 months	246
6 to 12 months	176
12 months or longer	92

There is no provision within the IS scheme for payment of mortgages. In a very small number of cases with exceptional circumstances financial assistance has been provided for the payment of mortgage interest via a discretionary payment, which falls outside the main framework of IS.

1.6 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE COST OF REFURBISHMENT OF ELIZABETH TERMINAL:

Question

Why was it felt necessary in a recession to refurbish the Elizabeth Terminal, what was the cost and where has that money come from?

Answer

¹ This amount does not include the cost of residential care, but it does include the cost of transition benefits paid to individuals in residential care.

The Elizabeth Terminal was constructed in 1987 and although the original footprint of the building has been extended on several occasions, this is the first refurbishment. In recent years comments from the general public have been received on the poor impression the Elizabeth Terminal was giving to visitors to the Island as the gateway to Jersey. Whilst the Island is facing a recession the passenger figures through the Terminal have remained positive in 2009, in particular UK routes experienced growth.

This investment is maintaining and improving essential infrastructure and represents important support for the tourism industry.

Our business partners Condor Ferries are also taking the opportunity to undertake, in parallel, a substantial upgrade of their front of house operation at their own costs.

The refurbishment work is currently being undertaken by a local company who submitted the most cost effective tender. The £400,000 project is funded from the Jersey Harbours Trading Fund. The States approved Harbours Capital Programme within the States of Jersey Business Plan 2008/09 which included the overdue upgrade of the Elizabeth Terminal.

1.7 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING HOUSING UNITS IN THE DRAFT ISLAND PLAN:

Question

1. How many units of accommodation, houses and dwellings per Parish have been identified in the draft Island plan and in what categories?
2. How many of these, if any, have been identified as undesirable by the Connétables of the Parishes they are in?
3. is the main reason for any opposition to certain developments a perception of over development of their Parish and;
4. What discussions, if any, have taken place with the Minister for Housing to address his own concerns and those of his Assistant Minister and other members, regarding the adequacy of the units proposed and the potential over development of St. Helier?

Answer

The Minister for Planning and Environment was tasked by the States in the Strategic Plan 2009-2014 to identify sufficient appropriate development sites for housing – without further rezoning of green areas – in the Island Plan ensuring that the unit mix and tenure types meet prevailing demand (States Strategic Plan 2009-2014: Priority 14). The aim of the Island Plan is, therefore, to make provision for sufficient land and opportunities to meet, as far as possible, the anticipated

requirement for homes in the Island over the 10 years of the Plan period ensuring that needs and demands for different categories of housing; housing tenures; and housing types are met.

The requirement for housing which needs to be provided for in the draft Island Plan is a minimum of 4,000 homes in the 10 year period 2009 to 2018.

The draft Plan does not seek to meet this need on a parochial basis, but rather seeks to meet the Island's overall housing need in accord with the Plan's proposed spatial strategy, which seeks to focus development largely within existing built-up areas and on already developed land, in accord with the objectives of the Strategic Plan.

On the basis of an assessment of estimated demand against anticipated and planned supply, the draft Island Plan seeks to satisfy identified requirements for new homes over the Plan period with sufficient supply from both;

- existing known sources of housing supply (e.g. existing planning permissions, opportunities for development at the Waterfront and windfall developments in the Built-up Area) and;
- from planned sources of supply, including new proposals to zone Category A housing sites.

The table below sets out the anticipated sources of housing supply:

Supply of Homes 2009-2018 (*source: draft Island Plan 2009*)

Supply	Delivery period				Total
	2009-2013		2014-2018		
	Cat A	Cat B	Cat A	Cat B	
2002 Island Plan Cat A sites (Policy H2, 2002 Island Plan)	125	0	0	0	125
2002 Island Plan amendment: lifelong and 1 st time buyer homes	300	0	0	0	300
St Helier Waterfront	0	600	0	400	1000
Town of St Helier	100	650	200	550	1500
Windfall	100	750	200	650	1700
Rural centres (Policy H5 Draft Island Plan)	25	0	75	0	100

Draft Island Plan Cat A sites (Policy H1 Draft Island Plan)	200	0	0	0	200
Less outworn sites	-300	0	0	0	-300
Total	550	2000	475	1600	4625

More information about the need for different categories and types of homes as well as these sources of supply is contained within the draft Island Plan (pp.234-243).

To help contribute towards part of the need for family homes and affordable homes over the initial five years of the life of the Plan in particular, it has been considered necessary to propose the rezoning of seven housing sites in the draft Island Plan. Policy H1 proposes the rezoning of the following sites, five of which are glasshouse sites and two are greenfield sites. If approved, these sites have the potential to provide between 200-300 homes.

1. De La Mare Nurseries, la Rue a Don, Grouville (2.5 acres/5.5 vergées);
2. Cooke's Rose Farm, Field 114, Le Passage, Carrefour Selous, St. Lawrence (1.3 acres/3 vergées);
3. Samares Nursery, Grande Route de St Clement, St Clement, (9.8 acres/22 vergées);
4. Longueville Nurseries, New York Lane, St Saviour (2.1 Acres/4.75 vergées);
5. Part Field 1219, Grande Route de Mont a l'Abbe, St. Helier. (2 Acres/4.5 vergées);
6. Glasshouse site, Field 785, Rue des Cosnets, St Ouen (1.5 Acres/3.5 vergées);
7. Field 633, La Verte Rue, St Peter (approximately 0.95 acres/2 vergées).

These sites are proposed to be zoned specifically for the development of Category A housing in the respective proportions of 75% (Jersey Homebuy): 25% (first-time buyer).

2. How many of these, if any, have been identified as undesirable by the Connétables of the parishes they are in?

Answer

The draft Island Plan was published for consultation in September 2009: the consultation period closes on 31 March 2010. To date, there has been one formal objection from a parish Connétable, lodged by the Connétable of St Clement, in relation to housing matters.

The Minister for Planning and Environment is, however, aware that other Connétables may have concern over sites proposed for rezoning in their parishes and is sympathetic to the need for Connétables to represent the concern that their parishioners may have about proposed new housing. The Minister will give these concerns close consideration as part of the plan preparation process.

To enable the Minister to clearly and properly understand the concerns that Connétables may have and to be able to give them due consideration, however, the Minister would urge the submission of formal representations before the end of the consultation period.

This will allow any representations, together with the polices and proposals themselves, to be subject to an independent and rigorous scrutiny process of all issues of concern by the independent planning inspector at the forthcoming Examination in Public (EIP). This will help to inform the draft Island Plan that is lodged in the States.

Because of the areas of concern of which he is aware, the Minister is presently minded to make changes to the draft Island Plan that is brought back to the States, but will await the conclusion of the consultation process, before he does so.

In considering the provision of land for housing, however, and in particular the seven proposed sites for rezoning, it will be important for Members to be aware that these seven sites seek to contribute towards the identified need for affordable family homes in the draft Island Plan. Any change to the draft Island Plan affecting these sites would need to be made with a view to ensuring that the objective of helping to meet this need could be made through alternative provision if the Plan is to remain sound and is to satisfy the objectives set by the Strategic Plan.

3. Is the main reason for any opposition to certain developments a perception of over development of their parish and;

Answer

As stated in the response above, whilst the Minister is aware that some Connétables may have concern about the proposed rezoning of land for housing in their parishes, only one objection has been formalised as part of the Island Plan process. This cites four issues of concern related to the proposed rezoning of land in St Clement, which are:

- *The site is not necessary;*
- *The parish is 'overburdened' by development;*
- *The site would be better used for private amenity space and/or allotments;*
- *The proposal does not have the support of the Parish*

The exact basis of concern that other parish Connétables may have in relation to other sites is not precisely known presently as detailed representations have yet to be received.

It is also relevant to note, however, that in bringing these sites forward, the Minister for Planning and Environment is seeking to adhere to the direction provided to him by the States Strategic Plan 2009-2014 to identify sufficient appropriate development sites for housing – without further rezoning of green areas – in the Island Plan ensuring that the unit mix and tenure types meet prevailing demand (States Strategic Plan 2009-2014: Priority 14). The consequence of this strategic direction, provided by the States, is that new development will inevitably be directed to the Island's most urban parishes.

4. What discussions, if any, have taken place with the Minister for Housing to address his own concerns and those of his Assistant Minister and other members, regarding the adequacy of the units proposed and the potential over development of St. Helier?

Answer

The draft Island Plan seeks to meet many of the Island's needs, particularly in relation to housing, and has been developed in consultation with key stakeholders, including the Housing Department.

The draft Island Plan was the subject of consideration and endorsement, as a draft for consultation, by a political Steering Group and the Council of Ministers of which the Minister for Housing was a member of both.

The Planning and Environment Department has recently undertaken further work to update information relating to the provision of and supply of housing land. The *Interim Review of Residential Land Availability*, to be published shortly, indicates that the Island is in a good position to meet the overall demands for new homes over the next five years. To meet particular housing challenges, such as the provision of family homes and more affordable housing, however, the report identifies that it is important that those sites identified for new housing in the draft Island Plan come forward for development. If these sites are not supported, it will be necessary that alternative provision is made for these needs to be met.

In preparing the draft Island Plan, the Minister for Planning and Environment is aware of the need to ensure that the impact of increased levels of development in existing urban areas does not detract from the quality of life enjoyed by existing and new residents and the character of these areas. To address this matter, the Minister's department is in the process of reviewing standards related to the provision of amenity space as part of new residential development, as an integral part of the Island Plan Review.

The draft Island Plan also contains policy which seeks to protect existing public open space within existing urban areas and to require and encourage its

maintenance and enhancement as an important element of the urban environment (see draft Island Plan pp. 285-294).

1.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INTERIM DIRECTOR OF FINANCE:

Question

Following the announcement that the interim Finance Director who was on a 6 month contract has been appointed as Acting Treasurer of the States would the Minister inform members -

1. whether the position was advertised locally and why it was necessary to recruit the postholder from outside the Island given that Jersey is an international finance centre in its own right with many highly qualified persons who are used to handling billions not millions of pounds? Was the local pool of labour not able to produce a person with the right qualifications to undertake the role?
2. why the current Deputy Treasurer was not appointed to fill this post on an interim basis?
3. what the job description is for the post to which the Acting Treasurer was first appointed, what the cost to the Island is for the 6 months contract, what the hours of work are and whether the postholder is resident in Jersey?

Following the distribution to members of details of some of the Acting Treasurer's CV would the Minister circulate his full CV to all members?

Answer

1. There are local senior level people experienced in the finance industry as well as very capable staff currently working in the public service. The role of Interim Finance Director was specifically set up to lead changes in Financial Management across the States of Jersey. The Treasurer and Treasury & Resources Minister therefore required strategic level experience in a large, complex organisation and breadth of knowledge of public sector finance, which is very different in nature to private sector financial services. In addition to this, previous experience of delivering change in a similar environment was essential. This interim appointment was made through an agency with experience of recruiting senior interim staff for this type of position.
2. The Deputy Treasurer was not appointed as acting Treasurer as he already has a very significant workload and releasing him from these duties would have caused further major disruption in the Treasury.
3. The requirement to appoint an Interim Finance Director was made by the Treasurer, to support him in bringing in changes previously identified in a report

by the CAG and subsequently supported in a paper presented to the Treasury and Resources Minister. The purpose of the role was to lead the implementation of the restructuring of financial management within the States of Jersey, under the direction of the Treasurer. The successful candidate was appointed as Interim Finance Director following interviews conducted by the Treasurer, Chief Executive Officer of the States and the Treasury and Resources Minister. The post holder is currently resident Monday - Friday in Jersey. The approximate costs including travel and subsistence are expected to be in the region of £130,000.

4. Under the Data Protection Act, individuals are afforded protection regarding how personal information about them is held and used. A summary of the Interim Treasurer's experience was made available to all States Members on 12th March.

1.9 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CLARIFICATION OF THE NUMBER OF 1(1)(k) RESIDENTS WHO PAID TAX FROM 2005 TO 2008:

Question

Given that with 123 such residents there is no possibility whatsoever of any individual being able to be identified will the Minister clarify the number of 1(1)(k) residents, if any, by year for the period 2005 to 2008 inclusive, who paid tax within the following brackets:

- (a) less than £5,000
- (b) between £5,000 and £10,000

Answer

- (a) 2005 - 7 2006 - 8 2007 - 4 2008 - 10
- (b) 2005 - 11 2006 - 14 2007 - 10 2008 - 8

I have previously indicated that I will be conducting a review of 1(1)(k) residents. This will encompass arrangements prior to 2005.

1.10 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TAXATION OF 1(1)(k) RESIDENTS:

Question

At present those 1(1)(k) residents granted such status after 1st January 2005 are taxed at the following rates:

- The first £1m of foreign income at 20%
- The next £500,000 of foreign income at 10%
- The balance of foreign income at 1%
- All Jersey source income at 20%

The Minister has further advised the Assembly recently that the taxation percentage of all 1(1)(k) residents can be legally increased/enhanced. This being accepted, will the Minister advise what increase in tax revenues could be expected if all 1(1)(k) residents were to be taxed instead at:

- the increased rates of 25%, 12.5%, 2% and 25% respectively; or (b) alternatively by a straight-forward 1% increase in all four categories?

Answer

In my written answer to the Deputy on 23rd February, 2010, I stated ‘...1(1)(k)’s may pay all their tax liability personally, or it may be split between their personal liability and that of their companies and / or trusts.....’.

It is not possible to give an answer to this question because the Deputy only refers to the personal income tax rates which 1(1)(k)’s are liable to in a personal capacity.

1.11 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE CREATION OF A CHILDREN’S PLAN FOR JERSEY:

Question

Having agreed to defer my proposition P.201/2009 ('Strategy for dealing with young offenders: establishment of a working group') to await any developments arising from related work being undertaken under Mr. Andrew Williamson relating to the creation of a 'Children's Plan for Jersey', will the Minister advise as to what stage this work has now reached and when he expects it to be concluded?

Answer

Although this question is being asked of me, I am responding on behalf of the Child Policy Group.

The Children's Plan is the responsibility of the Child Policy Group, which consists of the Ministers for Health and Social Services, Education Sport & Culture and Home Affairs, the Chief Probation Officer and the three other relevant Chief Officers.

Since I last reported to the States, the following have occurred: -

- (a) scoping work has been completed in relation to the contents and themes to be included in the Children's Plan including the management of children within the Criminal Justice System;
- (b) an Executive Officer has been appointed to provide support and management to the Child Policy Group in relation to this project;
- (c) Andrew Williamson, who is acting as the Transitional Director for Children's Services, has contracted a person, who has previously had experience of similar work in the UK, to draft the Children's Plan;
- (d) by the end of April we should have in place a timetable and a worked out process for the development of the project.

It is anticipated that the Children's Plan will be presented to the States before the end of this year.

1.12 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING PLANS FOR THE CREATION OF AN INDEPENDENT JERSEY POLICE AUTHORITY:

Question

Will the Minister advise what progress has been made regarding plans for the creation of an Independent Jersey Police Authority and further still, at what date does he believe the necessary preparation work will be completed and the Authority launched?

Answer

In late December 2009 I requested the Chief Officer, Home Affairs, to prepare a report in relation to the creation of an Independent Jersey Police Authority. He worked in consultation with the Acting Chief Officer States of Jersey Police and the report was produced earlier this month.

In January 2010 I spoke to 6 members of the Assembly, including the questioner, and asked them if they would be prepared to be involved in a Consultative Group on this issue. I have recently written to them enclosing the report and with a view to setting up the first meeting.

Various policy decisions will need to be made, and I intend to bring a general Proposition to the States in order that the general principles involved can be discussed.

Once the principles have been decided by the States, my department will work with the Law Draftsman's Office with a view to the relevant legislation being passed in the first half of 2011 and the Authority launched in the second half of 2011.

Further details are contained in my comment to P.23/2010.

1.13 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING PROSECUTIONS FOR BENEFIT FRAUD:

Question

Given that Social Security recently highlighted the fact that there had been just nine prosecutions for benefit fraud in 2009 would the Minister clarify the collective total amount of the de-frauded monies involved?

Answer

Of the 9 cases of benefit fraud investigated and successfully prosecuted in 2009 the value of overpayment identified was £41,340.64.

The great majority of cases identified by the department are not referred to the Law Officers for possible prosecution. However, in all cases of customer error or fraud the department seeks to recover monies overpaid. This may be through deductions from ongoing benefit entitlement, a lump sum repayment or an instalment agreement tailored to individual financial circumstances. Should an individual default on payment, then Civil Court action is considered to secure the debt.

Following on from the success of investigations in 2009, the department is implementing a new fraud strategy during 2010 and increasing the manpower of its fraud team to include more Investigations Officers and introduce a more proactive approach towards combating fraud.

1.14 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE TENDER PROCESS FOR AN ONLINE TICKETING SYSTEM:

Question

Was the project to introduce a website for ticketing of all publicly assisted Arts locations put out to tender? If not, why not and if so, what numbers were submitted and what were the tender prices of each?

Answer

The project was not put out to tender given that the total cost of the upgrade was established to be £46,000 and the threshold for full open tender is £50,000. This is in accordance with Financial Directive 5.7. The approval for the waiver of tender process was sanctioned by the Director of Strategic Procurement for the States of Jersey, who was a signatory on the Business Case.

The hardware purchased to host the Databox application is standard HP Generation 6 servers as utilised across the States of Jersey. Should an alternate fully outsourced ticketing application be utilised in the future this hardware would be re-used within the educational estate. This hardware represents £23,000 of the total costs.

All three Arts venues, Fort Regent, Jersey Arts Centre and Opera House currently use the same ticketing application – Databox. The Opera House is already running the version of Databox that has online functionality enabled.

A single application for ticketing across all three venues ensures that economies of scale can be achieved in both purchasing and support costs, thereby delivering value for money.

The Databox application was reviewed and deemed as stable, fit for purpose and not in need of replacement by the Web Programme team at C5 Alliance.

The supplier, Tickets.com, was reviewed and approved by DfESC finance department.

The stability of the Databox application was confirmed by the DfESC's internal ICT support function (based on the number of helpdesk calls raised and logged issues with the application).

The 3 venues were consulted as to their opinion of the system and confirmed they did not see any requirement to change to a new system.

Based on this output, the strategic choice to use Databox as the primary ticketing application within the States of Jersey was approved by the Director of Information Services and the Web Programme Manager.

1.15 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PICNIC AREAS AT LES MIELLES:

Question

Is the Minister satisfied with the state of the roads in the picnic areas of Les Mielles and, if not, what remedies, if any, are proposed?

Answer

I am concerned about the state of the roads and picnic areas of Les Mielles however with the budgetary constraints I have to prioritise where resources can best be applied. The heavy rain that we have had had in recent months has caused a great deal of damage but they are scheduled to be attended to, as they are each year, in April.

The soft surfaced car parks and access tracks at Les Mielles, as well as a number of other locations around the Island are maintained by the Planning & Environment Department to the limit of the budget available.

The annual access budget held by the Planning & Environment Department is £54, 500. This sum covers the maintenance of over 70 kilometres of footpath, 10 kilometres of bridle path and 2 kilometres of cycle track. The annual cutting of vegetation of these paths (which is carried out four times per annum) costs £47,000.

This leaves £7,500 per annum for all repairs and one off maintenance tasks, including the replacement of unsafe steps (there are over 3,000 steps to monitor), fences, bridges and the resurfacing of the car parks and access tracks.

At present, the Planning & Environment Department is responsible for the maintenance of 12 car parks and their access tracks, plus 7 car parks and tracks under joint administration with T&TS.

Annual maintenance work on the Les Mielles car parks and access tracks (including resurfacing) costs an average of £1,500. Work on all Planning & Environment Department car parks and access tracks costs £6,000. This normally leaves very limited resources for maintaining pedestrian access routes to Jersey's countryside including the north coast footpath system. In the past a fine balance has been struck in prioritising between resolving the Health and Safety issues on footpaths and the resurfacing of car parks and access tracks.

1.16 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING IMPROVEMENTS IN PARKING PROVISIONS AT RUE DES PRÉS:

Question

Following meetings with relevant Parish officials, would the Minister indicate what steps, if any, he proposes to take to improve public parking provision on the Rue des Pres trading estate?

Answer

Jersey Property Holdings (JPH) has operational control of the land which currently forms the 42 space car park which was originally acquired as part of the Rue des Pres Trading Estate Development and was retained by the Public (former Planning Committee) together with the Estate roads and verges. The roads and verges were subsequently transferred to the then Public Works Committee on 28 February 1984 and remain under the operational control of Transport and Technical Services (T&TS).

With specific reference to the car park, JPH is aware that the current parking arrangements are unsatisfactory. The policing of public parking places within the Island is outlined by The Road Traffic (Public Parking Places) (Jersey) Order, 1985, as amended

and car park officials may be appointed by either a parochial authority or T&TS. JPH has no policing powers to manage car parking.

In order to resolve the parking issues, JPH is considering the following options:

- 1) Designate the car park under the Road Traffic (Public Parking Places) (Jersey) Order 1985, which would enable it to be policed by T&TS. The Department has been advised however, that the Parking Control Officers do not police any car parks in the eastern parishes and therefore it would not be cost effective for T&TS to take over responsibility for the car park.
- 2) Transfer the ownership of the car park to the Parish of St Saviour by means of a conveyance passed before the Royal Court in order that the Parish would then be responsible for policing the car park pursuant to the 1985 Order. (The Public could not legally retain ownership of the car park whilst transferring policing functions to the Parish).
- 3) Employ the services of a managing agent to let the spaces. Preliminary discussions have been held between JPH and a private company in this regard.
- 4) Dispose of the car park on the open market. Planning and Environment has advised that the car park must be kept as such, unless or until the Minister for Planning and Environment gives consent for it to be used for another purpose.

1.17 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE METROPOLITAN POLICE REPORT:

Question

- (1) Is the Minister satisfied that a Metropolitan Police Interim Report existed on 10th November 2008 and, if so, why?
- (2) Why was a Metropolitan Police Interim Report requested?
- (3) Who asked the States of Jersey Police to request it and who was it made to?
- (4) When was that request made?
- (5) Who requested the Metropolitan Police to provide an Interim Report?
- (6) Who at the Metropolitan Police was asked?
- (7) Will the Minister provide Members with a copy of the written request?
- (8) When was a copy of the Interim Report received?

- (9) Although neither the former nor current Home Affairs Ministers have seen the Interim Report, is the Minister aware of anyone apart from the Acting Chief Officer of Police seeing the Interim Report?
- (10) Was the Interim Report withdrawn and, if so, why and when?
- (11) Who requested it to be withdrawn and to whom was the request made?
- (12) When was the Interim Report returned?

Answer

Before I answer the detailed question, I want to give some general background to the production of the Interim Report by the Metropolitan Police.

The ACPO Homicide Working Party recommended that a full review be conducted by an outside police force of the Historical Abuse Enquiry. Accordingly, on 6th August 2008, the now Acting Chief Officer of Police wrote to the Metropolitan Police Force requesting the production of such a report. Subsequently, detailed terms of reference were agreed for the production of the report and work commenced. The main purposes of the report were to advise on the management of the Historical Abuse Enquiry and to provide advice and guidance in relation to the conduct of individual investigations. It soon became apparent that serious issues were arising as to the previous management of the Historical Abuse Enquiry. Details of these concerns were passed on to the now Acting Chief Officer of Police who began to raise these with the Chief Officer of Police from September 2008 onwards. The now Acting Chief Officer of Police also began to share these concerns with other senior officials and with Deputy Andrew Lewis who became the Minister for Home Affairs. By early November 2008 the report was nearly completed except for the interviewing of the former Deputy Chief Officer of Police. By that stage it had become apparent that some of the issues were so serious that they could prejudice the fair trial of certain individuals. The concern was that serious cases might be stopped by the Royal Court because of the previous actions of the former Deputy Chief Officer of Police. For that reason the now Acting Chief Officer of Police asked the Metropolitan Police Force to produce a report on what they had found up to that point so that a press conference could be held correcting issues relating to information which had previously been given to the press. The Metropolitan Police then produced the Interim Report which they sent initially on 10th November 2008, to the now Acting Chief Officer of Police as an attachment to an email. The concerns of the now Acting Chief Officer of Police were fully vindicated by the judgment of the Royal Court in the matter of *The Attorney General v. Aubin and others* [2009] J.R.C. 035A.

I am now going to quote from section 14 to 19 of that judgment:-

“14. We need to be clear what it is that is complained of. The investigation into allegations of historic child sex abuse in Haut de la Garenne was an important story in Jersey and one in which the press have an absolutely proper and legitimate interest. Equally it is perfectly normal for the Police to keep the press informed of the progress of important inquiries. Sometimes that may be in the

form of on the record press conferences, broadcast or published as the case may be, sometimes it may involve off the record briefings the content of which cannot be used until after any trial. From time to time the Police may make use of press publicity for operational reasons, for example in a case like this, to appeal for witnesses and to reassure those potential witnesses that they will be treated sympathetically and in confidence should they come forward. All that is completely usual.

15. What is extraordinary in this case is the way in which the senior investigating officer, Mr Harper, by constant and dramatic press conferences and informal briefings, whipped up a frenzied interest in the inquiry, not in respect of the solid police work that was being done to investigate the serious allegations of child sex abuse, but in respect of what had turned out to be completely unfounded suggestions of multiple murder and torture in secret cellars under the building. It is not any part of my task to decide whether the huge excavation that took place under Haut de la Garenne was justified or not, I am only concerned with the publicity that followed it. Not surprisingly the press ran with the story with enthusiasm. I have five volumes of press cuttings full of lurid headlines. I pick one completely at random from among dozens of a similar kind "Shackles are found in torture dungeon". They were not shackles, it was not a dungeon and there is not evidence of torture there. Unsurprisingly of particular interest to the press was exhibit JAR6. This was a small object found in a place under the building which probably pre-dated the investigation. At first sight the anthropologist who was present thought this might well be part of a child's skull. Having received that information, it was right for the Police to investigate further to see whether it was indeed a child's skull or part of it. What was not right was for Mr Harper immediately to call a press conference to announce that the remains of a child had been discovered. In fact JAR6 proved, on careful scientific examination, not to be part of a skull at all, but by then the idea that children had been tortured and murdered in the cellars was firmly lodged in the public consciousness.
16. It is very important to be clear why Mr Harper's conduct has been criticised in Court and elsewhere. He is to be commended and not criticised for taking the allegations of child sex abuse seriously, for investigating them vigorously, and for making clear that anybody coming forward to give evidence would be treated sympathetically and professionally. No proper criticism of him could be advanced for any of that. The legitimate criticisms of him and the potential damage that he did to any inquiry or Court proceedings are best expressed not by me setting out my opinion but by the professional judgment of an outside expert who reviewed this aspect of the case in November 2008. That report has been disclosed to the defence in the course of these proceedings and I quote from its conclusion:-

"From the outset statements released to the media suggested with the language of certainty that crimes had been committed and that there were many victims. For legal reasons, and in order to manage media coverage and

public expectation, more temperate and non-judgmental language would have been more appropriate. Statements made in relation to the item recovered on February 23rd [JAR6] were not accurate and incited an enormous media coverage which at times was hysterical and sensational and was in turn equally inaccurate and misleading. The description of cellars, the voids under the flooring, was inaccurate and allowed the media to create a false impression in the public mindset. The description of an item recovered from Haut de la Garenne as “shackles” was not accurate. The language used to describe the bath could have been more accurate. The decision to display to the media a tooth recovered from Haut de la Garenne was highly unusual. The approach taken by the States of Jersey Police to releasing information about the teeth found was unusual, not consistent with normal working practice in the UK and encouraged further media reporting and speculation. Given the lack of evidence collated to prove that a child’s remains had been found at Haut de la Garenne, the statements made by States of Jersey Police could have been more accurately phrased and could have generated more measured and less prominent media coverage. The statement made by the States of Jersey Police regarding the two pits excavated at Haut de la Garenne was inappropriate. The nature and quantity of much of the media coverage was generated and sustained by the Police’s deliberate decision to provide a regular diet of information to the media. Some, but by no means all, the inaccurate media coverage published was challenged by the Force on a number of occasions the Deputy Chief Officer placed information and allegations into the public domain or responded to issues and allegations in the media which distracted attention from the child abuse investigation and this may have tarnished the reputation of the Force and weakened public confidence in the investigation and its professionalism.”

17. The potential damage to the Court process is illustrated by the fact that it has provided material for the powerfully advanced argument of Advocate Preston that the idea of long term, widespread torture and murder is so entrenched in the consciousness of potential jurors that it cannot be eradicated by any direction from the trial judge. He argues that jurors will either be convinced already that anyone charged must be guilty or they will feel that after this long and expensive inquiry “someone must pay”. This problem is heightened, he argues, because of the size of this jurisdiction. Before setting out my reasons for ultimately not finding his argument persuasive, I should make a preliminary comment. This is not a public inquiry into the conduct of the Police in general or Mr Harper in particular, I comment on his and their conduct only to the extent that it is relevant to the legal issues I have to determine.
18. I now turn to the factors that lead me to reject this part of the application.
 - (i) First in November 2008 the new senior investigation officer held a press conference in which he put the record straight about the findings under the building. That press conference received wide publicity and the tone of

press reporting has changed, indeed the prosecution might now argue that they risk encountering jurors who believe that the Police have said that everything that had gone before was wrong. In my judgment this press conference went a long way to repair the damage that had been done by earlier press publicity.

- (ii) Second there was a clear divide between the reporting of the torture dungeon and the general part of the inquiry which was into historic child sex abuse. That part of the inquiry did not receive the same lurid treatment. It will be immediately apparent to any juror hearing this case opened that there is no allegation against any of these men of anything which might be linked to the supposed torture dungeon.
- (iii) Thirdly none of the lurid stories connected any named individuals to what was being described, indeed Mr Donnelly and Mr Aubin do not even fall into the category of staff at the home who were, in general terms, being accused of criminal offences. Mr Donnelly is indeed nothing to do with the inquiry into the home at all.
- (iv) I approach this case in the same way as the Court of Appeal did in the case of Abu Hamza [2006] EWCA Crim 2918, than whom no-one could have had worse personal publicity. It is said that everyone in Jersey will have read of this inquiry and no doubt that is true. Everybody in the United Kingdom would have come across the adverse publicity for Abu Hamza before he faced his trial. When the question of pre-trial publicity was considered by the Court of Appeal Criminal Division in that case the Lord Chief Justice giving the judgment of the Court said this:-

“93. Prejudicial publicity renders more difficult the task of the Court, that is of the judge and jury together, in trying the case fairly. Our laws of contempt of Court are designed to prevent the media from interfering with the due process of justice by making it more difficult to conduct a fair trial. The fact however that adverse publicity may have risked prejudicing a fair trial is no reason for not proceeding with the trial if the judge concludes that with his assistance it would be possible to have a fair trial. In considering this question it is right for the judge to have regard to his own experience and that of his fellow judges as to the manner in which juries normally perform their duties.”

And then the Lord Chief Justice quoted with approval the words of the trial judge, Mr Justice Hughes, as he then was:-

“97. After considering at length the relevant authorities, to most of which we have already referred, the judge comments on his own considerable experience of jury trial:-

“For what it is worth, this judge’s experience leads him to endorse the conclusion that lawyers are occasionally unwisely dismissive of juries. Almost universally, they approach their task and their oath with conspicuous conscientiousness. They are often unavoidably faced with inadmissible evidence which they must discount, especially in the case of several defendants, and experience strongly suggests that, whilst desirable, it is not necessary for them to be kept wholly ignorant of such evidence in order to be able to reach a careful decision which takes no account of it. Extensive publicity and campaigns against potential defendants are by no means unknown in cases of notoriety. Whilst the law of contempt operates to minimise it, it is not always avoidable, especially where intense public concern arises about a particular crime and a particular defendant before any charge is brought. Jurors are in such cases capable of understanding that comment in the media might or might not be justified and that it is to find out whether it is that is one of their tasks. They are capable of understanding that allegations which have been made may be true or may not be and that they, the jury, are to have the opportunity and responsibility of hearing all the evidence which commentators in the media have not and of deciding whether in fact the allegations are true or not. They are not surprised to be warned not to take at face value what appears in the media, nor are they these days so deferential to politicians as to be incapable of understanding that they should make no assumptions about whether any statements made by such people are justified or not. They are also capable of understanding and habitually apply the direction that they are given about the standard of proof.””

(v) And finally this: we should trust the jury. The principle that they will have to apply here is that general allegations involving other people do not form part of the evidence against a specific defendant, and he is only to be convicted if the evidence that is relevant to him convinces them of his guilt. It is not an abstruse legal concept, nor does its application require any kind of mental gymnastics. It is a simple principle of fairness, readily explained and easily understood and applied by the ordinary juror.

19. For all those reasons I do not find that the publicity in this case was such as to prevent any of these defendants receiving a fair trial.”

It can be seen from that quotation that not only are the actions of the former Deputy Chief Officer of Police heavily criticised but that the actions of the now Acting Chief Officer of Police are vindicated in paragraph 18(i) of the judgment.

The quotation above which is attributed to an outside expert is a quotation from the report of an independent media expert who was called in to advise the States of Jersey Police on media related matters.

The now Acting Chief Officer of Police was aware of the relevant issues and had started to prepare a draft press release in late October 2008. A copy of an early draft of this was seen and commented on by the Chief Officer of Police. The Version which was given to the press was the 11th version of the Press Release. The Chief Officer of Police was asked by the now Acting Chief Officer of Police as to whether he wished to have any involvement in the press conference and declined so to do.

The effect of the Interim Report was to confirm the concern of the now Acting Chief Officer of Police prior to the making of the Press Release.

I now turn to the detailed questions.

- (1) Yes, I have been assured that that is so by the Acting Chief Officer of Police and the Acting Deputy Chief Officer of Police. Furthermore, some months ago and recently I saw the covering email to which it was attached.
- (2) That is explained above.
- (3) That is explained above. The Acting Chief Officer of Police was not asked to do what he did by anyone. The answer to the second question is a Detective Superintendent, the name of whom has been supplied to the questioner.
- (4) In late October or early November 2008, for the reasons set out above.
- (5) That is explained above.
- (6) The same answer as the second part of Question (3).
- (7) There was not a written request for an Interim Report. The matter was dealt with as stated above, on an informal basis
- (8) 10th November 2008, in electronic form, as an attachment to an email.
- (9) The report was produced for purposes which are described above and not for disciplinary purposes. Accordingly, it was seen by a number of police officers who were then involved in various investigations and by a number of lawyers who were advising in relation to investigations. It has also been seen by the Acting Deputy Chief Officer of Police.
- (10) The Interim Report was not withdrawn. It was followed by a full report the Metropolitan Police produced the report for the reasons set out above and it was used for those purposes. It was not drafted for the purposes of a formal disciplinary hearing and therefore it was not appropriate that it should be used in that way.
- (11) It was not withdrawn, as stated above.
- (12) It was not returned. It was used for the purposes for which it was originally intended.

1.18 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING SUSPENDED STAFF SUBJECT TO POLICE INVESTIGATION:

Question

Will the Minister inform Members of his Department's policy with respect to suspending staff who may be subject of police investigations?

Was the Minister satisfied that the correct procedure was adopted when an Education, Sports and Culture employee was suspended on 18th August 2009 and, if not, what action did he take to remedy the error?

How often does the Minister consult with his HR Department to ensure that suspended employees are receiving the necessary welfare support, their skill base is maintained and the continuation of their suspension is still justified?

Answer

The decision to suspend any employee is not taken lightly and is carried out in line with the relevant Disciplinary Procedure as stated in the employee's agreed Terms and Conditions of employment. In all cases serious consideration is first given to alternative employment within the Department for the period of any investigation.

The decision to suspend is taken at Director level and is only authorised in cases where the accusation is one of gross misconduct. Suspension is only considered when :

- it is necessary to carry out a full and thorough investigation.
- a potential risk exists to pupils, other staff or the public.
- it is agreed to be in the individual's best interests.

It is not appropriate for me to discuss any individual cases however as the Minister I can confirm that the correct procedures have been followed in all recent cases and that I have been fully briefed regarding the decision made and I am confident that appropriate action has been taken.

As the States Employment Board assumes the role of employer and the Director of Education, Sport and Culture is responsible for the line management of employees, I am not involved in the day to day operational management of Human Resource matters. These matters are dealt with directly by management with the support of the Human Resources. I do, however, have an expectation that all employees in our Service are treated fairly and supported appropriately.

1.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PUBLIC SPENDING:

Question

When the Minister points out that public spending has risen by 30% over the past 5 years as evidence for the need to make drastic cuts in public services will he confirm that during this period:

- a) half of that increase has come in the last 2 years, under his stewardship of the public purse;

- b) when the control of inflation was his, and his predecessor's, number 1 target, RPI(X) a measure of non-staff inflation totalled 17.7%;
- c) wage increases, according to the AEI, totalled 22%, and
- d) these figures do not include the decision to spend £103m on the EFW plant in 2008

Will the Minister also give members details of the additional 190 public sector posts employed during this period, so that members can assess how many were front-line employees directly concerned with service delivery?

Will the Minister also give members details of the 10 positions, along with the salaries, that he wishes to create to better monitor spending in his department?

Answer

- a) The Minister can confirm that half of the 30% increase in public spending has occurred in the last 2 years. However, the Deputy will be aware that the decisions made on expenditure agreed in the Annual Business Plans and Article 11(8) requests are voted on by up to 53 members of the Assembly and not made by the Treasury and Resources Minister. This equates to £35m of the increase between 2007 and 2008 and £17m of the increase between 2008 and 2009, or 11% of the 15% total increase. The Article 11(8) requests were for expenditure on matters such as the Historical Child Abuse Enquiry, Flu Pandemic and elements of implementation of the Williamson recommendations.

£16m of the increase in expenditure over the last 2 years relates to amounts transferred between capital projects and revenue budgets as a result of changes in accounting treatment, which does not increase overall States expenditure.

Of the remaining £8m increase in expenditure, the decision to approve carried forward amounts is made by the Council of Ministers and the decisions are often based on outcomes relating to expenditure items discussed by the Assembly.

- b) RPI(X) has increased by 17.7% from December 2004 to December 2009.
- c) Average earnings increased by 22.2% from June 2004 to June 2009.
- d) The expenditure increases quoted as evidence for the need to reduce the costs of public services are for Net Revenue Expenditure only and that Capital expenditure is in addition to these amounts. Therefore the £103m approved budget for the new EFW plant is excluded.

Additional Posts

The Deputy has not made it clear in his question whether he refers to Full time Equivalent posts (FTE) or Headcount (HC), the period concerned, or the source of the quoted figure (190). Researching an answer to this question is not a sensible use of

resources. I would direct the Deputy to the States Annual Business Plan and its Annexes for details of movements in staff numbers.

A restructuring of the Treasury is taking place and will run for some months. This may mean there will be additional posts. Strengthening the Treasury is essential to further develop financial management across the organisation to deliver savings targets. Calls to improve financial management have been made by various commentators including the Comptroller and Auditor General.

1.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE GST RATES REQUIRED TO ELIMINATE BUDGET DEFICITS:

Question

Will the Minister condemn the approach taken by the Corporate Services Scrutiny Panel in requesting the CAG to produce figures for prospective GST rates required to eliminate budget deficits on the assumptions that:

- a) no action was to be taken to curb public spending to below 6% annual increases, and
- b) no attempt was to be made to raise further income from other taxes?

Does the Minister accept that to project a 12% GST rate by 2014 is unnecessary scaremongering, and will he confirm that he has no intention of following any such strategy?

Will he further confirm that he has no intention of raising the GST rate in the short term?

Answer

It is unfortunate that the Deputy has not attended the briefings on the Comprehensive Spending Review. If he had done he would understand that whilst there is an unfunded structural deficit the challenge is manageable. I welcome the engagement of the Corporate Affairs Scrutiny Panel and the Public Accounts Committee in the process of decision making. New policies are required on both tax and spending during the course of this year. The extent to which tax changes are needed depends on the savings identified in the Comprehensive Spending Review.

It would be wholly inappropriate for a Treasury Minister to make any comment on the extent of any tax changes in advance of the Budget. There will, however, be consultation on tax changes in May

1.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE LEVELS OF IMPAIRMENT COMPONENTS WITHIN INCOME SUPPORT:

Question

Given that the 3 levels of impairment component in Income Support are there to compensate those with an illness or disability for the increased costs of their condition, would the Minister confirm that successful applicants for these components should not have their benefits reduced through consequent reductions in other components?

What actions, if any, and in what timescale, will he take to correct this anomaly in the system and, if none, why not?

Answer

To clarify, there are three elements of the Income Support (IS) impairment component which provide financial assistance at different levels, depending on the nature and severity of the person's condition, towards the following costs:

Clinical cost - General practitioner visits for people with chronic or progressive medical conditions

Personal care – Care needs - for example: washing, dressing, cooking

Mobility – Transport for people with a medical condition that seriously affects their ability to get around outdoors

The table below details the component type and the weekly rate from 1 October 2009.

Impairment component types	Weekly rate
Personal care level 1	£22.26
Personal care level 2	£98.14
Personal care level 3	£140.91
Mobility (working person)	£44.52
Mobility	£22.26
Clinical cost level 1 (5+ annual consultations)	£2.87
Clinical cost level 2 (9+ annual consultations)	£5.74

The IS benefit for an IS unit is the difference between the total of all the relevant components for the IS unit and the calculated income of the IS unit.

I can confirm that successful applicants for personal care components do not have their IS benefit entitlement reduced through consequent reductions in other components, and therefore there is no anomaly to be addressed.

1.22 SENATOR A. BRECKON OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INDEPENDENT ADVISORY GROUP ESTABLISHED DURING THE HAUT DE LA GARENNE INVESTIGATION:

Question

Following the announcement in the States by the then Minister for Home Affairs on 29th April 2008 that an Independent Advisory Group had been set up in relation to the Haut de la Garenne investigation and that the members at that time were Reverend Geoff Houghton, Mrs. Carol Canavan, Mr. Kevin Keen, Mr Stephen Regal and the Data Protection Commissioner, would the Minister inform members -

1. at whose instigation this Advisory Group was set up and why?
2. what their terms of reference were, who drew these up and on what basis?
3. how the initial members were selected and whether there were any changes of membership after April 2008?
4. how often did the Advisory Group meet and how were they resourced?
5. did the Group produce any reports and, if so, are these publicly available?

Answer

Before answering the detailed question I need to explain what an Independent Advisory Group normally does and how it is made up. Independent Advisory Groups were introduced in the aftermath of the Macpherson Enquiry into the death of Steven Lawrence. The concept underlying such groups is that they can advise the police on any specific community issues and concerns.

An Independent Advisory Group does not normally have any function of oversight in relation to an investigation. Its normal functions are, as its name suggests, to advise the police in relation to issues such as how a particular investigation may be viewed or is being viewed by members of the public or by the members of any particular ethnic or other community. Independent Advisory Groups will normally be standing groups within a particular area with the relevant members to a particular investigation being consulted in relation thereto. For the reasons set out above the members are normally representative of individual communities rather than general representatives of the community.

I also want to pay tribute to the individual members of the Jersey group who undoubtedly endeavoured to faithfully serve the Island in this way.

I now move on to the individual questions:

1. In February 2008 the ACPO Homicide Working Group recommended the setting up of an Independent Advisory Group.
2. The terms of reference for the Advisory Group were drawn up by the States of Jersey Police and circulated to them by the Chief Officer.

The terms of reference were as follows:

1. to identify and address any risks or potential areas of criticism regarding the investigation, matters leading up to it or since it commenced.
2. to address any areas of risk with regards to the investigation.
3. to consider issues for victims and community.
4. to consider impact to or from any other agency or public body.
5. to consider media implications.

These terms of reference are wider than is normal for such a group.

3. Individual members were selected by the Senior Investigating Officer as representative of the local community. One member of the group resigned in October 2008; the remainder of the group resigned in January 2009.
4. The Independent Advisory Group met regularly, as and when suggested by the Senior Investigating Officer. The group was supported by Police staff.
5. The Independent Advisory Group did not produce reports, but they did raise questions and make comments.

Serious questions have arisen as to the setting up, terms of reference and support of the Independent Advisory Group but this is no reflection upon the individual members thereof.

1.23 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COST OF KEEPING LIBERATION STATION OPEN AT NIGHT:

Question

Would the Minister provide a cost for keeping Liberation Station open until 22:05 (the time of the penultimate buses on the number 1 and 15 route) and advise whether he would consider bringing forward a proposition by May to extend the opening hours?

Answer

The suggested extra opening times (on Mondays to Saturdays) amount to 2 hours 35 minutes during the 34-week-long winter timetable, and 2 hours 5 minutes during the 18-week-long summer timetable. It has not yet been possible to finalise the annual cost of the suggested opening hours extension, as more time is needed for the bus operator to accurately determine the additional expense, particularly in relation to security and cleaning costs. Early indications are, however, that the extra manpower required would be significant, and therefore the additional expense would be impossible to justify in terms of cost versus benefit, as the lower numbers of passengers during the evening would mean that the extra cost per bus user would be too high.

1.24 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING TICKET SALES FOR SHOWS AND CONCERTS FOR THE LAST 3 YEARS:

Question

Will the Minister state the total breakdown of ticket sales for shows/concerts at Fort Regent, the Arts Centre and the Opera House for the past 3 years?

Answer

The figures below represent all ticketed events taking place at Fort Regent:

Fort Regent

2007	10,987 tickets sold
2008	23,751 tickets sold
2009	32,038 tickets sold

The Jersey Arts Centre and Jersey Opera House are independent organisations in receipt of an annual revenue grant from the department. The figures below have been provided to the department by these organisations.

Jersey Arts Centre*

2007	33,366 tickets sold
2008	29,725
2009	31,179

*Figures include performances under the auspices of the Jersey Arts Centre at St James and occasional venues.

Jersey Opera House

2007	67,501
2008	68,483
2009	65,523

1.25 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING MONTHLY RAINFALL OVER THE PAST 20 YEARS:

Question

Would the Minister provide the level of rainfall that has fallen in Jersey each month for the last 20 years?

Answer

Rainfall is recorded at a number of sites around the Island, including three administered by the Meteorological Department. Data for each of the sites; Maison St. Louis Observatory, situated near Highland College, Jersey Airport and the Howard Davis Farm are attached.

Maison St. Louis Observatory, Monthly Rainfall total for the twenty year period 1990 to 2009 / millimetres

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total / mm
1990	112.5	140.7	11.1	63.0	7.3	64.2	18.0	17.5	36.0	91.4	90.8	100.7	753.2
1991	75.9	46.0	52.9	43.5	10.6	82.5	34.2	18.2	49.2	90.8	156.2	37.6	697.6
1992	9.2	35.2	50.8	76.3	60.7	52.7	63.3	100.1	88.9	101.5	145.9	114.0	898.6
1993	68.9	13.2	31.1	61.3	18.0	85.4	59.9	51.0	144.3	87.3	46.8	164.3	831.5
1994	133.6	83.7	43.5	64.9	120.3	25.0	27.8	88.0	79.8	99.4	90.9	168.0	1024.9
1995	178.4	139.0	77.6	46.7	44.3	20.4	49.4	36.4	98.8	33.4	63.0	99.2	886.6
1996	46.8	105.3	30.0	22.5	64.0	10.3	8.9	93.3	40.8	60.7	158.8	75.7	717.1
1997	24.0	81.7	22.1	30.4	61.3	88.5	16.9	58.8	4.3	113.7	151.2	100.6	753.5
1998	105.7	17.7	59.1	162.4	11.9	84.3	35.5	22.4	113.2	152.4	70.6	131.9	967.1
1999	111.8	63.9	59.5	98.8	30.8	51.8	10.7	89.3	100.6	71.0	49.9	279.8	1017.9
2000	14.7	75.6	61.0	91.0	90.2	28.7	73.3	26.7	67.1	185.7	193.6	125.6	1033.2
2001	181.9	119.0	196.2	90.8	13.4	23.3	57.7	44.2	42.9	95.0	72.7	78.8	1015.9
2002	65.3	104.2	63.9	22.4	81.1	64.7	49.3	63.8	50.2	164.1	154.3	126.3	1009.6
2003	93.4	44.4	60.1	30.0	53.3	34.3	64.2	3.2	41.9	97.1	126.5	97.8	746.2

2004	143.6	37.1	35.8	75.4	29.9	29.3	94.0	101.8	14.2	218.9	43.7	88.1	911.8
2005	63.4	43.6	51.8	79.6	52.6	39.6	86.8	34.2	36.6	88.4	93.6	97.6	767.8
2006	37.4	90.0	89.6	31.2	49.8	26.0	23.0	44.2	54.0	87.2	87.6	150.7	770.7
2007	106.5	131.2	85.1	15.7	113.9	105.3	93.9	82.5	46.4	15.4	60.7	98.4	955.0
2008	111.0	37.8	112.4	61.7	129.7	29.8	30.4	65.1	66.7	121.1	133.9	83.8	983.4
2009	99.4	46.6	45.0	62.7	40.5	46.3	44.2	22.7	23.3	73.4	216.7	107.9	828.7
Monthly Mean Rainfall for 20 year period 1990 - 2009 / mm	89.2	72.8	61.9	61.5	54.2	49.6	47.1	53.2	60.0	102.4	110.4	116.3	878.5

Jersey Airport, Monthly Rainfall total for the twenty year period 1990 to 2009 / millimetres

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total / mm
1990	114.1	145.5	8.0	57.8	6.6	59.5	18.0	15.7	35.5	95.5	94.2	86.8	737.2
1991	79.0	35.1	59.5	45.7	13.3	91.1	36.7	23.0	40.8	97.0	142.9	33.1	697.2
1992	13.8	40.6	40.3	68.3	71.4	62.2	60.5	106.1	92.2	106.9	146.3	104.2	912.8

1993	73.1	12.8	37.1	60.3	15.1	66.6	53.8	48.6	166.2	96.1	51.9	165.0	846.6
1994	155.5	80.7	43.7	68.5	109.7	25.2	44.1	86.4	77.1	104.5	97.1	151.8	1044.3
1995	176.0	147.6	71.7	49.5	45.9	21.0	53.7	31.5	106.1	31.4	57.2	107.2	898.8
1996	43.0	96.7	25.9	22.2	65.2	12.2	18.4	83.8	57.8	56.5	159.0	69.5	710.2
1997	19.1	81.3	22.3	28.7	58.0	85.9	20.2	54.2	3.0	119.7	141.2	104.0	737.6
1998	117.9	15.3	55.1	164.1	10.6	82.8	32.3	18.0	133.0	152.6	81.9	131.5	995.1
1999	109.5	62.8	44.9	95.5	41.2	53.2	20.0	71.3	79.2	52.6	38.7	269.0	937.9
2000	15.7	65.1	55.9	104.7	92.4	28.1	75.8	17.8	71.1	186.0	173.6	131.0	1017.2
2001	177.5	106.1	168.9	92.0	14.8	20.3	66.1	37.4	44.8	92.2	62.4	64.7	947.2
2002	61.3	103.4	62.1	19.4	69.1	66.7	50.9	66.3	38.5	140.0	163.4	132.5	973.6
2003	85.5	49.3	62.2	26.3	48.0	42.9	70.6	8.5	49.2	98.6	153.5	103.8	798.4
2004	145.0	43.1	42.2	75.1	31.2	22.9	92.9	84.7	18.0	203.0	46.2	77.8	882.1
2005	62.3	39.0	37.1	74.0	49.9	38.5	92.9	34.9	32.5	90.2	96.2	87.8	735.3
2006	37.9	83.5	83.4	28.8	51.7	30.8	22.9	42.5	46.6	88.4	85.4	150.5	752.4
2007	98.7	142.4	74.9	8.8	99.3	81.9	93.3	63.1	49.7	12.8	69.4	86.2	880.5
2008	109.1	34.3	106.2	60.0	139.9	31.9	26.0	117.5	78.6	124.6	125.2	88.1	1041.4
2009	101.9	57.9	42.4	71.4	41.6	63.0	43.9	31.8	22.1	63.3	204.8	117.1	861.2

Monthly Mean Rainfall for 20 year period 1990 - 2009 / mm	89.8	72.1	57.2	61.1	53.7	49.3	49.7	52.2	62.1	100.6	109.5	113.1	870.4
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Howard Davis Farm, Monthly Rainfall total for the twenty year period 1990 to 2009 / millimetres

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total / mm
1990	118.2	142.4	13.3	61.7	5.3	73.6	21.2	22.1	40.9	100.6	86.7	107.7	793.7
1991	87.4	30.0	59.7	51.8	11.0	105.5	44.1	19.9	50.4	90.1	148.0	38.5	736.4
1992	7.8	45.0	51.5	81.4	71.6	52.2	65.8	116.7	102.5	119.8	164.4	126.9	1005.6
1993	84.8	12.0	37.4	58.4	15.6	87.3	58.6	54.5	171.7	93.0	78.9	190.6	942.8
1994	162.9	86.8	57.8	79.1	111.8	28.0	41.4	101.2	89.4	125.5	95.7	173.8	1153.4
1995	189.1	158.6	88.9	46.5	45.3	25.9	48.7	43.7	119.3	43.2	71.4	108.0	988.6
1996	49.0	97.4	36.3	22.4	75.6	10.4	16.0	91.0	46.6	63.8	180.4	69.4	758.3
1997	20.3	99.4	30.5	31.3	55.8	78.2	22.0	97.1	5.3	133.6	185.5	121.3	880.3
1998	118.3	18.1	60.4	173.0	13.2	91.7	39.0	27.0	147.8	192.6	80.3	137.2	1098.6

1999	116.0	70.5	55.4	107.9	28.8	53.8	19.3	97.3	96.1	70.5	41.9	297.9	1055.4
2000	23.2	75.6	63.9	99.6	104.4	30.9	78.2	26.0	72.9	218.9	223.0	143.6	1160.2
2001	206.0	123.3	191.6	106.6	15.0	21.7	67.0	44.7	47.4	107.7	81.9	70.1	1083.0
2002	80.1	120.7	68.9	25.9	72.7	83.0	61.3	42.1	39.8	138.0	198.4	166.7	1097.6
2003	89.6	56.5	64.5	28.8	53.8	34.6	57.4	3.1	41.4	102.2	136.0	112.4	780.3
2004	150.5	33.7	39.6	93.3	37.6	23.7	104.5	95.3	21.7	228.3	46.6	94.3	969.1
2005	68.9	40.2	47.8	88.9	56.6	39.3	109.0	40.2	42.6	N/A	109.6	94.5	N/A
2006	49.4	89.2	N/A	31.9	47.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	74.0	53.8	22.2	74.8	102.4	N/A
2008	123.8	42.2	119.6	61.8	98.6	39.0	28.6	123.8	80.2	145.8	146.2	87.6	1097.2
2009	106.8	61.2	51.8	58.6	49.6	47.6	45.6	30.5	23.6	81.2	238.6	100.5	895.4
Monthly Mean Rainfall for 20 year period 1990 - 2009 / mm	97.5	73.8	63.3	68.9	51.0	51.5	51.5	60.5	68.1	115.4	125.7	123.3	970.3

Note the record is incomplete for the Howard Davis Farm between October 2005 and August 2007 due to a lack of resources to maintain the daily observing programme. In 2007 the Meteorological Department took over responsibility for the site and are committed to maintaining the observing programme through the use of modern automated equipment.

1.26 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING EDUCATION ALLOWANCES FOR 16-19 YEAR-OLDS:

Question

Given that in response to question 5133 about the Education Allowance the Minister FOR Education, Sport and Culture advised that the form and extent of support available to students to encourage them to stay in education was unchanged, will he advise whether this allowance is still directed to 16-19 year olds in education and, if not, how and to whom it is now directed?

What structural differences currently exist in Income Support for 16-19 year olds in work and in education?

What action, if any, and in what timescale, will the Minister take to create incentives to 16-19 year olds to stay in education, and if none, why not?

Answer

Under the previous benefits system a combination of Family Allowance and Education Allowance was available to parents, in respect of a child of 16-18 years old in post compulsory education. Payment was made direct to the parent, on a sliding scale, based on parental income.

Under the current Income Support (IS) the adult component of IS is available to parents in respect of a child of 16-19 years old in post compulsory education. Payment is made direct to the parent, on a sliding scale, based on parental income

A 16 to 19 year old who is working is an IS household in their own right and calculation of any IS benefit entitlement is based on their individual income.

The States encourage 16-19 year olds to stay in education by providing full time courses free of charge at Highlands College. Due to the recession additional capacity was provided in September 2009.

1.27 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING BUDGET PROVISION TO FUND OVERTIME OR ADDITIONAL HOURS FOR UNDERSTAFFED SERVICES:

Question

Will the Minister inform members what budget provision, if any, she has made, or has under consideration, to fund payments for unpaid overtime or other additional hours to cover for understaffed services for:

- a) nurses, and
- b) other medical staff?

Will she further inform members of the extent to which any such payments are required for each of these groups by giving:

- (i) the number of staff affected
- (ii) the total of additional days (or shifts) worked
- (iii) the total sums required?

Answer

Overtime is either paid or taken in lieu, which is agreed at the time between managers and clinicians.

There are two reasons why areas may be understaffed. This could be due to unfilled vacancies or an increased workload level that is too high for the existing substantive establishment to manage.

Primarily, additional payments to cover unfilled vacancies are partly funded through the budget from the vacant post, this applies to all posts, nursing or other medical staff. However, agency, locum and overtime cost more than a substantive post.

If the establishment needs to be increased because of a higher workload, the Health and Social Services Department prioritises its resources, as per States of Jersey Financial Directions.

As there is no such thing as unpaid overtime the second part of this question is not valid.

1. 28 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CHILD ACCIDENT STATISTICS FOR 2009:

Question

Would the Minister advise Members -

- i) of the 7 children (out of 174 cycle-related incidents in 2009) who were admitted to hospital, all of them as a result of an off-road bicycle accident, the type and severity of the injuries which led to their admission.
- ii) the full numbers of different types of Road Traffic Accident (car, motorcycle, pedal cycle pedestrian etc.) affecting children over the last 5 years; how many were admitted to hospital as a result of these incidents in each category, and the type and severity of the injuries which led to their admission.

Would the Minister advise members exactly how injuries and causes of incidents are logged at the Accident and Emergency Department?

Would the Minister further advise members the systems in place to log head and neck injuries by type, cause, severity and outcome?

Answer

The structure and limitations of the current computer system within the Accident and Emergency Department only allows the provision of basic activity related information and does not allow the retrieval of information on the severity of injuries to patients seen in the Department without a manual trawl of individual admission cards. There are approximately 40,000 Accident and Emergency attendances per year which makes the retrieval of detailed information extremely difficult and time consuming.

There were 174 child bicycle related Accident and Emergency attendances in 2009. Out of this number 15 were classified as road traffic accidents related to pedal bikes with no related hospital admissions. It is important to understand that the report that Deputy of St Mary refers to in his opening question is based on information sorted under all bicycle accidents for children in 2009. However, his second question asks for figures sorted under road traffic accidents. The majority of bicycle related accidents occur off road. As a consequence, the answer to question ii) only relates to 15 pedal bike attendances out of 174 child bicycle related attendances in 2009.

The data set out in the attached table was compiled from the Accident and Emergency data base and covers in broad terms road traffic related attendances of children up to the age of 16 to the Department and subsequent inpatient admissions (following their first attendance in the Accident and Emergency Department) for the period 2005 to 2009 inclusive.

Within the Accident and Emergency Department, patient details and their presenting injuries are logged and coded (in fairly basic terms) on the Department's computer system. The injury codes are further refined with the input of a diagnostic code when the patient is discharged from the Department. There is a separate facility for road traffic accidents which allows entry of limited information on the mechanism or potential cause of injury but does not allow retrieval of information concerning the severity of outcomes as previously mentioned.

Consistent with the majority of other injuries the computer system in the Accident and Emergency Department allows the logging of sub divisions of head and neck injuries under very broad headings, including how the injury occurred, but not the severity or the ultimate outcome.

Road Traffic Accident Attendances to the A&E Department and Subsequent

In-patient Admissions 2005 to 2009

Road Traffic Accident Attendances to the A&E Department and Subsequent

In-patient Admissions 2005 to 2009

	Car	Car related Hospital admissions	Motorbike	Motorbike related Hospital admissions	Pedal bike	Pedal bike related Hospital admissions	Bus	Bus related Hospital admissions	Pedestrian	Pedestrian related Hospital admissions	Other	Hospital admissions
2009	31	3	36	4	15	0	0	0	21	4	0	0
2008	18	3	49	6	13	1	1	0	21	0	1	0
2007	10	1	40	5	17	3	1	0	31	2	0	0
2006	36	1	44	7	8	1	1	1	19	2	0	0
2005	29	0	38	4	27	0	2	0	34	6	0	0

1.29 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE REFURBISHMENT OF THE OLD TOURISM BUILDING AND ABATTOIR:

Question

1. Will the Chief Minister on behalf of the Waterfront Enterprise Board confirm whether work on the former Tourism building and Abattoir will be completed in time for Liberation Day 2010 and that the tenants will be in the building by that date?
2. Would the Chief Minister confirm whether the contract will be completed on time and, if not, give reasons for any delays?
3. What action, if any, is being taken by the Chief Minister to get this work completed on time?
4. What was the original start date and proposed handover date of this contract?

Answer

Under a Development Agreement between WEB and Islands Development Limited (“IDL”) IDL have until 13th April 2010 to provide Practical Completion (“PC”) of the balance of the development of Liberty Wharf. PC will provide the commercial units to a shell and core specification. It will be for the end tenant to fit out their particular unit which will take place following PC. Whilst IDL has pre-let a significant proportion of the retail and restaurant units, most notably the anchor store to Sandpiper for M&S Home, the timing of the occupation of the remaining units at Liberty Wharf will depend upon the tenant fit out programme. It is hoped that there may be some units occupied in time for Liberation Day 2010 but it is envisaged that the majority will be occupied and trading from early summer 2010.

The Development Agreement was entered into on 14th October 2005 with a completion date for the entire scheme of 14th October 2012. Due to the eventual phasing of the development being undertaken by the developer in a different order, there has been a delay of 1 year in completing this section of the scheme.

The former Island Site remained undeveloped for a considerable period:- the trains stopped running in c.1936; the abattoir relocated in c.1983; Harbour works moved out in c.1989 and Harbours administration moved out in c.1999.

The area is a Site of Special Interest and the development of such sites requires a number of permissions suitable to protect the integrity of these important structures. These permissions take time to secure and the development of such areas invariably takes longer than on an unrestricted site.

It is not a matter for the Chief Minister to become involved in the operational activities of WEB and I have every confidence that the works will be completed in a timely fashion as I have outlined above.

2. Oral Questions

2.1 Deputy R.G. Le Hérissier of St. Saviour of the Chief Minister regarding serious allegations contained within the affidavit of the suspended Chief Officer of the States of Jersey Police:

What steps, if any, is the Chief Minister taking in response to the serious allegations found in the affidavit of the suspended Chief Officer of the States of Jersey Police?

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

The content of the affidavit was to support the suspended Chief Officer's application to the court for a judicial review of the decision of the Minister for Home Affairs to suspend him from office. This application was subsequently considered by the courts and the decision to suspend was upheld. Following the recent defeat of Projet 9 I gave an undertaking in this House that I would commission an independent review into how the suspension process was followed. This review is underway and I hope it will be completed as soon as possible. Within the affidavit there are 2 further allegations. The first surrounds the alleged comments made at a meeting in July 2007 that followed the Corporate Management Board. I understand this allegation was reviewed by a senior officer when it was first highlighted by the suspended Chief Officer of Police and no evidence was put forward to substantiate the allegation. Consequently, I have not taken any action against the Chief Executive and will not do so unless and until evidence is provided. The second allegation concerns the alleged comments by the Chief Executive at a presentation at St. Paul's Centre in October 2008 to a group of staff. I understand that at the beginning of that meeting the Chief Executive addressed those present and part of the opening comment was to provide reassurance to all staff that the current levels of adverse publicity being levelled against individuals in certain groups by a States Member was not acceptable. The Chief Executive has confirmed in a written statement to me that he advised the Chief Officer of Police that he intended to make this point at the beginning of the meeting and he gave the Chief Officer the opportunity to withdraw from introduction if he felt that his position would in any way be compromised due to his role in relation to the ongoing proceedings. The Chief Officer of Police elected to remain present. Accordingly, I do not believe that any further action, other than the external review of the suspension process is necessary.

2.1.1 Deputy R.G. Le Hérissier:

Would the Chief Minister outline the proactive steps that have been taken to approach other persons who were in attendance at these particular meetings? Has he set in train an attempt to get witness statements from other people who were present so that he may have the full picture?

Senator T.A. Le Sueur:

Certainly in respect of the allegations made regarding a meeting of Chief Officers of the Corporate Management Board, each officer was subsequently interviewed after the occasion and those were collated and, as I say, as a result of that it was found that there was nothing to deal with. That remains the case but active steps were taken at that time.

2.1.2 Deputy R.G. Le Hérissier:

So, therefore, can we assume from what the Chief Minister has said that the suspended Chief Officer's recollection of events is totally mistaken in both instances?

[9:45]

Senator T.A. Le Sueur:

No, I do not think we can. In respect of the meeting in July 2007 the allegations may well be what the Chief Officer of Police believes but there has been no evidence before it to make a substantive allegation. Accordingly, I am awaiting that evidence before I make any further comment. In respect of the other meeting of St. Paul's Centre I believe that what the Chief Officer of Police records in his affidavit was a reasonable view of his interpretation of the proceedings. There was at that stage some considerable adverse comments on a certain States Member's blog which I think was the duty of the Chief Executive to deal with in an appropriate manner.

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

Has the Chief Minister also taken steps to corroborate or otherwise the alleged occurrence of a similar meeting of the Child Protection Committee at which officers were discussing the removal of the President of the Committee?

Senator T.A. Le Sueur:

The answer is no and at this stage I see no relevance to that particular meeting to the question under the review, the suspension of the Chief Officer of Police.

The Deputy Bailiff:

Nor do I.

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

The Chief Minister will recall that the suspended Chief Officer of Police did make a request for the details of when certain letters were drafted and it has now transpired, following a complaints board hearing, that in actual fact the letters were not drafted on 11th and 12th November but on 8th November. Has the Chief Minister made any inquiries at all as to why maybe the Chief Executive Officer would have done the letters on the 8th and showed the matters as recorded on 11th and 12th November, because they are all part and parcel of a pattern which does not seem to be, to some States Members, appropriate?

Senator T.A. Le Sueur:

Well, that is a matter of opinion for States Members. That matter will be investigated no doubt by the person doing a review. I would say that when one is producing a letter or series of documents which have legal significance it is fairly normal for several drafts to be done before the version is finalised and agreed and one does not do that in a matter of minutes.

2.1.5 Deputy M. Tadier of St. Brelade:

A moment ago the Chief Minister said that no evidence had been put forward to substantiate the claims but does the Chief Minister not recognise that an affidavit is evidence? It is a sworn statement that is presented to the court and although it may not be the conclusive evidence that the Chief Minister would like it is nonetheless evidence.

Senator T.A. Le Sueur:

It would be very difficult for a person's uncorroborated comments of an event which occurred 2 and a half years ago by itself to be sufficient evidence to be taken in anything other than in its due proportion. I do give those comments due weight, but no more than that.

2.1.6 The Connétable of St. Helier:

My previous question was about the holding of a meeting of the Child Protection Committee at a similar time to the one referred to in the question and I believe, Sir, you said this was not relevant. It does seem to me if the Chief Minister is seeking corroboration of the allegation then the allegation that there was a similar meeting going on at officer level is relevant and I would be interested to know why the Chief Minister does not think that is worth investigating.

Senator T.A. Le Sueur:

I am not sure who is making the allegation of the meeting of the Child Protection Committee and maybe if the Constable would like to give me further details of that I might be persuaded to change my mind, but at this stage I have no reason to investigate further into that meeting which, as I say, is historic and has little to do with the suspension of the Chief Officer of Police and I do not believe that it is relevant to this particular question.

The Deputy Bailiff:

Constable, if I may say, the reason for my comment was that, as I understand it - and you can correct me if I am wrong - I do not believe the affidavit refers to the Child Protection meeting and that is why I did not see it as being relevant.

2.1.7 The Connétable of St. Helier:

If I could follow with a supplementary. The meeting of the Corporate Management Board which this allegation refers to was, I understand from a question I asked of the Chief Minister some ago, not minuted. Will the Chief Minister reassure the House that all meetings of the Corporate Management Board are properly minuted?

Senator T.A. Le Sueur:

The Corporate Management Board is responsible for its activities. It takes notes of the meetings and the relevant points of the meetings are recorded. Whether that constitutes minutes in the way the Constable thinks, I would not know, but there are records kept of the meetings.

2.1.8 Deputy R.G. Le Hérissier:

Would the Chief Minister confirm that he is exceedingly uncomfortable with a situation where a person totally trained in methods of taking and analysing evidence attends 2 meetings and emerges from those meetings with apparently a totally different recollection of those meetings than other people who have allegedly given evidence of those meetings? Would he say this is an unbelievably bizarre situation?

Senator T.A. Le Sueur:

No, I would not and I think if the Chief Officer of Police had felt so strongly about a meeting being held in July 2007 he might have done something about it before the middle of 2009.

2.2 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding contingency plans for the exit of banks from Jersey:

Following the recent speech entitled *What if the banks did a bunk?* by the former head of Deutsche Bank, who is also a former commissioner of the Jersey Financial Services Commission, what contingency plans, if any, does the Minister have to deal with a situation where external factors cause a slow or rapid exit of banks from Jersey?

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

Undoubtedly 2009 was a difficult year for the financial services sector around the world, however there are no signs that Jersey banks are doing a bunk. Unlike other jurisdictions we have not seen any bank failures and have no banking stability issues. There have been some regrettable job losses here and elsewhere but our financial sector has proved incredibly resilient. Jersey's strong I.M.F. (International Monetary Fund) assessment, O.E.C.D. (Organisation for Economic Co-operation and Development) white listing, and a positive report by Mr. Michael Foot, have helped to ensure that we remain one of the world's leading offshore financial centres. Jersey has retained its place as the highest rated offshore international financial centre in the latest ranking published by the City of London and now is the only offshore centre in the top 20 in the world. While we are confident, we are not complacent and we are not resting on our laurels and that is why on 24th December we announced that fiscal stimulus funds are being invested further to protect jobs in the finance industry and the wider economy. We are taking all necessary steps to protect Jersey's existing business and we are looking at opportunities in growing economies in the developing markets of India and China and beyond and also helping to preserve and expand our traditional markets in banking funds and fiduciary services. As for economic diversification the Minister for Economic Development will shortly be bringing forward to the States important new legislation covering and boosting diversification. This will help create opportunities to expand and diversify the Jersey

economy, assisting local companies and providing new avenues of employment for Islanders. I should say that I have read the speech by the ... and the Deputy corrected himself; it is indeed a former commissioner of the J.F.S.C. (Jersey Financial Services Commission). That is not the written submitted question. I thought it was a very positive speech. I thought it was an excellent speech which set out the importance of the financial services industry and nevertheless spoke about diversification.

2.2.1 Deputy M.R. Higgins:

Would the Minister agree with the assessment that recently ... it was in the latest Jersey Business Brief, and is also amplified by economists around the world, that recessions that are caused in financial markets by financial institutions are among the deeper ones and in the Jersey Business Brief it mentioned that Jersey was likely to suffer more than the Isle of Man and Guernsey because of our dependence upon the finance industry. Would he care to comment on that?

Senator P.F.C. Ozouf:

Delighted. Jersey Business Brief does not have a monopoly on economic commentary. What they do say, and it is true to say that there has been a contraction in financial services and because of Jersey's pre-eminent position as having a scale of financial services activity, which is much larger than Guernsey and the Isle of Man, we have seen a greater fall-off but the position remains that we still get far more tax return per capita of our comparative jurisdictions of Guernsey and the Isle of Man for financial services. So, yes, there has been a greater contraction but we start from a much, much higher base and the position that we end up with in starting the position of economic growth means that we are likely to grow much faster than some of these other places too.

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

The Minister clearly accepts the need for diversification and he mentioned that the Minister for Economic Development was bringing forward important new legislation. Would the Minister for Treasury and Resources care to comment on the fact that the tourism industry does not need new legislation, it needs more support and, for example, out of 10 or 11 marketing and P.R. (public relations) organisations across Europe there are now just 2 left?

Senator P.F.C. Ozouf:

Diversification is important. It is important to diversify the financial services industry, both its geographic range and its product range. That is vital to ensure that it is not a one-trip pony in itself. In terms of tourism support, I agree I cannot comment for other governments and what they do but this Assembly votes more money for tourism than many other development agencies and we continue to do so, and I would remind the Deputy that last week I announced fiscal stimulus funding for Durrell - an important tourism attraction - a pound-for-pound funding to ensure a new visitor centre. The Minister does everything he can for tourism and where we see opportunities we will do more.

2.2.3 The Deputy of St. Mary:

May I ask a supplementary on that? How does the Minister see the future of tourism in these straightened times when we are supposed to be cutting £50 million from the budget? I just cannot see a growing appetite in marketing spend.

Senator P.F.C. Ozouf:

The difficulty that we have is that all of the services that are provided by the States of Jersey do need to be looked at in terms of delivering them more cheaply, but that should be compared with investment in terms of securing our economic future. Much of the economic fiscal stimulus money that has been put is designed to ensure that people are kept in work and we prepare and we position Jersey to take as much of the upside as possible, both in financial services, in intellectual property, in creating digital Jersey, in creating all sorts of opportunities.

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

Does the Minister agree that the reasons why the financial institutions remain in Jersey are the same as why they came here; namely stable government, good communications, close to London, good public service infrastructure and good legal expertise on the Island?

Senator P.F.C. Ozouf:

Yes, and we all have that in abundance.

2.2.5 Deputy G.P. Southern:

In that case, will the Minister agree that the reason the banks stay here and why they came here is not primarily about low tax rates and will he agree to tax business, the finance sector, at a rate appropriate for doing business in Jersey?

Senator P.F.C. Ozouf:

I do not think Deputy Southern and I will ever agree on this. An important element and part of the financial services industry is offering of tax neutrality. We seek business that has been taxed on the inbound and we ensure that all individuals give their information to their respective tax authorities. We offer tax neutrality. Deputy Southern wants to tax business here which will ensure that they are taxed twice and if his policies were ever to be in force in relation to the financial services industry we would not have a financial services industry.

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

Given the Minister has mentioned that some of the money he has spent, £1.5 million, has gone to Durrell and given that Durrell recently received £500,000 from the United Kingdom Government by way of a grant, is the Minister happy that the money is to be spent on an interpretation centre or kiosk for going in and the like? Also, given that Durrell are reputed to have a plane standing at the airport, would it not have been better if they had sold their plane and used it on the welfare of their animals and creatures within the zoo prior to using public money by way of the stimulus package?

Senator P.F.C. Ozouf:

First of all, may I say that I am delighted to hear that the U.K. (United Kingdom) Government is supporting our Jersey Durrell organisation helping secure its future too. I do not think there is any Member of this Assembly that does not think that Durrell is absolutely important to Jersey, both as part of our unique offering for children, *et cetera*, and a magnet to bringing visitors to Jersey. Durrell needs support from the States; they have had support over the years. The fiscal stimulus body and all of the advice I have is very testing in terms of ensuring that money is only given where it is absolutely necessary. I do not think the Deputy is correct in saying that there are planes available for jetting people from Durrell around. Durrell has had financial issues. I think that everybody in this Assembly is aware of that and that is one of the reasons why we have supported the pound-for-pound matching for the new visitor centre, which I am sure is going to be an exciting new attraction for Jersey.

[10:00]

2.2.7 Deputy M.R. Higgins:

Would the Minister explain why he feels that economic growth will be greater because of the presence of the finance industry in Jersey when economists around the world see major restructuring and slow growth in financial services in the immediate future?

Senator P.F.C. Ozouf:

I do not think I am ever going to agree with Deputy Higgins on financial services either. I believe that there is a sound and good prosperous future for well regulated, well run financial services in centres such as Jersey. There will be a flight to quality. Not all offshore centres will survive. I am

confident that what we do in Jersey and what our 13,000 people who work in financial services do will continue to provide services at the higher premium end of financial services for the growing markets of the developing world, *et cetera*. Jersey has a great future but we have got to enable it to happen providing good legislation and support where necessary. I am an optimist. I am not a destructor of the financial services industry. I am sure the Deputy is not either.

The Deputy Bailiff:

Before we come on to question 3, can I indicate that we have 24 questions today and I want to get through as many, as Members I am sure will, want to get through as many as possible. We are looking at questions of the Minister for Health and Social Services and the Minister for Education, Sport and Culture it may be that I will cut forward question time on those questions a little because they are facing questions without notice as well. Deputy Lewis will have a question for the Minister for Health and Social Services.

2.3 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding the banning of so-called legal highs:

Further to my question last year regarding the banning of spice, salvia, ketamine and mephedrone, is the Minister keeping a watchful eye on the new brands of so-called legal highs, and if not, why not?

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

I know that the Deputy is very interested in the subject and, indeed, both I and the officers in my department do keep a very watchful eye on emerging legal highs. I am advised on this subject by the Jersey Advisory Council on the Misuse of Drugs, which was established under the provisions of Misuse of Drugs Law. The Council has a duty to keep under constant review the situation in respect to drugs which are or appear likely to be misused. This is particularly pertinent when such misuse appears capable of causing harm or social problems.

2.3.1 Deputy K.C. Lewis:

I refer to the drug mephedrone, not to be confused with methadone; sadly there was apparently another victim of this drug yesterday, lost their life in the U.K. As the so-called legal highs are freely available in the U.K. and on the internet is the Minister liaising with Customs and Home Affairs to block these evil drugs coming into the Island?

The Deputy of Trinity:

I read that article too and in fact having been away for the week in Dubai it made the Dubai news as well. So it is very much a worldwide problem. I am pleased to say that mephedrone is classed as a cathinoid which includes butanone, metolazone and mephedrone, which is similar to effects to amphetamines, so these drugs are, in fact, illegal drugs in Jersey.

2.3.2 Deputy M. Tadier:

Will the Minister confirm that she is keeping a watchful eye on the old brands of legal highs, one of which is known as alcohol? I was reading in the national papers the other day that somebody had actually been killed as a result of alcohol even though they had not consumed any themselves. So will the Minister outline her plan for alcohol - another legal high - to minimise the impact that it has on our Island.

The Deputy of Trinity:

These legal highs, very much like the ones that Deputy Lewis has mentioned, come under the Misuse of Drugs Law. I am too concerned, as Deputy Tadier, too and I hope this whole Assembly that we do have a problem with alcohol misuse and intake of it. I know the debate at the end of last

year... the Medical Officer of Health did raise some concerns about it and I am sure in her report, which is due to come out fairly soon, she will make mention of it and perhaps afford strategy on that too.

2.4 Deputy J.M. Maçon of St. Saviour of the Minister for Education, Sport and Culture regarding the education of first-time voters:

With the possibility of a by-election, what is the Deputy doing to educate first-time voters on the voting process and what provisions, if any, have been put in place in order to support this?

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

Whether or not a by-election is called much is being done within our schools to educate first-time voters. In advance of the first elections in 2008 where 16 year-olds were eligible to vote, the schools and colleges team met with all of the heads of personal, social and health education to ensure that the citizenship programme was preparing our young students for their first voting experience. This, I am pleased to say, has continued ever since that time and specifically the key stage 4 curriculum covers areas such as the reasons for voting, the ability to have a say, current law, how to vote and active citizenship. In advance of the 2008 elections a leaflet was also produced and distributed to all schools entitled *Are you 16 or over: do you know how to vote?* It is the department's intention if and when an election is called to make the leaflet available to all students eligible to vote.

2.4.1 Deputy J.M. Maçon:

Can the Minister outline what is done to educate new voters, especially on the electoral register, how to get on it and before an election is called will the Minister make available at school receptions an electoral register for students to access and sign it so that they can get on the electoral register?

The Deputy of St. Ouen:

It is acknowledged that new electors have the right to be informed about the nature of the electoral process. We also believe that all information should be presented impartially without supporting particular candidate groups or a party. As such, we deal with the general nature of the electoral process and therefore encouraging our young people to sign up and submit their names to an electoral register is very much part and parcel of that process.

2.4.2 Deputy G.P. Southern:

Whenever the next election is called, be it this year or in 2011, will candidates be able to put their manifestos in schools so that they can make sure that 16 year-olds understand why they are voting? Will candidates be allowed to visit schools and show their wares, as it were?

The Deputy of St. Ouen:

Head teachers are in possession of guidelines issued by the director of my department on how schools should manage access to schools by candidates in a run-up to an election. It is accepted that pupils who are eligible to vote have the same opportunities as all other members of the electorate to attend public hustings in their own time. Individual election candidates are not allowed to campaign in schools during school time. This is specifically to ensure fairness to all candidates, avoid disruption to the curriculum and avert any potential concern about pupils being placed under undue pressure.

The Deputy Bailiff:

There are numbers of lights flashing. I know this is a subject which Members will be interested in and the Minister is subject to questions without notice later on. The Deputy of Grouville.

2.4.3 Deputy C.F. Labey of Grouville:

The Minister has stated that the citizenship programme was devised but does he know which schools actively participate in the programme and could he highlight if there is an issue with training the trainers?

The Deputy of St. Ouen:

I do not believe there is an issue with training the trainers. I think that the guidelines are clear. Much time has been spent on developing our citizenship curriculum and I believe that it meets all requirements. Equally it is relayed to all schools and I know from experience that all schools fully utilise the opportunity that citizenship curriculum provides.

2.4.4 Deputy R.G. Le Hérissier:

While not totally pre-empting the findings of a Scrutiny Panel which is about to start work on the subject, would the Minister not acknowledge that the directives of his department at the previous election showed a real fear of controversy and entering into any controversy and, as a result, any enjoyment, any useful controversy was totally removed from the process in favour of rather boring descriptions of the make up of the States of Jersey and such like?

The Deputy of St. Ouen:

I am not necessarily of that view and, indeed, I welcome the Deputy's desire to review political education within our schools, and I am sure, as he is, we look forward to having a constructive review that produces some evidence that we can rely upon.

Deputy R.G. Le Hérissier:

Supplementary. Could the Minister answer the question?

2.4.5 Senator J.L. Perchard:

Does the Minister agree that he faces a huge task to educate 16 and 17 year-olds about the importance of voting as all but just a handful of 16 and 17 year-olds are simply not interested? Does he agree that the States made a huge mistake when agreeing to give 16 and 17 year-olds the vote?

The Deputy of St. Ouen:

I cannot comment and I would not comment on the decisions made by this Assembly. The fact of the matter is that 16 year-olds are able to vote and my department will do all we can to encourage them. With regards to whether or not our young people are engaged; much effort - and I underline that fact - is being placed into encouraging our young people to participate and, indeed, the evidence was quite clear in the Youth Assembly last week where we had over 50 of our 6th formers demonstrating quite clearly that they had a better grasp of this States process than many Members in this Assembly. [Approval]

2.4.6 Deputy J.M. Maçon:

Does the Minister acknowledge that the electoral register is neutral and therefore cannot influence a way that a person will vote for an individual candidate and, therefore, having an electoral register or the form to apply to be on the electoral register should be available at receptions in secondary schools so that 16 year-olds can participate whenever an election is called?

The Deputy of St. Ouen:

I believe that 16 year-olds are young adults and as such they should be treated in the same manner as we do with all other adults who are required to engage in the process, to use their own views and opinions and seek to engage in any electoral process that comes about. Indeed, one of those areas will be seeking out and ensuring that their names are on any electoral register which I am sure the Privileges and Procedures Committee will, when an election happens, be promoting.

2.5 Connétable J. Gallichan of St. Mary of the Minister for Economic Development regarding the re-evaluation of the Banking Business Policy Statement in the light of the current financial climate:

As it now appears that the Jersey Financial Services Commission does not consider it appropriate to apply any degree of flexibility to the top 500 policy, will the Minister consider whether it is appropriate to request the regulator to re-evaluate its banking business policy statement in the light of the current financial climate in order to ensure that it remains in the best interests of the Island?

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

As I said in my recent answer to a similar question, the top 500 policy is a matter of established bank licensing policy for the Jersey Financial Services Commission, our independent regulatory body, which conforms with international standards of banking supervision. I do not believe I should intervene and request the Commission to reconsider its policy at this time. Jersey's standards in this area, which stood us in such good stead during last year's financial and banking crisis, should not be compromised or diluted. The top 500 policy is designed to protect Jersey's reputation and reduce the risk to the public and has served the Island well over the years. Consequently Jersey did not have any bank failures during the recent banking crisis.

2.5.1 The Connétable of St. Mary:

While it is certainly true that the top 500 policy has served the Island well in the past, and I think the Financial Services Commission can take credit for that, it is also true that many Islanders now feel in uncertain times when mergers and restructurings are often on the cards that the parentage of locally established banking business could change and that the local employers would find themselves unable to continue in business here. Does the Minister not consider that a transparent analysis of the current policy and a statement on why it is still relevant would be of comfort to those Islanders?

[10:15]

Senator A.J.H. Maclean:

I understand the concerns of the Constable but I think it is appropriate that it is for the Jersey Financial Services Commission whose policy it is to continually and appropriately update the policy as and when appropriate. I do not feel, and I am sure the Commission would not feel, it is appropriate at the current time with the current level of continuing uncertainty.

2.5.2 The Connétable of St. Mary:

In his answer last time the Minister did say that a steer was certainly given to the Commission. I would be grateful if he would follow that up, but it is true that increasingly in international circles I am told by people in the finance industry who have consulted that the feeling is that if there is another failure in banking the size of the entity will not be the only redeeming factor. Does the Minister not consider that it is now time to request the regulator to perhaps consider taking other factors into consideration other than simply membership of the top 500 in determining whether or not to grant a banking licence?

Senator A.J.H. Maclean:

I have regular meetings with the Jersey Financial Services Commission and I am more than happy to raise the point with them. But I should mention to Members that of course the top 500 rule is not the only consideration that the Commission uses when assessing the appropriateness of a particular banking entity. They consider under Article 10(3)(a) of the Banking Law a number of factors, including integrity, competence, financial standing, structure and organisation of a particular entity that is considering applying for a licence. There are other factors that the Commission looks at but

indeed the Constable is right; all policy should be continually reviewed to ensure that they are appropriate in an ever-changing world.

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

I will try not to stray as I have a very similar question later. Could the Minister just clarify, while the 500 rule has served us very well, what comfort is that to 30 people - possibly 30 families - who are now redundant and their livelihood is gone, which is the lesser of the 2 evils?

Senator A.J.H. Maclean:

Whereas it is always regrettable when people lose their jobs and when local people lose their jobs, nevertheless the reputation of the Island which has stood the Island in such good stead over many, many years - the reputation of our banking industry - is something that we have to, indeed we must, protect. We should bear in mind and should never forget that we did not licence organisations like B.C.C.I. (Bank of Credit and Commerce International). We did not licence Icelandic banks. We did not have those type of banking failures which would have caused far more damage to the local population than anything else.

2.5.4 Connétable D.J. Murphy of Grouville:

In view of the fact that the U.K. banks currently clinging to the Bank of England lifeboat were all part of the top 500, would he now reassess the position and perhaps use another yardstick instead of the top 500?

Senator A.J.H. Maclean:

As I think I have already said, the top 500 is a key assessment as far as the Jersey Financial Services Commission are concerned, however it is not the only yardstick used in determining whether a bank is appropriate. I should point out, of course, and Members are probably aware of this, that currently of the banking groups licensed in Jersey the majority of them are in the top 150, not the top 500, which shows the very high quality of banking organisations that we have in Jersey.

2.5.5 Senator S.C. Ferguson:

Will the Minister confirm that the top 500 parameter is actually the top 500 by Tier 1 capital which is, in effect, a measure of stability and liquidity? Will he further confirm that relaxing our high standards would probably damage our reputation irreparably?

Senator A.J.H. Maclean:

Yes, I am delighted to confirm both those points. The Senator is absolutely right, Tier 1 capital base or Financial Services conglomerates of equivalent size is the benchmark and, yes, potentially it could damage our reputation and that is something I do not think we can risk playing around with.

2.5.6 The Deputy of St. John:

Not dissimilar to the previous question; given that we have seen some of the top 500 banks moving out of this Island over recent months - in fact it affected one of my family when some 50 staff from Ansbacher were made redundant in the last several months since the credit crunch - does the Minister agree that we have to be very careful that the people who are in charge of issuing these licences only take the 500? It is important that the people that come back in to replace the banks that have left for whatever reason but not gone out of business have the top echelon of people to work for them.

Senator A.J.H. Maclean:

Yes, I agree entirely with the Deputy. We must ensure that we maintain the highest standards possible. That is what we have built our reputation on. That is why we have fared so well in

reviews like the I.M.F. and the Foot Review and others, and our reputation is absolutely essential to the continuing success for the financial services industry of which I have every confidence in.

2.5.7 The Connétable of St. Mary:

The Minister must understand that I fully support and have the greatest desire to see our finance industry thrive and continue to thrive however there are genuine concerns about whether businesses which are currently here employing our local people will be able to continue indefinitely. Regarding what he said about the yardstick, I would draw his attention to paragraph 6(7) of the policy statement which, apart from in the case of a managed branch, says that: "Applicants must be able to prove prior to registration their ownership as [I will condense this] part of an appropriately supervised top 500 bank." That is not just one of the criteria, that is the major defining quality as regards stature of an enterprise from the Commission's own policy. Will the Minister please comment on whether he thinks we need to perhaps request, again I say, have open the debate on whether there are other yardsticks that may now be becoming more appropriate?

Senator A.J.H. Maclean:

As I think I said a moment ago, I am more than happy in one of my regular meetings with the J.F.S.C. to consider and discuss this particular matter. So far I have been satisfied with their belief and confidence that this is an appropriate benchmark but of course ongoing review of all policies, as I have already said, is absolutely appropriate and I will undertake to the Constable that I will have further discussions with them on this matter. But I do believe it is absolutely correct as it stands at the moment.

2.6 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the growth in public spending over the past 5 years:

Will the Minister set the growth in public spending over the past 5 years in the context of the parallel growth in the economy over the same period?

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

Over the last 5 years net revenue expenditure has remained constant as a share of our economy or G.V.A. (Gross Value Added). The share amounted to 13 per cent of G.V.A. in 2005 and taking the latest estimate of net revenue expenditure or N.R.E., it is estimated to have amounted to 12.9 per cent in 2009. However, I would say to the Deputy that comparing expenditure over a short period when the economy has largely been going through positive growth does not necessarily tell a picture of the whole story. A better comparison is to review trends over the whole of the economic cycle. For example, in 2000 when the economy was at a peak of economic growth, it amounted to 10.6 per cent of G.V.A. and in 2008 when the economy looks likely to have reached another peak it is estimated to have risen to 12.1 per cent of G.V.A. This is also consistent with the picture of net revenue expenditure compared to inflation. Over the last 10 years inflation has risen by 30 per cent while net revenue expenditure has risen by over twice that rate by 70 per cent. Whatever the statistics say, it is clear that we have invested in public services in recent years and that public services have shared in the proceeds of growth. However, this potentially does not make the point that it is also important that there should be improving efficiency. It is not just about spend. We have embarked upon the comprehensive spending review in order to respond to pressures on public spending and to ensure that historic pattern of year-on-year spending increases does not continue. The process is proposing tough targets for savings and if delivered will reduce structural deficits.

The Deputy Bailiff:

Minister, can I remind you that question time is about questions as well as answers.

2.6.1 Deputy G.P. Southern:

If I may, apart from being blinded by numbers, but I will have a look at those later, does the Minister not accept that the 30 per cent rise in public spending over the past 5 years, which he has made such a fuss about, is proportionate and within budget and should not be used as an excuse for panic cuts in public spending, as he is doing?

Senator P.F.C. Ozouf:

There are no panic cuts. What I have clearly indicated is that while the structural deficit for 2010 and 2011 can be funded from cash - unlike most other places, from the Stabilisation Fund - there is an issue about a structural deficit from 2012 and 2013 and that needs to be dealt with. I am not proposing the deeper and faster cuts that the Public Accounts Committee is proposing.

2.6.2 Deputy G.P. Southern:

That is madness. If I may, supplementary. Does the Minister not accept that the structural deficit of which he talks amounts to something like 1.7 per cent of G.D.P. (Gross Domestic Product) compared to the U.K.'s 12 per cent and that we should not be panicking at all at this stage?

Senator P.F.C. Ozouf:

There is no panic. There is long-term thinking, balancing the books, and yes, the Deputy is absolutely right, if I had the U.K. exchequer figures we would be facing a deficit this year of about £600 million against the pile of debt of £4 billion. I do not think for one moment that the Deputy is proposing that that sort of economic policy is right for Jersey.

2.6.3 The Deputy of St. Mary:

The Minister has made great play of this 30 per cent increase in public spending over the last 5 years but we learned from the answer to the written question of Deputy Southern today that inflation has been running in that same period at 17.7 per cent, earnings 22 per cent. There has been the historic child abuse inquiry which is, I hope, a one-off, the flu pandemic and Williamson. Would the Minister agree to do a new calculation and give it equal publicity in the media to his 30 per cent increase, a new calculation taking all those factors into account?

Senator P.F.C. Ozouf:

I am more than happy to do more calculations but I would say to the Deputy that there is no hiding place from the problem. There is in 2012 and 2013 an expectation of a gap in public finances; £50 million. There is no hiding place for the Minister for Treasury and Resources in either having to deal with that on expenditure or in terms of increased taxes. What I have also signalled is the Deputy is quite right to say that there are items which are always unforeseen and I want to ensure that we budget an appropriate contingency amount in order to build into our public finances. That is why we need the comprehensive spending review to deal with the structural deficit and we need to consider - and we will have to consider - taxes for investment in the services that he cares about and the rest of the Assembly cares about too, such as health.

2.6.4 The Deputy of St. Mary:

May I ask a supplementary? The question was not answered. The problem is that the Minister has put about that there has been a 30 per cent massive uncontrolled increase in expenditure over the last 5 years. The fact is that it is almost entirely, if not entirely, accounted for by special factors, by inflation and by the rise in earnings. Will he give a new figure and give equal publicity to it which will show the rise in the last 5 years has been nearly zero?

Senator P.F.C. Ozouf:

It is all very well saying it has got to be accounted for, the money has got to be found. I can construct any sort of figure, which is based upon the facts, which shows that public expenditure is rising and has risen, I am afraid to say to the Deputy, to unsustainable levels. I would repeat the figure that I put in the answer today. Public expenditure has risen in the last 10 years by 70 per

cent while inflation has risen by 30 per cent. That is a real growth in public spending and we have got to do something about it.

2.6.5 Deputy M. Tadier:

Would the Minister consider looking at the waste that occurs at Parish level when we consider that rates effectively, when you are a ratepayer, is another form of tax and that the duplication which occurs 11 times over in such things as waste collection could be centralised and therefore the money be put to better use in that way?

Senator P.F.C. Ozouf:

I welcome Deputy Tadier and indeed any other Members' suggestions for making the public sector more efficient. If that means opportunities of working with the Parishes then that is a good thing. But what I would say to the Deputy is that if we are going to meet the challenge of finding £50 million worth of savings and, yes, service cuts, we need to be concentrating on the large areas of expenditure realistically. I need to ask the Health Department and Home Affairs and Education about how they can deliver their services more efficiently. Yes, there are opportunities at the end of the Parishes perhaps but that is not decisions made by this Assembly, we need to, however, concentrate on the big areas of public spending.

2.6.6 Deputy G.P. Southern:

Does the Minister accept that the structural element as distinct from the cyclical element of the deficit is caused, by and large, by the foolish policy of Zero/Ten?

[10:30]

Senator P.F.C. Ozouf:

The first thing I would like to say to Deputy Southern, if I may, is that I do wish he would attend the briefings where we go through in detail the numbers. **[Approbation]**

Deputy G.P. Southern:

Will the Minister please answer the question?

Senator P.F.C. Ozouf:

I think it would help the Deputy in understanding some of the difference between structural deficits and cyclical. We spend a great deal of time in trying to explain and give justification for Members for the policies and I would willingly have him in the Treasury for a few hours to explain some of the background of the numbers.

2.7 Deputy P.V.F. Le Claire of St. Helier of the Minister for Planning and Environment regarding the provision of housing within the draft Island Plan:

I would like to begin by prefacing my question by warning the Minister that this question is being recorded. **[Laughter]** How confident is the Minister ... I promise not to use it against him in years to come. How confident is the Minister that current and future housing needs in Jersey are fully addressed within the draft Island Plan and that affordable and sheltered homes will be attainable if all planned units are delivered on time?

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

I am confident that the principal strategies set out in the draft Island Plan have the potential to meet the Island's housing requirement over the planned period. I am however aware that concerns are emerging from the consultation about certain elements of the draft plan, particularly in relation to some of the rezoning proposals and the affordable housing delivery formula. I will therefore be considering proposing amendments to the plan and will publish these shortly once the consultation

period has closed and I have had a chance to digest all the responses. I would say that I am aware of the potential for a large number of sites in the built-up area that with careful planning could deliver very considerable numbers of homes and therefore, providing we have a workable affordable housing formula, I am confident that the long term demand for affordable housing can be delivered.

2.7.1 Deputy P.V.F. Le Claire:

The Minister has helpfully informed us today, not only in his verbal answer there but in written questions, that he is currently undertaking a series of reviews and processes that will be published after he has completed them. Disappointingly he has just said that those will probably occur after the consultation closes. Is there not a danger therefore that publishing those findings after the consultation process is closed prohibits Members and the public from commenting upon those within the Island Plan?

Senator F.E. Cohen:

There are opportunities for States Members, of course, to lodge amendments to the Island Plan and they will be able to incorporate any aspects that they find of concern within those amendments.

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

Given the question the Deputy asked about affordable and sheltered housing and the written question answered that the majority will be in the Waterfront and the Town Centre; 2,000 of these are, in the first year up to 2013, (b) category and 1,600 are (b) category up to 2018 and only 300 are marked for lifelong homes. We are already over 300. Will the Minister for Planning and Environment get real and tell us today that this Island Plan with the recession, with the population increase we already know we have, and the Island population being of over 100,000, that it is not even achievable and it is not real and it is not definitely addressing the question of affordable and sheltered housing? Please get real.

Senator F.E. Cohen:

I hope that I am real and I hope that the plan, when it is taken forward to the Inspector - and please remember there will be the opportunity for amendments tabled by Members - will deliver the required balance of housing. I firmly believe that we are capable of delivering so. There are large numbers of housing units that can be delivered in existing sites and I think needs and supply can be matched.

2.7.3 Deputy G.P. Southern:

Will the Minister accept that the latest report sitting on his desk - I think it is the McLeod Report - in terms of affordable housing says that there is no such thing for the average earner in Jersey as affordable housing, we can no longer build affordable housing in any reasonable payback terms whatsoever. What does he even intend to do about it?

Senator F.E. Cohen:

It depends what the Deputy believes constitutes affordable housing. In my view affordable housing comprises a mixture of retirement housing, sheltered housing, social housing and, I hope, shared-equity housing. I believe that we can deliver a balance and if we are clever in the affordable housing formula - and that of course is up for debate within the Island Plan consultation process - we will be able to deliver the correct mix of housing.

2.7.4 Deputy G.P. Southern:

Will the Minister come to the House with a summary of McLeod's conclusions detailing what he calls, what his expert calls, affordable housing and unaffordable housing?

Senator F.E. Cohen:

I am quite happy to make available a copy of the affordable housing paper to all Members.

2.7.5 Deputy I.J. Gorst of St. Clement:

In light of the Minister's comments about existing sites, will he confirm to the Assembly that he will not be bringing forward any rezoned sites without the support of the particular Parish Connétable and the Parish ... a pilot project which he successfully steered through this House with the over-55 rezoning last year?

Senator F.E. Cohen:

I would hope that Members would accept that any commitments I have given will be fully held to. We are currently in the consultation process. It would be inappropriate for me to predetermine the consultation conclusions. They will be published shortly after the closing date which is 31st March.

Deputy I.J. Gorst:

I think that was a yes; can the Minister just confirm that?

Senator F.E. Cohen:

It was not quite a yes. It was quite clear that we will be looking at the conclusions of the consultation process when the consultation concludes on 31st March.

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

Taking the Minister back to his original answer to the original question from the Deputy; will the Minister confirm or deny then that his department will be promoting high-rise, high-density accommodation in and around the town area?

Senator F.E. Cohen:

There are opportunities for higher rise development but that does not mean poor quality development. It is perfectly appropriate that providing we deliver high quality units of good size - and I mean minimum standards plus plus - that we can deliver high quality housing for Islanders of which we can all be proud. Yes, they can be a little taller in very specific locations, but that is not a general rule.

2.7.7 Deputy D.J. De Sousa:

Supplementary; can we have the Minister's definition of "higher"?

Senator F.E. Cohen:

The view of Hopkins Architects is quite an interesting view because they think that the predominant height for St. Helier is 4 to 5 stories. I think we can go above this, but we could not go very significantly above this. I certainly do not think that we could generally go to heights of 15 or 20 stories, that is for certain.

2.7.8 The Deputy of St. Mary:

Does the Minister accept that with this proposed increase in population in the urban area it is imperative that we have adequate open space for these additional people?

Senator F.E. Cohen:

It is absolutely imperative that we have open space. It is also imperative that we protect the countryside. I am afraid that with increased housing demands we cannot protect the countryside fully and have, for example, a blanket ban on development within the built-up area of over 4 storeys. I think there has to be a balance and Members need to accept there is a balance. At the end of the day it is for Members to choose that balance, not just for me.

2.7.9 Deputy P.V.F. Le Claire:

Very useful answers this morning. I am concerned however that in the written answer in relation to the verbal answers he has given that only one Constable has formally objected to these proposals. If none of the Constables get involved at this stage - at the last minute - then unfortunately we are going to see, would the Minister not agree, a planning consultation period that has been lengthy and unsuccessful?

Senator F.E. Cohen:

I would not say the consultation period is unsuccessful. It is entirely up to the Connétables, as to other Members, to make submissions to the Island Plan consultation. It is not for me to force them to do so.

2.8 The Deputy of St. Mary of the Minister for Transport and Technical Services regarding specific research on the effects of differing speed limits on accident and injury rates:

Following his answers to my written question on 9th March 2010 can the Minister inform the Assembly why specific research on the effects of differing speed limits on accident and injury rates and severity of injuries did not form part of the speed limit review? Furthermore, what specific examples of speed limits and their effects elsewhere were advised to the working group and what discussions took place about these?

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

The working group made up of the Connétables of St. John and St. Saviour, and Deputies Fox and Lewis considered evidence from many different sources, weighed that evidence and then determined their recommendations to me. I have considered those recommendations along with advice from the Law Officers and will be lodging a report and proposition proposing a slightly revised policy to that agreed by the States of Jersey in 2004, during the course of this summer. The States will have the opportunity to endorse or otherwise the recommendations made by the review group and if the Deputy considers that ... well, should I say that as is usual with my department's policy decision the recommendations of the working group will be forwarded to Scrutiny for appraisal and comment prior to bringing the report and proposition forward. The Deputy of St. Mary, as a member of the relevant panel, will no doubt have input into that and I look forward to receiving it.

2.8.1 The Deputy of St. Mary:

As the Minister well knows, Scrutiny has got plenty on its plate. In London recent research shows that killed and seriously injured in 20 mile an hour zones goes down by 42 per cent, and that is across London, and with children killed and seriously injured goes down by 50 per cent. In Hull, the figures were even higher. In the debate on cycle helmets, speaker after speaker in this Chamber got up and said if one life is saved, or one injury is saved, then we must do it. The Minister now tells this House that nothing, no evidence has been taken about the effects of 20 mile an hour zones across the U.K. in the speed limit review. Would the Minister agree ... well, I just put that to the Minister and invite his comments.

The Connétable of St. Brelade:

That is not correct, the department is fully aware of the impacts of speed and reduction of speed on accidents and clearly that was taken into account by the review group. The recommendations of that group in fact reduce speed limits in the Island to, in a lot of areas, 20 miles an hour so I suspect that the ambitions of the Deputy will be achieved as they, in common with me, I am keen that all accidents and any fatalities are reduced.

2.8.2 The Deputy of St. Mary:

As pleasing that there appears not to have been a formal review of the evidence, but can the Minister then... I am quite encouraged by what he just said, but will the Minister give an assurance to this House that the review will assess this evidence about 20 mile an hour zones and present it as part of the report and will include 20 mile an hour limits as appropriate in the report and proposition?

The Connétable of St. Brelade:

The workings of the review group are complete and they have taken this evidence on board and made their recommendations accordingly. I think when the Deputy sees the report of the group he will be satisfied that the recommendations will reduce speed where necessary, certainly in built-up areas.

2.9 The Deputy of St. John of the Minister for Economic Development regarding the reduction of barriers to investment and growth:

Would the Minister advise whether he is supportive of the need to remove unnecessary barriers to investment and growth and if so what measures, if any, does he propose to implement to help reduce the red tape?

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

Absolutely. The Deputy will probably recall a red tape review that was carried out from December 2004 to March 2005. The result of that review was that little evidence was found to support the belief that the Island is unnecessarily over-regulated. Interestingly the most telling outcome of the review concerned public perception. People believed that they were bound by red tape. There is certainly no room for complacency especially in current economic environment which is why I announced recently that my department will look again at the issue from a business perspective. The specific emphasis will be on identifying whether there is clear evidence of excessive red tape and bureaucracy and whether it is creating a barrier to investment and economic growth. We will be asking some business leaders from across different sectors of the economy to form a small group to help us understand the issues and, if necessary, propose workable solutions.

[10:45]

2.9.1 The Deputy of St. John:

Given that the Minister is keen on removing red tape has he already done so at the Harbours Department as recently the £400,000 spent on refurbishing the Elizabeth Terminal, at a time when we are trying to save funds within the Island... Yet in doing so the roof has not been repaired. Has the lack of controls, by having eased his ability for his staff to go ahead and do certain works, put the cart before the horse in not having repaired the roof prior to putting all the soft furnishings within the building?

Senator A.J.H. Maclean:

I think the Deputy is a little confused. I cannot see the link between refurbishment of the Elizabeth Terminal and red tape and bureaucracy, even with the wildest of imaginations there is no link at all, but seeing as he has raised the point I will answer it for him. £400,000 has been spent improving the arrivals facilities at Elizabeth Terminal. I think it is a good investment. It is essential that that gateway to the Island is in good condition for tourists when they arrive in Jersey. It is absolutely right and as far as the roof is concerned, yes, there is a minor leak that was discovered and that is one of those things. Two years ago £55,000 was spent on repairing another area of the roof and it has suitable life span to be able to make the investment of £400,000 perfectly workable. I am satisfied and I think it was money well spent.

2.9.2 The Deputy of St. John:

Given that in a newspaper article recently the Minister was quoted, in fact, of saying that: "Government must stand aside to remove unnecessary barriers in investment and growth." Those comments in the local paper made by the Minister. Will the Minister tell us what he has cut in the 16 months he has been in office as Minister of his department, E.D.D. (Economic Development Department) and show us the red tape he has removed?

Senator A.J.H. Maclean:

That is exactly why I have just proposed, and I announced this at the Jersey Enterprise Awards evening, that we were going to look into the detail of red tape and bureaucracy and indeed if it is, in fact, hindering investment and economic growth. I have some concerns. I think there are areas where there is room for improvement and I think it is important that we engage, in particular, members from the private sector from the business community to assist us with this review. It is an important thing to do. I know that the Deputy has asked for specific examples of red tape and bureaucracy that has been dealt with over the last 16 months: I am not going to give details at this particular point. We have to have facts, we have to have evidence, and he will be aware that in 2005 when the last review was undertaken there was in fact very little evidence actually produced.

2.9.3 The Deputy of St. John:

Final supplementary; can the Minister please confirm that when he made those comments on that evening they were throwaway comments, no more than that?

Senator A.J.H. Maclean:

Absolutely not. They were not throwaway comments. I am deadly serious. I think there is the potential that red tape and unnecessary red tape and bureaucracy could limit investment in economic growth. We cannot allow that to happen. We have to get away from a tick box society, which is always the risk. We have to reintroduce more common sense and I believe that this particular review will prove, without any shadow of doubt, with the help of the private sector, whether indeed there is a problem or not, and we will address it if there is.

2.9.4 Deputy R.G. Le Hérissier:

Would the Minister confirm whether or not he is going to approach the Minister for Planning and Environment about the totally laborious system of changing signs on buildings by businesses? Secondly, will he be taking the sympathetic view when bike hire operators complain about proposals made in this Assembly for the establishment of numbers upon bicycles and other such totally unnecessary attributes?

Senator A.J.H. Maclean:

I will and do continually engage with the Minister for Planning and Environment on issues of concern, and will continue to do so. I think it is important that departments and Ministers work closely together for a common aim. As far as other matters, I do hope that the Deputy will feed into the review that we are undertaking despite the fact that it is not directly relevant to business. It does not matter, I would be interested in his views, as always. I am sure it will add value to the process.

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

Could the Minister confirm that he will be looking at the possible communication breakdown between government and public with regards to red tape and the increase of legislation and regulations that have been introduced since December 2004 when that report was established?

Senator A.J.H. Maclean:

Yes, I mean the Deputy is correct. There has been quite a bit of additional regulation and legislation introduced since the end of that period. What concerns me slightly is that that particular review did not come up with very much evidence but clearly the public at that time were

concerned. I have the impression there is still an element of concern. What I want to do is try and bottom this out on an evidence-based process and put together a review that is going to be meaningful.

2.10 Deputy M. Tadier of the Chief Minister regarding the suspension of the Chief Executive to the Council of Ministers:

Given that he has now agreed to an investigation into the circumstances and procedures surrounding the suspension of the Chief Officer of the States of Jersey Police, and in the light of concerns expressed about misconduct and political interference made against the Chief Executive at the Council of Ministers, will the Chief Minister undertake to suspend the Chief Executive immediately so that these serious issues can be investigated transparently?

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

No, I have no intention of suspending the Chief Executive at this stage. Suspension is a serious matter and will only be undertaken in one of 3 particular circumstances. Firstly, if there was evidence of gross misconduct or criminal behaviour or a police investigation was in train; secondly, if by the person remaining in post the alleged offence might be repeated; and thirdly, if there was a danger that evidence could be tampered with or removed. A key element in any decision to suspend an employee is whether there is *prima facie* evidence of wrongdoing. I have no such evidence in respect of the Chief Executive.

The Deputy of St. Mary:

Just repeat the second reason; I could not hear it.

Senator T.A. Le Sueur:

The second reason I gave was that if by the person remaining in post the alleged offence might be repeated.

2.10.1 Deputy M. Tadier:

Exactly, I would take up that last point. But first of all let us get it clear, suspension in this context would be a neutral act. We have had other neutral acts pending investigations and reviews. Also I think the last reason the Chief Minister gave was that the offence could be repeated, and this is exactly the problem. This is the person who is advising the Chief Minister; serious allegations have been made in the form of an affidavit and it is completely unacceptable, if we are to believe in transparency, that this person remains in a post to give advice about himself to the Chief Minister. Will the Minister accept that he is simply only giving ammunition to those who already have suspicions about corruption at the heart of government and the correct thing to do is to suspend the Chief Executive Officer, as a neutral act, while the review is being carried out?

Senator T.A. Le Sueur:

As I am not relying simply on the word of the Chief Executive, as the Deputy is well aware, I have also commissioned an independent review into the suspension process. If that review provides any evidence which might cause me to think again, or make a different decision, I will act on that evidence when it is produced.

2.10.2 Deputy T.M. Pitman:

Could the Chief Minister just confirm that the investigation he initiated some 18 months ago was carried out by one of the Chief Executive's subordinates and can that honestly have any credibility whatsoever?

Senator T.A. Le Sueur:

I confirm that the investigation into comments made was carried out by a member of the Human Resources staff and that is perfectly normal as an initial process. If anything untoward had come to light from that then further action might have been taken, but nothing untoward came to light and so the matter rests there.

2.10.3 Deputy T.M. Pitman:

Sorry, if I am being a bit dim-witted here, but is the Chief Minister telling us that it is credible that the most powerful civil servant in the Island is investigated by one of his juniors?

Senator T.A. Le Sueur:

It is not a question of the Chief Executive being investigated by one of his juniors. Comments were made and I wanted to make sure that those comments could be substantiated. I therefore tried to find ways of substantiating that and have so far failed.

2.10.4 Deputy P.V.F. Le Claire:

Helpfully this morning the Chief Minister has given us the 3 reasons why a member of the States employment will be suspended. In suspensions, people who are suspended pointed to the reason or the reasons why they are suspended among those 3 categories and, if they are, which of those 3 categories would the Chief of Police be suspended under?

Senator T.A. Le Sueur:

The person suspended normally would be advised of the reason why they would have been suspended. The suspension of the Chief Officer of Police was carried out by the Minister for Home Affairs, not by myself so the question has to be directed to him.

2.10.5 Deputy P.V.F. Le Claire:

The Chief Minister failed to answer, maybe inadvertently, are the 3 reasons that are given to suspended employees given to the suspended employee and identified as 1, 2 or 3 in all cases?

Senator T.A. Le Sueur:

They are not identified as 1, 2 or 3, but the reasons for the suspension would be given to the person concerned at the time of suspension.

Deputy G.P. Southern:

If I may on a point of procedure: in the absence of a Minister during question time is there not arrangements made for another Minister to cover or the Assistant Minister to cover question time if that Minister is absent; why is that not happening?

The Deputy Bailiff:

These are questions put of the Chief Minister; the matter does not arise at the moment. The Deputy of St. Mary.

2.10.6 The Deputy of St. Mary:

Firstly, the allegation was reviewed by a senior officer, that is the allegation about the meeting of the Corporate Management Board in July 2007. That is what we were told earlier today and now that made me understand that that was a police officer, so could the Minister just confirm who did this review of the allegation? Also can the Chief Minister confirm that suspension is not a neutral act in that when he was talking about the Chief Executive Officer he used the phrase that he will take no action against the Chief Executive Officer.

Senator T.A. Le Sueur:

I have already indicated that the review of that allegation was carried out by a member of the Human Resources staff. I do not have a habit of naming individual people in the Assembly. It is

simply a member of the staff. The question about suspension being a neutral act is something which clearly gives Members cause for concern as to what is neutral, particularly when a suspension goes on for some length of time. The intention of suspension being neutral is in the same way as there is normal presumption in justice that a person is innocent until they are found guilty.

2.10.7 The Connétable of St. Helier:

I understand from the Chief Minister's responses that he does not believe the destruction of the minutes before they were agreed by all parties involved in the original suspension meeting should be a ground for suspension. Could he say in that case what action he does believe should be taken in respect of that act?

Senator T.A. Le Sueur:

The matter of the so-called destruction of the minutes is a matter which has been taken out of all proportion. Handwritten records were taken of a meeting, they were subsequently transcribed. The transcribed version remains in existence and the handwritten version is no longer there. Questions of destruction of minutes suggests allegations that the evidence has been changed. The contents of the notes of the meeting were checked after they had been transcribed and they were consistent with that. I think the Constable is barking up the wrong tree here, and certainly it would give me no grounds whatsoever suggesting that that activity, even if proven, would be a matter for suspension under the reasons that I have just given.

2.10.8 The Connétable of St. Helier:

Does the Chief Minister not believe that it is good practice after any meeting to agree the minutes with the people who are present at the meeting? [Approbation]

Senator T.A. Le Sueur:

This was notes of a meeting and the notes of the meeting remain in existence. The notes are there, if the Constable wishes to see them, he is entitled to see them. But there is nothing untoward about the contents of those notes.

2.10.9 The Deputy of St. Mary:

That does not answer the question, Chief Minister. Through the Chair, the question was why were the minutes not shown to all parties in order to be agreed that they were a correct record?

Senator T.A. Le Sueur:

I was not a party to the meeting or to the handling of the minutes. I believe that they were shown to all parties of that meeting but I cannot corroborate that without having spoken to all 3 parties, but I certainly believe that they were shown to all 3 parties.

2.10.10 Deputy M. Tadier:

I welcome the comments that everybody is innocent until proven guilty; that applies to many police officers. That applies to also doctors who are suspended as a neutral act while investigations go on. But how can the Minister seriously expect us and the public to believe that a review will take place, part of which the terms of reference are to look at serious allegations against the Chief Executive Officer while he remains in place. It is simply not a tenable position and I would suggest that the Chief Minister is doing damage to the credibility of our government.

The Deputy Bailiff:

Is there a question there, Deputy?

[11:00]

Deputy M. Tadier:

There was a question buried in the middle. The question was: how can the Chief Minister say that a review will take place, a part of which the terms of reference are to look at whether the Chief Executive Officer did engage in serious misconduct while he remains in position? That is the question.

Senator T.A. Le Sueur:

I stand by the actions I have taken and I believe that the terms of reference for the current review are perfectly reasonable.

2.11 Senator B.E. Shenton of the Minister for Home Affairs regarding staff suspensions following the investigation into ‘Operation Blast’:

Can the Minister confirm whether any persons were suspended in connection with Operation Blast and, if so, their rank and the date of their suspension?

Deputy J.A. Hilton of St. Helier (Assistant Minister for Home Affairs - rapporteur):

Can I start by saying that I received a phone call this morning at 8.00 a.m. from my Minister informing me that he was unwell and would not be able to attend the States Assembly this morning. We discussed the 3 questions, the 3 oral questions that were laid before the States this morning, and we both agreed that we felt it would better, in light of the fact that the Minister has been the one who has been solely involved in the suspension issues around the Chief Officer of Police, if the States were in agreement, that 2 of the questions - question 12 submitted by Deputy Pitman, and the urgent oral question submitted by the Deputy of St. Martin - be answered tomorrow, if the Minister was well enough to attend. I am quite content to answer Senator Shenton’s question but Members will have to bear with me if I am not able to go into the detail because of my lack of involvement in the suspension process. So, I do apologise to Members but I really do not feel, on a matter of so much importance to Members and Islanders that I attempt to answer any questions in great detail and make a situation any worse than it may already be.

The Deputy Bailiff:

Assistant Minister, can you come on to what your answer is to the question?

Deputy J.A. Hilton:

In answer to the question, yes, indeed, somebody has been suspended in reference with Operation Blast and that is the Chief Officer of Police. That suspension took place on 31st July 2009 when the Minister extended the grounds of his suspension to include Operation Blast.

2.11.1 Deputy R.G. Le Hérisier:

As the Chief Minister has said, the suspension is a very serious matter. Can the Assistant Minister just confirm that the Chief Officer of Police is, in fact, suspended over 2 different issues currently?

Deputy J.A. Hilton:

Yes, he is.

2.11.2 Deputy R.G. Le Hérisier:

Can the Assistant Minister confirm whether or not some of the material in Operation Blast consists of transcript of secret audio recordings?

Deputy J.A. Hilton:

I am not able to answer that question.

2.11.3 The Deputy of St. Martin:

I do not know whether the Assistant Minister can answer this one, but is the Assistant Minister aware of the involvement, maybe, of the Chief Executive Officer in the Operation Blast and has any consideration been given about him being suspended as well?

Deputy J.A. Hilton:

As I stated before, I have not been involved in any of the issues surrounding the disciplinary process. I have not read any of the reports that have been submitted to the Minister for Home Affairs so I do not feel able to answer that question.

2.11.4 Deputy P.V.F. Le Claire:

One of the reasons we have been told today that the Chief of Police has been suspended is to do with Operation Blast. Could the Assistant Minister give us any of the 3 categories that have been outlined by the Chief Minister in relation to that and also the other reason why the Chief of Police has been suspended?

Deputy J.A. Hilton:

As I stated before, I have not been involved in the disciplinary process. I was not present at the meeting that took place and do not feel able to answer that question on behalf of my Minister.

2.11.5 Deputy P.V.F. Le Claire:

Supplementary, can we seriously expect that given such gravity of the situation the Minister for Home Affairs has not shared the information with the Assistant Minister as to the reason why the Chief of Police has been suspended? Surely, this is a woeful management of our government. What would happen if the Minister died? Will the Assistant Minister please inform us whether or not she is now saying, categorically, she has no knowledge as to the reason of the suspension, other than one she has mentioned of the Chief of Police?

Deputy J.A. Hilton:

Obviously, we do discuss things and I am aware of the general outline of the reasons why the Chief Officer was suspended.

2.11.6 The Deputy of St. Martin:

Would the Assistant Minister not agree really that the whole purpose of extending the suspension... because basically what it was, was really just another ruse to ensure that the Chief Officer would never return to work and just adds to those people, like myself, who believe this was a dismissal by stealth?

Deputy J.A. Hilton:

No, I do not agree with that. Obviously, evidence came to light that files had been created on States Members; it was a very serious issue. The Minister for Home Affairs brought that issue to the States and informed Members, which I believe was entirely the correct thing to do.

2.11.7 Deputy T.M. Pitman:

Can I just ask the Assistant Minister, who I appreciate is in a difficult position, could she clarify; she seems to have indicated that she is aware that there are allegations that the Chief Executive Officer was accused of being involved in Operation Blast by her last statement?

The Deputy Bailiff:

Deputy, the Assistant Minister is not responsible for the Chief Officer of Home Affairs - if that is part of your question - so she is not able to answer.

Deputy P.V.F. Le Claire:

Sorry, I was confused there by the exchange. I cannot think of the think of the question now.

Senator B.E. Shenton:

Given the absence of the Minister I will not ask any further questions.

The Deputy of St. Martin:

Just to clarify a point, I was talking about the Chief Executive Officer, I was not making reference to the Chief Officer of Police or the Executive Officer of the Home Affairs Department, so just in case there is any misunderstanding.

The Deputy Bailiff:

Had I understood that, I would have disallowed the question, Deputy, because the Assistant Minister is not responsible.

Deputy P.V.F. Le Claire:

I have recalled what I was trying to ask, may I ask it please?

The Deputy Bailiff:

And we have just moved on to question 12, Deputy Le Claire.

2.12 Deputy T.M. Pitman of the Minister for Home Affairs regarding the interim Report of the Metropolitan Police:

I thought the Assistant Minister did not wish to answer it but if she has changed her mind I am very happy to ask it.

The Deputy Bailiff:

We are not able to take this question at any other time as it is there in the Standing Orders. It is not the same with the urgent question, which we can take at any time under Standing Orders. If you wish to put this question now, you may put it otherwise you may have to leave it for another session.

Deputy T.M. Pitman:

I am going to put it, Sir. Will the Assistant Minister inform Members on what date in 2008 the Metropolitan Police were requested to forward an interim report, who requested it, whether it was used in connection with the suspension of the Chief Officer of the States of Jersey Police and whether the Minister will make the report available to States Members?

Deputy J.A. Hilton (Assistant Minister for Home Affairs - rapporteur):

I did say at the start of the questions that considering the seriousness of the matter that I did not feel sufficiently briefed enough to answer these questions in detail. I understand from your ruling that the Minister would not be able to answer this question tomorrow. Could I possibly request that Deputy Pitman brings it forward at the next sitting, or that the Minister can answer his question in writing? Although, I do understand from looking at the written questions today, there is quite a comprehensive answer submitted by the Minister for Home Affairs to a question that was lodged by the Deputy of St. Martin surrounding the same matter.

2.12.1 Deputy T.M. Pitman:

I would like to know if the Assistant Minister could clarify how her Minister, because I am sure they must talk, can be quite clear that this report existed on the stated date, the 10th, being, as he openly admits, he has never seen it?

Deputy J.A. Hilton:

I am not aware that the Minister has stated publicly that he has never seen the report but, that aside, I did attend a meeting on Friday where I did have sight of the Met. Report.

2.12.2 The Deputy of St. Mary:

I am looking at the written question answer and I notice that the interim report was produced not for disciplinary purposes; that is the answer to the ninth question. The answer to the twelfth question, it was used for the purposes for which it was originally intended. Can the Minister tell Members why, on the basis of that interim report, the Acting Chief Officer then drafted his famous letter which was based on the interim report.

Deputy J.A. Hilton:

That is a matter that has only been discussed between the Minister for Home Affairs and the Acting Chief Officer. As I stated before, I really do not want to be drawn into matters surrounding the disciplinary matter. Members need to understand I was only informed at 8.00 a.m. this morning. I simply did not have enough time to have a thorough comprehensive briefing on this matter. I would be doing an injustice to Members and the public listening this morning, if I attempted to answer the questions.

2.12.3 Deputy T.M. Pitman:

Could the Assistant Minister, to the best of her ability, advise the Assembly whether the Acting Chief Police Officer, already knew the person whom you requested the report from? Did the Acting Chief Police Officer know the person who you requested that interim report from?

Deputy J.A. Hilton:

I am sorry I do not have that information.

2.13 Deputy S. Pitman of St. Helier of the Chief Minister regarding a review of the suspension procedures:

Following the rejection of P.9/2010 on 23rd February 2010, when he stated that he would be appointing an independent expert in the shortest possible timeframe to undertake a review as to whether procedures for the suspension of the Chief Officer were correctly followed, will the Chief Minister inform Members whether the expert has been appointed and when the findings will be published?

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

I can confirm that an independent person has been identified to undertake the review of the process in which the suspension of the Chief Officer of Police was followed. The Deputy of St. Martin has assisted me in selecting the person from a list of names provided by A.C.A.S. (Advisory, Conciliation and Arbitration Service). The person selected will be in the Island this week to finalise the appointment and to gather background information prior to undertaking a detailed review. I do not have a date when the review will be finalised but I hope it will be concluded in a matter of weeks, rather than months.

2.13.1 Deputy S. Pitman:

Does the Chief Minister agree that this inquiry must be completed and made public prior to any consideration of appointing the current Acting Chief Police Officer to the role full-time, given that he is a central figure in the suspension?

Senator T.A. Le Sueur:

No, I do not. The review that I am commissioning is a review into the suspension process. The ongoing suspension has been reviewed by the current Minister for Home Affairs and that suspension is justified. All that this review is doing is looking at the process of the original

suspension. On that basis there is no reason to delay the appointment of a new Chief Officer of Police.

2.13.2 Deputy S. Pitman:

Could the Chief Minister tell us if this is following States policy, this practice?

Senator T.A. Le Sueur:

Which practice is the Deputy referring to?

Deputy S. Pitman:

Appointing an Acting Chief Officer while he was heavily involved in this issue.

Senator T.A. Le Sueur:

I do not see that this is normal practice, or any practice. What has been proposed is that a person who is appointed Deputy Chief Officer with a view of becoming Chief Officer, on the retirement of the then current Chief Officer, would then be appointed. This is continuing a process which started some time ago, which I have every reason to believe should be completed at the earliest possible opportunity to demonstrate that the public can rely on a sound and well-run police force.

2.13.3 The Connétable of St. Helier:

Does the Chief Minister agree that independence and impartiality is a key attribute of such an expert and it is particularly important in the current review? Does he agree with me that while the Assistant Minister for Home Affairs has shown commendable objectivity in a refusal to be drawn into the discussion of any culpability of the suspended officer, the same cannot be said of the Minister for Home Affairs?

[11:15]

Senator T.A. Le Sueur:

No, I have absolute confidence that the Minister for Home Affairs has treated this with absolute clarity, analytical criticism and has fully weighed-up all the situation and I believe that the Constable of St. Helier is mistaken.

2.13.4 Deputy J.A. Martin:

I think I was quite surprised by the Chief Minister's response. I just would like him to clarify when this independent report is finalised. Can the Chief Minister categorically confirm that the Acting Chief Minister who we, in this House, were asked to appoint, will have had nothing to do with the suspension of the current Chief Officer? Because I really feel, like Deputy Shona Pitman has said, this is one appointment that is appointed by this House and if brought under these circumstances, I, for one, will abstain and that will be the first time in 10 years that I have ever abstained. It is absolutely ridiculous.

Senator T.A. Le Sueur:

Members seem to be getting confused here and mixing all sorts of things in different arguments. The review, which has been commissioned, is the review into the suspension process which was played out in November 2008 by the then Minister for Home Affairs, Deputy Lewis. The Acting Chief Officer of Police had no part in that suspension process and therefore any reference to him in these comments appears to be, not only irrelevant, but a slur on his character.

2.13.5 The Deputy of St. Mary:

Does the Chief Minister not realise the damage that he will do to the credibility of this House if he brings us to vote on an appointment of the Chief Officer of Police which, I would assume, should have pretty well full unanimity and support from this House? In the circumstances it will not have

that. Does he not realise just how damaging that is and will he not let this review, such as it is, take place before that decision is taken?

Senator T.A. Le Sueur:

Firstly, to correct your factual points, the proposition to appoint a Chief Officer of Police is brought by the Minister for Home Affairs, not by myself. Secondly, I believe that delaying this when the review process, as I have tried to make clear, is a review of the process of suspension carried out by the former Minister for Home Affairs and has nothing to do with any candidate for the post of Chief Officer of Police. The Deputy, I believe, is really barking up the wrong tree.

2.13.6 Deputy P.V.F. Le Claire:

Does the Chief Minister feel comfortable that States Members, who have been subjected to police recordkeeping and investigations under Operation Blast, can truthfully vote upon an appointment of the Chief of Police, without fear of incriminating themselves if they vote against that appointment because they are Members in this Assembly? Is he not aware of the fact that some Members will be voting to appoint the Chief of Police under what could be considered duress? A point of clarification, I certainly do not feel happy conducting a debate in camera and then going on the record and then voting when I might in camera state, as I feel, that I would like to say that I am concerned while there is an investigation, a possible Committee of Inquiry going to be undertaken about the collection of files by States Members, that this process is going forwards? There is, without a doubt, a certain amount - Members may wish to admit it or not - there certainly is a certain amount of fear by Members who have been seen to be voting against a Chief of Police Officer.

The Deputy Bailiff:

Deputy, can I ask you to sit down please. We have strayed very considerably indeed from the question, as first put by Deputy Shona Pitman, which concerns the timeframe for the publication of the expert's advice or the intended expert's report. Now, if there are any further questions on that, which is supplementary to that question, then we will take them, otherwise we will move on.

2.13.7 The Deputy of St. Martin:

Just to clarify 2 things. Will the Chief Minister agree that the Commissioner has not started yet? We are due to see him this week to start. So make it absolutely clear that we have not started yet, so that will clarify that situation. Also, while I am on my feet, I would remind Members that there will be a proposition today being lodged later on about the ...

The Deputy Bailiff:

That is not a question, will you please use question time for the right purpose.

The Deputy of St. Martin:

The Chief Minister just mentioned the fact that the Acting Chief Officer of Police had no say, whatsoever, in the suspension. Will the Minister agree that the letter that was used for the suspension purposes was written by the Acting Chief Police Officer?

Senator T.A. Le Sueur:

There are 2 totally different questions there. Firstly, I confirm that the person selected to do this review is in the Island this week has not yet been formally appointed. That will be done this week. Secondly, the letter or letters given to the Chief Officer of Police at the time of suspension were letters written by the Minister for Home Affairs. **[Interruption]** I am answering the question. I have no idea to what extent he may have had other advice given to him by other people, but the ultimate responsibility for the letter and for the suspension remains with the Minister for Home Affairs. That is why the review is being carried out to see that that was properly done, in accordance with normal procedures.

The Deputy Bailiff:

This question, I remind Members, is about the timeframe for an inquiry. It is not about the question of the appointment of the next Chief Officer of Police.

2.13.8 Deputy M.R. Higgins:

The question asked was: did the Deputy Chief of Police... was he the instigator of the letter that went to the Chief Executive and started the whole process? The Chief Minister has not answered the question.

Senator T.A. Le Sueur:

Not having been involved, whatsoever, in the suspension process, I am not in a position to answer in minutiae and that is why there is an inquiry going on to investigate just how that suspension procedure was carried out.

2.13.9 Deputy S. Pitman:

I have 3 questions for the Minister. Firstly, will the review involve the inquiring of the 2 reasons why the Chief Officer was suspended? Could the Chief Minister point out to me - identify for me - what practice and policy is he following when the Acting Chief Officer will be in full-time office while this review is being undertaken? Will he also inform us as to whether or not States Members will get this review, when it is completed?

Senator T.A. Le Sueur:

I made it quite clear when I presented my comments to Projet 9, some 4 weeks ago, what the terms of reference for the inquiry are. Those terms of reference have been published. They are available to all States Members and the Deputy can read them on my comments. Equally, the other matters which she refers to, regarding the publication of that report, I also indicated that process at the time when I made a statement. The fact that the Deputy Chief Officer will remain in place while this review is carried out is perfectly reasonable. It is a review into the suspension process and that is something which will go on irrespective of individual personalities, whether they are still in office or whether, in some cases, the people have retired from office.

2.13.10 Deputy J.A. Martin:

Can I have a clarification? We have just learnt this morning; I did not know the Chief Officer was suspended again in July 2009. Do the terms of reference cover this extra suspension, because I do think that is very important?

Senator T.A. Le Sueur:

The terms of reference are perfectly clear. They refer to the suspension carried out in November 2008.

The Deputy of St. Mary:

Will the Chief Minister ...

The Deputy Bailiff:

I am sorry, Deputy, this is not a debate upon the Projet which has already been debated and dealt with on 23rd February.

2.14 The Deputy of St. Martin of the Minister for Health and Social Services regarding the staffing choices of the new Chief Executive Officer for Health and Social Services:

Will the new Chief Executive Officer of the Health and Social Services have the ability to choose her own team, as was stated in the initial advert for the job?

The Deputy of Trinity (The Minister for Health and Social Services):

I am very pleased with the appointment of the new Chief Executive Officer for Health and Social Services. After a necessary settling-in period the new Chief Officer will be in a very strong position to work with the senior management team and other staff to lead the service forward into the future. There will be some restructuring, as part of the Verita Report and the Williamson Report and there will be some new posts and replacement posts, and yes, she will have a role in that to play.

2.14.1 The Deputy of St. Martin:

Will the Chief Officer she is going to appoint be replacing any of those who were not seen to be acting in a favourable way by the Verita Report?

The Deputy of Trinity:

I would not like to pre-empt any specific actions ahead of her arrival in Jersey. I have great faith in the present management team and I know - as I have spoken to her - she is looking forward to working with everyone in the hospital and in Health and Social Services.

2.14.2 The Deputy of St. Martin:

Can I just press the Minister to ask how many new appointments are likely to follow this appointment of the Chief Officer? How many new members will she bring into her team? Will there be additional expense?

The Deputy of Trinity:

As advertised and mentioned in the insurance plan as part of Williamson implementation we will be looking for a Director of Social Services and now we are going to be looking at a Hospital Director to make sure the hospital works well in that way. There will be more strategic planning to enable her to do more strategic planning, and there is an imminent retirement of a Medical Director and so that position will need to be replaced.

2.15 Deputy M. Tadier of the Minister for Health and Social Services regarding the findings of the Verita Report in relation to communication issues:

Will the Minister confirm that following the findings of the Verita Report, all doctors currently employed by her department have a good working knowledge of the English language and that there is no communication issues between any locums, for example, and other hospital staff.

The Deputy of Trinity (The Minister for Health and Social Services):

On a small number of occasions locums may arrive with variable language skills, managers and clinicians deal with these on an individual basis. I can confirm that some contracts have been terminated on the basis of language problems. Where any such issues are identified, appropriate management actions are taken to work with the individual involved to resolve these problems.

2.15.1 Deputy M. Tadier:

The reason I ask the question, I have had an email sent to me, which was originally sent on 11th February, although I only received it later. I will circulate it to Members subsequently, although I have been advised in its current form I should not do that. I will also provide a copy to the press but in an edited format, so all names are missed out. I think Members will be interested to know that this is a current issue and I will read to them partly from the email and then ask a question. The email basically says that - I will summarise - there is somebody currently employed with a few weeks left in their contract who basically cannot speak English. This is a locum and I would also point to the Verita Report which says that language difficulties were a contributory factor in the whole Dr. Moyano incident. I would ask the Minister, does she consider that there are sufficient

whistle-blowing channels at the moment, if, in fact, a member of staff in the hospital feels that they have to contact me? Secondly, what steps are being taken to address this very serious issue, given that English is a very basic requirement in any functioning department and certainly at the hospital?

The Deputy of Trinity:

I can confirm that if any members of staff have had concerns they can raise them through established procedures. I can reassure Members that they do. There is a States of Jersey whistle-blowing policy which, I would say, all staff are aware of. I know the staff do raise concerns about issues like this and they are dealt with in the appropriate and proper fashion.

[11:30]

2.15.2 The Deputy of Grouville:

Does the Minister accept all 29 recommendations and their findings in the Verita Report? It is a simple question. Will her new Chief Officer implement all 29?

The Deputy of Trinity:

Yes, I do accept there are 29, and the thirtieth recommendation is for Verita to come back in 6 months. That date has been worked up and it will be towards the end of the summer. There is a management group set up all across the board looking into putting in place some of these recommendations, some of which are in place, some of them are being put in place and some of them are more long-term.

2.15.3 Deputy R.G. Le Hérissier:

Would the Minister outline the evidence that is produced in order to testify as to a person's competence in the language?

The Deputy of Trinity:

There is a locum policy and that was one of the recommendations and it has been worked on there. As to an actual specific policy, I do not have that in hand but I can come back to the Deputy to be made aware of that.

2.15.4 Deputy K.C. Lewis:

I am delighted the Minister accepts the findings of the Verita Report. My question is, does the Minister have sufficient funding to implement them?

The Deputy of Trinity:

Not all the recommendations involve cost. Some of the recommendations can involve a change of working practice or even putting procedures into place. The recommendations will be looked at and will be addressed and, as I said, Verita will be back at the end of the summer to look at these recommendations.

The Deputy Bailiff:

Can I just advise Members this is not a question about the Verita Report, it is a question about language.

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

Would the Minister agree that given the concerns raised by Deputy Tadier this morning, which go back to February he tells us, would he have been better placed to have approached the Minister earlier, rather than waiting until a question today?

The Deputy of Trinity:

I absolutely agree with Deputy Jeune, and I would like to think that Deputy Tadier would speak to me about it before he goes to press, because I am aware that there have been some issues and I

know that another centre has spoken to me about it. Some of these are very personal issues and I know that the people involved - the actual patient and family involved - rely enormously on confidentiality. That is one of my concerns there and I hope Deputy Tadier would speak to me first.

2.15.6 Deputy M Tadier:

I feel that was a question that should really have been addressed to me. I did point out that while the initial email had been circulated to a colleague, not to me on 11th February, I did receive it much later. I also had to weigh-up and take advice on what the best way forward was. I completely agree with the confidentiality clause there. Nonetheless, this is a very serious issue. The supplementary is relating to the recruitment of locums of which language deficiencies forms a part. The Verita Report is very critical that there was no robust policy for recruiting and that there was no written policy for the procedure of recruiting a locum. Presumably nothing has changed, so can the Minister confirm whether serious and urgent action will be taken, if it has not been already, and also whether she will be addressing the over-reliance on locums, which in itself is a problem at the General Hospital?

The Deputy of Trinity:

There are several questions in there. Locums are, in fact, a way of life, unfortunately. Not ideal, but the doctors do go away on holiday and need to be replaced and do go off sick and need to be replaced on very short notice. I am aware that currently that the 1983 Medical Act prohibits the systematic language testing of doctors, so in some ways our hands are tied, as that comes from the G.M.C. (General Medical Council). But regarding going back to his email, he knows that other States Members know that I, and the Ministerial team, have always had an open door and I would like to think we would respond to emails. In fact I responded to an email that Deputy Tadier sent to me yesterday afternoon, I responded quite quickly. I just stress again, if he is putting sensitive information into the public media, please, please be aware of confidentiality and confidentiality of the family.

2.16 The Deputy of St. Mary of the Minister for Treasury and Resources regarding projects funded under the Fiscal Stimulus package:

Could the Minister tell the Assembly which projects, if any, funded under the Fiscal Stimulus package were not worthwhile and should not have been funded, and if all were worthwhile, how would they have been funded if there had not been a recession?

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

I believe that all projects in the Fiscal Stimulus programme have been worthwhile. Projects, I can say, really fall into 2 categories: the States was planning to do them anyway and they were funded at some time in the future, or they were desirable without a funding source; secondly, projects that would not have been undertaken in a different economic climate such as the Social Security Transitional Payment Extension, and some of the skills projects - fantastic projects - Advance to Work, additional Highlands training, overdue investment in roads, cycle tracks, schools, hospitals, social housing, hospice, Durrell and more to come. I think the Fiscal Stimulus programme has been a model of Ministerial government in action and working well with good scrutiny. I thank Members for their support of the programme last May, a bold move which has made a difference to hundreds of Islanders.

2.16.1 The Deputy of St. Mary:

The Minister has extolled the virtues of the Fiscal Stimulus package, and I quite agree the projects are well worthwhile; heating at Les Cinq Chenes, resurfacing Victoria Avenue, the promenade, the cycle track, Rosewood House, and a fantastic row of things that should be done, in fact that had to

be done. The question was, how would the Minister for Treasury and Resources, in view of his great desire for cutting public expenditure, how would he have funded these if there had not been a Fiscal Stimulus package?

Senator P.F.C. Ozouf:

They would have taken a lot longer to do. I would say that all of the projects that I have cited - and I know that he agrees - were necessary. They are not recurring annual expenditure; they are part of capital projects and a capital programme. Inevitably, we would have had to try and find maybe more creative ways of funding them. In respect of something that I have not said yet, is the Le Squez Project which will be funded, I hope, from the Fiscal Stimulus project. These projects would have just taken a lot longer to happen.

2.16.2 Deputy P.V.F. Le Claire:

I believe that there is another scheme that is about to be announced, or has just been announced, where there is a significant amount of money being spent on infrastructure in relation to main drains and sewage facilities in the north-east of the Island, nearly £500,000 worth. Why has so much of the Fiscal Stimulus package been put into maintaining the Island's drains infrastructure, rather than stimulating the economy?

Senator P.F.C. Ozouf:

I know that the drains investment will bring a warm glow to the Deputy of St. John's mind. He would have wanted more money to go in. Broadly speaking, the £44 million is being directed at a number of different areas. I would encourage the Deputy to read the very valuable reports that the Corporate Affairs Scrutiny Panel has made. About £3-4 million of skills and raising training, around about £2.5-3 million directly for Jersey Enterprise and Financial Services, about £5 million for infrastructure, about £4.7 million for a construction and maintenance programme, a whole range of projects, dealing with all sorts of different issues.

2.16.3 Deputy D.J. De Sousa:

Would the Minister not agree that it does seem that the bulk of the stimulus package has gone to propping-up States deficit in spending over the downturn?

Senator P.F.C. Ozouf:

I refer the Deputy to the answer I gave earlier about the growth in public spending. Many Islanders believe that spending has increased to unsustainable levels. It would have been even higher if these matters had been dealt with earlier. I am afraid that there is no hiding place from the reality that one needs to find money in order to pay for things. That is the difficulty. I hope the Deputy will be supporting, if they are necessary, the tax changes that may well be necessary, if we are going to fund further investment in health and other areas that she wants. The comprehensive spending review is about dealing with efficiency. I believe that all organisations must become more efficient and that is what the comprehensive spending review is designed to do.

Deputy D.J. De Sousa:

The Minister did not answer my question. This is about the Stimulus Package, not the C.S.R. (Comprehensive Spending Review).

Senator P.F.C. Ozouf:

I cannot really add... it is all money out from the Treasury that we have to balance the books.

2.16.4 The Deputy of St. John:

Given the Stimulus Package, could the Minister give some serious thought... and I know he has mentioned about main drains, but we have had no main drains extensions at all from within the Stimulus Package. Could he give some serious thought to finding the £500,000 that T.T.S.

(Transport and Technical Services) require to finish their liquid waste strategy so hopefully we could have some extensions out to the countryside because that would be all part and parcel of it.

Senator P.F.C. Ozouf:

I have answered questions on numerous occasions about the liquid waste strategy; that is something that Minister for Transport and Technical Services and I are looking at. It is a commitment in the Strategic Plan. We want to find long-term funding arrangements for liquid waste but it is going to require investment and that money has got to come from somewhere. But we have made fiscal stimulus work to catch-up on some of the issues that should have been dealt with.

2.16.5 The Deputy of St. John:

Will the Minister give an undertaking that he will find that £500,000 from the Stimulus Package or somewhere else so that T.T.S. can complete their package on the liquid waste strategy?

Senator P.F.C. Ozouf:

I am not going to please everybody. I am afraid that I have got one Deputy that asked, some moments ago, about whether or not there was too much going into T.T.S. as opposed to investing in the economy. There was a £44 million project which needed to be allocated somehow. I cannot give an undertaking to find another £500,000. T.T.S. has had a lot of money from Fiscal Stimulus, and that is a good thing. The plan is now pretty well completed in terms of Fiscal Stimulus, but the long-term funding is something that we are working on.

The Deputy of St. Mary:

Final supplementary, Sir? Pretty please.

The Deputy Bailiff:

I have told Members that I am going to extend question time by an extra few minutes to cope with 2 matters, one was my own remonstrations to Members earlier and the other was the time spent by the Assistant Minister for Home Affairs in indicating why she was not going to answer questions. So, I am adding 3 or 4 minutes to question time - stoppage time - and I will come to you, Deputy, in a moment. We will finish this question.

2.16.6 Deputy R.G. Le Hérisier:

The Minister talks about helping hundreds of Islanders in terms of the social objectives of the plan. Would he say whether it has made a dent into the increasing serious problem of unemployment of young people, particularly those who are at the lower end of the skill base?

Senator P.F.C. Ozouf:

I will attempt to use the extra time quickly. I have absolutely no doubt that it has made a difference. The Minister for Social Security and the Minister for Economic Development and I attended last week the Advance to Work presentation evening. Certificates for having work placements and improvements are being given to 93 young people. These individuals, and the young people supported by the Minister for Education, Sport and Culture would probably have been unemployed and on benefits if they had not received the Advance to Work. There is another 100 young people getting training at Highlands and that is just the start of some of the programmes that we have been working on. I have no doubt, at all, that unemployment would have been significantly higher, now and over the next few months, if we had not done fiscal stimulus. I thank Members again for their bold move in supporting it last year.

2.16.7 Deputy R.G. Le Hérisier:

Given the wonderful election speech by the Minister, could he identify what, excellent though those initiatives be, percentage they form of young people who are receiving the job search supplement, at the moment?

Senator P.F.C. Ozouf:

I need notice of that question, but I will discuss that with the Minister for Social Security in relation to the unemployment numbers.

2.16.8 Deputy M.R. Higgins:

One of the purposes of the economic stimulus package is not only to help those who are unemployed but also to inject money into the economy. Can the Minister tell us what measures he is using to measure how much money is entering into the economy, how much is leaking from the economy to, perhaps, overseas contractors? How much is he stimulating and demanding the economy through extra spending directly?

Senator P.F.C. Ozouf:

These are very broad questions which are very difficult to answer just in a very short number of seconds. The Deputy has done reviews of Fiscal Stimulus with the Corporate Affairs Scrutiny Panel. They have done reports and we are seeing the benefit of the money. I am sure that decisions could be improved upon and we will learn lessons about how we did things but we acted fast, we have acted in accordance with the advice that it is timely, targeted and temporary. I think there is wide approval of what we have been doing in Fiscal Stimulus.

2.16.9 The Deputy of St. Mary:

I accept that some of the stimulus package has gone on matters dependent on the recession, like Advance to Work and income support transition payments. But, would the Minister not agree that, in fact, what has happened is that departmental budgets, which have been squeezed to death in recent years, have simply been topped-up and what he has been doing is dealing with some of the historic underfunding and we will see more of this whether or not there is a recession?

[11:45]

Senator P.F.C. Ozouf

I do not believe that it could be said that public spending has not risen. I refer to the answer that I gave earlier, a 70 per cent increase in net revenue expenditure since the year 2000, against the inflation increase. A real growth in public spending which, I am afraid, to these levels is unsustainable.

The Deputy Bailiff:

Very well, that brings question time to an end. We now come to questions without notice. Before we start on questions without notice, can I indicate that there was an urgent question approved by the Bailiff from the Deputy of St. Martin of the Minister for Home Affairs? It seems to me to be desirable, if possible, that it is taken at a time when the Minister is present. Standing Orders allow it to be taken at any time and I propose to review the matter later on this afternoon depending on the progress of business. If, it should turn out that the business of the States is going to be completed today, then the Deputy will have his opportunity in time to ask the question at the end of business otherwise it will be held over until tomorrow.

3. Questions to Ministers Without Notice - The Minister for Education, Sport and Culture

3.1 Deputy K.C. Lewis:

Further to the news that the United Kingdom Government will be cutting back on university places and funding with three-quarters of England's universities facing budget cuts of £449 million, will the Minister be looking to other countries for university placements?

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

The existing policy of the Education, Sport and Culture Department is that eligible students are able to attend any university in the world, providing he or she can produce evidence of the quality of degree obtainable from the university is considered by the U.K. authorities to be of at least equal value to a similar named degree from a U.K. university. Careers Jersey is able to advise students on how this evaluation can take place. Furthermore, students wishing to study at institutions outside the U.K. would be eligible for the same level of support as if they had applied to a U.K. university. Currently, there are a small number of Jersey students studying in New Zealand and Australia. Universities in these countries were represented at the recent higher education fair held in Jersey.

3.2 Senator S.C. Ferguson:

The Minister has submitted a written reply on the ticketing system. When will the project be completed and would the Minister tell us what the current spend to date is on the project and would he confirm whether the ongoing annual licensing payments to Databox were included in the estimate of £46,000?

The Deputy of St. Ouen:

The ticketing system, as I am led to believe, is due to be completed within a period of 4 to 6 weeks. I know that progress is being made in seeking to train those operators and users of the facility so that once it is fully operational everybody will be online at the same time. Regarding the cost of the project to date, I have no detailed information of that, apart from the fact that - as I provided in my written answer in part 3 - my answer to the written question that the overall cost is approximately £46,000 to £48,000 and, as such, it will be delivered within that budget. Thank you.

3.2.1 Senator S.C. Ferguson:

Would the Minister find out what the figures are and circulate them to Members?

The Deputy of St. Ouen:

Absolutely, and I would be pleased to answer many of the detailed questions that States Members choose to raise at my department in a more appropriate manner than this.

3.3 Deputy T.M. Pitman:

Far from most 16 year-olds being uninterested in politics or being incapable of making informed decisions, is the Minister aware that a hugely successful question time of over 60 teenagers was run at Grouville Youth Project in 2005. This initiative was prevented from being repeated by his predecessor. Could the Minister confirm that he will be supporting such positive and constructive awareness raising initiatives?

The Deputy of St. Ouen:

I think the department has already demonstrated that and I see no need to change.

3.3.1 Deputy T.M. Pitman:

It is specifically about question time initiatives. It is not a difficult question so I would appreciate an answer.

The Deputy of St. Ouen:

I thought the answer was obvious; if it is a good initiative we will maintain it and continue to support it. Thank you.

The Deputy of St. John:

Just before I put my question, could the Ministers supply answers for the questions that were not answered, so from 17 to 24 in writing to those Members who put them, Sir?

The Deputy Bailiff:

Under Standing Orders the questions that have not been reached are deemed to have been withdrawn. It will be a matter for the Ministers as to whether they ...

The Deputy of St. John:

Therefore, could I ask the Member, for mine, which I think was 19, to be answered in writing? Thank you.

The Deputy Bailiff:

No doubt the Minister has heard that.

3.4 The Deputy of St. John:

Can I put this following question to Education? Given the teachers at La Moye School are given credits to use the photocopier machine, is this impeding on the education of the children, in particular the children's homework, and if so what action is the Minister taking?

The Deputy of St. Ouen:

The day to day management of schools and what teachers are, or are not, required to do is a matter for the schools themselves. The Deputy indeed raised this question with me only yesterday and I believe I answered his question, and I see no point in responding.

3.4.1 The Deputy of St. John:

On a point of order, the question was raised by parents and I think it should be out in the public domain what the Minister told me, therefore I will request a response, not to fluff.

The Deputy of St. Ouen:

It is not a case of managing photocopying. The school is responsible for managing its budget and also using a variety of forms to provide homework and material to students. In this case, there was an issue that related to the view, as being expressed by a parent, that their particular child had not had a piece of homework printed on a sheet of paper.

3.5 Deputy R.G. Le Hérissier:

Would the Minister confirm that his policy put to the Council of Ministers of ring-fencing higher education funds has indeed been accepted? Would he also tell the House how he intends to deal with the apparent anticipated increase in top-up fees which the U.K. Government is on the brink of bringing about?

The Deputy of St. Ouen:

Currently discussions are ongoing with the Minister for Treasury and Resources on a number of matters to do with the Education Department and pressures that we identified nearly 12 months ago. In this respect, part of my response to the pressures was to instigate a review into higher education funding and this is still my objective.

Deputy R.G. Le Hérissier:

I am wondering if the question could be answered. Have the funds now been ring-fenced?

The Deputy of St. Ouen:

No. As I said quite clearly it is a discussion that is ongoing with the Minister for Treasury and Resources.

3.6 Senator J.L. Perchard:

Did the Ministers watch on television the England v. France 5 Nations rugby match last Saturday which was held in Paris? Did he, in particular, notice the passion and volume in which the crowd

sang La Marseillaise? My question is can the Minister imagine Jersey people ever singing Jersey's miserable hymn-like proposal for an anthem with such enthusiasm and passion?

The Deputy of St. Ouen:

First of all, no, I did not watch the rugby match. However, I would totally disassociate myself with the comments that the Senator has made about our Jersey anthem written, I hasten to add, by a Jersey resident, not some English or U.K. person or French person who we have, somehow **[Interruption]** ... no I am not. Who we somehow believe now and associate our nationality with songs that were produced by those individuals. We have just experienced, most recently, the new anthem being recorded and sung by over 800 individuals. I am sure that when you are able to hear the recording you will fully appreciate it. Furthermore, maybe Senator Perchard might choose to watch the television, but I am aware that at the last Island Games in Aland, our Jersey anthem was sung at many of the award ceremonies throughout that competition and it was appreciated by all.

3.7 Deputy D.J. De Sousa:

My original question was asked but I do have another. Bearing in mind the previous Minister announced free nursery places for all under 3 year-olds, currently there are, at least, 197 families unable to use this facility. What is the department doing to address this issue?

The Deputy of St. Ouen:

I am extremely grateful for the Deputy raising this matter because there is one thing that I must put completely and utterly to bed. It is totally false that 197 people cannot access pre-school facilities. Only last year, in September 2009, this Assembly approved a proposal to provide 20 hours of free preschool provision for rising 4 year-olds. Prior to that only 50 per cent of our young people of that age were able to access places within the States nursery schools. So, the current situation is - and I want to make it clear to everybody - that all children are able to access pre-school places. We have initially allocated, in the last couple of weeks, places to our States facilities. Equally the Jersey Child Care Trust and the partnership that we have formed between the private providers and ourselves, are also identifying other options for those who, for various reasons, have not been able to access their first choice. This does not mean just because they have not been able to access the first choice that they cannot access the 20 hours free nursery education that we are providing and have been since September 2009.

3.7.1 Deputy D.J. Sousa:

Can I just have a supplementary please? I believe that what the Minister is saying their first choice, so if their Parish may not be available then you have to go elsewhere on the Island. That being the case, if the parent cannot get to them, they cannot accept the place, so the place is absolutely useless.

The Deputy of St. Ouen:

This is nonsense, absolute nonsense. There are many providers within St. Helier and elsewhere, apart from the States facilities, that have places available. In fairness, a number of parents have accessed the private providers prior to their children becoming 4 year-olds because they are required to do so because a lot of parents now both work. The idea that just because some individuals cannot access their first choice that the provision we are offering to parents is wrong is totally false.

[12:00]

3.8 Deputy S. Pitman:

The income support adult component has substituted the educational grant that 16 to 18 year-old students were getting for higher education. Given that this is just one component of several put together as a household's income support, which can be used to pay most or all of that household's

rent if a States tenant, is this congruous to the Strategic Plan objectives to encouraging young people to take up further education when they may not see a penny of this income support component to support their education?

The Deputy of St. Ouen:

First of all, I am aware that changes have been made but, equally, I am not aware of any particular situation where individuals have found themselves disadvantaged by it. If that is the case, I would certainly be prepared to meet with Deputy Shona Pitman and the Minister for Social Security so that we can review the matter and, if necessary, make new proposals.

The Deputy Bailiff:

One supplementary and then we are in stoppage time for the Deputy of St. Martin.

3.8.1 Deputy S. Pitman:

As Minister for Education, Sport and Culture can I suggest that the Minister should be aware of this and it should be him taking the initiative to be collecting information from the Social Security Department as to how many students are affected by this?

The Deputy of St. Ouen:

I cannot be aware unless individuals contact me and highlight their concerns and, from recollection, I have had no one contact me about this matter.

3.9 The Deputy of St. Martin:

In a written answer to question 18, which the Minister gave regarding a suspension, he said that the way in which a suspension was conducted in August last year was satisfactory. Will the Minister agree, then, that the person who was summoned without notice, was asked to attend at 9.30 a.m., and was then seen by his senior officer and immediately suspended without the opportunity of being accompanied by someone and without also being given the reasons for suspension, would he agree, then, that is the correct procedure, the correct policy for suspending someone?

The Deputy of St. Ouen:

I cannot comment on the correct procedures because I am not directly involved with such matters. In the written question, it clearly states that it is a matter that my Director is responsible for and, equally and ultimately, the States Employment Board.

4. Questions to Ministers Without Notice - The Minister for Health and Social Services

The Deputy Bailiff:

That brings the questions of the Minister for Education, Sport and Culture to an end. We now come to the questions of the Minister for Health and Social Services.

4.1 The Deputy of Grouville:

The Minister confirmed, and I am glad she did, that she accepts all 29 recommendations from the Verita Report. Could she tell the Assembly how she is going to implement these with regard to some of the recommendations that will cost... that will draw on her budget, and as we have heard from the Minister for Treasury and Resources this morning that he now expects health services to be more efficient and relevant cuts to be made within the budget to find these things. Could she just tell us how the recommendations are going to be funded?

The Deputy of Trinity (The Minister for Health and Social Services):

As the Assembly knows, there are 29 recommendations and the thirtieth recommendation is Verita coming back. As I said earlier, some of the recommendations can be done within the allocated

funds and some of them do not cost anything to put in place. There is a team set up to look at all these recommendations and that team works right across the board, including nurses, clinical management, as well as medical staff members, so it is right across the board. Each recommendation will have a lead person who is going to lead us and come out with that. Verita are coming back towards the end of the summer to where we are. Some of the recommendations are put in fairly easily and some of them will need more time.

4.1.1 The Deputy of Grouville:

The Minister did not answer my question. I asked how the recommendations, the ones that obviously are cost-hungry, how those funds are going to be found?

The Deputy of Trinity:

Those funds, if any recommendations... and there are some recommendations that will require extra funding, they will go through the process of how the funds are going to be obtained and it is a very set procedure that certain R.A.P. (Resource Allocation Panel) forms are done and it goes towards the S.M.T. (Senior Management Team) for a priority list, and there is a set procedure and it will take place.

4.2 Senator J.L. Perchard:

Is the Minister satisfied that her department now has the necessary systems, resources and funding in place to grow our own nurses, midwives and healthcare workers and that healthcare workers do all have the opportunity to upskill in the department by learning as they are earning?

The Deputy of Trinity:

Yes, and I am very pleased to be able to say - and I thank Senator Perchard for this - that over last week that we have ... as you all know that we have our Grow Our Own Nurses policy and 7 nurses qualified locally last week; 4 in mental health and 3 in general adult nursing. So I am very, very pleased. It has been a very successful training programme and one which I hope we will extend in the future. As regarding healthcare assistants, yes, they are - as any member of our staff - a vital part in providing the care to the patients and they do a very good job and training is vital for what they do.

4.2.1 Senator J.L. Perchard:

Just a supplementary, if I may. I am delighted that the Minister does acknowledge the importance of growing our own nurses and she clearly has the enthusiasm for the policy. Can she confirm whether there was a positive response from the Minister for Treasury and Resources on the application for fiscal stimulus to create the policy for a meaningful Grow Our Own Nurses policy, and can she confirm that the fiscal stimulus fund has been made available to her department to this effect?

The Deputy of Trinity:

I will just need to check on that and the amount and come back to Senator Perchard.

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

The Minister will be aware that across the U.K., local authorities are appointing independent Children's Commissioners, those people who are there to listen to and speak on behalf of children. What consideration is being given within the planning for the Children's Plan itself to incorporating a Children's Commissioner to listen to and speak on behalf of the children of Jersey?

The Deputy of Trinity:

The Children's Plan, as we know, is in the process of being put together - and the themed response - and there is going to be a States Members presentation, I think, towards the end of next month. This is important and a Commissioner has been discussed but there are still plenty of other

recommendations which resulted from Williamson which we will need to put in place which have got a higher priority at the moment than having a Commissioner. As the Constable knows, there is a Child Care Policy Group as well as a new Board of Governors for Greenfields and the other children's homes, which will visit those places and will speak to the young people involved. I think that is something, regarding a Commissioner, it is still there but it is not one of my highest priorities at this moment in time.

4.4 Deputy T.A. Vallois:

Could the Minister advise in relation to the Comprehensive Spending Review why members of staff are being asked to identify what they do within their job roles and when approximately 30 jobs have been identified in one role, they are being asked to pinpoint only 10?

The Deputy of Trinity:

Regarding the comprehensive spending review, as States Members know, this is a very important review and we need to look at all areas within Health and Social Services. It is important and it is also important that every staff member gets involved and there is a great deal of work. The officers from the Treasury Department have been talking to various groups within Health and Social Services of a way of what the Comprehensive Spending Review means and how they can be part of it, but it also needs to be proactive. We have to find ways of making our service more efficient. It is everyone's part to play. There is information asking staff to suggest ways out on the internet as well as written information. I must say walking around the wards, as I did about 12 days ago, I was greeted by nurses as well as consultants saying: "Yes, we have read the information. We suggest A, B, C and D", which if we did it round this way, we could make the service more efficient as well as consultants coming up with suggestions too. I think that is very positive and staff should be applauded for doing it.

4.5 Deputy P.V.F. Le Claire:

Given that many pharmacists appear to have stopped stocking over-the-counter medicines for coughs and colds for children, particularly those aged between 5 and 6, could the Minister give the reasons why, please?

The Deputy of Trinity:

The Medicines and Healthcare Products Regulatory Agency issued safety guidance relating to the use of cold and cough remedies in children in February 2009 following the review in the U.K. by the Commission on Human Medicines. The Commission on Human Medicines advised on a package of measures to improve the safe use of cough and cold medicines containing certain ingredients for children less than 12 years old. The current advice is that parents and carers should no longer use over-the-counter cough and cold medicines, other than for simple remedies, for children under 6 years old. There is no evidence they work and they can cause side effects. I am very pleased that Deputy Le Claire brought this up because it also permitted me to make sure that that information is on the Health and Social Services web link, and if any members of the public are concerned about them, I would advise them to look at that or contact the department accordingly.

4.6 Deputy M.R. Higgins:

Again, like Deputy Le Claire, I am going to use a question that the Minister is aware of. Would the Minister advise the Assembly of the current average waiting times for the following medical areas and state what steps, if any, she has taken to reduce those for bariatric, which was 153 weeks, gastroenterology, dermatology and neurology procedures which were all in excess of 25 weeks' waiting times?

The Deputy of Trinity:

I am pleased that this is an oral question and it was quite long and I will try and condense it because it is 5 areas, and they all have specific different waiting times. The management of the waiting list

is undertaken via the Waiting List Management Board, which meets monthly and is made up of senior managers and clinicians. The function is to predict areas of pressure and devise safe and effective remedial actions. If I can pinpoint a couple of questions, I am pleased to say there was a long waiting list due to problems in recruiting staff and locums but, in most areas, the waiting list has come down. The Deputy mentioned the bariatric surgery, which has got a very long waiting list, but this is a surgical intervention for patients whose obesity has become a serious risk to their life. The total waiting list for bariatric weight loss for referral, assessment and pre-surgical work-up is approximately 5 and a half years but this pre-surgical work-up is essential to be able to go ahead with the actual procedure. It is not a routine procedure so therefore the work-up is vital. Patients have to wait approximately 2 years for surgery after they have completed their assessment and pre-surgical work-up because it also can involve, once they have lost weight, surgery afterwards so it is not a procedure that anyone would go into very lightly.

4.7 The Deputy of St. Martin:

Last September, the States did not support my proposition but agreed that the Chief Minister would appoint someone to carry out the review into the circumstances leading to the suspension of the hospital gynaecologist. That report was supposed to be within 4 to 6 weeks. Six months later, can I ask the Minister whether, in fact, she has seen that report and has she got any comments to make on it?

[12.15]

The Deputy of Trinity:

That report was commissioned by the States Employment Board and I have not seen that report.

4.7.1 The Deputy of St. Martin:

Could I ask whether the Minister has been pressing for that report, bearing in mind that the suspended gynaecologist is now back to work?

The Deputy of Trinity:

Yes, but these things take time and I would not like to be in a situation that I have been so that I would interfere. It is due process. The Solace group get on with it in their own time.

4.8 Deputy A.E. Jeune:

The Minister, in an earlier answer in respect of training of our own nurses here on the Island, could she confirm that those who have qualified did so as Nursing and Midwifery Council registered?

The Deputy of Trinity:

Yes, I can indeed, and I would like again to repeat that I am extremely proud of them. There were 7 - 4 in mental health and 3 in general adult nursing - and I think we should congratulate them all.
[Approbation]

4.9 Deputy R.G. Le Hérissier:

Can the Minister comment on the fact that when surgeons are appointed, there is the right to practise privately? What percentage of their time is devoted to private practice, what to public practice and is this system sustainable?

The Deputy of Trinity:

All consultants, as we all know, do have some private practice. That is part of the workings. They negotiate, I think I understand, at the time with the senior managers at Health and Social Services and, as I understand it, it depends on the waiting lists regarding public patients but to be accurate, I will give the Deputy some more information if he needs it.

4.9.1 Deputy R.G. Le Hérissier:

Would the Minister say whether or not the system remains sustainable because essentially the public is subsidising, at great cost, private practice.

The Deputy of Trinity:

Most consultants do private practice and that it is important because I think over half of the people in Jersey have private health insurance which allows them to access private consultants and that, in turn, if those private patients are admitted into hospital, then there is some income for the hospital as well. But it is also that consultants do like to do their private patients and also it ensures that consultants do come over to Jersey who are of high calibre which I think, and I hope the Deputy agrees, are important to every Islander, including our public patients.

4.10 Deputy M. Tadier:

I just wanted to follow on from the question of Senator Perchard about learning while you are earning. Would that extend to English learning as you are earning?

The Deputy of Trinity:

I do not quite know what to say to that, but I would assume so.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Deputy Bailiff:

Very well, that brings questions to the Minister for Health and Social Services to an end. There are no matters under J. We now come to K, Statements on a Matter of Official Responsibility. The Minister for Economic Development will make a statement regarding the Retail Framework Policy.

5. The Minister for Economic Development will make a statement regarding the Retail Framework policy 5

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

As Members will probably be aware, my department has been working on a policy document concerning issues of concentration in the food retail market in Jersey. This draft document was unfortunately leaked to the *Jersey Evening Post* and the resulting press coverage has been inaccurate, selective and therefore highly misleading. I would like to take this opportunity to clarify what the policy does and does not say. Members will find copies of the full document on their desks. The retail framework is aimed at ensuring that the Strategic Plan's economic objectives of economic growth with low inflation are delivered. I have listened to and balanced the views of Islanders, the economic advice and the views of businesses. As a result, this policy strikes a correct balance that creates a framework that is in the best interests of all Islanders. This framework will allow the flexibility to help address the issue of the high cost of food in Jersey. Members will appreciate that this is of critical importance to us all but has the greatest benefit to those less well off families and individuals in our Island. Today, Jersey's food retail market has 2 main supermarket operators, the structure that has the potential to inhibit competition and can, *in extremis*, result in an undesirable duopoly emerging. If this were to happen it would limit competitive pressure on retailers, contributing to higher prices and less choice for consumers. The policy takes full account of Islanders' views. Over 1,000 local households responded to a Statistics Unit survey with 84 per cent saying that that they would like to see an additional supermarket operator in Jersey. The policy is intended to, and indeed does, create a level playing field, which treats any applicant for large retail development fairly and equally, regardless of whether they are an existing operator or a new entrant. To be absolutely clear, nowhere in the policy does it recommend scrapping countryside protection as reported in the press. The framework states that a sequential test should be conducted to allow suitable sites to be considered for a retail development. That means starting with the town centre sites. If no suitable sites are found, sites on the edge of

centre or in other areas of town should be considered. If still no suitable sites are found, only then should edge of town or semi-rural sites be considered. But the final arbiter on any application would, of course, be the Minister for Planning and Environment. The economic advice attached to the policy is both objective and balanced. It was produced following a considerable amount of analysis from the economic adviser and includes the most up to date and appropriate research available. I would also like to add that my department is not, as some would have Members believe, actively encouraging any individual or new entrants into the supermarket sector. We will, of course, deal with any such inquiries as we do with any new business inquiry. This framework is intended to create a clear policy statement that seeks to remove barriers to entry. It clearly recognises that government intervention of any nature should be limited wherever possible in any market. I hope that Members will recognise that the detail of this retail framework document bears little resemblance to recent, emotive newspaper headlines and articles. In all cases, applications, whether from an existing or potential new entrant, will be treated on merit, balancing social, environmental and economic issues. I would be more than happy to answer Members' questions and would be delighted to arrange a more detailed briefing for any Member who would like additional information.

5.1.1 Deputy S. Power of St. Brelade:

I do thank the Minister for the clarity of the statement. The Minister would be aware of my interest in diversifying our retail for some time. Can the Minister give the Assembly an indication as to who might have had access to this retail framework document and that might then help Members to understand perhaps the source of the leak to the *Jersey Evening Post*?

Senator A.J.H. Maclean:

It is obviously difficult to speculate on such matters. All I can say is that as part of the consultation process, we obviously sent out a final draft of this particular document to the Chamber of Commerce and I was hoping, subject to a meeting planned for Monday, to have discussed in more detail and I would have hoped that the source of the leak was not from that particular body, but I cannot really comment much further.

5.1.2 The Connétable of St. Helier:

I welcome the Minister's reassurance that the first port of call, as it were, for a possible third supermarket would be a town centre site and, of course, the Minister is a noted and significant supporter of the Millennium Town Park. I would ask him whether he recognises in the vicinity of the town park the potential for this kind of operation. Secondly, there is very little said about the importance of the central markets in the report that we have been given. Will he agree with me that the central market is an extremely important asset in the retail framework of the Island and that it is possible to protect it without being protectionist?

Senator A.J.H. Maclean:

Yes, the Constable is absolutely right. My support for the Millennium Town Park is well recorded and my support for open spaces within town; I recognise the value of such facilities. It would be wrong for me to speculate on potential sites within the centre of town. Some have been mentioned in the media in recent times but, indeed, that is not for me to speculate on. What I can say is that the central market - I agree entirely with the Constable - is extremely important, very special and I would not expect to see any effect on the central market and, indeed, we should seek to protect where we possibly can without indeed, as the Constable says, any form of protectionism, that unique facility.

5.1.3 Deputy G.P. Southern:

Does the Minister not accept that it is a mistake to have an entire 35-page document printed at this time without any reference whatsoever to an extensive and well-balanced report on the retail sector in Jersey produced by the Economic Affairs Scrutiny Panel in recent times? Does he not accept

that, in fact, what he has produced will be seen as a partial case for a new supermarket and not a balanced case?

Senator A.J.H. Maclean:

No, I am afraid I do not agree with the Deputy at all. I think it is a balanced case. I think since the original retail framework of 2006, considerable additional work has been put into this particular document. The Economic Adviser, for example, has considered 16 additional pieces of relevant data - both locally and externally - which is relevant to this particular debate. I believe that this particular document is certainly not promoting a third supermarket *per se*, as the Deputy is suggesting. All it is ensuring, whether it be to existing local operators or a potential new entrant, is that there is a level playing field. That is the key.

5.1.4 Deputy G.P. Southern:

Can the Minister specifically say why there is no reference to an extensive and well-balanced Scrutiny report on it?

Senator A.J.H. Maclean:

Is the Deputy referring to the report that his Scrutiny Panel prepared some years ago when he was chairman of Economic Affairs, in which case that particular document, a good document, nevertheless is in the public domain. Members will be aware, I believe, that that document is in the public domain.

5.1.5 Deputy J.M. Maçon:

The Minister commented that nowhere in the report does it recommend scrapping countryside protection. However, has the Minister asked the Minister for Planning and Environment to make amendments that would reduce countryside protection to the Island Plan, formally or informally, and if not, does he intend to do so?

Senator A.J.H. Maclean:

Neither formally nor informally. The key to the policy is sequential testing and that is quite simply we believe that we should be looking at the centre of town first and moving through an increasing burden of proof requirement as you move to the outer centre and outer parts of town. I believe that the Minister for Planning and Environment and his department support that basis. What we are effectively saying is that what we should not be doing is limiting purely to the centre of town only and hence the sequential testing.

[12.30]

5.1.6 Deputy A.E. Jeune:

Will the Minister please give an assurance that if any new supermarket were to open, they will only be permitted to employ people who meet the 5-year residency rule?

Senator A.J.H. Maclean:

The assurance I can give to the Deputy is again with regard to a level playing field. That is quite simply that any new entrant, should there be one, will be treated in exactly the same way as existing operators within the Island and the determination of their Regulation of Undertakings application again will be treated in exactly the same way. I think I have mentioned in the Assembly recently that current policy is to be quite severe and strict with Regulation of Undertakings, rightly so. There are unemployed people in Jersey and I would hope to see more of those being taken up if there were a new operator and I think that is a positive thing from an employment perspective.

5.1.7 The Deputy of St. John:

Given that moving even new business out of town could cause the demise of St. Helier more than it is at the moment... because we have seen proposals to move things from the centre of town to the

Waterfront in the future, which gives me concern, will the Minister give serious thought that if they are thinking of moving out of town, that it will not be greenfield sites but brownfield sites which there are many around the Island?

Senator A.J.H. Maclean:

I am not sure, I think the Deputy's question is wider based. Are you talking about businesses generally?

The Deputy of St. John:

Any new supermarket.

Senator A.J.H. Maclean:

There is no suggestion that as part of the sequential testing that sites other than those in the centre of town, out of centre, or indeed, at best, semi-rural would be considered, or worst, depending on one's perspective. There are economic reasons for that as well and I think the Deputy has alluded to them in part that clearly if you had on the edge of town a facility, a supermarket, that would be far more preferential to other surrounding businesses. The flow of traffic and the flow of potential consumers concentrated in a retail area is clearly preferential and I think that answers his question hopefully.

5.1.8 Deputy M. Tadier:

Does the Minister agree that food, rather than being too expensive, is too cheap and that the price paid for food does not reflect the labour and carbon footprint that has often gone into its production? Will he comment on how the introduction of a third operator and cheaper food would affect the promotion of local produce, which is already struggling to compete with cheap and often subsidised and low-quality imported food?

Senator A.J.H. Maclean:

With regard to the second question first, the Deputy asked about local produce and he is absolutely right. We are fortunate in the Island to have a range of high-quality local produce. We have seen, particularly through the farm shops, which have grown in number and size in recent years following a very successful model, an increase in the amount of local produce sold locally and I think that is something to be encouraged and welcomed. I would not suggest or think that should a further supermarket operator come to the Island, that that sort of high-end quality part of the market would be affected. I certainly would not want it to be affected. There is no reason at all to think that that would be the case. People like fresh food and they certainly like high-quality local produce so I think that is a positive aspect. Can I ask the Deputy to repeat his first question?

Deputy M. Tadier:

The first one was perhaps more philosophical but just about the idea that food, rather than being too expensive, is too cheap and it does not reflect the labour and the carbon footprint that has gone into making it.

Senator A.J.H. Maclean:

It is an interesting point that the Deputy raises. In many respects he is right, and farmers, in many respects, would agree that he is right as well. The cost of production and sustainability and profits for the farming industry, not just in Jersey but in the U.K., has come under increasing pressure. They have been pressurised by large supermarkets and multi-nationals to drive prices lower and lower, driven, of course, by demand by consumers who are ever seeking lower prices. Of course, we are now seeing risings of commodity prices, which is putting pressure in the other direction. But, yes, the Deputy does, of course, have an interesting point there.

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

I totally agree that we should be looking for the centre part of St. Helier as opposed to greenfield sites but I am also very conscious that in parts of St. Helier, there are some very large sites, many of which have got some very important listed buildings for St. Helier in them. Can we make sure that we do not destroy our heritage when we are looking at large developments to replace and if these are, can we ensure that they come back to the States for full discussion so that at least it has had the most democratic process to achieve both end results?

Senator A.J.H. Maclean:

I absolutely agree with the Deputy and I have every confidence that the Minister for Planning and Environment will fiercely continue to protect significant buildings and our buildings of heritage, so I do not think the Deputy should have anything to be concerned about. Of course, it is ultimately a decision for the Minister for Planning and Environment.

PUBLIC BUSINESS

6. Draft Wills and Successions (Amendment) (Jersey) Law 201- (P.7.2010)

The Deputy Bailiff:

Very well, that brings questions to the Minister for Economic Development to an end. We now turn to Public Business. The first item of Public Business is the Draft Wills and Successions (Amendment) (Jersey) Law lodged in the name of the Chief Minister and I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Wills and Successions (Amendment) (Jersey) Law 201-. A Law to amend the Wills and Successions (Jersey) Law 1993 to revise the customary law rules of succession and to make consequential amendments to other documents. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

Could I ask the Assistant Minister, Deputy Le Fondré, to act a rapporteur for this matter?

6.1 Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Chief Minister - rapporteur):

If approved today, this will finally enact a process that commenced more than 10 years ago. It will end the discrimination between legitimate and illegitimate children for the purposes of inheritance matters. When I was preparing this speech, I had a choice between the long and involved speech or something quite short and I hope Members will prefer that I keep it as short as possible but obviously will deal with queries at summing-up. I hope Members have read the relatively detailed report that accompanies this proposed change to the law. There are some wider issues surrounding inheritance law but the Panel was of the view that the very important matters surrounding the treatment of illegitimate children should not be further delayed by consideration of these other items. This change to the law therefore introduces the proposals adopted by the States in 2003 as regards illegitimate children as regards succession. Provided this proposal is approved by the Assembly, it is the intention to continue with the review of inheritance law and to bring back further proposals once they have been finalised and agreed. We have tried to produce a workable solution to the issue of illegitimate children. It is human rights compliant. It does cover some potential pitfalls, for example, sperm and ova donations, and, if approved, will make it possible for us to sign up to the European Convention on the Legal Status of Children born out of Wedlock. I am going to stop there. I move the principles.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Very well, we have an amendment which we will come to in a moment. The principles therefore are open for debate. Does any Member wish to speak?

6.1.1 The Deputy of St. Martin:

I very much welcome this and I have no doubt that Deputy Le Fondré will be just as pleased as I am because he knows how many times I have asked questions in the House: “When is this piece of legislation coming?” So I could almost say: “Well done, but 9 years late”, but I think it is something that the House should endorse without any trouble whatsoever. I just raise one issue. We were told way back when we agreed to the Human Rights Law in the year 2000 that it could not be implemented right away because we had to wait until all the laws that we had had been seen to be human rights compliant. I know I have asked before about the laws, are they human rights compliant. We were under the belief that this particular law was human rights compliant and once one took the trouble of getting a human rights opinion, it proved that in the opinion of those giving it, that the law as it stood was not human rights compliant. So I think, all in all, I certainly will be giving it my support. I hope Members will do the same and I also ask that those people - I know Deputy Le Fondré is on the Legislation Committee - that they do look at a number of the laws to see whether they are, in fact, human rights compliant when they say they are, just to ensure that they really are, maybe get the odd opinion from time to time but again I welcome this legislation.

The Deputy Bailiff:

Does any other Member wish to speak? I call upon the rapporteur to reply.

6.1.2 Deputy J.A.N. Le Fondré:

I think what I will do is just thank Deputy Hill for his comments. It has been a long time coming, as he said, and we all note that the present Panel has only been in place for just over a year. As I said, I hope if the Assembly does approve this today, it really does mark the end of a very long and winding road. There is further work to do. That will be a second phase. We strongly felt that this matter needed resolution first and I propose the principles.

The Deputy Bailiff:

The principles are proposed. All Members wishing to vote in favour of the principles, kindly show? The appel is called for. I would ask Members outside the Chamber to return and take their seats. I ask the Greffier to open the voting.

POUR: 42	CONTRE: 0	ABSTAIN: 0
Senator T.A. Le Sueur		
Senator P.F.C. Ozouf		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.D. Maclean		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Lawrence		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		

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

The Deputy Bailiff:

Now, is this a matter which the Corporate Services Scrutiny Panel wishes to scrutinise, Senator Ferguson?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, Sir.

6.2 Deputy J.A.N. Le Fondré:

Can we do it all *en bloc*? I am not too sure on the process, given that the amendment is in relation to Article 28 but can we do everything in P.7 itself *en bloc* and then deal with the amendment separately?

The Deputy Bailiff:

Rapporteur, I think it might be better if you propose Articles 1 to 4 and then we will deal with the amendment and we will deal with the ballots.

Deputy J.A.N. Le Fondré:

I propose Articles 1 to 4.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on Articles 1 to 4? Very well, Members are invited to show that they approve Articles 1 to 4. All those Members in favour, kindly show? Those against? Articles 1 to 4 are adopted.

6.3 Draft Wills and Successions (Amendment) (Jersey) Law 201- (P.7/2010): amendment (P.7/2010 Amd.)

The Deputy Bailiff:

We now come to an amendment lodged in the name of the Chief Minister and I ask the Greffier to read the amendment. The Greffier suggested that we take it as read as it is very long. **[Laughter]** I am sure that Members are in favour of doing that. Is the amendment seconded? It is proposed by the rapporteur. **[Seconded]** Does any Member wish to speak on the amendment?

6.3.1 The Deputy of St. Martin:

Yes, just to add, I see he is not here, and I think we ought to compliment Senator Le Marquand on picking up the matter and I think we should be grateful to him for doing so. Again, other than that, I certainly support the amendment.

The Deputy Bailiff:

Does any other Member wish to speak?

6.3.2 Deputy J.A.N. Le Fondré:

Yes, I was going to choose my moment to express exactly the same views as the Deputy of St. Martin. It was an issue that the Panel was aware of. We took the view at the time that it was an existing issue and that we could potentially deal with it in our second phase because it was not directly relevant to the matter we were debating today. However, when Senator Le Marquand again raised the point, we felt, on reflection, it was a good time to bring the change and I hope people support it.

The Deputy Bailiff:

Members are asked to vote in favour of adopting the amendment Article 20A to the Draft legislation. All Members in favour, kindly show? Those against? The amendment is adopted. We now come to the remaining Articles. Rapporteur?

6.4 Deputy J.A.N. Le Fondré:

If I can propose the remaining Articles *en bloc* as well.

The Deputy Bailiff:

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

6.4.1 Deputy P.V.F. Le Claire:

Perhaps not for today but just in relation to a proposition that I am considering bringing. The first thing I would like to say is I very much welcome the amendments today that have been brought and I think it is a great step forwards. I would like to say, in general, that the term “illegitimate” I think is becoming more and more unfortunate in a modern society. Secondly, if somebody dies intestate, I believe at the moment Jersey law passes that property over to the Crown.

[12.45]

Although there are only 2 or 3 maybe 4 a year I believe that that property should ... my understanding is that is what happens. My belief personally is that that should, in the future, revert to the States, the public of Jersey, because how would somebody, who had suddenly found that they were a relation, challenge Her Majesty to a piece of property that had suddenly been passed over because at the time it was considered to be intestate?

The Deputy Bailiff:

Does any other Member wish to speak? Rapporteur, do you wish to reply?

6.4.2 Deputy J.A.N. Le Fondré:

I will agree with the first part of Deputy Le Claire’s comments in terms of phraseology. The second part in terms of what happens in terms of someone making a claim in cases of intestacy is

not directly relevant to the matter that we are talking about today. I am happy to discuss it with him later.

The Deputy Bailiff:

Very well. Members are asked to indicate whether they approve the remaining Articles of the Draft Wills and Succession (Amendment) (Jersey) Law, proposed *en bloc*. All those Members in favour, kindly show? Those against? The Articles are adopted. Rapporteur, do you wish to propose the Law in Third Reading?

6.5 Deputy J.A.N. Le Fondré:

Yes, can I just take the opportunity to express my thanks to the members of the Panel, for their support in this matter, and, in particular, to the Law Draftsman, the Senior Legal Adviser, and the Senior Clerk for their forbearance and to the various individuals also who contributed their views on this matter. Other than that, I move it in the Third Reading.

The Deputy Bailiff:

The Deputy of St. John, do you wish to speak?

6.5.1 The Deputy of St. John:

Yes. Can I say it is a shame that over the years we do not have an abundance of lawyers and the like within the Chamber because unfortunately this morning the only lawyer we do have is off ill and we have had basically to **[Aside] [Laughter]** ... with the exception of yourself, of course, and the Attorney General, but that said, I am talking about the elected Members. It is a shame that more people from law firms have not put their names forward to sit in this House because we cover all areas of spectrum of employment within the membership. But there is a real shortage of lawmen, for want of a better word, advocates and solicitors who, in fact, in the past, I have found that the influence they bear in this Chamber on such matters as these, you could have a quiet word with a Member in the Member's room and just put your questions to him rather than do it on the floor and you could take a steer from a qualified lawyer. I found that since we had a gap when we lost Senator Lakeman for several years until this new House, the quality of debates went down, not having lawyers within this Chamber and in the next **[Interruption]** and I hope in any future election, we see members of the law profession put their names forward and get elected just because we need the input of people of that calibre.

The Deputy Bailiff:

As a lawyer, I have to remind myself that Standing Orders require speeches to be on the topic, Deputy. **[Laughter]** Does any other Member wish to speak?

6.5.2 Senator P.F.C. Ozouf:

Very briefly, Deputy Le Claire referred to in his earlier remark about matters concerning the Crown and I cannot remember, I apologise, I cannot think of the Standing Order that relates to speaking about matters to the Crown. Obviously, His Excellency cannot speak in this Assembly. All I would say is that I am aware of the way in which revenues concerning the Crown are dealt with. They are dealt with expertly by the Receiver General and, indeed, the Crown makes a contribution to public revenues. I will check if I have not got those facts correct. I am not sure, but I do not think Deputy Le Claire was entirely correct in the matter that he was making and I thank the Receiver General for the work he does.

6.5.3 Deputy P.V.F. Le Claire:

Interestingly, following on from the Deputy of St. John, my advice about the Crown Officer's position came from lawyers that were appointed as Her Majesty's Attorney Generals who have since gone up the rung about the position of intestate situations in Jersey because I have researched a proposition. So all I commented upon was the fact that I believe challenges to people whose wills

have since, as relates to the amendment, been within a 10-year period may find themselves, having been related to the person that thought the situation was intestate but then having found within that 10-year period that they believe they were related, so there would have been possibly an area that needs to be considered. I certainly did not mean any offence to the Crown, Her Majesty herself or our very well-respected His Excellency, Lieutenant Governor.

The Deputy Bailiff:

Very well, thank you. Does any other Member wish to speak? I call on the rapporteur to reply.

6.5.4 Deputy J.A.N. Le Fondré:

I think I will just note the comments and thank the various speakers for them and move it in the Third Reading.

The Deputy Bailiff:

The Draft Law is proposed in Third Reading. The appel is called for. I ask Members to return to their seats. I ask the Greffier to open the voting.

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

Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Deputy Bailiff:

Now, we are well past 12.45 a.m.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. The States stands adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

[14:16]

PUBLIC BUSINESS - resumption

The Deputy Bailiff:

First of all I take the opportunity to announce to Members the lodgings of propositions P.33, the “Chief Officer of States of Jersey Police: appointment process” in the name of the Deputy of St. Martin; P.34, the “Draft Advocates and Solicitors (Amendment No. 5) (Jersey) Law 201-“ lodged by the Chief Minister; and the “Draft Public Finances (Transitional Provisions) (No. 2) (Amendment) (Jersey) Regulations 201-“ lodged by the Minister for Treasury and Resources.

7. Draft States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) (Jersey) Regulations 201- (P.8/2010)

The Deputy Bailiff:

We now come to the Draft States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) (Jersey) Regulations and I ask the Greffier to read the citation.

The Greffier of the States:

Draft States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) (Jersey) Regulations 201-. The States, in pursuance of Article 29 of the States of Jersey Law 2005, have made the following Regulations.

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

When I was a newly-elected States Member many years ago, one of the first committees that I was appointed to was called the Etat Civil Committee. It is one of those which is now just a distant memory. The Etat Civil Committee, when we moved to Ministerial government, was largely subsumed in the Home Affairs Ministry, the Home Affairs Department. Yet I took the chance over the weekend to go back and look at the implementation plan that was produced back in 2001 when we were considering the move to Ministerial government. On page 119 of that document, in talking about Home Affairs, it said: “Home Affairs would encompass the present responsibilities of the Etat Civil Committee, save for the responsibility for the census, which should rest with the Statistics Unit in the Chief Minister’s Department.” So back in 2001 the intention was, quite obviously, to keep that with the department doing statistics. Sadly, when we moved initially to Ministerial government, in the hullabaloo that went on at that stage that little bit was overlooked. But now, being mindful of the fact that a census is imminent, we need to put our house in order. Accordingly, the Minister for Home Affairs has agreed with me that it is sensible to move the responsibility for the census from his department to that of the Statistics Unit within my

department. The Regulations before us today propose do just that, and I propose the principles of them.

The Deputy Bailiff:

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

7.1.1 The Deputy of St. Mary:

There have been recently ructions in the U.K. about the role of the Statistics Unit or their equivalent, which is probably slightly bigger than ours, about the way the statistics are used. I think the Tories had a go at the Labour Party or *vice versa* and it is a major, major issue as to how statistics are prepared and in whose orbits they are prepared and to make sure that they are robust and independent. So the only comment I would make on this is that I am not really happy. I am happy with it going from Home Affairs to the Chief Minister's as a tidying-up exercise but I would just want to lay down a marker and maybe see what other people feel about the fact that statistics should not come under the Chief Minister's Department at all. They should be visibly and completely independent of the government, or, indeed, they just should be independent, as I believe they are in the U.K. I would welcome comments on that from the Chief Minister.

7.1.2 Deputy J.A. Hilton:

Just briefly, obviously I do not go back quite as far as the Chief Minister but it makes absolute sense to me that this function is transferred from Home Affairs for all the reasons he has outlined. Thank you.

7.1.3 The Deputy of St. John:

Etat Civil, I remember it well. Under the Constable of St. Mary, then it was lost by him to the then young upstart who just entered the Chamber by the name of Deputy Ozouf and who is now our Minister for Treasury and Resources. I must say that I was surprised when we had the results of that census because that was incomplete because all the information was not put into the census that was received. I have always been sceptical with some of those results and I sincerely hope that if underneath the Chief Minister's Office - if that is the correct place for it to be sitting - that he will keep a very good eye on what is going on and not have only 90 per cent of the information entered or 95 per cent entered. It needs to all be entered in, even if there is a delay in getting any census information into the department. So I sincerely hope that the Minister will do what has to be done. There is no reflection on the young man who took the job on at the time, that possibly the job may have been too big for him to start with. But that said, I think I have said sufficient and I will support the Chief Minister with taking it into his remit.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on the Chief Minister to reply.

7.1.4 Senator T.A. Le Sueur:

Yes, the Deputy of St. John, like me, goes back for a few years and clearly he listens to all sorts of views about how accurate the census is. I listen to those views as well but more importantly I listen to the advice of our Statistics Unit, a department which, although it comes under the Chief Minister's remit, is fiercely proud of its independence. I think those Members who have attended presentations given by the Head of Statistics will be quite clear that he is very much his own man. He does his work independently and professionally. I have got a very high regard for the tremendous amount of work done by a very small team in that department. When it comes to the census itself, clearly we want to get the most accurate figure we can and that requires all of us to get behind his supporting the enumerators and the work being done in that census, to give us the best possible information. As they say about sausage machines or "garbage in, garbage out", if we do not get decent information going into the census collection we will not get the best results out of it. But I am confident that the Statistics Unit will deliver that. Whether they do it for the Chief

Minister or for the Minister for Home Affairs, they will do an equally good job, I am sure. It does make sense to have the function and the accountability to the Chief Minister's Department, which is responsible for the rest of the statistics activities. I think I have said enough. I make then the proposition.

The Deputy Bailiff:

The principles are proposed. All Members in favour kindly show. All those against. The principles are adopted. Now, Senator Ferguson, do you wish to scrutinise these Regulations?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, Sir, thank you.

The Deputy Bailiff:

Chief Minister, do you wish to propose the Regulations in Second Reading?

7.2 Senator T.A. Le Sueur:

It is disappointing that it appears the Scrutiny Panel has bigger things to do but I am grateful for that. Five articles, very straightforward. Sir, I propose them *en bloc*.

The Deputy Bailiff:

The Articles are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on the Articles? Very well, then I put to Members the adoption of Regulations 1 to 5 inclusive. Those Members in favour please show. Those Members against. The Regulations are adopted. Do you wish to propose the Regulations in Third Reading? Seconded? **[Seconded]** The Regulations are proposed in Third Reading. All Members in favour kindly show. The appel is called for. I ask Members to return to their seats. I will ask the Greffier to open the voting.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				

Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

8. Public Holidays: designation of May 9th if on a Sunday (P.18/2010)

The Deputy Bailiff:

We now come to P.18/2010 - Public Holidays: designation of May 9th if on a Sunday - in the name of Deputy Tadier and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that 9th May 2010 should be designated as a public holiday;(b) to agree that after 2010, 9th May should be designated a public holiday whenever it falls on a Sunday, in addition to its designation as a public holiday whenever it falls on a week day, namely between Monday and Saturday; (c) to request the Chief Minister to bring forward for approval the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to this decision.

8.1 Deputy M. Tadier:

First of all I appreciate that Members may have a certain amount of bank holiday fatigue, even though some of us do not need necessarily to take bank holidays because we do have a more flexible work ethic here. Nonetheless, I think that there is no need for this to be a particularly long debate but I think it is nonetheless one which is still worth having. First of all, I would like to thank the Greffier for all the time he has spent doing this. I have just come back from a Commonwealth seminar, which was very useful. It was interesting to note that many of the colleagues, some of whom were clients there, spoke very warmly of our Greffier and the department in Jersey. **[Approbation]** I think that is with good reason. I do not want to embarrass him any further, but I do appreciate the help and the many ping-pongs of emails that have gone back over Liberation Day. I also beg Members' indulgence ... you will notice that I have circulated a slight corrigendum. It is to do with the financial manpower implications. It does not affect the implications in any substantive way. It is simply that the wording needed to be changed. I had accidentally copied over the same wording from the last proposition. But the figures and the effects remain the same. So I do beg Members' indulgence on that issue. I will simply be effectively following the proposition here so Members can follow along if they want to. Over the last weeks and months I have had much time to consider and reconsider many of the issues surrounding Liberation Day, its occurrence this year on a Sunday and whether a not a solution could be found that would be more acceptable to more people and States Members than the current situation is. In doing so I have found out there have been a lot things which were not necessarily clear to myself, but also to other Members, about Liberation Day and the way that it is not a bank holiday every year, only when it falls on Monday to Saturday and that is something I will be talking about in a bit more detail. So with this proposition I hope I have done just that, to find a balance in coming to this revised position. It has been necessary for an element of reverse-engineering to have taken place. I will take us through this very briefly. So, firstly, it is necessary to look at the

problem. The first problem I would say: Liberation Day is normally given as a bank holiday but not always, only 6 out of 7 years. The second problem is that one in 7 years, Liberation Day is not given as a holiday. This leads to understandable resentment in some quarters and general confusion in others.

[14:30]

This resentment and confusion is compounded further by the fact that certain employers will give lieu days off as a matter of course and others will not. I know, for example, in the private sector there are certain big banks which will automatically give a fixed number of days off a year whether or not Liberation Day falls on a Saturday or Sunday. Others may not. In this case the public sector will not be doing that if the *status quo* prevails. To talk about resentment, I perhaps also do not need to mention the fact that our Guernsey cousins have done something completely different. But that is a separate issue. Problem 3, because there is not a widespread understanding of the technical legal nuances between Liberation Day, a public holiday only if it falls on Monday to Saturday, and other special days, Christmas, a holiday whenever it falls, there is also an assumption by a significant body of the population that the Monday after 9th May should automatically be made a bank holiday. The fourth problem, because the liberation of Jersey occurred on 9th May and no other date, there is an equally significant body of opinion that is resistant to any suggestion that any day close to 9th May should be given as a substitute or additional holiday, as this would detract from the significance of the actual date. This was certainly an argument that we have heard in the last 2 debates. Up until now these often conflicting considerations have provided 2 equally conflicting positions. Position one is the *status quo*: Islanders are left to celebrate 9th May on a Sunday. Many will be free to attend celebrations if they wish. However, no public holiday will be granted. No overtime will be paid to workers working on Liberation Day, in contrast to the other 6 out of 7 years. No lieu day will be granted for those not working, no Monday or Friday will be given either side of the weekend. This is what would normally have happened and normally happens on a Sunday if Liberation Day falls on a Sunday. The second position which was previously proposed and rejected: as Liberation Day is only a designated holiday when it does not fall on a Sunday; Sunday itself remains a normal day. So to make up for the fact, a substitute day is given on the Monday or the Friday and we do not need to go too much into that because we know that has been rejected. So that was the second position. But there is now a possibility of a third position, which is what we have in this proposition, that is to say, that Sunday, 9th May 2010 and Liberation Sundays in subsequent years will be designated as a public holiday. I will stop there just briefly to say that I will be taking this proposition in 2 parts. The first one is that this year 9th May should be made a designated bank holiday. Members can choose whether they want to accept or reject that. The second part will be to make all subsequent 9th May which fall on a Sunday a bank holiday on the Sunday. For information, the next occasions on which that will occur will be in 2021 and 2027. Some of you may not be here. I may have the misfortune to be here, although not a Sunday. I draw the line at that. So, the advantages of this proposition. (1) No need to allocate a substitute day; the holiday is granted the day it falls. That keeps people happy: people who say, and with some reason, that Liberation Day is on the day it falls, 9th May. So I am not disagreeing with that. (2) No public dissatisfaction at the loss of a usual holiday entitlement. (3) There is no accusation of diluting or devaluing Liberation Day on either side by those who think it is being devalued by a holiday effectively being withdrawn, not granted or it being moved. (4) It addresses the question of consistency and resolves the problem for future years. (5) Shops will not face a loss of business from closing on a week day at short notice. Shops will not be able to open on a Sunday for the most part anyway, so this will not be an additional burden. (6) It will not affect those employers in the private sector who already allocate a lieu day every year and there are many who will give their employees a lieu day anyway. (7) The financial and leisure time advantage for the employees. Obviously we always talk about a financial implication for the States but there is a corresponding financial gain, if you like, even if it is a notional one, and there is certainly leisure time gain for those who will be able to have their day off to stand with their families anytime that

they wish to. But there are 2 disadvantages, as I can see. There will be, as always, a cost to the public sector - partly notional, partly real - although this, of course, has already been budgeted for last year. This is what would happen in a normal year. The second disadvantage: there will be some costs to some businesses for staff working on 9th May and a cost for lieu days. So it is widely accepted that 9th May 1945 was a significant date in our Island history and that its anniversary should continue to be an important event in our Island's calendar now and in the future. I think it is only fair to say that while the idea of a designated alternative day off on the Monday or Friday was controversial, few would argue with the actual principle of 9th May being a public holiday. I take that as a given, really, in this proposition. There may be Members who do have an issue with Liberation Day being a bank holiday if it falls on a Wednesday or Thursday. But I am presuming that is not the case. Nobody has brought propositions forward or suggested that that is the case. So that is why I take that as a given, although Members will obviously be able to speak if they disagree with that point. But under the 1952 Law, Liberation Day is only designated as a public holiday if it falls on a week day, the interpretation of which is Monday to Saturday. So while 9th May is still Liberation Day even if it falls on a Sunday, the public holiday that is normally associated with Liberation Day vanishes one year in 7. So the question is: if Liberation is worth giving as a public holiday on a Monday to Saturday, why does this change if it falls on a Sunday? Historically this may be easy to answer. In the past, Sundays were seen as a *de facto* public holiday already. Of course, Jersey society was a very different place in 1952, as was the significance of the Sunday. Shops remained shut and all but a relatively few essential people had to work. So in 1952 it may well have seemed unnecessary to make provisions for Liberation Day falling on a Sunday. However, the Jersey of 2010 is a very different place. Newsagents are open, as are garages, restaurants, cafes and even supermarkets. In the public sector the likes of the prison, the hospital, the police station and other departments must all remain functioning 24/7 and 365 days a year. Elsewhere, bus and taxi drivers and harbours and airport staff will have to show up for work, Sunday or not. So, just as life does not stop because it is a Sunday, Liberation Day also does not cease to happen simply because the calendar dictates it is a Sunday. I will just refer to the footnote that I have put for Members that one of the main arguments put forward by opponents of a substitute holiday was that Liberation Day is to be observed on the day on which it falls and no other day. This is reflected in comments by several Members and I will quote 2 here. We have Deputy Green saying that: "Liberation Day is 9th May. It is not difficult." Then we have the Constable of Grouville saying: "I was here on the first Liberation Day and Liberation Day will always be 9th May." That is fine. I am not disagreeing with you on that. This proposition does not undermine those positions either. Okay. So the point is: while people still have to work on a Sunday and while Liberation Day still occurs even while it falls on a Sunday, this is exactly what happens when the public holiday normally attached to Liberation Day falls on a Sunday, in fact, it disappears completely. It is this inconsistency which I am trying to address here which I believe needs to be updated. It is worthwhile taking into consideration what happened last year on Liberation Day and it is something which many States Members and members of the public do not seem to appreciate, and I certainly did not until I looked into it. Last year Liberation Day fell on a Saturday, which is what is happening in Guernsey this year on 8th May. Although the majority of Islanders did not have to work on a Saturday, it was still observed as a holiday. No substitute holiday was given for Liberation Day. However, States employees and many in the private sector, subject to individual contracts, were given a day off in lieu. It is anomalous this year when 9th May falls on another day on which the vast majority of Islanders do not normally work, that no holiday will be observed and that no lieu day will be given. So to paraphrase, we had a situation last year: somebody Monday to Friday works Monday to Friday only; they do not work on a Saturday. Liberation Day falls on a Saturday, they get given a day off in lieu, even though they never work on a Saturday anyway. When Liberation Day falls on a Sunday, they do not work on a Sunday; that year they will not be given a day off in lieu. Similarly, the person who does have to work on the Sunday will not be given any extra remuneration. They will not be given a day off even though they are working on the actual Liberation Day. So the nub of the problem essentially

lies with the 1952 Law and the fact that “week day” is defined as a Monday to Saturday. However, for those who regularly have to work on Sundays, Sunday is a week day. It seems unfair and entirely illogical that those working on Liberation Day in 2009 could expect to get remunerated at a higher rate and/or have a day off in lieu but those working on Liberation Day in 2010 will not. That 9th May happens to fall on the Sunday should not put those who work on that day at a disadvantage. They will have no choice but to work on Liberation Day and this fact should be reflected in their pay and holiday entitlement. I would appeal to Ministers and Assistant Ministers that this is something tangible which affects their staff. Last year staff in all departments may and probably did have to work on the Saturday and they would have been getting paid for it at a higher rate. Similarly, these are their staff members who do a sterling job and because it falls on a Sunday this inconsistency is going to affect them in a real and tangible way. I would hope that at this time when leisure time and money is at a premium for many hard-working families, that this consideration and this inconsistency be taken into account. So I will conclude now by saying: if we pass this proposition we will be updating a law which is almost 60 years old and which, in my opinion, is no longer meeting the needs of a different society and it is not fit for purpose. I believe it is an improvement on the P.15 and P.18 or - I am losing track of the numbers - this is P.18, so it is obviously not an improvement on itself. But it is an improvement on previous models. It has many advantages and it has few disadvantages. Certainly it does not have any more disadvantages than allocating bank holidays normally brings with it. I point out at this point because I am sure that somebody is going to stand up and say this is a completely unnecessary proposition because we have Deputy Le Hérisier who brought his review which was passed, I think, 2 weeks ago in my absence, unfortunately, because I would have supported it, and so this does not need to be looked at. I would say that is not the case. What we have here is a completely different proposition. Of course Deputy Le Hérisier’s review will no doubt go on to the waiting list, join the queue for other reviews and will be dealt with at some point. But here we have an urgent need to address what happens this year on 9th May and in subsequent years. I believe also that Deputy Le Hérisier’s proposition was to look more holistically at what happens, bank holidays in general, and that it be applied consistently. So I do not think that passing this proposition today, either part (a) or (b), will necessarily contradict that. Certainly part (a) would not and I believe that also part (b) would also give a strong message to the Chief Minister about the direction the House would like him to take. So this proposition is not about getting an extra day off. It is about getting the right day off. It is also about acknowledging the fact that in Jersey a section of the workforce will not be free to celebrate Liberation Day. They will not have the day off to spend with their families, some of whom will have been here during the occupation. But they will be serving the Island on a day when the majority of people will be off. So, to put it another way, if Liberation Day is worth designating as a public holiday on a Monday, a Tuesday, a Wednesday, a Thursday, a Friday and a Saturday, then why is it not worth designating as a holiday if it falls on a Sunday? I make the proposition.

The Deputy Bailiff:

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

8.1.1 Senator T.A. Le Sueur:

I do not know if I wish to speak but I think I probably ought to speak because I think the proposer began by saying that maybe we are suffering from Liberation Day fatigue. I think he is right and certainly he asks me to take the message back. Well, the message I have taken back over the past 3 debates is that Members want to keep Liberation Day as Liberation Day and they do not want to tinker with things in isolation. That is why I quite gladly accepted the proposition from Deputy Le Hérisier 2 weeks ago to have an overall look at the whole law and public holidays and bank holidays in general, the very holistic view to which the proposer just spoke.

[14:45]

So we are already committed to reviewing the whole of the Public and Bank Holidays Law and Members may be surprised to learn that I already have a draft which I will be taking to Ministers at the next meeting but one of the Council of Ministers. So, yes, we can move a bit more quickly occasionally. But that review, as I say, is a holistic approach. So I think for us to try and pre-empt, if you like, the outcome of that debate when we are going to debate the whole thing again in maybe 3 or 4 months' time is really, to me, totally counter-productive. The proposer suggested he would be brief in his comments. I will try to be even more brief in my comments because I think this is the wrong debate at the wrong time and it is an unnecessary debate. The proposer also talked about Ministers and Assistant Ministers looking after House staff. Yes, this proposition is very much to do with States employees because really this is all about people's employment and days off, an extra day's pay or double-time. We are talking about matters like that. Private sector employers and employees have already got arrangements in place, which will vary from employer to employer. What we have here is: what effect it will have on the States workforce, the public sector? They fall, very simply, into 2 camps: those who are working on 9th May and those who are not working on 9th May. The effect of the proposition today is that those who are working on 9th May will get additional time on top of the additional money they are getting for working on a Sunday and a day off in lieu. Those who are not working because it is a Sunday, and they do not normally work on Sundays, will get a day off in lieu some other day of the year anyway. Whether that has an effect in cash terms or not I consider irrelevant because it simply means that they are getting an extra day off on that one occasion. Now, that may be right; that may be wrong. But it is a piecemeal approach. That is why I am suggesting that rather than take a piecemeal approach to this particular issue, let us look at the law in the round when it comes to us in the next few months and then ... I can see it coming already: I shall no doubt get amendments to that law from Deputy Tadier to put forward further points of view. But I think really we are just prolonging the agony by debating this matter at this stage when, really, as I say, the overall big picture will be looked at in the next few months in accordance with the wishes of the House, in accordance with the proposition of Deputy Le Hérissier. So I urge Members not to vote of any part of this: not (a), not (b) nor (c). All that does is sow confusion and maybe some temporary feeling of goodwill. It does not solve the problem. Let us solve the problem properly once and for all by reviewing the whole law. I urge Members to reject this amendment.

The Deputy of St. Mary:

May I ask a point of clarification of the previous speaker because it might shorten the debate? Yes, that would indeed be nice if we could be relieved of another round of Liberation Day. Could the Chief Minister assure us that he accepts the principle of an equal number of public holidays each year? Because if he could do that in advance of this thing coming out in a few weeks' time or is it a few months' time, then maybe the proposer would agree to withdraw this. We are being offered a sort of half a banana on a fishing rod and I would like to know just what it consists of.

Senator T.A. Le Sueur:

I think all I would say is the proposition will be lodged within the next few weeks and then Members can see at that time what it contains. I am not going to pre-empt what the outcome of that would be nor can I predict whether Members will prefer that or some other amendment. So really, I do not want to comment any further.

8.1.2 Deputy P.V.F. Le Claire:

The holistic approach is one obviously that will be agreed by all Members as the best way forwards in relation to any review that is undertaken in any matter the States conducts. My only question now, really, from the vague offer from the Chief Minister, would be if this paper that he has in his possession goes to the Council of Ministers and they decide that it is to be lodged, the only real effect or detrimental effect perhaps that we would have in following the Chief Minister's lead here is that for this year ... and I am just wondering whether or not this proposition gives us another stab

at this year, which I believe it does, does it not? I am being told by the proposer of the proposition that, in effect, debating this today gives an opportunity once more of looking at the Groundhog Day, as it is going to be known in the future.

The Deputy Bailiff:

Does any other Member wish to speak? I call upon Deputy Tadier to reply.

8.1.3 Deputy M. Tadier:

It looks like the States' efficiencies have already kicked in. Something to pat P.P.C. (Privileges and Procedures Committee) on the back about. I may as well give myself a pat on the back as well. There have been some interesting issues raised there. I think the essential part here is, quite rightly, as has been pointed out by Deputy Le Claire, is that this review does give us 2 different options. First of all it gives us the opportunity to sort out once and for all what happens this year in what I believe is a fair way that can keep many people on both sides of the arguments that we heard over the last few weeks happy. So I think in many ways this is a compromise and I do not see any reason logically why this cannot go through. I mean, the fact that there has been a silence in people speaking against, that is either because people have got fatigue or there are no logical arguments against it. I am not sure which is the correct one. To address the point further, I think it would be more logical, for example, if I could let part (b) fall because that is being addressed more so in a holistic way. But the Chief Minister's review of this would not sort out what happens this year. I make no bones about it. I am fighting for workers' rights here because I believe that it is quite clear that workers are being subject to one less day's holiday this year than they will do next year or last year. As I have said, there is an inherent inconsistency in giving a Saturday off one year, which most people do not work on. Most of our staff in the public sector do not work on a Saturday. So why are we giving them a lieu day for a day that they do not work anyway? This happened last year. No questions were asked about it. The Chief Minister's Department was silent about that. This is simply asking for consistency. I am speculating here but I think certain Members may be slightly put off by the idea of a lieu day for people who are not working. I think if the proposition were to remunerate people who were working on Liberation Day at double-time, that would probably be more acceptable. I see a few heads nodding, so that is probably the next proposition that is coming back because clearly Members do not want to sort this out today categorically because some justice and some logic has to prevail in this debate. I must say that I am disappointed at the Chief Minister. I cannot see any reason why he would reject this proposition. I can see why there may have been reasons for the last one and I said in conversations with the Chief Minister and the Deputy Chief Minister that I would be more than happy to withdraw the last proposition in favour of this one because I think this is slightly more logical and it appeals to both sides. This is not about creating an extra day's bank holiday. This is about celebrating the bank holiday consistently in a way which we would do Monday to Saturday in other years and extending that practice to Sunday without devaluing Liberation Day in any way. So I would say to Members: do not listen to the Chief Minister on this one. Use your independence of thought. Thankfully, as I have learned at Westminster, we do not have a 3-way whip system in Jersey. We do not have to listen to the Chief Minister if we disagree with him and if we think it is more logical to go against that. So I would simply say that this is about workers' rights. It is about bringing consistency, if people are given a lieu day on a Saturday and if there are people in the private sector who are also being given a full complement of holidays. There are hard-working people in the public sector, many of whom, I would emphasise, that have given up very well-paid jobs in the private sector because they have a vocation and they know what it is to serve the Island and they have made those sacrifices. I think it is an insult to these people who do have to work on Sundays that we should be taking the extra. I would beg for just a little bit of decorum while I finish because I have almost summed up. So this is about justice for workers, this is about consistency. I would ask Members certainly to support part (a). If Members wish to support part (b) that is up to them. It will be looked at in greater detail in the review that we are hearing about, though, certainly, we have a

chance here to make the correct decision, to make a decision that goes in favour of the people of Jersey for once and the hardworking people of Jersey rather than just being a “cannot do” government. I make the proposition which I have made. I ask for the appel.

The Deputy Bailiff:

Deputy, do you wish to take proposition part (a) first or do you wish to take (a) and (b) together or (a), (b) and (c) together?

Deputy M. Tadier:

Sir, I think (c) is consequential, so certainly I would probably like to take part (a) first.

The Deputy Bailiff:

Then can I suggest we take (a) first and then (b) and then (c)?

Deputy M. Tadier:

That is correct, thank you.

The Deputy Bailiff:

Very well. Did you ask for the appel, did you say? I ask Members to return to their seats. The vote is on part (a) of the P.18. The States are asked to decide whether they are of the opinion to agree that 9th May 2010 should be designated as a public holiday. I ask the Greffier to open the voting.

POUR: 13		CONTRE: 33		ABSTAIN: 0
Senator F.E. Cohen		Senator T.A. Le Sueur		
Connétable of St. Helier		Senator T.J. Le Main		
Deputy R.C. Duhamel (S)		Senator B.E. Shenton		
Deputy J.A. Martin (H)		Senator J.L. Perchard		
Deputy G.P. Southern (H)		Senator A. Breckon		
Deputy P.V.F. Le Claire (H)		Senator S.C. Ferguson		
Deputy S. Pitman (H)		Senator A.J.D. Maclean		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of Grouville		
Deputy T.A. Vallois (S)		Connétable of St. Brelade		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy D.J. De Sousa (H)		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		

		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Deputy Bailiff:

Very well. We now come to the second part of the proposition, paragraph (b). I ask the Greffier to open to voting on part (b).

The Deputy Bailiff:

Parts (a) and (b) having been lost, part (c), I think, falls away.

POUR: 14		CONTRE: 32		ABSTAIN: 0
Connétable of St. Helier		Senator T.A. Le Sueur		
Deputy R.C. Duhamel (S)		Senator T.J. Le Main		
Deputy J.A. Martin (H)		Senator B.E. Shenton		
Deputy G.P. Southern (H)		Senator F.E. Cohen		
Deputy of Grouville		Senator J.L. Perchard		
Deputy P.V.F. Le Claire (H)		Senator A. Breckon		
Deputy S. Pitman (H)		Senator S.C. Ferguson		
Deputy M. Tadier (B)		Senator A.J.D. Maclean		
Deputy of St. Mary		Connétable of St. Ouen		
Deputy T.M. Pitman (H)		Connétable of Trinity		
Deputy A.T. Dupré (C)		Connétable of Grouville		
Deputy T.A. Vallois (S)		Connétable of St. Brelade		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy D.J. De Sousa (H)		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

9. Independent Jersey Police Authority: establishment (P.23/2010)

The Deputy Bailiff:

We now come on to P.23/2010, the proposition of Senator Breckon for the establishment of a Jersey Police Authority and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 19th May 1998 approving the establishment by law of a police authority and to request the Minister for Home Affairs to present to the States for approval no later than December 2010 detailed proposals for the establishment of an Independent Jersey Police Authority to oversee the work of the States of Jersey Police.

9.1 Senator A. Breckon:

Can I first of all say it is a pity that the Minister is not here, Senator Le Marquand. I do not say that because I wanted to have a go at him about anything. I think that he has got a very good attitude. He has got some difficult issues and situations to face and I think he is showing, by things that are appearing - albeit slowly - that he is getting to grips with the issues, including having a Jersey Police Authority. What frustrated me when I looked back at bundles of papers was the States had approved this in May 1998. For Members' information I have attached RC 35 of 2003 by the then Home Affairs Committee, which summarises, I think, the situation we had. Where we are now is perhaps not a little different to that but things are appearing to move.

[15:00]

I think this issue has been around a lot longer. Those of us with longer memories will remember Clothier One which was to do with a police review, it was nothing to do with the machinery of government. I should say that I have said in my report I was formerly a member of the Shadow Police Authority as a member of the then Home Affairs Committee. Although it is not usual to mention people by name, I think it is fitting to mention the contribution by former Deputy Robin Rumboll - who was then Mr. - who put a great deal of his own time and effort into establishing a police authority. Unfortunately, through circumstances he had to step down. I think then we had a partial vacuum. What concerns me, and it is in a question I ask today, in the end of ... or why I ask today: it does, in reference to a quango that was set up into a serious case inquiry and there are some issues about the group, the work they did, the terms of reference and how effective they are. That is not to cast any aspersions on that. But, of course, if we had a police authority then this would not happen because they would be the body that could become involved and perhaps nominate others. I do not want to dwell on this because I think there is a win... there is a benefit for the policing of the Island. There is a win, there is a benefit for the people of the Island, and I think there is a win, there is a benefit for the public purse. I say that because I am not content with some of the goings-on of the last couple of years, not only with perhaps things that will emerge about conduct and capability but also about the cost of all of this. Of course, at times when we are looking around to see how well money is spent, in other instances we seem to have fairly deep pockets and we just blunder from one thing to another. But I am sure those issues will emerge as the year goes on. It is pleasing to see that a working advisory group has been set up. They are ready to go. What this proposition does, it gives them the focus, it gives the Minister a focus that this will happen by the end of the year. The reason I have done that is because time and time again, perhaps under questioning in the House, a Minister has said: "This will be with you at a certain date" and it has not happened. By the House agreeing this today and hopefully Members will support this, then that puts that timeline firmly in place. I am grateful for the comments that have been received with this. I think they are all supportive. We are all going in the same direction and it will not be difficult to do this, I do not think, because the will is there and there is a group of people who are willing to give their time and effort to make it happen. The Minister, I think, has shown that by doing some of the preliminary work that this will be achievable. With those few words, I will make this proposal to the House and hope Members will support it.

The Deputy Bailiff:

The proposition has been made. Is it seconded? [**Seconded**] Does any Member wish to speak?

9.1.1 Deputy J.A. Hilton:

Members will see from the comments submitted by the Minister for Home Affairs that he welcomes and supports this proposition, as, indeed, I do, and was very happy to second the proposition. Senator Breckon was obviously not aware at the time of lodging his proposition to establish a Jersey Police Authority that the Minister had already instructed his Chief Officer towards the end of last year to produce a detailed paper to assist the Minister and 6 members who the Minister had approached to inquire of their willingness to assist him in this matter. All 6 have agreed to assist the Minister to this end and they are: myself, the Constable of St. Ouen, the Deputy of St. Martin, Deputy Fox of St. Helier, the Deputy of St. Peter and Deputy Pitman of St. Helier. I shall not repeat what has already been said by Senator Breckon. I believe he lays out very clearly the history behind the decision of the States to set up the Jersey Police Authority. The fact it has not happened is, indeed, regrettable. We may not have been faced with the problems we have encountered in the past couple of years if there had, indeed, been a body able to oversee and hold accountable the actions of the Jersey Police. The Minister, in his defence, always had the setting up of the Jersey Police Authority within his sights. It was simply because of the outstanding disciplinary matters he felt it might be better to hold off until that issue was settled. The Minister was always very clear when questioned by his Scrutiny Panel where his priorities lay within the Home Affairs portfolio, and, indeed, he does have a very, very heavy schedule of work. Notwithstanding this, a decision was made at the end of 2009 to get on with it and with the necessary work to establish a police authority, when it became clear to him the disciplinary matter was going to go on longer than he had originally anticipated, due to the length of time experienced waiting for various reports. The Minister is confident that the timescale of no later than December 2010 for detailed proposals for a police authority to be brought forward can be met. A series of meetings have been proposed with the 6 Members, so, in the Minister's view, the proposition is uncontroversial and would respectfully suggest a debate, for that reason, need not be drawn out.

9.1.2 Deputy P.V.F. Le Claire:

I have been in this Assembly now nearly 10 years and I must say it always does strike me with quite profound interest the amount of things that Senator Breckon brings to the Assembly that have been part of his memories since he came to the Chamber. I am sure he will tell us how long he has been here. But there is a fetter of things that he has been trying to bring forward over the generations he has been here. I am not trying to be facetious. Inadvertently people thought I might have been but I certainly was not trying to be. It is the curse of my life. People think I am being funny when I am not trying to be. However, more seriously, I think it is quite telling, is it not, really, on page 6? I will just read from this little bit here: "The States resolved to set up a J.P.A. (Jersey Police Authority) on 19th May 1998, pre-dating the formation of a Home Affairs Department by 2 ½ years. It was always envisaged that the J.P.A. would be a self-administering body, independent of the administering committee. At the outset it was established as a shadow authority, although it soon became apparent that it lacked vital officer support. The last formal meeting of the J.P.A. was held in September 2001 towards the end of Senator Lakeman's time as temporary chairman, following which the difficulties in finding a replacement chairman - which still exist - started to develop. When a project officer also resigned early in 2002, proceedings of the J.P.A. effectively ground to a halt." That is so sadly true of so many things in the States, a timely reflection, again, of the efforts in a broad context that we have seen of the former chairman, Senator Lakeman, in so many aspects of what he did and what he brought to government in so many different ways. Things do need to have political responsibility and people do realise or need to realise it in government. While I may not have experience as a Minister or President of a committee, I certainly do recognise, from having worked on strategies with the Health Department, that every single piece of work that the civil service conducts itself in for the betterment of the Island needs not only the funding to achieve its aims and objectives but the political lead, which has been, in many cases, absent in a vacuum in the transition from political committees to what we have seen today, evidenced by some of the questions this morning where the Assistant Minister was - because she is out of that particular loop - unable to respond to areas of responsibility. I urge

Ministers... perhaps that particular reference was not as wide and acceptable as it could be, but there certainly has been a disconnect between ownership of political responsibility since these times. I think Senator Breckon is to be congratulated for bringing this forward and to append this report, which is a timely reminder to us all. I would also like to congratulate the Assistant Minister for her speech as well because I thought that was well put. But I urge my political colleagues, if they are in positions of responsibility, maybe they do not want to give me any work. That is fine; I am happy with that. But they certainly have got some capable individuals around them that they could task matters to. There are a lot of matters that need political lead. I would suggest to Members and I would put to Members that too much power and control is normally kept by too few. We need to devolve some power and authority to give political lead in areas such as this.

9.1.3 Connétable K.P. Vibert of St. Ouen:

I would like to commend to Members the points raised by Senator Breckon in his recognition of the work undertaken by former Deputy Robin Rumboll in this matter. Like Senator Breckon, I sat on that committee and he did do an enormous amount of work. I am sure that his successor, the late Senator Lakeman also carried on with that work. In fact, I remember we went as far as interviewing people for posts on the Shadow Police Authority as well as identifying a chairman. The problem which exists is that in the past we have been trying to dovetail a foreign police authority, either an English one or the one from Gibraltar or from anywhere else, to put into a Jersey system which is very unique and I suspect that when we sit down and work on this project that it may need someone to devise a Jersey Police Authority if it is going to succeed. I have been asked to be on that group and I will do my best to move it forward.

9.1.4 Senator B.E. Shenton:

It was just to say that the Public Accounts Committee, of which Senator Breckon is a member, fully supports this proposition and we made mention of it in our last report on the financial management of the States. The proposition will improve the oversight of financial management and, as I say, we do fully support it on the Public Accounts Committee.

9.1.5 The Deputy of St. John:

This has been kicking around, and they all know, since my early days in the Chamber - not so early, my second term of office I think - but, at the end of the day, I am just thinking back into the early 1950s when the Island put in place a States of Jersey Police Force. That was done by a good Jerseyman, Mr. Le Brocq. We have now got it in the hands of another good Jerseyman, Senator Ian Le Marquand and both are highly experienced in their various fields. I am hoping and praying - yes, I have got my hands kept clasped together, Senator - that on this occasion it can happen. Having sat through a number of debates on this and been a member of the Home Affairs Committee, when I suppose we sat on our hands in part when that was happening and comments were being passed that possibly we do not need it; we definitely do need it. We have seen in the last several years how we have failed and here is hoping that with the guidance of Senator Le Marquand, because you do need guidance... and it goes back to what I said this morning, we need more lawyers in this House, and it is by having people of that calibre who can help guide us. We need people from all walks of life. I will repeat, as I said this morning, that we have had a shortage of that quality of Members in the Chamber. Let us hope that, on this occasion, we will get it right and by the end of the 12 months we will have this in place. Thank you.

9.1.6 Deputy M. Tadier:

It is interesting to hear the Deputy of St. John's comments about needing more lawyers in the House and I think that certainly lawyers do add something to the debate. Maybe it will be worth bringing forward a suggestion that St. John should be a short-listed seat for lawyers only, and I hope that in the very near future we will be seeing a lawyer take the seat in St. John and I am sure that will be to the pleasure of the Deputy of St. John. I would like to speak in essence to the

comments of Deputy Le Claire but first of all I would like to pay tribute to another good Jerseyman, Senator Alan Breckon, for bringing this forward; a good Jerseyman. It may surprise Senator Terry Le Main that one does not necessarily have to be born in Jersey to be a Jerseyman. I think Senator Breckon may have been here longer than I have been. It is an interesting philosophical point but I am sure he works for the good of Jerseymen and I consider him a Jerseyman myself.

[15:15]

What surprises me reading through this, as a relatively new States Member, is that this goes back to 1998. What on earth was going on in all that time? That is about 13 years, is it not, that has passed for it to come back to the States by, effectively, a Back-Bencher and this is quite worrying? We hear lots of talk about States efficiencies going on and really I think these are the issues. When the laws are passed in principle or there were big lacunas in law which come perennially back for debate, be it the Depositor Compensation Scheme which finally got passed... but for years we have said: "It is not necessary" and then at the last moment we hear that it is necessary and it is not just necessary, it becomes policy of the Council of Ministers. We have things like the Ombudsman here, we have got the Police Authority, an independent prosecution service is also needed in Jersey and these things will continue to come back to the Chamber. When they do not get passed questions will continue to be asked but the irony is it is the people who ask the questions about why these laws have not been passed that gets shouted down for being inefficient and wasting too much States time. I do welcome this being brought back by the Senator and I think that we can all learn something here. We need to get to grips with these big pieces of legislation and rather than letting the default conservative position rule, we must get to grips with a changing society and make sometimes tough decisions but make them with foresight.

9.1.7 Deputy R.G. Le Hérissier:

All of this talk of true Jerseymen I do find, quite frankly, disconcerting. The interesting thing is, of course, Mr. Le Brocq's main place of police service was the Indian police service. That is where he served the larger part of his career. What I would like to say is that the Scrutiny Panel obviously supports this. What I would I ask, not Senator Breckon but the team tasked at looking at this, is to look at the whole issue of politicisation because obviously this is why we have to move away from the Minister. Not only that but we have found on the Scrutiny Panel this total focus he is having to put on discipline and suspension matters, which I think is really starting to eat away at the Ministry as we may have seen. It is not healthy at all and I think the sooner it is moved to a Police Authority the better. I do not think Members should run away with the idea that it is going to be some Elysian paradise, it will not. There will still be the pressure to politicise issues which has been the curse of the controversy that is going on never-endingly at the moment, and I do not think people should run away with the issue. As regards Deputy Tadier's question: "Why did it last 10 years?" well, some of it goes back to Clothier One, as Senator Breckon has said, which was the report on policing and that the issues there were never ever fully resolved and, not only that, then there became a big issue of how the Honorary Police should be included, if at all and how, under the umbrella of a Police Authority and that led to further delays where there was never a total resolution. The compromise was, as I understand it, that the authority would operate, as has been said by the Connétable as some shadow authority, looking first at the States Police. Those are some of the kinds of internal battles that have been going on but full marks to Senator Breckon and I hope this comes to an end soon.

9.1.8 Deputy C.H. Egré of St. Peter:

Firstly, I am fully supportive of this proposition. The reason perhaps why there has been some delay is that during the committee system period there was a view that there was a pseudo Police Authority operating and that there were 5 or 6 people that were able to review the role of the police at that particular time. Since we moved into the Ministerial system those particular checks and balances have not been there. I will certainly take up my role on this new group with great

seriousness and, along with the Constable of St. Ouen, we will work, I am sure, very hard to process this as quickly as we possibly can and come to some sensible conclusion.

9.1.9 The Deputy of St. Mary:

Just briefly, following on from what Deputy Le Hérissier said, I think he has really hit what is probably the main problem here, apart from the fantastic length of time to which others have alluded. The main problem is the politicisation and the independence and getting that right and I wish the people involved in getting on with it - it is obviously going to go through - would use every wisdom in managing to get that independence sorted because that really is the key issue. I just mention that the original proposition that was passed in 1998, it is on page 25, has a set-up which just does not cut the mustard and you really do have to get this right so, best of luck.

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

I wonder if the proposer could just clear up for me one slight doubt. The proposition is very clear that it is to be a body to oversee the Police Authority and oversee the work of the States Jersey Police. There is no mention of the Honorary Police, although in the report it talks about overseeing the work of the States Police but talking about them linking with the Honorary Police and setting specific goals for them. I just wonder if the Honorary Police are included because there is no mention in the proposition and I would hate to see this body in fact not being able to do what is really a major part of its work.

9.1.11 Deputy A.E. Jeune:

While I am in favour of the principle, I do have some concerns. If one looks at police authorities in other countries they do not always appear to have the teeth that they need. If we consider just the U.K. alone, as I understand it nobody has ever been held to account for the shooting in Stockwell of Mr. de Menezes. I do believe there should be independent oversight and while I may support the proposition I am looking for assurances that the terms of reference of any Jersey Police Authority will be strong and robust.

9.1.12 The Deputy of St. Martin:

Members will see that my name appears only a few times, partly because I was one of those pushing for it right from the beginning, I think there is a need. It is quite interesting and I think Senator Le Marquand is to be complimented about what he is doing. He is getting a team of people together with differing views because I am sure that there will be quite some tussles among the group because there will be a need for a compromise some of the way. The Connétable of St. Saviour is quite right to mention the role of the Honorary Police. It was always envisaged, I know, because I was here at the time, that overall there would be 13 police forces, that is how it would be and that is what we have got to do. I think the Connétable of St. Ouen said that we have got to devise something for Jersey. It has got to be a proper Jersey way. We have got to ensure that we can get the combined 13 police forces all working for one thing and that is serving the community that they are employed to do. I welcome what Senator Breckon has brought through. I am sure that we are going to - I must not say fun and games - be going through some experiences but hopefully we will get through the end of the year but most importantly I think we have got to ensure that we embrace the whole 13 forces. How that comes about we will have to wait, but I think it is a good move and hopefully we will be back in 12 months saying: "We have achieved something."

9.1.13 Senator P.F.C. Ozouf:

I support the establishment, like most Members, of a police authority, and this is, no doubt, the right decision from all sides. However, as Senator Breckon said, in his comments under resource implications: "They should be funded from the department." The Minister says it cannot be funded from the department. The classic, no doubt, refrain from all Ministers being asked to add new services. The reality is, and I recognise this, the Treasury has done some calculations and checks, and believes that it will cost between £50,000 and £100,000. This is less than the equivalent cost if

it was set up on the U.K. basis and I just say to the Assembly that the money, whatever the cost is going to be, whether or not it is £50,000 to £100,00, is going to have to be found. I just remind the Assembly of the 2 positions of the proposer and the Minister. I have no doubt that I will be supporting this but no doubt that the Minister and other Ministers will make the repeated refrain that they cannot find money within their existing budgets for any new services. I would remind Members that if we are not to see tax rises, to any greater extent than are going to be necessary, then departments have to find ways of delivering their services at lower cost. That has got to be possible and we have got to make it happen.

9.1.14 The Connétable of St. Brelade:

Picking up on the point of the Minister for Treasury and Resources, the resource implications do concern me in that they seem to be somewhat loose. I think it is a key for this authority to have a fixed budget and live within it because this is what everybody else has to do. In normal circumstances I probably would not support a proposition such as this which had such a financial implication but in view of the fact that the expenditure on recent cases has been far in excess of what is being proposed here and that the indication is that the Police Authority will probably save future expenditure, I shall support the proposition. However, I am a little bit sceptical about the split between Honorary Police and States of Jersey Police, and maybe that is an area that could be considered when the budgeting comes up for consideration by those concerned because if it is going to cost, shall we say, another £100,000 to have the Honorary Police in this, well perhaps we should think about doing that on another day and it does give the panel involved an option. I obviously will support it and I would urge those involved to keep a close eye on the finances.

The Deputy Bailiff:

Does any other Member wish to speak? I call on Senator Breckon to reply.

9.1.15 Senator A. Breckon:

I would like to thank all those Members who have spoken with some general issues that have been raised. The proposition is specific and concerns the Jersey Police Authority to oversee the work of the States of Jersey Police. Now, obviously when the working group are set up and are looking at it they will dovetail with the work that is done by the Honorary Police. As I said earlier, I was a member of a former Police Authority and I remember the time when the Constable of St. Ouen - who might correct me if I am wrong - I think there was over 100 pieces of legislation and regulation that needed some sort of legal tweak, as it were, because of changes that might take place, I think with the role of Connétable at the time. As Chef de Police there were various things that needed changes and that was in the process of being done. I think the working group will pick that up and I know what the Constable of St. Brelade has just said and also the Minister for Treasury and Resources about the funding. The other thing is, if we think of money that is being spent on inquiries into outside forces and other things, we are probably clocking up about £2 million at the moment and somebody has found that money from somewhere. I do not remember anybody coming back to this House and saying: "I need money" - and the Minister for Treasury and Resources is waving his wallet. **[Laughter]** Perhaps not all of it but if a budget has to be found from an existing budget for this then I think that is doable because it is not as if it is coming from a small budget, there is perhaps some scope for that. I was wondering, at one stage, whether I would have to reply or produce a C.V. (Curriculum Vitae) about myself when I was elected to the States, how long I had been in the Island and whether I was a lawyer or not but anyway I do not think that is relevant. I am grateful for the support that the Members have shown me because I think it will work and it is a case of moving it on and it is sad that we have got where we are. Something that Deputy Le Claire said: "I am not looking round for things to do", I have not been through the Natural Beauties Committee minutes, the Minister for Planning and Environment will be pleased to hear, to see if anything was not done. It was not a case of that but this to me seemed something obvious that was dormant, in effect, but hopefully it is on the move

and it will stay that way. I think that has covered the points that have been raised. Deputy Jeune mentioned robust terms of reference but of course things can be taken from elsewhere, they can be looked at and they can be adapted, dismissed or whatever it may be. That is the work of the group, it is not about the issue of today to pre-empt what they might do, and with that I think I have covered the issues that Members have raised. I maintain the proposition and I ask for the appel.

[15:30]

The Deputy Bailiff:

The appel is called for and I ask Members to return to their seats. The vote is on whether to request the Minister for Home Affairs to present to the States for approval, no later than December this year, detailed proposals for the establishment of an Independent Police Authority and I ask the Greffier to open the voting.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisseier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				

10. Draft Companies (Amendment No. 4) (Jersey) Regulations 2009 (Appointed Day) Act 201- (P.24/2010)

The Deputy Bailiff:

We come next to P.24, the “Draft Companies (Amendment No. 4) (Jersey) Regulations 2009 (Appointed Day) Act 201-” and I ask the Greffier to read the draft Act.

The Greffier of the States:

Draft Companies (Amendment No. 4) (Jersey) Regulations 2009 (Appointed Day) Act 201-. The States, in pursuance of Regulation 8(1) of the Companies (Amendment No. 4) (Jersey) Regulations 2009, have made the following Act.

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

The Companies (Amendment No. 4) (Jersey) Regulations 2009 were approved by the States on 3rd December 2009. This Appointed Day Act will bring the Regulations into force on 5th April 2010. The Regulations, I would remind Members, are needed to respond to the impact of the E.U. (European Union) Statutory Audit Directive on auditors of Jersey companies with shares traded on the Stock Exchanges in the E.U. Unless such auditors are subject to Jersey to an E.U. equivalent system of oversight, their competitive position will be eroded. The Regulations will also improve Jersey’s compliance with international standards relating to accounting and auditing matters. In order to achieve E.U. equivalence the Crown Dependencies have come to an agreement that will see the I.C.A.E.W. (Institute of Chartered Accountants in England and Wales) and the P.O.B. (Professional Oversight Body) fulfil the same roles that they currently carry out in the U.K.’s auditor oversight regime. The I.C.A.E.W. will monitor auditors to check that there is compliance with the professional rules and the P.O.B. will ensure that the I.C.A.E.W. is performing the role properly. This Appointed Day Act will bring the Regulations into force on 5th April 2010 which is the agreed start date for the auditor oversight regime in each of the Crown Dependencies. I commend the Act to the Assembly.

The Deputy Bailiff:

The Act is proposed and seconded. **[Seconded]** Does any Member wish to speak? Then no Member wishes to speak, all those in favour, kindly show? Those against? The Act is adopted.

The Deputy Bailiff:

I call on the Deputy of St. Martin. You had a question which was agreed to be put as an urgent oral question. We have gone rather more swiftly than perhaps might have been anticipated. Do you wish to hold it over until the next sitting or do you wish to ask the Assistant Minister?

The Deputy of St. Martin:

Given that the Assistant Minister had difficulty this morning I do not think that it would be fair to ask her, Sir. I would have to put it over. **[Approbation]**

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

We now come to the arrangement of Public Business and invite the Chairman, the Connétable of St. Mary.

11. The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):

The arrangements of Public Business will be as per the lavender sheets with the following additions; for 20th April sitting the addition of P.33, “Chief Officer States of Jersey Police: appointment process” in the name of the Deputy of St. Martin; for 11th May the additions of P.34, the “Draft Advocate and Solicitors (Amendment No. 5) (Jersey) Law 201-” in the name of the Chief Minister; P.35, “Draft Public Finances (Transitional Provisions) (No. 2) (Amendment) (Jersey) Regulations 201-” in the name of the Minister for Treasury and Resources and also P.36,

the “Draft Health Insurance (Medical Benefits) (Amendment No. 3) (Jersey) Regulations 201-” in the name of the Minister for Treasury and Resources.

11.1 Deputy M.R. Higgins:

Sir, can I just ask that the Assembly agree to moving back P.197, the Committee of Inquiry into the confidential files held by the States of Jersey? The reason for this is the Wiltshire 3 Report is due this month. It is a pity the Minister for Home Affairs is not here, he would be able to tell us exactly but we would be debating this in a vacuum without that information and therefore I ask that it be put back one more session.

The Deputy Bailiff:

Does the Assembly agree to put back P.197 one more session? It is put back, therefore, to 11th May. Deputy of St. Martin.

11.2 The Deputy of St. Martin:

I would ask Members to look at P.33 which is being lodged today. What it is is the Chief Officer States of Jersey Police: appointment process and I would ask that we discuss it or debate it prior P.30. It seems a bit illogical to debate whether we should appoint someone when we have got a proposition asking should we hold it back further. I would hope, possibly, that the Minister for Home Affairs may well consider my proposition anyway and I think it might be a wise move to wait until we have got the results of the reviews. I would ask that it be included before P.30.

11.2.1 Deputy J.A. Hilton:

Yes, Sir, I am quite happy with that. It may be that something may be agreed before then. Thank you.

11.3 Deputy I.J. Gorst:

Sir, I wonder if you could confirm, I was hoping to have lodged a proposition about G.P. (general practitioner) re-validation. I am not sure if it has been placed in the pigeon holes or it is not quite ready. If it is not quite ready I wonder if Members might accept it as being lodged today as I am sure it will be by the time this meeting would normally have ended.

The Deputy Bailiff:

I am advised by the Greffier that the projet is being printed as we carry on talking. If we debate it for very much longer it should be with us. In those circumstances the Greffier advised me he will be able to post it out to Members tonight. Would Members be prepared to accept it as being lodged today? Deputy Tadier.

Deputy M. Tadier:

Just as a matter of courtesy to States Members ...

The Deputy Bailiff:

Is this on this matter?

Deputy M. Tadier:

Not on this matter.

The Deputy Bailiff:

Thank you, we will come to you in just a moment.

Senator P.F.C. Ozouf:

That is a lodging date and debate for 11th May.

The Deputy Bailiff:

So that will be a lodging date and debate for 11th May?

Senator S.C. Ferguson:

Sorry, Sir. We did not quite catch what the proposition is about.

Deputy I.J. Gorst:

Sorry, Sir. It is about the re-validation of general practitioners within the Island and we are funding that, Sir.

11.3.1 Deputy G.P. Southern:

It seems to me that we may just be setting a precedent here, a proposition that we have not seen and may or may not be fictional, we are suggesting it is on the way, therefore we consider it lodged today, and I hope such generosity from the Chair applies to Back-Benchers as well as Ministers in future [**Approbation**] and I shall be attempting to test that system out.

The Deputy Bailiff:

If I may say so, Deputy, the Chair is giving no generosity. It is a matter for Members whether to accept it and I thought that is the proposition I put to Members. I thought it was going to be adopted ...

Deputy G.P. Southern:

Can we put that to the vote then, Sir?

The Deputy Bailiff:

If you wish to have a vote on it then of course we may have a vote on it.

Deputy I.J. Gorst:

Sir, if that is the case can I sum up before we go to the vote?

The Deputy Bailiff:

I realise you will want to keep talking for a very long time. [**Laughter**] I can advise Members that [**Laughter**] P.36, in the name of the Minister for Social Security, the Draft Health Insurance (Medical Benefit) (Amendment No. 3) (Jersey) Regulations 201- has just been lodged.

Deputy G.P. Southern:

Is the ink definitely dry?

The Deputy Bailiff:

It seems to be, Deputy. You are asking for P.36 to be put down for debate on 11th May. Very well. Senator Shenton.

11.4 Senator B.E. Shenton:

On behalf of the Public Accounts Committee, we have a proposition lodged for 11th May for States Net Revenue Expenditure. We are conscious that if the proposition is adopted by the States it does not give the Council of Ministers very much time to adjust the Business Plan accordingly. We would, therefore, request the permission of the House to shorten the lodging period and debate this proposition on 20th April.

11.4.1 Deputy G.P. Southern:

Can I just briefly speak against that? As I was looking at that for 11th May I made one little comment against it and it says: "Amend". So, I do not think that I can, necessarily, amend it and decide what is a more rational strategy to go forward with before 23rd. I might be able to do it by 11th, so I would object to that.

The Deputy Bailiff:

The provisions of Standing Order 26(7) enable the States to reduce the minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate. Chief Minister, are you able to help the Assembly as to whether or not, if the proposition of the Public Accounts Committee were passed, you would be in a position to take account of those matters in relation to the Business Plan if it were passed on 11th May?

11.4.2 Senator T.A. Le Sueur:

Yes, I think if it were passed on 11th May that would still, in theory, give us time. I cannot say that it would be prejudicial under Standing Orders to have to take it earlier but I think we can still live with 11th May. I just hope that maybe it could be debated fairly early in that session, maybe even in the first item just to give us as long as possible time. I think in fairness to people like Deputy Southern it would be appropriate to give it sufficient time. It is a fairly major proposition being brought forward and I think it does deserve sufficient time for proper consideration.

The Deputy Bailiff:

If it is not urgent, Senator, it does not appear to fall within Standing Order 26(7).

Senator B.E. Shenton:

No, I would thank the Chief Minister for his confirmation that they will have plenty of time to make the changes necessary should it be adopted by the House on 11th May.

The Deputy Bailiff:

I am not sure he said “plenty of time” but nonetheless. Very well, the arrangements for Public Business for the next session are now ...

11.5 Deputy M. Tadier:

I think there was one. Out of courtesy to Members I wish to inform them that I will be submitting a proposition, which is largely already being prepared, on the remuneration of public workers who have to work on 9th May 2010. **[Members: Oh!]** Yes, get used to it, Members, and I would hope that would be debated at the next session, obviously in order that it be passed or otherwise for 9th May. If not I would be happy to submit it retrospectively so that anyone who did work on 9th May could be paid retrospectively.

The Deputy Bailiff:

Very well. There is just one further matter I wish to add at this stage. I rather liked the expression of Deputy Le Claire of “generations of States Members”, although it does have the effect we all age rather more quickly than we would like, but Norma McNeice has been helping us in the coffee room outside for 11 years. **[Approbation]** She has seen at least 4 generations of States Members, the 1999, 2002, 2005 and 2008 intake, together with the odd sprinkling of Members who have come in on the years in between. I would like to take the opportunity, on behalf of all Members, of thanking her and to invite Members now to go downstairs into the Members’ room where we will express our thanks to her more informally. **[Approbation]** The business of the States is now closed and the States have adjourned until 20th April.

ADJOURNMENT

[15:44]