

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 6th APRIL 2011

PUBLIC BUSINESS – resumption	4
1. Income Tax: introduction of higher rate (P.23/2011) - resumption	4
1.1 Deputy T.M. Pitman of St. Helier:	4
1.1.1 Deputy A.T. Dupré of St. Clement:	6
1.1.2 Senator F. du H. Le Gresley:	6
1.1.3 Senator A.J.H. Maclean:	7
1.1.4 Senator B.I. Le Marquand:	9
1.1.5 Deputy F.J. Hill of St. Martin:	9
1.1.6 Deputy M.R. Higgins of St. Helier:	10
1.1.7 Deputy A.E. Jeune of St. Brelade:	11
1.1.8 Connétable J.M. Refault of St. Peter:	12
1.1.9 Deputy E.J. Noel of St. Lawrence:	12
1.1.10 Senator P.F. Routier:	15
1.1.11 Deputy G.P. Southern:	16
2. Draft Licensing (No. 17) (Jersey) Regulations 201- (P.28/2011).....	21
2.1 Senator A.J.H. Maclean (The Minister for Economic Development):	21
2.1.1 Connétable A.S. Crowcroft of St. Helier:	22
2.1.2 Senator B.E. Shenton:	23
2.1.3 Senator B.I. Le Marquand:	23
2.1.4 Connétable M.K. Jackson of St. Brelade:	26
2.1.5 The Deputy of St. Martin:	27
2.1.6 Deputy P.J. Rondel of St. John:	28
2.1.7 Deputy J.A. Martin:	29
2.1.8 Connétable P.F. Hanning of St. Saviour:	30
2.1.9 Deputy A.K.F. Green of St. Helier:	30
2.1.10 Deputy J.A. Hilton of St. Helier:	31
2.1.11 Deputy M. Tadier of St. Brelade:	31
2.1.12 Deputy R.G. Le Hérissier of St. Saviour:	33
2.1.13 Senator P.F. Routier:	34
2.1.14 Connétable L. Norman of St. Clement:	34
2.1.15 Deputy J.B. Fox of St. Helier:	34
2.1.16 Deputy K.C. Lewis of St. Saviour:	35
2.1.17 Deputy P.V.F. Le Claire of St. Helier:	36
2.1.18 Deputy T.M. Pitman:	36
2.1.19 Senator P.F.C. Ozouf:	37
2.1.20 Deputy S. Power of St. Brelade:	38
2.1.21 Deputy A.E. Jeune:	38
2.1.22 Deputy G.P. Southern:	39
2.1.23 Senator J.L. Perchard:	39

LUNCHEON ADJOURNMENT PROPOSED.....	40
2.1.24 Deputy I.J. Gorst:.....	40
2.1.25 Senator F.E. Cohen:.....	40
LUNCHEON ADJOURNMENT.....	41
2.1.26 Senator A.J.H. Maclean:.....	41
2.2 Senator A.J.H. Maclean:.....	43
2.2.1 The Connétable of St. Helier:.....	44
2.2.2 The Deputy of St. John:.....	44
2.2.3 Senator A.J.H. Maclean:.....	44
3. Draft Income Support (Amendment No. 6) (Jersey) Regulations 201- (P.29/2011).....	45
3.1 Deputy I.J. Gorst (The Minister for Social Security):.....	45
3.1.1 The Deputy of St. Mary:.....	46
3.1.2 Senator B.E. Shenton:.....	46
3.1.3 Deputy I.J. Gorst:.....	46
3.2 Deputy I.J. Gorst:.....	47
3.2.1 Senator P.F. Routier:.....	47
3.2.2 Deputy M. Tadier:.....	47
3.2.3 Deputy G.P. Southern:.....	47
3.2.4 Deputy I.J. Gorst:.....	47
4. Committee of Inquiry: States-owned or controlled utilities (P.31/2011).....	50
4.1 Senator A. Breckon:.....	50
4.1.1 The Deputy of St. Martin:.....	56
4.1.2 Connétable D.J. Murphy of Grouville:.....	57
4.1.3 Senator P.F.C. Ozouf:.....	57
4.1.4 Deputy R.G. Le Hérisier:.....	62
4.1.5 The Deputy of St. John:.....	63
4.1.6 Deputy T.A. Vallois of St. Saviour:.....	64
4.1.7 Deputy G.P. Southern:.....	64
4.1.8 The Connétable of St. Brelade:.....	65
4.1.9 Senator F.E. Cohen:.....	65
4.1.10 Senator A.J.H. Maclean:.....	65
4.1.11 Deputy A.E. Jeune:.....	66
4.1.12 Deputy M. Tadier:.....	66
4.1.13 Senator T.A. Le Sueur:.....	67
4.1.14 Senator S.C. Ferguson:.....	67
4.1.15 The Deputy of St. Mary:.....	68
4.1.16 Deputy P.V.F. Le Claire:.....	68
4.1.17 Deputy A.K.F. Green:.....	69
4.1.18 Senator J.L. Perchard:.....	69
4.1.19 Deputy E.J. Noel:.....	69
4.1.20 Senator A. Breckon:.....	70
5. States Members' Training (P.34/2011).....	72
5.1 Deputy M. Tadier:.....	72
The Deputy of St. Martin:.....	74
Senator T.A. Le Sueur:.....	74
6. Public Elections: extension of pre-poll voting arrangements (P.42/2011).....	74
6.1 Deputy J.M. Maçon of St. Saviour:.....	75

6.1.1 Connétable J. Gallichan of St. Mary:	75
6.1.2 Deputy M. Tadier:	76
6.1.3 Deputy J.A. Hilton:.....	76
6.1.4 The Connétable of St. Saviour:	76
6.1.5 Deputy J.M. Maçon:	77
7. Draft Separate Limited Partnerships (Jersey) Law 2011 (Appointed Day) Act 201- (P.45/2011).....	78
7.1 Senator A.J.H. Maclean (The Minister for Economic Development):.....	78
7.1.1 The Deputy of St. Martin:.....	78
7.1.2 Senator A.J.H. Maclean:	79
ROYAL WEDDING - MESSAGE OF CONGRATULATIONS	79
8 The Bailiff:	79
ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	79
9. The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):	79
8.1 Deputy P.V.F. Le Claire:	79
8.1.1 Senator F.E. Cohen:.....	80
8.1.2 Senator J.L. Perchard:.....	80
8.1.3 Senator P.F.C. Ozouf:.....	81
8.1.4 Senator S.C. Ferguson:	81
8.1.5 Senator P.F. Routier:	81
8.1.6 Senator T.A. Le Sueur:	81
8.1.7 The Deputy of St. John:	81
8.1.8 Deputy G.P. Southern:.....	82
8.1.9 Deputy I.J. Gorst:	82
8.1.10 The Deputy of St. Mary:.....	82
8.1.11 Deputy A.E. Jeune:	82
8.1.12 The Connétable of St. Mary:	82
8.1.13 Deputy P.V.F. Le Claire:.....	82
8.2 Deputy I.J. Gorst:	84
8.3 The Connétable of St. Mary:.....	84
8.4 Senator A. Breckon:	84
8.5 Senator F.E. Cohen:.....	84
8.6 Senator J.L. Perchard:.....	84
8.7 The Connétable of St. Mary:.....	85
ADJOURNMENT.....	85

[9:30]

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

PUBLIC BUSINESS – resumption

1. Income Tax: introduction of higher rate (P.23/2011) - resumption

The Bailiff:

So we return then to the debate on Projet 23, lodged by Deputy Southern, and the Chair has seen next Deputy Trevor Pitman.

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

I am heartened today to learn that Senator Cohen apparently rushed in early so he would not miss my speech, he assured me, so I hope he will stay for the duration. It is interesting to start with Senator Cohen because he may have been joking when he said that this reminded him of the 1960s debates on socialism and capitalism. Well, I am far too young to remember but I was always told if you can remember the 1960s you were not there, so I am not sure how accurate his recollection will be of the 1960s. **[Interruption] [Laughter]** But this, I am afraid, is the negative thing about whenever something like this is brought up - and Deputy Southern is absolutely right to bring it up - it has suddenly transferred into this apparently awful debate, awful socialism against capitalism that is always right. I think it is a shame if that is the mindset we enter into these things on. I support the principle of progressive taxation totally. Deputy Southern knows I am not sure if I can support all of this but the debate has to be had. I do not know how optimistic the Deputy is on his success but I would remind him that we have to remember this debate is always again and again held within this atmosphere with too many Members - we see it all the time - jumping on the bandwagon of blaming socialism, lefties, and progressiveness on all the world's ills. They go very quiet, of course, when it is pointed out that the world's current problems are the result of right-wing policies. It is the foolishness and recklessness of unregulated free markets and people who are allowed to run willy-nilly with other people's money, money that does not exist quite often, and then turn round and blame it on these awful, bloated public sectors. These over-paid public sectors. The transference of guilt, it is generally termed. I think if we were to move on, and we surely must, we have to get away from that attitude. Now I am bringing my own proposals on this, so whether Deputy Southern is right, whether I am right, I do not know. But he has a fair point when he says that for someone on £80,000 he is talking about finding an extra £500 a year. Now that is something for Members to dwell on. I would have to concede it does put it into perspective when he says that. So, I hope that we can leave out the socialist/capitalist argument because I think it is a completely redundant one. It is about equality and fairness. Jersey, I think, cannot go on as if we live in some little vacuum. This is a debate that has to be had. The system that has gone on for the last decades cannot continue. We will probably hear that if we follow what Deputy Southern is suggesting, that Armageddon will be with us once again, everything will collapse. Like Deputy Tadier, I have to say that I have my reservations about that. It was interesting to hear, yet again, the Minister for Treasury and Resources trundling out the line that giving the wealthiest - and I would remind the Minister, with due respect, that one man's wealth generator is another one's tax evader - a bigger slice of the pie, will automatically in turn make all the below better off. Well the facts show that that is complete nonsense. Interesting, I say, because it was only last month, I think, when I was highlighting the award-winning economist Ha-Joon Chang and his observations about in the last 30 years when we really moved to these pro-rich protectionist - if I can use that term - policies all under this myth that giving the wealthy a bigger slice of the pie would benefit everyone, but it has had no such impact generally. As he points out, the global economy, according to World Bank data, used to grow at over 3 per cent per capita during the 1960s and 1970s, and since 1980 to 2009 has been growing at around 1.4 per cent per year. Now I am not an economist; I make no claims to be. But he is an award-winning economist and, as he points out, the big problem is everyone is put off because it is very hard to argue for Jersey's situation in some cases: off-shore

finance. It is very hard to argue the case that someone who earns a lot more should pay a lot less in real terms. So, of course, what happens, you attack the messenger. People are rubbish. People do not listen to the message. People are either incompetent, they are jealous, they are incapable, they have got darker, ulterior motives. As he points out, that is completely the wrong way to go about things. So I think, whatever one's views on this, you have to listen to what Deputy Southern is trying to say because the principle is absolutely right. Whether his package is completely right, Members have to decide. But the reality is this is not going to go away and I think that is what troubles some Members who just want to keep their heads in the past. As I say, Jersey does not exist in a vacuum. You look out there and I think Jersey is almost bleeding in many terms. People are having a very hard time: "Tighten your belts. Tighten your belts" and then they see that for the wealthiest: "You do not have to tighten your belts." No wonder they have lost faith in government. I get a lot of people who contact me about the 1(1)(k) issue and I have to say I fully understand it. I am a middle-earner and I understand when they say: "I look at these figures, I am paying 3, 4 times more tax than a good number of extremely wealthy people." It does not matter which way you wrap that up, it is a fact. We have spun this myth for time after time that everyone pays £100,000, and they do not. It took me a long time to get those figures but it demonstrates the fact quite clearly. Can we not expect people to be angry when there are people - multi-millionaires - paying £3,000 per year and some of us paying 4, 5 times. Completely wrong. In the 21st century I would suggest that there should be no "no-go areas"; no sacred cows. Will everyone on a salary of over £100,000 leave if progressive taxation is brought in? I would say absolutely not. I was told yesterday that just (j) categories in the private sector, the average wage, £110,000 and that there are over 1,700 of those people in the Island. Will they all leave if they have to pay more? I am not convinced. It is my own feeling that a rate of 25 per cent probably put in place and monitored for 3 years for those over £100,000 would have been the way to go but it is up to Deputy Southern to make his case. He has got a slightly different connotation in mind. The 1(1)(k) situation I am not going to say much more on because I am going to bring about my own proposals. I am very concerned that in this House we have heard, from the Minister for Treasury and Resources himself, domestic chartered accountants rubbish, and yet I am afraid the person who is being entrusted with this review of 1(1)(k)s is, I believe, a domestic chartered accountant. **[Interruption]** Absolutely fine; no problem with that but I am sure other domestic accountants are equally proud of their international reputations. Really, when we get to the stage we did - I cannot remember if you were in the Chair yesterday morning - but when you are told that there is a report that proves all this is absolutely gospel, if I can use that term, £50 million to £70 million benefit to other taxpayers from 1(1)(k)s but then: "You cannot see the report." Well with due respect, I would have said of the Assistant Minister, would you buy a second-hand car off of him? "You cannot look under the bonnet but, yes, trust me, it has an engine." This is the stuff that comes to us in the House all the time. It is: "Trust us." Now whether the Assistant Minister for Treasury and Resources and his Minister think that the only people who count in this Assembly are the Executive... we could debate that. We probably will; we like to talk about ourselves.

[9:45]

But I am afraid information that allows 53 people who are elected by the public to make decisions should be available to every one of those people. I think it is quite disgraceful that we get this situation time and time again. As I say, I am probably going to leave it there but what Members must focus on, this is not about the politics of envy. You will see the strange, eccentric letters from the same few people time and time again probably in the paper, that Deputy Southern in bringing this ... it is the green-eyed monster, it is the evil socialist, but Jersey signed-up to a fairer, more equal society. Well what does that mean? Is it just words? Is it just words? Because probably at the moment it is. The world has changed we are told all the time yet when it comes to something that has been in place for what? Since 1940, was it? Well the world must not change; it must not be looked at again. Sacred cows. In this day and age with the problems we are facing, the problems, as I say, made by right-wing politics, we need to look at everything. I say I would have a

lot more faith if I knew that reviews were being carried out with opinions from all sides of the House by companies who we could know who they are, because we cannot even know the legal firm who has come up with this review. Ludicrous. Where is the natural extension? Let us press the button. Nuclear war. Yes, honestly, we were threatened; weapons of mass destruction. I am just glad this Island does not have a Minister for Defence because I just wonder where we would be. We would have invaded Guernsey by now for sure and obliterated Sark. **[Interruption]** But let us have a good, open debate. Because whether Deputy Southern gets this through or not it is going to come back. I am one of those who are going to bring it back and the principle that Deputy Southern is reminding us of is absolutely right: equality, fairness. Fairness cannot mean those at the very top paying less in real terms. This excuse that we are all very mobile and off we are going to go, we cannot buy into it any more. I am afraid my message would be: “Well mobilise away” if that is your only commitment to Jersey. I have brought this issue up a lot in questions in the House and I have had a few contacts from 1(1)(k)s: some very interesting; one particular one just very rude that we are all, as I say, jealous, green-eyed communists; the only people who work really hard are millionaires. That type of mentality which you really cannot argue with, I am afraid. We are talking about equality and Deputy Southern is reminding us of that. If we are not prepared to go down there and debate it, then I am afraid it has reached a very sad day for this House. So the principle I totally support. I may only be able to support parts of this but Deputy Southern is quite right to bring it. Let us not hear any misrepresentation of why he is bringing it. He is right; he is committed to equality. I am committed to equality and fairness and I would hope every other 52 Members in this House are, and I will leave it at that. Thank you.

1.1.1 Deputy A.T. Dupré of St. Clement:

I am afraid that this is another of Deputy Southern’s dead ducks. He is being ostrich-like as he cannot see that we would be killing off the golden goose. He and his minor flock are trying to bring back school milk but he is robbing us all of golden eggs. He is not going to “tern” the majority of the House and it is becoming something of a lark with his booby propositions which make us quail while he parrots even more paltry chifffaff. I hope there will be a swift end to this cuckoo proposition. Thank you.

1.1.2 Senator F. du H. Le Gresley:

I wonder how many people are sitting in their luxury homes designed by world-renowned architects **[Laughter]** listening to this debate on their Bose sound systems, shaking with fear at the possibility of having to pay more tax if Deputy Southern’s proposition is approved. I think we all know that the *status quo* will still be in place after the vote, but morally is it right that the next time the Minister for Treasury and Resources needs another £30 million that he will once again load this burden on low and middle-income earners by adding another 1 per cent to G.S.T. (Goods and Services Tax)? I must move in different circles to many of my colleagues on the Senatorial benches as the majority of people I speak to support the principle of higher tax rates for people with incomes over £100,000 per annum. I say to Members: “Who are we here to represent?” Do Members honestly believe that there will be a mass exodus of high earners if we ask them to pay an additional 10 per cent tax on incomes over £100,000? For somebody earning £150,000 this equates to an extra £5,000 a year of income tax. Hardly enough to warrant booking seats on Condor and heading for our sister Isle as our Minister for Treasury and Resources would have us believe. I have lived in Jersey all my life and I have seen the gap between the rich and poor grow significantly since the finance industry came to town. I think that high earners are complacent in the knowledge that an Island that has prospered by encouraging tax avoidance is most unlikely to bite the hand that feeds it, but that does not sit comfortably with me. I would like to congratulate the Deputy for bringing this proposition. I agree with him that to date there has been a marked reluctance on the part of successive Treasury Presidents or Ministers for Treasury and Resources to adopt policies which spread the burden of taxation more fairly. During my election campaign last year, I made it quite clear to the electorate that I was in favour of a higher rate of tax for earned or

unearned incomes over £100,000. I was cautioned by some of my supporters that advocating such a policy would lose me votes but I still managed to top the poll. Now does that mean that the 5,798 voters who put a cross against my name support progressive taxation? Of course it does not, but I think it does show that the electorate are gradually coming around to accepting that the 20 per cent rate of income tax can no longer be sacrosanct. The Minister for Treasury and Resources is aware that I submitted to him for comment a proposition for higher tax rates prior to the release of his budget proposals. I was persuaded, as my good friend and colleague, Deputy Le Hérissier, would say, by Senator Ozouf's silken tongue to defer lodgement, as his budget included progressive tax measures in relation to increased social security contributions from higher earners. We of course now know that the tax-raising measures in his budget were eventually approved and that the extra 2 per cent in social security contributions for earnings over the ceiling will commence from January 2012. However, the indications are that unless the economy grows significantly in 2012, there will be the need for further tax-raising measures. Having recently attended a briefing by the Minister for Health and Social Services, I am aware that we need to make substantial new investment in the services that her department provides within the next 5 years. Our Minister for Social Security wants more money to pay for long-term care and once again the burden will fall on low to middle-income earners. I think the time has come to say to the people who have the greatest income and wealth: "You have to contribute more."

1.1.3 Senator A.J.H. Maclean:

Some of the speeches that I have heard in this debate have been quite depressing. Deputy Tadier yesterday described our business model as being based on "exploitation and greed". I do not believe this does either him nor this Assembly any credit at all. He asked another question. He asked whether our 20 per cent tax rate represents the optimum rate. I think that is an interesting question but, again, it does miss the main point that the foundations of our economic success have been built on our 20 per cent tax rate. But more importantly it keeps us competitive. The fact that it has remained constant for more than 60 years gives us invaluable stability as far as the outside world is concerned. Make no mistake, stability and competitiveness are the reasons that businesses locate here. They are the key reasons for our economic success. Some of the speeches so far seem to forget, or indeed perhaps ignore, the essential connection between a successful economy and the quality of life for Islanders. A successful growing economy with profitable businesses generates the tax revenue that we spend on our high-quality public services and indeed that we spend on the benefits that help support the less well-off. A successful economy maintains and creates jobs. Comments have been made suggesting that increasing personal tax rates will not mean a loss of jobs. To me, this shows a worrying lack of understanding about how Jersey and indeed how business works. It will result in a loss of jobs as it will increase the cost of doing business here. People will have to be paid more. Business owners will themselves be affected and so will consider moving their businesses to other lower-cost jurisdictions. I agree with the comments that Jersey is not all about tax. There are other things that attract businesses here but the wrong tax policy does, and will, deter business. I think the proposition is the wrong tax policy. This morning we saw published the *Labour Market Report* which demonstrates very clearly that point. The Jersey economy, despite being impacted by the global recession has a high level of employment. In fact, our employment levels are at the highest level for more than 15 years. We are doing so much better than many other parts of the world. Although our unemployment rate is at 3 per cent, that in itself compares favourably to the U.K. (United Kingdom) at 8 per cent and an average in the E.U. (European Union) which is currently around 10 per cent. Now I do not need to add that, despite the fact that a 3 per cent rate is still too high as far as Jersey is concerned and certainly due to the high level of young people who are finding it hard to find jobs, another interesting point in the figures published today - and especially, I am sure, interesting to some Members who were asking questions in this area yesterday - is that employment of locally-qualified staff increased by 260 while non-locally-qualified staff, including (j) categories, decreased by 350. All of these statistics support the policy decisions like fiscal stimulus taken by the Council of Ministers and this

Assembly to help offset the impact of the global recession on Islanders. That does not mean that we have it all right. Far from it. I do not know anybody who has a monopoly on being right. Only by working together we will find the solutions to the numerous challenges that we face as a community. But for the purpose of this proposition, I need to emphasise that a successful economy needs the right environment to encourage investment and growth. Other jurisdictions recognise this which is why they are increasing their efforts to keep businesses and attract inward investment. That includes attracting the wealth creators. For us, the much-debated 1(1)(k)s fall into this category. I have no doubt that 1(1)(k)s add significant value to our community, not just in terms of tax and employment but also the investment and a considerable amount of money they spend in other areas like charitable donations and so on. Following the recent budget in the U.K. they have also introduced incentives for businesses and indeed lowered the corporation tax rate.

[10:00]

It is an increasingly competitive world where businesses and wealthy individuals are mobile and can move to maximise their opportunities literally at the drop of a hat. We can see the damage caused to the U.K. economy by the increase to their 50 per cent tax rate. Major companies and wealthy individuals departed the U.K. in their droves, causing not only a brain drain but significant lost revenues. Perception is important and constantly debating the option of increasing our tax rates is damaging to our reputation, not only locally, but nationally and internationally as well. Debates like this get reported widely and signal instability and certainly create uncertainty. In this economic climate, we cannot afford uncertainty. If it persists it will cost us business and it will certainly cost us jobs. An example of the type of damage was evidenced last year when national and international media seized on the option in the consultation paper of Jersey increasing its tax rates. This media coverage of potential tax increases stopped a number of businesses and wealthy individuals from considering Jersey as a place to relocate, and that is an absolute proven fact. It is not surprising because of course people and individuals need certainty. It does not mean that we should not have consulted on that option but now we need to recognise that it was rejected for good reason and it is time to move on. But it must end there to avoid any further damage. It is without doubt the finance industry that will be most directly affected by this proposition. By protecting the finance industry and allowing it to continue to diversify and prosper will ensure that the wider economy has a greater chance of meaningful diversification. I would draw Members' attention to the recently published review of the Global Financial Centre's Index. Jersey maintained its position as the top-ranked off-shore finance centre, although it did slip down the rankings. The report states that personal tax rates are cited as the third most important factor influencing a jurisdiction's competitiveness. Stable tax rates are also cited among the strongest signal that a jurisdiction is committed to supporting a financial services industry in the long term. I certainly encourage Members to reject this proposition. Deputy Southern has proposed that the proposition should be taken in parts. Perhaps this is an admission that some parts of his proposition are not going to get supported and will be damaging to our economy. What concerns me is the potentially seductive arguments of supporting (a)(i). Now let us be clear that the words included in (a) include supporting the principle of higher tax rates. Supporting even parts of this proposal will send the message that this Assembly supports the principle of higher rates of tax. I am sure Members are not going to be attracted by Deputy Southern's seemingly innocuous elixir. Sending the message that this Assembly is committed to higher rates of tax would be damaging and for that reason this proposition should be rejected in its entirety. We have the opportunity today to send out the strongest possible message that this Assembly is committed to maintaining its long-held standard 20 per cent rate of tax. I urge Members in the interest of continuing prosperity of economic growth and future prosperity to reject all parts of this proposition. Deputy Southern has not in his report, or indeed in his opening remarks, mentioned or promoted any proposals to grow the economy. Jersey has been through a difficult period in the last couple of years. Less affected than many parts of the world but nevertheless the global downturn has, as Members will know, had an impact on the Island. We now need to turn our attention to growing the economy, creating jobs, providing

prosperity and securing a future for our Island. Higher rates of tax will damage this. I want to grow the economy so that we can continue to run our Island on the basis of low tax but high-value services. Thank you. **[Approbation]**

Deputy T.M. Pitman:

May I seek clarification from the speaker? I think he said that “we” had rejected higher tax but I think that has never come to the House. Who was he meaning exactly? Was he meaning the Executive or ...? He did say “we” had rejected higher tax.

Senator A.J.H. Maclean:

The States.

1.1.4 Senator B.I. Le Marquand:

I do not have a problem in principle if, after ensuring that we have a fully-efficient and effective public sector, we find that we need to raise additional tax in order to fund an appropriate level of public services. I do not have a problem with doing that in a more progressive taxation system. However, we must be very careful as to how we seek to achieve that. The reason for that has been highlighted by a number of speakers before. The fact is that if we were to go ahead with this proposition it would cause massive reputational damage to our finance industry because the stability of the 20 per cent income tax system has been at the very core of that stability for so long because that is still the situation in our sister Islands of Guernsey and the Isle of Man. We saw that very clearly, as the previous speaker alluded to, last year in the profoundly negative reaction to even the consultation process in relation to a higher rate. So we simply cannot try to achieve a progressive taxation system in that way without doing ourselves major damage. But we do not need to because we have another option available. Our sister Island in 2008 moved forward with reducing the need for social security supplementation by raising the cap on social security contributions, and they did so with no discernible reputational damage at all. We ourselves last year started to go down that route with changes to the social security system to reduce the need for supplementation. If we have to do that in order to maintain our essential services, that, surely, is the route which we ought to take. Finally, in relation to the issue of part (b) of the proposition, which not many people have spoken on, there is a need in relation to the 1(1)(k) system to review the system. But that is because we are not currently attracting the additional numbers which we would normally have expected, bearing in mind the 50 per cent rate in the U.K. We need to review it because we need to make ourselves more competitive in this competitive market. But we cannot do it in the manner suggested because the manner suggested in paragraph (b) completely and utterly destroys the system. So for those views I will have to oppose the whole proposition.

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

I tend to have a certain sympathy for the Minister for Treasury and Resources because really I felt he had to get up and speak too soon because no one else was going to speak, and he felt if he did not speak he might not speak at all. I did feel sorry for him at that point but he has an Assistant Minister and maybe the Assistant Minister can answer the query I am going to put because I think, as much as I want to support, and would like to support, the proposition, I have difficulty with it. Because I think most of us think it is too much too soon but I do think we ought to be doing something like Senator Le Gresley said. We have to do something to narrow the gap, or not just narrow the gap, but make sure that gap does not get wider and that is what concerns me. On page 2 of the comments the Minister for Treasury and Resources says: “The Treasury Department is currently conducting a review of the income tax system with the aim of modernising it and making it more efficient to administer.” Well that is alright but what I want to know really is when did that process begin? Maybe the Assistant Minister can give the answer on behalf of the Minister because I think we have been speaking about addressing the inner quality in the tax system for some time. It is pleasing to note that at least it is currently conducting a review but I would like to know when

it began. Of course, also it goes on to say: "It is possible that this review will recommend the introduction of independent taxation as part of a wider reform, and that many of the issues that currently prevent it will be resolved." Well, again, I want a commitment this morning from the Minister as to where we are with this review: "It will take time to properly consider all aspects of our personal tax regime to ensure that it is fit for purpose." Well, again, I agree with that and that is why I said maybe what we have today is too much too soon, however, I do not think we should allow the opportunity to go away. We need a review; I do not want that gap to get any wider. What I would like to ask the Minister, is the Treasury reviewing income tax in line with what Deputy Southern has in his proposition? Because I think it would be helpful. Again, it says it must "not be rushed". Well, again, I agree with that, it must not be rushed, but I would like a commitment: "... and could not be completed before the 2012 Budget is lodged in 5 months' time." Again, I agree, I think it is too much too soon. However, what I would like to have as a commitment from the Treasury that it will produce a report maybe within 3 months outlining its proposals as to what they are considering. Because unless we get some commitment, I do not blame Deputy Southern, he will come back, and others will come back. As I say, while I have difficulty supporting this, which is too much too soon, I do believe we have to do something to address the issue. The gap is widening and if the gap widens it will make it totally unfair for those who are at the bottom end of the income scale. **[Interruption]** Thank you.

The Bailiff:

Does any other Member wish to speak?

The Deputy of St. Martin:

Sorry, I will stay on my feet if the Minister wants to respond while I am on my feet. **[Laughter]**

The Bailiff:

Well have you finished, Deputy?

The Deputy of St. Martin:

Yes.

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

Jersey is facing a very uncertain future, not least from a fiscal point of view. We have a significant structural deficit in the order of £80 million to £100 million which cannot be sustained and which must be filled. We all know that there are 4 methods of filling the deficit: one is higher taxes; cuts in public spending; economic growth or a combination of the first 3. Now I have no problem with any of these but I believe that whatever means we adopt have got to be fair and equitable and based on open, transparent and independent research. Now if we look at taxation first, is our tax system fair and equitable? Well the answer is: no, it is not. Is the research open, transparent and independent: no, it is not as we found out yesterday from the Assistant Minister that we have a law firm that is giving advice on 1(1)(k)s but we cannot even know what the firm is. We know it cost us £65,000 and none of us are probably going to see the whole report; just selective extracts which happen to fit the argument of the Council of Ministers. Also, if we look back to the last budget, where was the corporate tax data when the budget proposals were brought to raise G.S.T. to 5 per cent? Members of this House are given selected information; partial information. We do not have the full picture and yet we make decisions which affect everyone in this Island and it is totally wrong. Now the policy being pursued by the Minister for Treasury and Resources and the Council of Ministers is going to lead to a further shift in the tax burden from corporations to personal taxation in the form of higher indirect taxes. Make no mistake, the Minister for Treasury and Resources has already admitted that in questions in this House that the way things are going there is the shift in corporations. Why? It is happening all over the world. Deputy Southern, for example, has already produced figures in this House that show company tax revenue is at an all-time low and that personal taxation has risen through the higher G.S.T. on the indirect side. The reason why this

has come to pass is because the Council of Ministers believe that we have to offer lower taxes to foreigners to attract business to the Island. But as all our competitors are doing the same thing, we enter into a competitive death spiral. It is a competitive taxation spiral; it is a race to the bottom. In the end the only people who benefit are the foreign corporations and the high-net earners. The people who lose are the ordinary citizens of the Island that are pursuing those policies.

[10:15]

We are already a long way down this road. The Zero/Ten policy has meant that we receive no tax revenue at all from foreign-owned companies, including many of those that are ripping-off Jersey consumers. We are also receiving considerably less tax revenue from the finance industry, an industry itself that is going through troubled times, as we have heard the unemployment figures, 750 that we know of, and there is probably a lot more besides. Whether you believe the business tendency survey where it says they have renewed optimism, I am aware of many firms in the finance industry that do not have renewed optimism. There are major structural changes taking place in the world but the way of dealing with it is not through competitive tax reductions. If we have a look at the public sector spending, I have again no problem with us looking at what we are spending our money on. I have made this point very clear all the way through. It is right that we review and we eliminate waste and we get value for money but, again, you can go too far in trying to cut to the bone where consumers are losing essential services, which is what I fear is going to happen in the future if we continue with the policy of trying to drive taxes down. Economic growth: the Minister for Economic Development attacked Deputy Southern and others for not coming forward with an economic growth policy. They do not have one themselves. Their own ran out in 2009. When the Economic Affairs Scrutiny Panel questioned the Minister, we believed there was a Green Paper coming. I personally do not think we will see it before the election because they are bereft of ideas. They do not have a policy and they will not want to go to the electorate with it. So, in conclusion, I agree with Senator Le Gresley. I came into politics because I felt we had a divided society and I do believe we have a society of “haves” and “have-nots”. Obviously the “haves” want to keep it and are reluctant and will fight every measure to prevent having to pay a little bit more, and they will say they are going to leave the Island the same as businesses do. But sooner or later you have to draw a line in the sand and say: “No more.” Everyone has to pay their fair share. Now I happen to believe that progressive taxes are just inequitable and they are a sign of a society that looks after those who cannot look after themselves and also everyone is paying, as I say, their fair share. So I shall be supporting the first part of Deputy Southern’s proposals. I am not sure about the other 2 aspects of it but certainly, I will nail my colours to the mast, I believe in progressive taxation; it is the only fair way forward. Thank you.

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

I listened to Deputy Southern’s opening speech yesterday and I have to say I was taken aback. If I understood what Deputy Southern was saying correctly, he appeared to me to be saying that he thought it was okay for people employed by the States to be paid excessively high wages so long as we tax them. I have to say, I would rather not be paying them any unnecessarily high money to only get back between 20 per cent and, as the Deputy is proposing, 30 per cent. I do not believe that that would be managing our resources correctly or being responsible. In terms of Jersey’s current taxation, stability is what assists Jersey in being attractive to high income and high net-worth people. I do not believe we will do this Island any favours, or the people who are here, if we start messing with that. In terms of independent taxation, I have to say I am on Deputy Southern’s side. I strongly believe that just because you are married does not mean to say you have given up your independence. I would welcome married couples being treated equally and taxed accordingly. But the comments from the Council of Ministers states that they are currently conducting a review and all I would say to that is, please, get on with the job. We have to consider our local people who may not even be taxpayers when we are considering playing about like this. It is these people,

whether we like it or not, who do give employment. We may not like admitting it but that is fact. Certainly, the Minister for Housing does all he can when he is with his colleagues making decisions on 1(1)(k)s to ensure that there will be something returned to ordinary working people. As far as the Council of Ministers' comments on the financial and manpower implications, I wonder whether the cost that he is identifying here have taken account of: could it be done for less by using online assessments? I do not think that is rocket science; it is being done elsewhere. Finally, I would just like to address a comment that Senator Le Gresley made when he spoke about increasing social security to pay for long-term care. This payment is effectively an insurance so that people do not need to sell their homes and/or use up their savings should they be in need of long-term care in the future. By paying that increase it will hopefully safeguard their homes, which currently does not happen now. Having said all that, I will not be supporting the Deputy's proposition. Thank you.

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

This proposition requests a progressive rate of taxation for the people of Jersey. However, the proposer does not seem to acknowledge the fact that there are currently 65,000 households who are liable to pay tax. Of this, 29.6 per cent, or 19,000 of these households pay nothing and contribute nothing in personal taxation towards the Island's resources and services, such as our hospitals, schools, police force, infrastructure, et cetera, with the burden being shouldered by the personal taxpayers on higher incomes. If this is not progressive, I do not know what else to call it. Furthermore, of those that pay tax, the effective rate starts at 0 per cent and increases in line with the higher earners' income until it reaches the ceiling of 20 per cent. Again, if that is not progressive, then I do not know what to call it. But the most troubling for me is the sentence at the start of the report to the proposition, which in my mind should say: "Following extensive research by taxation professionals in consultation with industry economists, it is considered that an increase in taxation as proposed will produce £X millions to the economy and will have no detrimental effect on the overall economy of the Island." But, as Members will see, the first 2 words in the proposition says: "I believe." There is no supporting evidence or facts supporting the proposition. I applaud Deputy Le Claire yesterday for his analogy of the picture that we are all in a lifeboat surrounded by the cruel sea and I would like to take that analogy a little step further. It would be akin now to saying: "It is cold and wet. Let us burn a few of the higher planks from the hull to warm ourselves up without any thought given to the waves bearing down on us." I also note the Deputy of St. Mary's comments yesterday on his displacement theory where he opined that 1(1)(k)s displaced local people from housing opportunities, all 137 of them, by virtue of their large houses. Does he also believe that tourism should cease as they occupy large sea-front prime locations? What about the farmers who surround their houses with fields and then grow potatoes and put cows on them? Because that is really what that analogy draws to me. I think this tantamount to scraping the bottom of the barrel because there is no supportive evidence to come forward to support the proposition. I do not believe this is the right way to get ourselves out of the recession. It is more likely to add to the deficit. What we have to do is retain our progressive and stable tax base that encourages growth and inward investment that ensures our long-term future. The proposition does not give any indication of how much it might yield because, in his heart of hearts, I think the proposer knows it just will not work but it sounds good. The proposition is equivalent to throwing a non-swimmer into the deep end to see if they can swim. I would urge Members to only make their decision on facts with good supportive evidence because that is what the electorate expect us to do. Thank you.

1.1.9 Deputy E.J. Noel of St. Lawrence:

This proposition is not the way to get ourselves back to balanced budgets and out of our current short-term deficits. If adopted, this proposition is more likely to add to the challenges facing us. We have to attract more business and more activity. Deputy Southern and his supporters are clearly missing the point on the effect of increasing personal taxation and the impact on jobs. No, individuals will not stop work but the companies for which they work will have increased costs and

will therefore move some or all of their businesses elsewhere. This will mean, for some people, a loss of jobs and all because Deputy Southern and his supporters want to impose a political agenda which reduces our competitiveness and damages all Islanders. The graph that the Deputy of St. Mary waved about yesterday shows that we are indeed competitive but if we adopt this barmy proposition, we will cease to be so. We have an export economy and as such competitiveness must be our number one priority. Deputy Tadier missed the point when he referred yesterday to our banks moving from a 20 per cent to a 10 per cent tax regime. As Members will know and - probably with the exception of Deputy Southern and supporters - understand, that this was to ensure our offering remained competitive. They have missed the point regarding how this proposition, if adopted, will be a cost of doing business in the Island. If we raise tax levels for members of staff, they will require higher salaries to maintain their disposable incomes. Businesses will not want to pay those higher salaries and as a result they will expand their businesses elsewhere outside of Jersey. The Deputy and his followers are not living in reality. We are in a competitive world and we always will be. There are cries that we are scaremongering and that mainly we have anecdotal evidence. But the Deputy has no evidence either. The risk that Deputy Southern is asking the people of Jersey to take is simply too high. Deputy Southern implies that our current economic model is not sustainable but he has not proposed a credible alternative. The danger in this proposition being taken in parts is that all 3 parts to part (a) links this to a progressive taxation system. For example, part (a)(i) on its own I could accept in principle but married to a progressive tax system, I cannot. A tax system substantially different to our existing policy which is mildly progressive will damage our economy beyond repair.

[10:30]

It will place our economy in a continued downward spiral. I would like to comment on part (b) of the proposition. The Deputy asked in part (b) for the Minister to review the terms under which 1(1)(k) consents are granted. The Deputy knows full well that I myself, among some of my colleagues from Housing and from Economic Development, have already undertaken and started this review and when we have all the evidence we will publish that evidence and bring it back to this House. But if this proposition was adopted it concludes in suggesting that in future all 1(1)(k)s would pay a tax in excess of 20 per cent. The evidence we have to date identifies that stability of the tax regime is extremely important. Changes to that regime for whatever reason would give the message that we are not stable and as such that damage to our reputation will be impossible to repair. At present the direct tax contribution from our 1(1)(k)s amounts to some £13.5 million per year and as I, among others, have mentioned numerous times in this Assembly, that equates to almost 1 per cent on G.S.T. Their contribution through on-Island spend on property, on services, on employment, on investment in business, on charities, runs into tens of millions and this is from a little over in excess of 100 people, people who do not just have a postal address here, but people who come to live in our Island and immerse themselves in our community. Surely more of these individuals would be of benefit to all Islanders. The Deputy of St. Mary questioned as to what were the downsides of 1(1)(k)s and he gave 2 examples. He mentioned the displacement effect regarding coastline properties. Well he lost me there because not many locals can afford properties in the £3 million plus bracket. Does he mean that our hoteliers in the past have also displaced Islanders from these locations? He also mentioned a possible adverse effect on inflation. Well I disagree with him there. It would just mean that we would have fewer plumbers, fewer electricians, and fewer tradesmen. The cost of those services would not go down; it is just that we would have less employment. Deputy Pitman and I have different definitions of what is fair and I could probably add Deputy Higgins to that as well. I believe that both Deputy Pitman and Deputy Higgins would favour a more progressive tax system where I personally would favour a proportional tax system. I believe the majority of States Members would deem that the mildly progressive system that we currently have is an appropriate one. But today this argument is not really about fairness; it is about what is right for Jersey. To respond to the Deputy of St. Martin, wearing my Treasury hat, the Treasury is currently undertaking a major review of taxation. Our

system needs to be modernised. Issues that are currently being looked at are better enforcement, collection of taxes by utilising the services of the tax office and Social Security to see if we can make it more efficient, looking at current-year assessments, looking at individual assessments, and making it possible to do online filings and returns. We will set out the direction that we propose to take in the budget and we will be happy to provide Members with a report in September. I would like to comment on Senator Le Gresley's points because I was one of those 5,000 or so individuals that voted for Senator Le Gresley because overall his package of what he was proposing was one that attracted me. But one of those elements was a 30 per cent tax rate and that did not appeal to me. While we do need extra revenue for areas such as education, health and social services, we can do this by implementing the C.S.R. (Comprehensive Spending Review) process. We do not need to do it by redistribution. We can do it by being more efficient in our expenditure and by growing our economy. The Treasury is committed to finding solutions. Constructive solutions, that is; not destructive. This proposition would be destructive. Treasury is committed to 20 per cent income tax, it is committed to keeping the G.S.T. at 5 per cent and it is committed to Zero/Ten. Certainty and stability is what we need and it will lead to prosperity for all Islanders. Higher personal taxes alone will not bridge the gaps in our society. My response to Senator Le Gresley and to Deputy Higgins is to say to look at the U.K. They have a very progressive tax system in the U.K. but it has failed to bridge the gaps in their society, so why would such a system work here? We can address the social issues that we have or we can do so in a different way. We do not have to do it with progressive taxation. Constantly debating the option of increasing our tax rates is damaging to our reputation locally and internationally. It indicates instability and creates uncertainty. Neither of these are good for business; good for Islanders. This damage was evident last year when the international media seized on the option in the consultation paper as mentioned by Senator Cohen. It stopped a number of business opportunities from coming to Jersey. Businesses thrive on certainty and this Assembly needs to come to a decision on what Jersey should be about. Jersey is a very successful international finance centre - and I for one make no apologies for that - which has been built upon a 20 per cent tax rate. It is without doubt the finance industry that will be most affected by this proposition. By protecting effectively our one and only industry and allowing it to prosper we can ensure that Jersey itself can diversify and can continue to provide the high level of public services that we currently enjoy. Stable tax rates are also cited among the strongest signal as a jurisdiction that is committed to supporting its financial services industry. This is an opportunity for this Assembly to send a clear message about the commitment to the finance industry, to Islanders and to the international arena. Therefore, I strongly oppose this proposition and request that Members do so.

Deputy M.R. Higgins:

Can I seek a point of clarification? The Deputy said that the debate was not about fairness, he said it is about what is right for Jersey. Could he clarify who it is right for: the wealthy; the corporations or the foreigners?

The Bailiff:

That is not a genuine point of clarification, Deputy; that is a comment.

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

Well can I try a genuine point of clarification? **[Laughter]** I did ask this question in my speech, expecting him to reply. Will the Minister's review of the effect of 1(1)(k)s consist of his personal opinions on the subject or will it be a proper rigorous evaluation of the pros and cons of encouraging more 1(1)(k)s?

Deputy E.J. Noel:

I have mentioned this numerous times over the last couple of weeks. It will be based on the evidence that we have. I have mentioned before, I can only think of benefits of 1(1)(k)s to this

Island. I welcome them; I wish we had substantially more. I, for one, cannot see any downsides to these individuals coming here and becoming part of our community.

The Deputy of St. Mary:

So the answer is it will not be a proper rigorous evaluation.

The Bailiff:

Well that is a comment rather than a clarification. Now Senator Routier.

1.1.10 Senator P.F. Routier:

I will be very, very brief. I am a bit concerned that Members may have got hold of the wrong end of the stick from something that Deputy Higgins mentioned. He commented that the Economic Development team were bereft of any ideas when it comes down to economic growth. I do not understand why he is saying that because I know from the work that we are doing within the team, and we are currently reviewing the draft Economy Growth Strategy Plan - I have had a copy of it; the Minister and our team, we have been sharing it over the last few weeks - and that will be lodged as a Green Paper in June. So I want to give some reassurance to Members that there are some very, very good ideas within that document. We already do have a current economic strategy which is working and is enabling people to grow their businesses, but as far as the new growth strategy is concerned, it will be, as I say, a Green Paper in June. So I do not want Members to go away with the idea of thinking what Deputy Higgins has said was true.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Southern to reply.

Deputy J.A. Martin of St. Helier:

Can I just ask a procedural matter before and it may help the Deputy? I think the Minister for Treasury and Resources said the Deputy is going to offer us to vote on (a) and (b) separately. Is that correct?

The Bailiff:

I do not know, it is up to the Deputy.

Deputy G.P. Southern of St. Helier:

If I may? Yes, we discussed this yesterday and it is possible to take the introduction and part (a) ...

Deputy J.A. Martin:

Perhaps I could finish my question and then you could ... either the Deputy or the Chair. My impression was we were going to be able to vote on (a) and (b) separately and I would ...

The Bailiff:

I can say from the Chair, that certainly is possible: (a) and (b) are clearly separate matters.

Deputy J.A. Martin:

Right. So the end of (b) where it says: "by application of the rates in paragraph (a)(iii) above" if (a) falls, that is not binding?

The Bailiff:

I have been asked earlier before this debate started. **[Interruption]** But, yes, I ruled that what that means is the rates set out in paragraph (a)(iii). So, in other words, even if (a)(iii) is rejected it still would be open to Members to say that 1(1)(k)s should be taxed at the rates set out in (a)(iii). It could equally have repeated the rates set out in (a)(iii).

Deputy J.A. Martin:

So it is binding?

The Bailiff:

So (b) can be taken separately from (a) even if (a) is rejected.

Deputy G.P. Southern:

Just to finish off, I believe that (a)(i) can be voted on separately and hold together, adopting the principle of individual taxation and higher rates, and that (a)(ii) and (a)(iii) can be both done separately.

The Bailiff:

Yes. The only point I want to clarify on that, Deputy, just so there can be no doubt, is that the way you have structured your proposition, to make (i), (ii) and (iii) subsidiaries to the introductory words to (a), that is the way you chose to structure it. So it does mean that therefore if you adopt (i) you are adopting the first 5 lines of (a) and (i). That is the way you have drafted it. Conversely, of course, it must mean that if (i) is rejected, then the Assembly has rejected the first 5 lines of paragraph (a). As a result, paragraphs (ii) and (iii) will automatically fall. So I just wanted that to be clear for Members, because Members, if they vote for (i), are approving the first 5 lines of paragraph (a) because it all reads together and (i) is a subset of (a). Conversely, if they were to reject it, then they cannot vote on (ii) and (iii) because they fall within it. I hope that is clear.

Senator P.F.C. Ozouf:

Because if (a)(i) was accepted or voted on then I would need to respond to it as it is a request to me; (a)(i) deals with individual returns ...

The Bailiff:

I hope you are not going to make a speech.

[10:45]

Senator P.F.C. Ozouf:

No, no, it is a question ... individual returns but (a) supports the concept of higher rates. Am I correct in assuming that there is not an option in this proposition, as currently drafted, for Members to support the principle of individual returns without also committing to a higher rate of tax, unfortunately?

The Bailiff:

Well I thought that was what I just said: that (i) is a subsidiary of the principle set out in the first 5 lines of (a). So they stand together but, equally, they fall together. So, just to be clear, if (a)(i) is voted down, then the Assembly cannot move on to vote on (ii) or (iii). If, on the other hand, (a)(i) is accepted, then the Assembly can move on to vote on (ii) and (iii) separately. I hope that is clear.

1.1.11 Deputy G.P. Southern:

Yes, and that has been made clear to me both yesterday and today, and I am happy to proceed on that basis, and I will be bringing the parts as requested. Where to start? Let us start with Senator Ferguson. It is always a joy to get hand-bagged by our very own Margaret Thatcher. Because we disagree so fundamentally on the free market and capitalism that I know when she does hand-bag me - and it hurts sometimes - that I am on the right track. **[Laughter]** Especially, I am pleased to be compared to Denis Healey who was known in his day as “the bruiser”. He was a heavyweight. So I thank the Senator, for that is what I call a compliment. However, what she has to say was merely, I believe, a repetition of what the Minister for Treasury and Resources had to say, the Assistant Minister had to say and the Minister for Economic Development had to say which was that if we were to introduce a higher rate of tax for those who earn higher incomes, the entire finance industry would collapse and leave the Island, along with every wealthy person or high

earner on the Island. Now I put it to you, ladies and gentlemen, Members, the reality. The reality is for someone earning as an individual £80,000 a year, this proposition requests that they pay an additional £500 a year tax. Is any single person going to leave the Island over that sum? I do not believe they will. For someone earning £100,000 we are talking about the total of £1,500 in extra tax; a relatively small amount. Would you up sticks if you were in that position - and some of you may be - and move straight away to Singapore? Or to the Isle of Man where I keep saying it rains for 10 months of the year? No, you will not. Would you say: "Gosh, how unbearable. I must move home. I must change job. I would much rather move to the Isle of Man and pay 20 per cent V.A.T. (Value Added Tax). I do not mind that but I am not going to pay an extra £500 a year tax to that Government. I might move to Singapore where I will meet a 20 per cent top rate of tax and I will meet a 20 per cent rate on every pound I earn for social security contributions." So it does not say that we charge 40 per cent tax but effectively it does. "So I am going to move because I would much rather pay Singapore social security fees than pay tax to this Government where I live and where I earn a currently quite good living." Ditto. The logical sequence is that somehow increasing personal tax, increases the cost of doing business. Nobody has explored that. The Assistant Minister did not explore that. How? If this Government which sets the tax rate decides to raise taxes, whether it is G.S.T. or income tax ... **[Interruption]** No, I will not give way. The Assistant Minister has had his turn. Not a very good turn, in my opinion, but he has had his day, and it is my day now. If the Government sets the rate, whether it is G.S.T. or income tax, or social security contributions, whatever, that this is automatically a cost for business. It is not. We know full well that G.S.T. at 3 per cent came with a wage freeze. We must not engage in that inflationary cycle. There will be no wage rises to compensate for G.S.T. Ditto. We have been told time and time again by this Minister for Treasury and Resources that there are wage freezes out there. Times are hard; there are wage freezes in the private sector, in the finance sector which, admittedly, this will affect most. Wage freezes out there because of the economic situation. Is the economic situation any better? Are we into growth? No, we are not. If we are in recession, are employers going to be: "Oh, you have had a tax rise. Oh, we better pay you some more. Voluntarily, out of the kindness of my heart, I will raise your wages then because you pay more tax." Will they? That is a funny sort of employer. I have not met many employers like that. They did not do it for G.S.T.; they will not do it for income tax. So it is not an automatic add-on, bolt-on cost. All the arguments from the Ministers concerned, or Assistant Ministers concerned, are absolute arrant nonsense. There is no reason why any wealthy individual should up sticks over sums which are very, very moderate increases indeed and which they, I believe, can well afford in sharing the burden of the economy. I will address some of the remarks made by Deputy Noel because I found them quite, quite shocking. Because he followed this logic that says increased taxes means increased wages means increased costs of doing business means that not only will relatively wealthy individuals leave the Island but the businesses will leave too. He seemed to argue that what we as a government should be doing should be looking after our only industry. He described it as our "only" industry. That is the first time any Minister has done that: puts the cap on so-called diversification that we have been aiming for. Our only industry, he described it. We must protect our finance industry and we do that by having a stable regime, so this stability thing was thrown-in. Now, I mentioned it yesterday when the previous government in the U.K. brought in a 50 per cent tax rate. According to the Minister for Economic Development: "Industries left in droves." Were they coming here? I do not believe so. They did not. The Minister has been overdosing on the *Daily Mail*. **[Laughter]** The evidence says there was not a mass exodus in any way, shape or form. The Minister may well believe it but he is misguided. The Assistant Minister talked about protecting our only industry and the stability of the regime. He said: "The Treasury is committed to 20 per cent. The Treasury is committed to G.S.T. at 5 per cent." For how long? "The Treasury is committed to Zero/Ten." Well, hang on, Zero/Ten is a move away from the stable regime we used to have: 20 per cent personal tax; 20 per cent company tax; 20 per cent every which tax. It was a 20 per cent rate. This Government has already moved away from that stable regime by introducing the race to the bottom: Zero/Ten. The fact is that we have £140 million deficit hanging around that

we still do not know how to deal with which is, in part - and, in fact, in majority - caused by our move to Zero/Ten. The move to "Ten" halved the revenue that we got from our "only" industry, as he describes it, and the move to "Zero" put another big hole in the economy, one that we have not solved. When he talks about stability, where is the stability, if we have Zero/Ten? We have had it for some time. We have tried to fiddle with it to make sure we have got some extra revenue from it by deemed distribution and look-through, and we failed to do that. We are still working on how we can get some more revenue from the "Zero" end of Zero/Ten. Where is the stability in that? There is none. So the stability argument is not a correct argument either. The way that the Assistant Minister presented: "We have to protect our only industry." May I remind him who he is serving? Is he serving our only industry? Is he in this House to serve our only industry? Is that his priority? Is that his essential duty? No, it is not. It is to serve the people out there: the voters. The finance industry does not vote; people vote. I know when I have talked in recent campaigns, like Senator Le Gresley, there is a lot of support out there for progressive taxation or introducing a higher rate on the wealthy. That is the fact. So bear that in mind, Assistant Minister, through the Chair, when you come to vote. Oh, I enjoyed that bit. The thrust of the argument against moving to progressive taxation is one which has had no evidence in it, apart from this statement that is repeated until it feels true that industry will leave; that the wealthy will leave, full stop. I think I have shown that at the rates I am talking about, they will not, especially considering that Singapore, Isle of Man, we are already competitive with them. If we make this increase we do not become uncompetitive. Now some people have talked about: "I am not sure about the £70,000 because it is an expensive place to live, Jersey." Senator Breckon and Deputy Martin both made the point: "We are not sure that that is probably correct." If that is the case, then the way this proposition is structured, it is open for them to vote for (a)(i) and to not vote for (a)(ii) but to vote for (a)(iii). If you want to start at £100,000, and certainly that is a statement that has been made on the Senatorial hustings by some Members here, then that is perfectly open to do. In terms of the 1(1)(k)s, I think, again, the Assistant Minister seemed to be somewhat... and, indeed, the Minister for Treasury and Resources: "This is absolutely wrecking 1(1)(k)s." No, it is not. It is saying that when you do your deal with the 1(1)(k)s ... **[Interruption]** There are no deals. When you decide how much of their revenue they will bring through the Island in order that they should pay some tax to this Government for the joy of living in this Island, when you make that arrangement - no deals are done - make it clear to them that instead of paying on that element of their income that they are directing into the Island, instead of paying 20 per cent, they will be paying 30 per cent like all the others who have high levels of income. That is what it says. It does not wreck 1(1)(k)s; it presents different terms for 1(1)(k)s. Certainly, that is something that many people out there tell me that we ought to be doing.

The Bailiff:

Sorry, can I ask the Senators there please to be quiet? It is the tradition of this Assembly that Members should listen courteously to other Members during debates. **[Approbation]**

[11:00]

Deputy G.P. Southern:

The other thing that has been thrown at me today and yesterday was Deputy Southern comes to this House with a proposition but where is the growth, where is the growth proposition in what he is saying? There is no growth in this. Where is the economic growth plan of the Minister for Economic Development, the Minister for Treasury and Resources referred to yesterday? It is non-existent. It is not before this House, it is in the process of being written. It does not exist. When the Minister for Treasury said yesterday: "Deputy Southern has no plan for growth" he should have followed that up with: "And neither have I." **[Laughter]** No, Sir, I will not give way. I will not give way. Fiscal stimulus is indeed propping-up the economy and well done for having done it. Well done for having done it, but that is not an economic growth plan by any stretch of the imagination. What he should have said yesterday: "Deputy Southern does not have an economic growth plan and neither do I, because my last one ran out in December 2009 and we have not made

a new one yet.” That is the reality. So that is the reality on growth. Do not think I must vote against this because it does not contain an element of growth, that is a good reason for not voting against it. Dear oh dear, absolutely not true. What this proposition is and what Senator Le Marquand and Senator Le Gresley among others pointed out that progressive taxation is fair taxation. That those who can best afford it can shoulder their fair share of the burden. This is a modest increase in that burden, it comes alongside and balances the rest of the package which is cuts and G.S.T. increase and Zero/Ten, et cetera, and rise in the impôts, most of which are regressive. Changes in social security, which is not progressive or regressive but simply proportional and fair when we see that brought for 2012. Again these measures kick in at £70,000, if we accept (a)(ii), or £100,000. They target only the top 20 per cent of earners on this Island and say: “We are asking you to shoulder a fair share of the burden for the problems that we are in, and into the future.” I believe this is the way forward, this is the fair way forward. As I said in my opening remarks, if we do not do it today I believe we will, sooner or later, be doing it in some shape or other because we will be moving to increase fairness and equity in this society one way or another. The way to do that, contained in this particular proposition, is through taxation. I maintain the proposition and call for the appel on part (a)(i), and should that pass, (a)(ii), (a)(iii) and (b).

Deputy E.J. Noel:

A point of clarification, if I may. Deputy Southern mentioned Singapore and Isle of Man and gave some comparative figures. Does he have similar figures for Guernsey?

Deputy G.P. Southern:

Yes, I do, and I am not looking at them.

The Bailiff:

Very well then, I invite Members to return to their seats. The appel has been called for and the first matter before the Assembly, the first vote as requested by Deputy Southern is (a)(i). So I invite the Greffier to open the voting.

POUR: 12		CONTRE: 39		ABSTAIN: 1
Senator A. Breckon		Senator T.A. Le Sueur		Deputy T.A. Vallois (S)
Senator F. du H. Le Gresley		Senator P.F. Routier		
Deputy R.G. Le Hérisssier (S)		Senator P.F.C. Ozouf		
Deputy J.A. Martin (H)		Senator T.J. Le Main		
Deputy G.P. Southern (H)		Senator B.E. Shenton		
Deputy J.A. Hilton (H)		Senator F.E. Cohen		
Deputy S.S.P.A. Power (B)		Senator J.L. Perchard		
Deputy S. Pitman (H)		Senator S.C. Ferguson		
Deputy M. Tadier (B)		Senator A.J.H. Maclean		
Deputy of St. Mary		Senator B.I. Le Marquand		
Deputy T.M. Pitman (H)		Connétable of St. Ouen		
Deputy M.R. Higgins (H)		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. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		

	Deputy of St. Martin		
	Deputy J.B. Fox (H)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy of Trinity		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy A.E. Jeune (B)		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy A.K.F. Green (H)		
	Deputy J.M. Maçon (S)		

The Bailiff:

Very well, as I indicated earlier, because that involves a rejection of the first part of paragraph (a), it must follow that paragraphs (ii) and (iii) are also rejected. So then we come to paragraph (b). I invite the Greffier to reset the machine and the Greffier will open the voting.

POUR: 9	CONTRE: 43	ABSTAIN: 0
Senator A. Breckon	Senator T.A. Le Sueur	
Senator F.du H. Le Gresley	Senator P.F. Routier	
Deputy R.G. Le Hérisssier (S)	Senator P.F.C. Ozouf	
Deputy G.P. Southern (H)	Senator T.J. Le Main	
Deputy J.A. Hilton (H)	Senator B.E. Shenton	
Deputy S. Pitman (H)	Senator F.E. Cohen	
Deputy M. Tadier (B)	Senator J.L. Perchard	
Deputy T.M. Pitman (H)	Senator S.C. Ferguson	
Deputy J.M. Maçon (S)	Senator A.J.H. Maclean	
	Senator B.I. Le Marquand	
	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. Peter	
	Connétable of St. Lawrence	
	Connétable of St. Mary	
	Deputy R.C. Duhamel (S)	
	Deputy of St. Martin	
	Deputy J.B. Fox (H)	
	Deputy J.A. Martin (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy of St. Peter	
	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 K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy A.E. Jeune (B)		
	Deputy of St. Mary		
	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)		

2. Draft Licensing (No. 17) (Jersey) Regulations 201- (P.28/2011)

The Bailiff:

Then we move to the next matter on the Order Paper, which is Projet 28, the Draft Licensing (No. 17) (Jersey) Regulations 201- lodged by the Minister for Economic Development. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Licensing (No. 17) (Jersey) Regulations 201-. The States, in pursuance of Article 93 of the Licensing (Jersey) Law 1974, have made the following Regulations.

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

These draft regulations are only intended to temporarily amend the Licensing (Jersey) Law 1974 to permit pubs to open 2 hours later than normal on the day of the forthcoming royal wedding and the following day. As Members are more than aware, Prince William and Miss Kate Middleton are to be married on 29th April. In order to mark the occasion of the marriage the U.K. Government has decided to make the day of the wedding a public holiday and to allow public houses in England and Wales to remain open until 1.00 a.m. on the nights of Friday, 29th and Saturday, 30th April. In the decision of the States of 20th January to approve P.184 and thus create a public holiday on the wedding day, Members have indicated that they wish to let Islanders enjoy the same benefits as citizens of the United Kingdom. I have brought these regulations to give the States the opportunity to decide if it would be appropriate for Jersey to commemorate the occasion of the royal wedding in the same manner as the U.K. This Assembly has extended Licensing hours for notable events in the past, most recently for the Millennium. Members will recall that all on-licence premises were permitted to open for a 24-hour period spanning the New Year celebrations. Given the short duration of the proposed extension in this case, not all licences will be affected. Only first category taverner's licences will be temporarily extended to allow patrons to be served alcohol until 1.00 a.m. on the 2 nights in question and to allow the public to remain on those licensed premises until 1.30 a.m. This is the same as the annual extension granted to pubs every New Year. There will be no obligation upon licensees to remain open for the duration of the extension if they do not wish to do so. So pubs which wish to close either at 11.00 p.m. as normal or at any other time before 1.00 a.m. will be able to do so. Premises holding other licence types, including restaurants, hotels and comprehensive licence nightclubs and other premises with an entertainment licence, can already open until 1.00 a.m. or beyond. Therefore, the regulations do not refer to those licences at all. Off-licences, similarly, will not be affected by the regulations. The regulations as drafted also sought to extend the access of patrons to hotels holding second category licences in order to maintain parity with pubs. However, given the exceptionally tight deadline for the completion of the regulations, which was completed in this instance in a matter of days rather than the more usual period of months, the usual exacting cross-checking could not be conducted and this resulted in an

error in the drafting instructions passed to the Law Draftsmen. Accordingly, provisions were included which allow members of the public to gain access to second category licensed premises until 1.00 a.m. However, this would not benefit them greatly as the Licensing Law does not allow second category licensed premises to serve alcohol to the public but only to residents. This erroneous provision, therefore, has virtually no practical effect on the 17 hotels in question that it applies to. Any hotel that wishes to serve alcohol to the public will hold a separate licence of a different category that will allow them to do so according to the various licence conditions. As most categories of on-licences run until 1.00 a.m. anyway hotels remain practically unaffected by the regulations. The Minister for Home Affairs notes in his comments that were the proposition to be rejected then individual premises could apply to the Bailiff for a special event licence extension. This does not seem like a sensible alternative as it would result in an unknown number of 137 first category licence holders seeking an individual response from the Bailiff. If these regulations are adopted the Judicial Greffe will publish a notice in the *Jersey Gazette* to inform licensees and the public of the temporary changes to permitted hours. In addition, Economic Development will work with the industry and other stakeholders to ensure that all parties are fully informed. I must emphasise that neither I nor my department are actively canvassing for extending Licensing hours, either for this celebration or, I must stress, in general. Given that my department has responsibility for the Licensing Law it falls to me to bring these amendments to it. In doing so here I have acted to allow Members to decide if Jersey will or will not act in a manner comparable to the U.K. in respect of celebrating the royal wedding. This seems to me to be a more democratic and sensible solution than either encouraging a large volume of individual applications to the Bailiff - who I am sure would not welcome them - or, on the other hand, deciding unilaterally by inaction that Jersey would not do this. I therefore invite Members to give their views as to whether we should extend Licensing hours on a strictly temporary basis to allow Islanders and visitors to celebrate the royal wedding as they are in the U.K. I therefore move the regulations.

The Bailiff:

Are the principles seconded? [**Seconded**]

Deputy I.J. Gorst of St. Clement:

I am not sure whether I need to make this declaration, but my family by marriage do hold a licence and would perhaps benefit if this provision were approved.

The Bailiff:

No, but thank you for mentioning it. Constable of St. Helier.

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

I am very grateful that we have had the comments of the Minister for Home Affairs to inform our debate and indeed to inform our responses, which have just been requested from the Minister for Economic Development. If Members have not read Home Affairs comments I think they need to do so. I was pleased to be invited by the new Chief Officer of the States of Jersey Police to accompany him and his Licensing Unit around the town quite recently on a Friday night, in the company of the Minister and Assistant Minister of Home Affairs. I am sure the Minister and Assistant Minister can speak for themselves, but it was a very enlightening trip. While I am very pleased to see the high level of compliance in the licence holders in St. Helier, which of course is the Parish most likely to be affected by the decision we make today, I have to fully agree with the comments of the Minister of Home Affairs. There is a lot going on during the royal wedding. Most Parishes are hosting events for their parishioners, there will be a lot of excitement, perhaps not as many street parties as I would have liked to have seen - we have only had applications for a couple in St. Helier so far, but there is still time for street parties. These are the kind of ways we should be celebrating a royal wedding. Community events, tea dances, cream teas, street parties

and the like, not encouraging people in St. Helier in particular but across the Island to spend even longer in pubs drinking as if their lives depended on it, which is perhaps not a very good phrase.

[11:15]

So I just basically hope that Members will agree with me and with the Minister for Home Affairs that we do not need to celebrate the royal wedding in this way. We have got lots of other inventive community-focused ways of celebrating the royal wedding, drinking more should not be part of it. I would urge Members to give the Minister the feedback he is asking for and to tell him in no uncertain terms that we are not interested, particularly in St. Helier, we are not interested in all the extra problems to the residents and to the police, and to the Honorary Police, that are likely to follow if this proposition should be accepted. So I urge Members to reject the proposition.

2.1.2 Senator B.E. Shenton:

I have been very critical of Ministerial government in its current format because it was not implemented as Clothier put forward. We heard in a couple of speeches in the last debate about how the Council of Ministers are the Government and this is the Legislature. My criticism is mainly because departments seem to be operating in silos with no co-ordination. We have a proposition here by the Minister for Economic Development, opposed by the Minister for Home Affairs. Perhaps the Deputy Chief Minister could tell me what the government policy is on this because it is completely unclear and I assume that there is some sort of government policy, or whether we are just stumbling in the dark.

2.1.3 Senator B.I. Le Marquand:

The Minister for Economic Development is a very capable and likeable politician, and a very capable and likeable Minister, but on this occasion I fear that he has fallen short of his normal high standards and I am not able to agree to his proposition. From the way in which he presented the proposition I am not sure that his heart is in it. He reminded me of a younger Advocate Le Marquand who sometimes had to do a professional job for a client even though his heart really was not in it. My heart and my head are both fully engaged in opposing this proposition. I am going to start with some technical detail. I will start with a question, and this is not a rhetorical question, this is a serious question. What logical connection is there between a royal wedding which starts at 11.00 a.m. on a Friday and the extension of Licensing hours on the evening of the Saturday to Sunday? Are the good people, and particularly the good royalists of Jersey - among whom I count my lovely wife - really going to require 38 hours to celebrate this event? So that disposes of Saturday night. What about Friday night? How many of our good people are going to want to celebrate the royal event until 1.00 a.m.? Do they need 14 hours continuous celebration, or 14 hours continuous drinking in some cases? But, more seriously, how many first category licensed premises are putting on a special event for the Friday night? Probably the answer is zero. Does the Minister know of any? What is this proposition really about? I want to suggest that this is simply some of the first category licensed premises wanting an opportunity to stay open longer so that they can sell more alcohol to their customers, most of whom probably will not have any interest at all in the royal nuptials. **[Laughter]** I did check the meaning of the word “nuptials” in a dictionary before using it, and I sure it is parliamentary. It relates to a marriage or the marriage ceremony.

The Bailiff:

It is indeed, Senator, yes.

Senator B.I. Le Marquand:

Thank you very much, Sir. I have also added some technical detail in the comments, which I am not going to go into great detail on, to explain the problems which have arisen, particularly in relation to the economic balance between pubs and nightclubs, due to some of the pubs being able, effectively, to open until 1.00 a.m. routinely. This has caused great difficulties in economic balance because we have moved from a situation, which I can remember well - although never

participated in - where nightclubs used to sell tickets, and because they sold tickets they were not entirely reliant upon the sale of alcohol. Sadly now, because they cannot compete with some of the premises that are routinely open until 1.00 a.m. they cannot sell tickets. That has created a situation in which the nightclubs have become entirely reliant for their economy in selling alcoholic drinks. That is not a desirable state of affairs, and one that will need to be looked at as part of the impending review. What about Article 92(a)(i)(c), the one that relates to the hotels and guest houses, to the residential licence? Well, the best thing which the Minister was able to say was that it does no harm. I do not agree with him. Unfortunately there has been a misunderstanding here in relation to this. I am grateful that he has explained what has happened so I am no longer as puzzled as I was in my comments. But in fact what they have succeeded in doing with this proposition is enabling the provision that was put in to enable the law to be effectively enforced. I am going to explain why there is this provision. The law only allows the sale of alcohol under residential licences to people who are guests at the premises or the *bona fide* guests of the guests. So this amendment does not allow one drop of alcohol lawfully to be sold to one additional person. But the reason why a provision was put in that people could not go to a hotel which had such a licence after 11.00 p.m. was because there was a serious enforcement problem years ago in relation to certain premises which had been notoriously used virtually as after 11.00 p.m. pubs. So the police could sit outside these premises and watch all these people go into the hotel or guest house and then when they raided them they discovered that all these people that had suddenly turned up after 11.00 p.m. were visiting their cousin in the kitchen, and of course they had not had a drop of alcohol. So it is just unfortunate that the effect of this particular part of the amendments, which cannot, I think, be taken separately from the rest - subject to your guidance - is that it is for 2 nights only it completely disables this anti-avoidance provision. The Members of this Assembly must be asking themselves why the Minister for Home Affairs has taken such a weak proposition so seriously. The answer lies, of course, in my comments. This is the first opportunity for this Assembly, as it is presently constituted, to say what it thinks about the current St. Helier nightlife on Friday and Saturday nights. It may be that some Members are very happy with a Friday and Saturday late night culture, which is mainly - if not entirely - focused on the sale of alcohol accompanied by very loud music. It may be that some Members are content with the related levels of drunkenness, injuries by virtue of people falling over people are so drunk, assaults, mess in the streets, noise from licensed premises and noise from people on their way home from licensed premises. But the people who live in and around the flat area of St. Helier who have to put up with all this are not content with the current state of affairs and neither am I. I am disappointed that current Council of Ministers has not made more progress on this. I am going to read a section from the States of Jersey Annual Policing Plan for 2009. I would have read the 2010 one but it has not yet been published. This is a significant section. It says this: "It is important to reiterate that Jersey still lacks a strategy to manage and develop its night-time economy. Such strategies have proved very successful in other towns and cities across the United Kingdom in reducing demand on policing, medical and municipal cleaning services as well as changing public perceptions of town safety. Until such time as a similar strategy is in place to manage the night-time economy of St. Helier, including improvements to late night transport, town planning and Licensing legislation, the conditions which underpin current levels of public space violence will essentially remain unchanged and the police will continue to deal with the consequences." I deduce from that that the police are not entirely happy with the current arrangements either. I am going to invite those Members of this Assembly who are unhappy, as I am, with the current Friday night and Saturday night St. Helier nightlife to send out a powerful signal to the Council of Ministers and particularly to the 3 Ministers of E.D.D. (Economic Development Department), Home Affairs - who is very willing to receive this signal - and Health and Social Services that they want to see change. I am going to invite them to speak about their concerns and to decisively defeat this proposition. A vote for this proposition could send out the wrong message. It will send out a message that nothing can be done about the St. Helier nightlife at weekends, and that is not so. The main problem we have had for a very long period is there has been no clear strategy as the police ...

The Bailiff:

Senator, you have invited Members to speak of all of their complaints about the Licensing Law, this is not a debate about that. This is a debate about whether on these 2 nights to extend the hours or not.

Senator B.I. Le Marquand:

I am sure, Sir, you will put them right on that point.

The Bailiff:

Well, I was attempting to put you right. [Laughter]

Senator B.I. Le Marquand:

You are putting me right on this point also, quite right. Quite properly, Sir. I shall wrap up rapidly then. To summarise, on the technical aspects this proposition hopelessly failed, it is totally unnecessary, the piece in relation to the residential licenses is just wrong. The Saturday night to Sunday is nonsensical, and in my view the Friday night also does not make sense, but also there is an underlying issue here of wider nature, which I will not go into in any greater detail. So, with regret, because I do like the Minister and we have a very good working relationship, I have to strongly oppose this. I would point out that this is not entirely a failure of Ministerial government because of the timing involved. The difficulties which the Minister had was that he was very short of time in order to bring this and therefore was not able to take this for discussion by the whole Council of Ministers. I understand his difficulties, I hope Members will. Finally, just to cover my own back, in case there are Members who think that I was at fault in relation to my comments coming out so late, I would draw Members' attention to the comment within the comments which does point out that these comments were lodged very early, or at least in plenty of time. They were lodged on the Thursday. Thank you.

Senator J.L. Perchard:

May I raise a point of order on something the Minister said? The Minister may have inadvertently misled the Assembly and I seek your guidance in an effort to establish if he, in fact, did. The Minister questions why opening of pubs on Saturday 30th April was relevant to the royal wedding, and he said that 36 hours of pub opening should be avoided. I wonder if the proposition does demand that in fact. Could we vote perhaps on (a)(i), (b)(i), (c)(i) just for the Friday? Is that possible?

The Bailiff:

I fear not, Senator. Unfortunately under Standing Orders Members have to vote on an Article or regulation as a whole and the regulation incorporates all these matters. So I am afraid it is a package. Could I, before the Minister of Home Affairs finishes, just raise one point from the Chair, because in the Minister's comments he does say that it will still be possible for individual first category licences to apply to the Bailiff for a special permit in order to cover a special event under Article 89. I have to say this was raised with me some time ago as to whether I could issue, in effect, blanket permits under that Article for this occasion and I consulted the Attorney General who advised me that in law it could not be a proper exercise of the powers for the Bailiff to, in effect, suspend the operation of the Licensing Law *en masse*. Article 89 is intended for specific premises for a special occasion but not a blanket permission to anyone who applies on a particular day. So I just wish Members to be aware of that, that in relation to the Minister's comment, if this Assembly rejects this it is not open to the Bailiff then to, in effect, come round the back and allow premises to open.

[11:30]

Senator B.I. Le Marquand:

Is the Chair implying that what I said in my comment is not correct, because I think my comments, with respect, Sir, are correct because I refer to individual first category licences?

The Bailiff:

Yes, but what I wanted to make clear, the inference from that is that anyone who wanted to stay open for the royal wedding would be able to. In other words, any licensed premises could come along to the Bailiff and say: "I want to stay open an extra couple of hours because it is the royal wedding." I wish to make it clear that the Bailiff would not be lawfully able to grant permission to anyone who came along for that reason.

Senator B.I. Le Marquand:

Sorry, Sir, I misunderstood you. I thought you were saying he could not grant to everybody but you are saying he could not grant ...

The Bailiff:

If a person comes along and says: "I want to stay open because it is the royal wedding." Then, of course, if I said yes to one I would have to say yes to everybody and the Bailiff has been advised that he cannot do that.

Senator B.I. Le Marquand:

My intention was, Sir, to deal with the situation in which a person would come along and say: "I want to put on a special event which goes on until 1.00 a.m. on that night because it is the royal wedding" would there then still be the same problem?

The Bailiff:

It would be difficult, I think.

Deputy I.J. Gorst:

Perhaps you could give the Assembly clarification, at least of the clarification you have given, are you trying to indicate that should individuals, who would normally be able to come and ask for a special permission to the Bailiff's panel ... should the Assembly refuse this request by the Minister for Economic Development, you would take that into your consideration and therefore refuse those individuals who might ask for a special extension.

The Bailiff:

The answer is one cannot give a blanket decision; I think it depends on the nature of the application. What I wish to make clear is, as I read it, the inference from this was that the premises would still be able to stay open if they wanted to, just by going along to the Bailiff. The answer is that as a general principle they would not, because simply the royal wedding would not be special to that premises or a special event, it would be applied to every single premises that wanted to stay open, and the Bailiff could not, I am advised, lawfully grant, in effect, permission to everyone who wanted to stay open on that night. That is why those regulations are brought. It is really for this Assembly to decide whether everyone can stay open or not, not for the Bailiff. The Connétable of St. Brelade.

2.1.4 Connétable M.K. Jackson of St. Brelade:

I am unable to support this proposition on the basis that it is unreasonable to expect the Honorary Police to cover these extended times. I would not wish to be a party-pooper in any way but it is simply impractical to expect there to be police resource to cover this eventuality. I am concerned, as others have mentioned, about residents being affected. Not everybody wants to be out at that time of night or be kept awake, and my concerns are accentuated by recent events running up to 11.00 p.m. in St. Aubin, which is getting the spill-over these days from activities in town and my Honorary Police are telling me that they are having considerable difficulty in dealing with the after

11.00 p.m. events and regularly having to call in the States of Jersey Police for assistance. This, to me, is quite unsatisfactory. I am also concerned that there seems to have been no approach or no mention of an approach to the Economic Development Department from the licensed vintners in any way or from the trade, if you like, and I would have expected to see a more proactive request, shall we say, from them if it were to be supported. There are, I think, serious enforcement problems as the Minister for Home Affairs has mentioned. There is also the issue of transportation back. Certainly at St. Aubin we rely on the last buses to take the imbibers home, shall we say, and extending hours will result in consideration having to be given to that area as well. Regrettably, as a result of present day culture, albeit that I do not think tourism particularly want it, I do not think it is an area that tourists come over here for, there is a culture of binge drinking that has been alluded to in the Minister for Home Affairs' comments which we have to deal with. I have, regrettably, to say that there are certain establishments which are run in a somewhat indifferent manner and I know, without a shadow of a doubt, that accepting this proposition will be problematic and I would urge Members to reject it.

2.1.5 The Deputy of St. Martin:

I do not think the Minister intended or, shall we say, he did not plan to fail. I think what he did is he failed to plan. When I first looked at the proposition some time ago the one thing that immediately struck me was the fact that the regulations are already drafted, whereas if myself or maybe another Back-Bencher came along we would have to ask for an in principle decision. But also when I read the report I thought: "What a sloppy report." It talks about precedents. If Members look at the third paragraph it says: "On 28th September 1999 the States approved P.134/1998." As the person who has brought forward propositions before for extensions I checked it out. If one looks at P.134/1998 that is to do with States Members allowance; if one looks at P.134/1999 that refers to the Housing law. So I am afraid Economic Development do not get any marks for that. Of course in fact there was a precedent in the past, in fact there have been 2 in the past 11 years and I brought both of them to the House. There was, of course, the World Cup in 2002 when extra hours were allowed for public houses to open up so they can have a breakfast in the pub and then go on to work. That again went very well. Of course the other one was, indeed, the Millennium extension. That of course was P.55/1999, which again came to the House in principle on 25th May 1999. That was approved on a standing vote. Very importantly, I think, on 25th May 1999 the States also gave approval to another momentous occasion and that was, of course, to approve a certain Brian Ian Le Marquand as the Magistrate in that year. Mr. Le Marquand has probably forgotten that. The point I am making was it was made in good time and, indeed, it was successful. The reason it was successful was partly because of the planning that went ahead, and this is where the Minister has failed. The first rule about any extension to any hours at all was to consult, and it was necessary to consult with the Licensing Trade, the Hospitality Association, the States and the Honorary Police, and of course the Bailiff and the Licensing Bench. This has not happened on this occasion. It is not surprising the Minister is now having difficulties. One of the things I did notice, and it has now been brought up again, is this particular proposition is divisive. When we have had extensions on the past 2 occasions it was brought in that it was across the board. So, in other words, everyone had an equal opportunity of enjoying the facilities of the extension of the Licensing Law. One has again got to ask: why do we need the Saturday? I possibly might have found a way for the Friday night, providing of course there were extensions to the nightclubs and restaurants as well, but this, I think, is rather divisive. I must say I had a quiet chuckle to myself when I saw that there were no comments from Home Affairs. I also thought when I read the report it did not look as if Home Affairs and the Minister had been in consultation at all because there was nothing in the actual proposition or report from Economic Development talking about consultation with the police because, after all, this is very much a policing matter and we have heard the Connétable of St. Helier and indeed St. Brelade also making comment about it. So here we have not got really what we would expect from joined-up government. I thought that Senator Le Marquand was almost going to win the booby prize for being the first Minister to be late

in bringing comments but we can see now it was some form of administration problem. However, I think the Home Affairs comments are very well made and I think they should have been addressed before Economic Development had brought their proposition to the House. Again, I really feel that the left hand does not know what the right hand is doing and goodness knows why that was not discussed on the Council of Ministers, and so we get these very, very late comments from Home Affairs. Personally I do not think the proposition stands up against the police concerns. Again, as we have heard from the Bailiff, indeed if public houses do want to make an application they still have that right and if they have a just cause then I am sure the Bailiff will give consideration to it. But, of course, that option is still there. I could have supported maybe the Friday night if everyone else was involved in the extension but I could not go forward to the Saturday night. I personally think the proposition has been a very poorly thought out one as outlined again by Home Affairs' comments. There has been no consultation, no police support and, I am afraid, no support from me either.

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

As a royalist, I do not know where this falls. Yes, I have got concerns for St. Helier and the problems they have at night, et cetera, but there is also concern for the country areas. That can be covered if one of our local hostelrys decides to have a function and money is being collected for charity - or for this specific charity which is the royal wedding - then our country landlords can apply to the Bailiff and I am sure, if it is for a good cause, there is a good likelihood he would support it on one evening. But why 2? The proposition on the admission of the proposer was flawed. We know that there is a problem in St. Helier with their taxi marshals and the like yet I thought that was being funded through a couple of additional licensing plates having been given to the taxi drivers so the revenue for that was supposed to fund it I am given to understand. I may be incorrect but also advertising in with those taxis was supposed to cover the running of those taxi marshals. The Council of Ministers for some reason is not talking as one. I am pleased to see the Chief Minister is back in the Chamber. But surely yet again we are seeing Ministers vying against Ministers in silos and they should be talking as one. This should have been discussed around the Council of Ministers' table in its entirety and then moved forward. But there is an area I think the Minister of E.D. has missed a trick on. On the night in question, and possibly even other nights, additional restaurants in St. Helier could - and they did historically before the Licensing Law was altered from 10.00 p.m. to 11.00 p.m. and so on - have restaurants that would stay open until 1.30 a.m. The licence stopped at 11.45 p.m. and people would filter slowly and go and have a meal, whether it was in Kensington Place if they had come out of the West Park Pavilion or wherever and gradually go to a restaurant for a meal and not put the pressure on the taxi ranks as we get now. There is an area there ... if the Minister had come through with a proposition of that nature, knowing that there is a hiccup there that creates problems by everyone coming out on to the streets at once and looks back at what our forefathers had put in place that was never carried on - and I think it was probably stopped because it was getting later and people in St. Helier were not very happy - and it looked at looking at those restaurants and giving them an extra couple of hours so the revellers could leave the places of entertainment and filter off, have a light meal and then get a taxi and relieve the pressure on the taxi drivers. But that all started to collapse, in fact, when Deputy Hill brought his amendment on behalf of tourism back in the mid-1990s and we did not amend those laws. That said, I can see you are getting impatient with me [Laughter], I believe that there is good reason for a country pub, or whatever, the Licensing Assembly, to be able to give a reason to the Bailiff, i.e. whether it is for charity or whatever, and then I am sure the Bailiff would look at it sympathetically. But just a blanket opening of an extra couple of hours I think is not acceptable because people have only got so much money in their pocket to spend and whether they spend it over the 36 hours as we have been told, or whether they spend it over 32 hours I think at the end of the day there is no benefit in it. So I will not be supporting this because I think it is not going to give us what the Minister wants.

[11:45]

2.1.7 Deputy J.A. Martin:

I would like to count to 10 because you may have been losing patience with the last speaker, I have lost patience with every last speaker. I would like to bring this Assembly back to what we are supposed to be celebrating; it is the future King's wedding. It probably will be the future King because I cannot see his father getting there. **[Members: Oh!]** That may be incorrect royal-speak but these are young people. I have heard from my Constable: "Well, we are putting on cream teas." Oh, great if you are around your 30s, you are all going to rush to the cream teas. The patronising remarks - and they are in the comments from the Minister for Home Affairs - and I will read the line: "Those who might take advantage of the extension in licence hours on the 2 nights are unlikely to have the royal wedding in mind." What a patronising remark. I wrote down a list of people here: street cleaners, hotel workers, doctors, nurses, emergency services, they are not all going to be off on the bank holiday Friday. Not lucky like us, they are not going to be off; they are going to be covering shifts, why can they not have Saturday? St. Clement is planning their do on the Saturday. St. Helier is planning their cream teas on the Friday. As for ... yes, I normally agree with everything my Constable says but I think he has missed a trick and I would like to turn everything on its head. Keep the country pubs open for once until 1.00 a.m. and the people in the country will stay there. **[Laughter]** You have just heard from the Constable of St. Brelade, who is also the Minister for Transport and Technical Services and he says, funnily enough: "We have trouble around 11.00 a.m. getting people back into town." Well, he is the Minister of Transport, put on a few extra buses. **[Laughter]** But on those 2 days ... no, this is very serious, on those 2 days if I went out to St. Aubin I would stay out in St. Aubin. I do not want to come back to town but there are very few places open after 1.00 a.m. Absolutely missing the point. We have talked about ... I always thought the Deputy of St. Martin had a bit of an open mind, I am not one of the youngest people in here but if I were the youngsters out there listening to what we have been saying about what they should be doing at the royal wedding ... now, he said he could support Friday, he maybe could support Friday, well I have just given you reasons why it should be Saturday as well, because people have worked out shifts, they have worked out: "Okay, you are going to be there on Friday and I will cover you on Saturday." But, no, let us not think about them because we are all right, Jack, we have got the whole weekend off. We have got the whole weekend off. He talks about consultation. Unbelievably, a lot of the licensees think they are going to follow through exactly like we did with giving everyone a bank holiday. They think because obviously there must be some trouble in the U.K., it is a very tiny place the whole of the U.K., they have got a blanket opening. Friday and Saturday, all the pubs that want to - and it is voluntary - can open until 11.00 p.m. I have spoken to a few, they just think it is going ahead. They think it is not going to happen. Why should they not think it is not going to happen? A lot of them will not open. They are allowed to open on New Year's Eve but they will not. But for the Deputy of St. John, I think the Bailiff has made it quite clear, it is down to us in this House. If it is not charity event, why should ... I remember all the Constables standing up when there was a proposition: "We need to keep our country pubs open, we cannot raise impôts this year, got to support our country pubs." Has anybody asked your local Parish pub if they would like to have an event and stay open? Have you asked your parishioners? Sorry, have all the Constables even consulted? But they know best. They know best. I think it would be a really good test to have all the country pubs open until 1.00 a.m., the ones that want, and keep the people out of St. Helier. It will keep the people out of St. Helier for once. It is also about ... when the Constable and the Minister for Home Affairs and the police say on a Friday and Saturday night in St. Helier, yes, all the pubs shut at 11.00 p.m. and everybody makes their way down to one part of town, the Weighbridge. Somehow there is a queue in every licensed premises that is open until 2.00 a.m., and if people cannot get in one they walk down, they go and queue to another. We have not got the capacity. We lost 2 very big places at the Waterfront and we have never really increased the capacity. So I am sitting here listening and I am thinking we are supposed to be royalists, if the Prince and his new bride were coming here, I am sure we would have a street party and extend the pubs to open all day and the next day and

whatever. But suddenly we ... as I say, I have heard the stamping of the feet, I read the comments and suddenly ... and I really do hope in his summing up the Minister for Economic Development gets a backbone **[Laughter]** because the Minister for Home Affairs is concerned, on his last paragraph on page 2 of his comments, about the parity and nightclubs might lose out a bit of money. I know the Minister for Home Affairs does not go in nightclubs that often but for 2 glasses of wine you can double your prices from your local pub you have just left. So economically I have no sympathy for them for 2 nights. If you think they are going to go bankrupt for those 2 nights they probably are not worth being open in the first place. I think I have probably covered everything I wanted to say, but it comes down to why is St. Clement is having theirs on a Saturday? Because maybe they have decided the Friday is a family day, Saturday is better. But I really think you should think outside the box to all the people who will not be off on both the days. They will be people, if you are going to a restaurant, you are expecting to serve you. If you are going to a pub, you are expecting them to serve you. Yes, they might be working those 2 days, they will get another day off. I think you put it into perspective, Sir, if we do not pass this today, and I think there is also a limit - and you may correct me from the Chair - for a special event, because I know people who have a special event like a 21st in a pub and they want to extend it and there is a limit, I think it may be 2 weeks, before. So we are not too far off. The Minister for Home Affairs has done no consultation and he also said: "I doubt if any of these 174 licensed premises are putting on any extra entertainment." Well, they probably would if they knew they were going to be open until 1.00 a.m. Why would they not put on a band or live music? It is not unforeseeable. But please do not think they are all going to go for cream teas and everything. I am not one of the younger Members in this House, I am absolutely bemused by what I have heard. It does not suit the country Parishes? I cannot see why not, because you could have a fantastic do in some of your Parish pubs and I am sure the licensees would like it and the people who live there, even the youngsters mixing in together: "We do not have to go to town tonight because our pub is open until 1.00 a.m. and we get drinking up time." It would be great. It would relieve St. Helier and just bring it back to what we are supposed to be celebrating, the wedding of our future King, and you can argue over Friday or Saturday, I am for giving everybody a fair chance to celebrate in whatever way they like and that is to the Minister for Home Affairs. Do not put comments in that people would likely not to be celebrating the royal wedding over those amount of hours. They can do what they want but they will be, and this gives them an opportunity. I think it presumption, I am beyond words that this is the way this debate is going and I am absolutely fuming with my Constable because I think he has looked at a very small picture. Give the other Parishes some responsibility. To the Constable of St. Aubin and the Minister for Transport and Technical Services, sort your problem out. As I say, it is the wedding of one of our future Kings and we are sitting here and we cannot achieve what the whole of the U.K. are doing. The whole of the U.K. Come on, Sir, tell them to get a life. Thank you. **[Laughter]**

The Bailiff:

You can do that, Deputy, but I cannot. **[Laughter]** The Connétable of St. Saviour.

2.1.8 Connétable P.F. Hanning of St. Saviour:

It is difficult to follow that. I dread to think if that was the Deputy unable to have words what she would be like if she was able to. But it was very forceful and entertaining, and very persuasive. Unfortunately, as with the other Constables, I am concerned about the extra workload on the Honorary Police and I find it very difficult to justify 2 nights. Yes, we all want to support the celebrations for the wedding and I think I certainly would have accepted the extension on the night of the bank holiday, of the wedding. I find it very difficult to accept 2 nights because, as I say, we are increasing the workload on our Honorary Police and they have enough work to do anyway. If the Minister had separated these I think it would have been a lot more sensible for everybody. I suspect he might lose the whole thing because he has joined them together.

2.1.9 Deputy A.K.F. Green of St. Helier:

I am probably going to be in the dog box with Deputy Martin over this because I wondered at one time whether she was looking at a different proposition because if the proposition was to open the country pubs I would be in support of that for the people of St. Helier, but the proposition is not just for the country pubs. About this time last year I spent a whole night with the street pastors going around town looking at the problems that the people of St. Helier tell me about, but I went to see firsthand. I do not want to see that expanded under the guise of some royal celebration. I am a royalist through and through but the wedding is at 11.00 a.m. We have talked about extending the hours for New Year and for the Millennium, yes, because the celebration is at midnight, this celebration is taking place at 11.00 a.m. I am going to support my Constable, I do not see why the people of St. Helier should up with more noise, more mess, more inconvenience, more anti-social behaviour on a celebration of our lovely royal couple. We can do that without extending the hours.

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

I rise to support my Minister of Home Affairs and the town Constable absolutely 100 per cent on the comments they have made. I am not going to repeat the comments they have made but I can empathise with them. As a town Deputy who lives in St. Helier and who lives on a route that people walk home on, I know what the level of noise and disruption that goes on on a Friday and Saturday night, summer in, summer out. In fact it was so bad that I have to move into the back of my house during the summer months. I agree with them totally. Deputy Green has just made some very, very good comments. He says he is a royalist, so am I. I do not believe that we need to celebrate the royal wedding by maintaining our first category licence premises open for an extra 2 hours until 1.00 a.m., do not agree with that at all. I think we can celebrate this wedding in other ways. Also when we went out a couple of weeks ago, myself, the Minister and the town Constable with the Licensing Unit, we had a good evening out, we were out until about 2.30 a.m. so we could see for ourselves the night-time economy. There has been remarks made about ... I think Deputy Martin made a remark that she did not have much sympathy for the seventh category premises who might lose out by the pubs being open until 1.00 a.m. I have to disagree with her here. The seventh category of premises put a lot of investment into their premises, especially as far as noise goes. One of the things that we were aware of when we went out Friday night was the amount of noise that comes out of pubs. They do not install the same level of sound insulation. This affects the residents in St. Helier. Why should people who live near pubs have to put up with this level of noise? I am sorry, I am really disappointed because Deputy Martin is a St. Helier Deputy and I am just a little bit disappointed that she cannot empathise with town residents in this matter. Anybody who wishes to drink after 11.00 p.m. on the Friday and Saturday night of the royal wedding can go on to the seventh category licensed premises and drink until 2.30 a.m. if that is what they wish to do. They are not being stopped from enjoying alcohol until the early hours of the morning. That, in my opinion, is where they should be doing it.

[12:00]

I think this is the thin edge of the wedge. The Minister said that a strong message could come from this Assembly to the Minister for Economic Development, unfortunately we are still waiting for the Licensing review but we need to look at the whole night-time economy of St. Helier. A strong message can be given today: do we agree with extending Licensing hours for the pubs or do we not? I think it is really, really important that Members in this Assembly consider town residents when they are thinking about what way they are going to vote on this proposition. Thank you.

2.1.11 Deputy M. Tadier of St. Brelade:

I think when P.P.C. (Privileges and Procedures Committee) give their training programme, hopefully they will give us one clear lesson which is not to speak after Deputy Martin, and that we should all sit down and just go straight to the vote. I think she gave a very compelling speech. I think we are making heavy weather of this. Certainly when I looked at it I did not have a problem with it, although consequently I think the points that are coming out are very interesting and do

need consideration. I am not sure if now is the right place to do it. I do have a few observations, though. My first thought is that if only did as much to encourage people in Jersey to vote as we did to encourage them to drink we would probably have a lot less problems, certainly democratically. I also thought that it would be great if the Minister for Home Affairs showed as much passion and dedication to giving speeches of that calibre or certainly of that passion when it came to issues of discrimination and asking why, in fact, that Jersey is almost 40 years behind the times when it comes to discrimination law rather than just giving speeches about how people should behave in his opinion, and what they may or may not be allowed to do. The other point I thought is that if we are to be honest here, whether one is a royalist or not - I know certainly as States Members we have to be royalists, but not everyone in society is a States Member or a royalist - what this change in the regulations will mean for these 2 days it not to facilitate any celebration for the royal family and for the royal couple who are getting married, it is just a celebration of consumerism and inebriation, that is what it ultimately boils down to but, then again, States Members should not have a problem with that because we have certainly tolerated that in society for a very long time, if not actively encouraged it. We encourage consumerism, we say go out there and buy loads of rubbish that you do not need, waste your money, it is good for the economy and get drunk. That is the way you can deal with your problems. We cannot provide you with a fairer society as a government, we cannot provide you with tax-free food, we cannot provide you with tax-free nappies, we cannot even give you affordable housing but what we can do is let you drink as much alcohol as you can so you forget your problems. "Mm, lovely alcohol", as Homer Simpson might say. I was going to say we can give you alcohol but, of course, we cannot even give people alcohol, we have to charge them for it, and even that is expensive. It reminds me of the drug of choice from *Brave New World* where it talks about the drug called Soma, which is what you take to escape your problems and it says: "All the advantages of Christianity and alcohol and none of the defects." Shame we do not have that kind of drug. So let us be quite honest about we are doing here. I will support this and I will give the reasons why I will support it. I think it is true that the people who are going out in the evenings, and there will be all sorts of people and it is not right for us to prescribe the way in which people should behave I do not think. Similar arguments were used in the Liberation Day bank holiday which, interestingly, was not given. We could not give a bank holiday for our own people on our own national holiday but we are giving a bank holiday here, that is fine, I do not have a problem with that, and we are asking to extend Licensing hours so that people can celebrate. I do not have a problem with the celebration but, as I have said, it would be naive for any of us to think that people are going to be going out with the royal couple in mind while they are staying out until 1.00 a.m. to drink. Interestingly, I think an idea if Deputy Green, as a royalist, wants to promote the royal wedding it would be good if he and the street pastors went out and gave out little pictures of the royal couple in town and perhaps around to the pubs at 1.00 a.m. to remind people of the actual purpose of this day. Similarly to what one might do at Christmas when giving cards of the virgin birth to remind people that it is not a consumerist festival, it is drawing attention back to the real issue. Nonetheless, there is validity in this proposal first of all because I think it is being partly done as an experiment I suspect from Economic Development, and if it is not then I think that certainly it could be and should be seen partly as an experiment because, as Deputy Martin said, why is it that only pubs in a very small area in town should be able to stay open until 1.00 a.m. Why is it that as a society in general we are encouraging to focus opening hours into a very small area in town which will necessarily also focus the problems. We get people having to go to nightclubs when they might not want to. We get people who perhaps finish work at 10.00 p.m. who may be going out at 11.00 p.m.

The Bailiff:

Deputy, I have to bring you back to the proposition because I think you are straying into matters of a general nature.

Deputy M. Tadier:

What I am trying to do here is to give general support for the principle of opening hours and extending them to all pubs. Remember this is permissive legislation, we are not saying that every pub, whether it is in the country or in town, has to stay open until 1.00 a.m. Pubs can still close at 11.00 p.m., they can close 12.00 midnight, as is said in the legislation. I think it will be a very interesting experiment to do to see whether or not people who are drinking perhaps at the Bago, at the Royal, the Trinity Arms, at La Pulente, at the House and Hound, at the Tenby, at the Farmers Inn, at the St. Peter bars or the White Horse, wherever they are drinking they can stay in their vicinities until 1.00 a.m. without having to track to town, as has been said, without having to contribute to the issues of coming out at 1.00 a.m. or 2.00 a.m. after they have been into the club with all the policing issues that go with it. I think that is what we need to be doing as a government and as a society, because we need to be looking at outcomes rather than simply basing this on prejudices. Deputy Hilton spoke about the issues of people pouring out on to the street because we are encouraging more and more people to go and celebrate but it is going to be converse of that, which is that people are not going to be in town, they will be staying in their vicinity so people in St. Brelade they are going to be staying perhaps at the Horse and Hound rather than getting a bus into town, et cetera. I think that is going to alleviate the problem and for the Honorary Police. We cannot simply say that because the Honorary Police are going to have to work an extra night or 2 nights - and of course we all know they do great work - we cannot always have these arguments. There was an argument that was given the other day with the Jurats not being able to have election on a Sunday or a bank holiday. If we decide that something is desirable then we either have to say to the Honorary Police: "Fine, you do not have to work on that night, we have a paid police force that will do the job" or say: "If you do want to work, then work." I think that is the way it has to be. We cannot always be held to ransom by simply saying: "These people have given up their time and they will not be able to do it." I do not have problem with this in principle but let us remember it is has got nothing to do with the royal wedding in reality, this is simply so that people can stay out a bit longer and why not if we have given them a day off. Some people will not have a day off at all, they still have to work. I do not see any problem with allowing people to sit in a pub, in a nice ambient atmosphere where they can have a conversation rather than forcing people into perhaps a dark, very noisy nightclub where all they can do is drink until they are forced out on to the street to perhaps get a kebab and chips at 1.00 a.m. or 2.00 a.m. I think this is a sensible way forward, it is probably going to promote a more European, or north European, culture and we should see how that goes.

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

Very quickly. I was trying to follow the logic of Deputy Tadier's speech. He started off as a fully fledged member of the puritanical alliance with Senator Le Marquand, which was a bit of an unholy alliance, and then he started to say it was a good thing. I think, as a speaker said previously, we are making enormously heavy weather of this. If, indeed, to look at the Minister for Home Affairs' comments, the situation is as bad as it apparently is in town, and like everybody I abhor binge drinking, the way it has taken over city centres and all that sort of stuff. But why has a strategy not been placed before us? Why are we hanging it all on one particular occasion? It just does not make sense. As Deputy Martin said, we are coming across, I am afraid ... I know there are enormous policing difficulties with drink and I know we have them all the time but we are coming across as a bunch of total killjoys. We are only looking at 2 hours, whether it is Friday or Saturday night, I think we are really pushing the boat out with these fine nuances that we are bringing up. It is not something I would do but I think we are just behaving like a bunch of killjoys with 53 pub regulators [**Approbation**] trying to sort out something. It is a great pity the Minister, as I know he will now, did not speak with greater fervour. But I am sure he will. Senator Shenton asked why has the Council of Ministers not got a common line on it. Because - as he is entitled to - one Minister has got very, very strongly held personal views on the matter and he happens to be in a key position in that regard. I was going to ask the question: it has been said that the police do not want it, but are we confusing the police view with the Minister for Home Affairs' view? I think we

are. We need to have the professional police view of this situation if we are to make a proper decision. I just find this whole idea that people have to go to government initiated, appointed or approved activities and cannot make their own arrangements; totally abhorrent and totally puritanical in our approach. By all means have these puritanical views, people are very entitled to them. The drink situation is out of control but let us deal with it through a proper strategy not by looking at a couple of extra hours on the opening hours of pubs on what should be a celebratory weekend. This whole thing has got totally out of control. **[Approbation]**

2.1.13 Senator P.F. Routier:

I can understand the Minister for Home Affairs and the Constable of St. Helier's views on this issue but I think they are having the wrong debate at the wrong time. It is a battle for another day. If they want to have these issues with regard to controlling drinking, controlling hours and all the rest of it, this is not the time to be having that debate because this is to enable people to go out and celebrate a really special occasion. It is not going to happen very often, it is just something that is a real celebration of a young couple getting married and we are sending them our good wishes to have a really nice day, we are sending them a present, and oh, by the way, we are not going to enjoy it ourselves, you get on and enjoy it, have your celebrations in England with your population who are all going to be out enjoying themselves but Jersey is not going to take part in that. I urge Members to support this in the knowledge that this is not a general policy decision about extending Licensing hours. That will be debate for another day. Please, please go along with the way the rest of the U.K. and enable people to enjoy themselves.

2.1.14 Connétable L. Norman of St. Clement:

When we first discussed this at Economic Development I have to admit I was fairly ambivalent about the proposition, but being a good lackey assistant I decided that I would support my Minister. **[Laughter]** But 2 speeches this morning have made me determined to throw my full weight behind the proposition and support it. Not surprisingly it was not Deputy Martin's, as excellent as that was, but it was the speeches of the Constable of St. Helier and the Minister for Home Affairs. Because, like Deputy Martin said, how painfully patronising they were. **[Approbation]** They know how Jersey people want to celebrate this royal wedding, or at least they know how Jersey people should be celebrating the royal wedding. It will come as a terrible shock and disappointment and surprise to the Constable of St. Helier when he finds that tea dances and cream teas are not for everybody, neither are street parties as he should have already found out by the lack of applications he has had for them. The Minister for Home Affairs said: "Are we especially happy with the culture on a Friday and Saturday night in town?" Well, of course not especially happy with some of the things that go on but the main problem on a Friday and Saturday night in St. Helier is the fact that hundreds, if not thousands, of people are poured out on to the streets at the same time.

[12:15]

So no wonder non-revellers, non-imbibers can be intimidated. No wonder the transport system cannot cope with all those people on the street at the same time or cannot ... sorry. **[Laughter]** I am not sure who sent this but there is no free booze at St. Clement's Parish Hall. The transport system cannot cope or even operate safely without marshals. That is absolutely ridiculous. By extending the Licensing hours people will be able, on this occasion, to drink at their own pace, leave the licensed premises in their own time, spread the demands on public transport and reduce the numbers on the streets at any given time, which in turn will make for better and easier policing. Not more difficult policing as my fellow Constables seem think to think but for easier policing. This is a good proposition. It should be supported and if we do not support it, at the worst we are perpetuating the nanny state or, as Deputy Le Hérissier says, we are being killjoys or, in my words, being party poopers. This is not an occasion to be killjoys or party poopers.

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

I am so pleased to follow the last speaker. I am always very interested to hear people that do not live in St. Helier but have a lot to say about it, most of which do not have to endure the party. There is always another side. Pardon my voice. This, like everything else, when we look at something piecemeal: “This is only for 2 hours and it is not going to be very doing anything.” Of course it is going to be doing something because we are only looking at one small section of the commercial activity in St. Helier. We are not looking at the overall thing. Now, we have got probably more density in St. Helier on places where you can drink, not just pubs, et cetera, than probably most other places in Europe and they drink alcohol in the main because soft drinks cost more in the main, and they do not have this habit of eating food which dilutes the alcohol or the aggression or other things that happen. We also have that we changed the rules in stopping people smoking inside of premises and so what happens is that they have to smoke outside the premises and we ended up with a proliferation of requests for alfresco in one form. The policy also in town is to increase the walkways of the street, which now have a proliferation of places that you can sit, and most of the time when you are walking through or if you are in a wheelchair in St. Helier you are dodging signs or seats or things like that, which is a contributory factor. Now, let us talk realistically. Who has been talking about the young people? Deputy Martin. Nobody has been talking about the thousands of young people that come into St. Helier that want to enjoy the royal wedding because they are all royalists like us all. Nobody says: “You can go and enjoy it.” Two of the biggest nightclubs have closed. They used to have facilities to have special nights for young people to go and enjoy. I am not hearing anything today in this very narrow situation of proposition that we have got here that is going to cater for most of the people in St. Helier. It is going to ... people that live in bedsit land, that do not have families, that have got nowhere else to go; so they go out drinking or they sit in their little bedsit, which is not very nice. What I would have liked to have heard today is the Minister telling me that the Innkeepers Association have got together and they are getting their people on board to have a celebration party to celebrate this special day and that, collectively, they have organised things and that is why they are asking the States for dispensation. I might have gone along and said: “Yes, that sounds pretty good.” Then when I get all the complaints like the rest of the town Deputies and the Constables because these premises are not designed for late-night use because all the noise is now outside on the alfresco areas or the little beer gardens, because people want to smoke so they have got these areas. They are right under the windows of where people live, many of them non-residential qualified where that is the best accommodation they can get, and they probably have got 2 or 3 children in one room, et cetera. They too want to enjoy the day and they would love to have parties in various forms, whether it is fancy tea cakes or whether it is street parties or whatever. But to have a street party, you need to have someone to organise it. Well, we are just trying to organise a nice little fete at St. Andrew’s Park. We cannot do it. We cannot even have stalls for people that are not part of big organisations because the insurance company wants £60 from just someone to organisation a little fete. That is the sort of thing that is happening nowadays, why you are not getting your rush of street parties and things like that. So there is this broader picture. I am not going to repeat what everybody else has said. Lovely idea for the few licensees but I am sorry, their premises are not designed for late-night use. I could go into marshals and everything else. I have got a lot of previous knowledge and a lot of good things that came forward but this is not the time. I am going to sit down now but I am not going to vote for this one, but it is not for the reasons that I am hearing here today in the main. It is because we have done the usual thing; we piecemeal things and we are not looking at the whole of the picture, which is what we should be doing.

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

I have an enormous amount of sympathy for the residents of St. Helier who do bear the brunt of late-night drinking; not exclusively, but they do bear the brunt. I am tempted to support this. I would have much preferred it was just the one night and not the 2. As has been mentioned previously, sadly there will be a rush for the taxis to go home and we are losing the taxi marshals. So I do hope that there will be enough States Members down at Liberation Square in their

fluorescent jackets to help out with taxi marshalling on the night. As I say, I will support it but I would rather it was just the one night.

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

It is enough to drive a man to drink. What a totally unedifying debate this has been. To pin the issue of alcohol, which is a significant issue, on to this occasion is absolutely deplorable. The States, since 2000, has sat back and coasted on this issue and done absolutely nothing about it. I was tasked, together with the Deputy of St. Martin, on the Health Committee in the year 2000 to develop and progress an alcohol strategy for Jersey. At the same time we progressed a tobacco strategy. That tobacco strategy has had an enormous affect upon the community and benefited people's health enormously. There certainly is an enormous body of work to bring into being with an alcohol strategy, but all of that work was done in 2000. It has been sitting there gathering dust. I have spoken on occasion to the Minister for Home Affairs about the issues that were discovered and talked about at that time with the officers; not only in relation to the costs of the alcohol but also the costs for the policing of the alcohol, the judicial costs, the incarceration costs, the separation costs, the loss of ability costs, the compensation costs and the costs to the community. I live in St. Helier. I live in Garden Lane. It is like Pinball Alley every night of the week; people falling up and down Garden Lane, singing away. It would not bother me so much - I have said this so many times - if they knew the words. **[Laughter]** My wife and my son sleep in the back, like other people have to do, because it is unbearable. There certainly is an issue, the Constable of St. Clement is absolutely right, in progressively allowing people to fizzle back to their properties. I have mentioned on occasion, other countries tackled alcohol issues by recognising it is not the time that you allow them to drink; it is the quantity and it is the way that the quantity is delivered and the point in which the quantity is monitored.

The Bailiff:

Deputy, can I bring you back to this proposition rather than a general discussion on the problems of alcohol?

Deputy P.V.F. Le Claire:

Finishing off the general discussion, Sir, the alcohol strategy needs to be progressed and brought forwards. I implore the Ministers in the Council of Ministers to do that work, create a taskforce, pass it over to somebody else or bring it forward so that we can get away from this issue because it is an issue. But I am content as a Deputy of St. Helier who has to put up with this every night anyway, on this occasion, in this instance, for this to be approved because at least on this particular occasion we know what is happening. On all the other nights of the week it is going on we have no idea why they are happy and why they are drunk. At least now we will know the reasons and it is not necessarily going to mean that everybody is going to be drunk anyway. It is going to mean that people have an opportunity to visit the premises and to relax with their friends. They may not even be drinking alcohol but they will be able to share an evening with their friends and with their partners. I think it is absolutely right for the Constable and other Members to stick up for the parishioners of St. Helier, but I am sorry to say this needs to come in another debate and it needs to come quickly. In the meantime, what an appalling debate. I really do hope that this does not get back to the royal couple, as the previous debate on whether or not we are going to have a public holiday. Where are the statistics on how much drinking occurs during a public holiday? None of that analysis has been done. Let us get on and recognise what this occasion means to people. Let us get on and recognise that our future duke is getting married and let us get this debate over with and look forwards, enormously, to an alcohol strategy that we can adopt and bring into being.

2.1.18 Deputy T.M. Pitman:

What an interesting debate, I found it. It is fascinating. I personally will not be in St. Helier on those occasions, mainly out of not wanting to bump into Deputy Martin doing the Hokey Cokey around the weighbridge at 2.00 a.m.

Deputy J.A. Martin:

I am a more modern dancer than the Hokey Cokey, thank you.

Deputy T.M. Pitman:

But I will fight for her right to do the Hokey Cokey. We have learnt a lot, I think, in this debate. I mean, Deputy Southern has been proved completely wrong; the Minister for Economic Development does have a plan for growth. It is called getting everyone into the pub and making them spend their money there. What I find amazing is that the Council of Ministers are split on this and I think Senator Le Marquand might regret this because now we can all see, if he becomes Chief Minister, fun will be cancelled. The puritan state takes over. I have got every sympathy for people who live in St. Helier. Now, we used to live in St. John's Road and it only used to happen once a year but every year our neighbour used to have a party until 5.00 a.m. and it invariably was always when I was about to have to get up at 6.00 a.m. to take a group of young people away. But it was her birthday, so you do make some allowances. I only mention that because this is a special occasion, apparently. Now, I did not know that I had to apparently be a royalist because I am in the Government. I would like clarification and I would ask the Attorney General if he was here, because I do not consider myself a royalist. I am very happy for the couple. Should this be confined to St. Helier? Some of the Constables have mentioned about the Honorary Police. Where are their Honorary Police in St. Helier on a Friday and Saturday night when they could be helping with the major problems, I would suggest? St. Helier has to cope. It might be much nicer, I would suggest, to have some of these events kept in the county because then, instead of being crammed into a noisy nightclub, you could sit round in your country pub and debate the benefits of republics or monarchy over a few drinks and have really lucid conversations, no doubt. Perhaps the Minister for Home Affairs should be charged with treason. I thought Deputy Martin was going to mention that one, so I only flag it up in case she forgot. It is a serious point about the people of St. Helier; but this is not any other weekend, whether you are a monarchist or not. Are we going to be, as I think it was Deputy Le Hérisier said, killjoys? I think drinking will only increase in Jersey anyway because under this Council of Ministers we are all doomed, but there we go. Perhaps we should all drink on that date and forget and resolve to do something about the Government the day after.

[12:30]

I am going to support this. I know where the Minister for Home Affairs is coming from but I do not feel that I can support him. I think he is mistaken. What is the message we are sending out: "Taxes are up, unless you are really, really rich. Fun is cancelled. Jersey is now a puritan state." No, I am afraid I cannot support this but I did think this would go through on the nod and it is certainly making me reconsider my proposition to celebrate Hugo Chávez's birthday; so thank you.

2.1.19 Senator P.F.C. Ozouf:

Reforms of Licensing are taking too long. I know that because I started the reform of Licensing when I was Minister for Economic Development and I have to say that I think one of the reasons the reforms are not moving forward is because there are very strong-held views on one side of the issue. There are issues about licensing. They are not an issue for today. They are not an issue that is unique in Jersey. They are issues which people living in Paris, Barcelona, Newcastle, London have to deal with. This is not a day in order to take a stance on licensing. This is a day to make a reasonable decision in relation to the wedding weekend. I do not believe that people who may stay in the Five Oaks Inn, in the Trinity Arms, in the Seymour Inn, in the Farmers Inn at 11.30 p.m. or 12 midnight or 12.30 a.m. are going to stay there and get blind drunk. I think that is quite

disparaging to people. We have had extended Licensing hours on occasions. We are unique in having an 11.00 p.m. cut-off for pubs in Jersey. Guernsey has until 12.45 a.m. The Isle of Man has also liberalised their laws and they have put in place the controls in order to deal with it. I fully accept that there are issues in Jersey to deal with Licensing if one was going to consider a change in relation to Licensing laws on a permanent basis, but I do not believe that the problems that would be caused over 2 days are so immense, so disproportionate, that would argue that we should not follow effectively what the rest of the British Isles are doing in relation to this. I think that we will look strange and I think that the Minister for Economic Development, who has been given a bit of a hard time, would have been criticised if he would not have brought these regulations. There is not a Council of Ministers line but the Minister for Economic Development did circulate to Ministers. Ministers did have an opportunity to comment and, yes, there is a split opinion on it. I do not share the view of some that the arguments against or the problems of the night-time economy are such that we should not allow this for a 2-day period; what is supposed to be, at the end of the day, a national celebration. Not a national celebration to get blind drunk or to sponsor binge drinking, but a national celebration. I will leave Members with one thought. This is supposed to be a national wedding celebration. Comments have been made about just how long you need to celebrate a wedding that starts at 11.00 a.m. Well, I would ask Members: how many weddings have they been to at 11.00 a.m. that have a compulsory Government-imposed curfew at 11.00 p.m. **[Laughter]** This is an exceptional event. I think that we will look curious. We will look unfairly and wrongly interventionist and I urge Members to support the reasonable proposition of the Minister for Economic Development to allow only pubs to be extended for this period of time. I urge Members to support it.

2.1.20 Deputy S. Power of St. Brelade:

I will be very brief because if there are any members of the public listening to this debate this afternoon from this morning they will have already decided that this Assembly does provide some of the greatest farce, comedy and absolute nonsense spoken on this Island. To get to the point, Sir, before you pull me up, the Minister for Home Affairs has expertly hijacked this debate and this request by the Minister for Economic Development, which is a simple request to extend Licensing hours because of a royal wedding, a major event in British history to be celebrated across the United Kingdom and across these Islands. What the Minister for Home Affairs has done this morning is effectively turned this debate into a debate on Jersey's Licensing laws and I just think that is unacceptable. For that reason I will be supporting the Minister for Economic Development. I just want to make 2 more points. The pattern of drinking and alcohol consumption and licensing of nightlife and extended drinking across the various categories has been established on this Island for many years and this Assembly established it. Now, it is a debate for another day to have a reform of our Licensing system. It is not appropriate to do it today and that is why I feel my blood pressure is slightly up having listened to what I can only call a comedic debate - if that is the correct word - over the last hour. Nothing is going to change on this Island for the foreseeable future because of an application to extend Licensing laws on this Friday night and this Saturday night because of this royal wedding. I would say to anyone that wants to be reminded about drinking in Jersey if they care to wander or amble around Hill Street, after a good night's sleep I hasten to add, at 5.00 a.m. or 5.30 a.m. they will see the consequences of excessive drinking. But it did not need to be brought into this debate today because of this royal wedding. I will be fully and 100 per cent supporting the Minister for Economic Development on this and I really do hope that Members will bring this debate to a close very, very soon.

2.1.21 Deputy A.E. Jeune:

This is not just about St. Helier. It is about the whole Island, but it could improve things for those in St. Helier. I would like the Minister for Economic Development to confirm: did I hear correctly that he said this would affect 137 premises? Does that mean ... he is shaking his head, no. So we have not got 137 people with these licences?

Senator A.J.H. Maclean:

Perhaps I had better clarify. That is correct. I was also making the point that it was only 17 premises that were going to be affected by the anomaly in the drafting exercise.

Deputy A.E. Jeune:

Thank you. But it could well mean that those who live in country Parishes or even in town will be able to walk to their local on this weekend. In terms of the Minister for Transport and Technical Services' concerns about buses, there is no reason why it should be: "There are no buses. So if you want to go, walk." The decision at the end of the day surely is up to the licensee and it is up to him to gauge what his neighbourhood and his customers will tolerate, but I would address the concerns of some Members and ask the Minister for Economic Development to clarify: is there not a rule on licensees not to serve alcohol to persons already over the top and should that not be what should be policed? Why should nightclubs and hotels be the only place where people can celebrate this event, other than their Parish Parties or their own personal ones? Perhaps court fines and costs should be enough to cover the cost of the extra policing for those who display irresponsible behaviour. As somebody who spent many, many years working shifts, I can understand where Deputy Martin was coming from. The only thing I would say is: I do not think the street cleaners are going to be ones that are going to want to be out until 2.00 a.m. in the morning, given that they are the ones that will be doing the work come 5.00 a.m. or 6.00 a.m. But it is good to be able to come off a late shift at 9.00 a.m. or 9.30 a.m., by the time you shower and get out it is after 10.00 a.m. ... you do not get much opportunity to have a social life and, therefore, I do think it has probably been an opportune time for getting this matter back on the map.

2.1.22 Deputy G.P. Southern:

There are some days when I turn up in this Assembly and it amazes me but it gives me the opportunity to invent a new nickname this time for the Minister for Economic Development. I am going to call him "Ebenezer" from now on because that was a well-said "humbug" that he just brought to the idea of celebrating a royal wedding.

The Bailiff:

I am not sure that it is parliamentary language to accuse another Member of humbug. **[Laughter]**

Deputy G.P. Southern:

That is a new word, Sir. It was certainly reminiscent of the words of a killjoy. I will try and be brief and obey Standing Orders but I will break Standing Orders by repeating something someone has said and she said: "Get a life." Get on with it and let us vote.

The Bailiff:

Well, certainly I invite Members who still wish to speak to consider whether they have anything new to add.

Deputy J.M. Maçon:

Sir, I have nothing new to add.

2.1.23 Senator J.L. Perchard:

Just one brief thing: Deputy Tadier, in his usual fashion, managed to turn the debate into his party political rant and he did say something which I found very interesting. He said: "If we only did as much to encourage people to vote as we do to drink." I pondered on that and I wondered if the Deputy thinks that we should keep the polling stations open until 1.00 a.m. in order to get people to vote. I wanted to say one thing about the concern that certainly St. Helier Members have about the over-activity in town and perhaps the opportunity for excessiveness. This is a great opportunity for every hostelry in the Island to extend its opening hours; to invite its local clientele, its local

parishioners, to the environment in their local pubs where darts is played, pool, cards, lots of conversation, food is served. It is quite likely to be an opportunity for people to stay in their local districts, wherever that is; whether it be in the Parishes or in the suburbs of St. Helier. Rather than be an influx into St. Helier, I think the reverse would be the case. I just want to say one more thing. The Minister for Home Affairs in his speech and his report gave us his personal, almost puritanical, views on late-night opening and pubs. While his personal views are interesting, they are not particularly relevant to this debate. I would have welcomed the views of the police and it is unfortunate that we have not had them.

LUNCHEON ADJOURNMENT PROPOSED

Senator A.J.H. Maclean:

I was going to propose the adjournment, Sir. I think, like other Members, I need a drink.

The Bailiff:

The adjournment is proposed then.

Deputy R.G. Le Hérissier:

Can we not do the last 2 speakers, Sir?

The Bailiff:

At the moment I have 2 more speakers, 3 with Senator Cohen.

Senator A.J.H. Maclean:

Sir, if I could just expand. I have a summing up to do and I have a meeting to go to, to be fair.

Deputy C.H. Egré of St. Peter:

Sir, everything that I was going to say has been said apart from the fact that Deputy Le Hérissier has firmly come off the fence. **[Members: Oh!]**

The Bailiff:

We are down to 2 speakers now. Do speakers wish to continue or adjourn?

2.1.24 Deputy I.J. Gorst:

I can be very brief. Yet again I feel it is very unfortunate that a debate in this Assembly has become personalised and polarised. Many speakers have recognised the problem that we have in our community with excessive alcohol consumption and they believe that something should be done about it. I could not agree more with that. I will not go into the issues that arise from that excessive consumption. I suppose the debate is whether we should use this proposition to start to address some of those issues or perhaps what we should do, as some speakers seem to be saying, is we will turn our head for one last time and then we will deal with it tomorrow. In my opinion, I am not prepared to do that, albeit it is a royal occasion and I understand why Members are saying we should put that debate off to another day. I am not prepared to.

The Bailiff:

Senator Cohen, are you going to be brief?

2.1.25 Senator F.E. Cohen:

Very brief, Sir. I am not much of a drinker myself but everyone I know is. **[Laughter]** The Minister for Economic Development is trying to give everyone a good time. He is trying to be the bearer of good news. This is the most important wedding that many of us will see in our lifetimes. Let us ensure that everyone has a good time. Let us lighten up a bit and let us support the Minister for Economic Development.

[12:45]

Senator P.F.C. Ozouf:

Sir, the adjournment was proposed. There are a number of people ...

The Bailiff:

One moment. Does any other Member wish to speak? No. I shall call upon the Minister to reply immediately after lunch. The adjournment was proposed. We will stand adjourned until 2.15 p.m.

[12:46]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

I call upon the Minister to reply.

2.1.26 Senator A.J.H. Maclean:

Well, I thought that went rather well this morning. **[Laughter]** So much so I am not planning to spend a great deal of time summing up. **[Approbation]** I was going to pick out a few highlights and a few low points. I thought that my proposition was relatively straightforward. It certainly seemed to be to me in any event, but along the way I am afraid it has been hijacked. In my closing comments to my opening remarks I did invite Members to give their views and I must thank all Members for giving their views on a wide range of subjects, some loosely related to the topic. **[Laughter]** Senator Shenton did use the opportunity to have a bit of a dig at Ministerial government, which he enjoys doing. What this proposition demonstrates in my mind is democracy in action. The Minister for Home Affairs has his opinion on this matter and I have my opinion. He believes that he can use this proposition to debate important Licensing matters. I believe that this proposition should be viewed for what it is and nothing more and that, quite simply - to remind Members after a lunchtime break - is an opportunity for the States to decide if the Island should celebrate the royal wedding by also temporarily lifting the Licensing hours and extending them by 2 hours on 2 days. That is all we are seeking to achieve here. Senator Le Marquand did talk about there being no particular logical connection between a daytime wedding and extended Licensing hours, but I think that seeks to miss the point. It is all about a celebration and, of course, we all celebrate in many different ways. We should not forget that the U.K. have approved exactly what I have proposed in this proposition today, nothing less and nothing more. The important point is that the Licensing Law does, in fact, need modernising, as many Members appreciate, and I conclude that it has taken too long in order to achieve that particular objective. I should point out that one of the reasons for the delay in bringing forward a more modern Licensing Law has been the polar-opposite views that exist and have existed between Economic Development, Home Affairs and, I might add, Health on this matter, who have all been included, as Members would appreciate, in the discussions over many, many months. To resolve the stalemate I have instructed officers at Economic Development that we move to a White Paper, which we intend to publish by the end of this year. I anticipate law drafting and a debate on a new, modern, fit-for-purpose Licensing Law in 2012. But reverting back to the proposition which is, of course, very narrow and should be used...as Senator Le Marquand is attempting to use it, as a litmus test for the Licensing Law. But really we should concentrate on exactly what it is all about and that is very narrow, as I have just pointed out. I did want to just touch on the Deputy of St. Martin. He raised the point about a sloppy report. I had to pick up on that because, quite simply, I do not think he appreciated the timescale that was involved from the moment the U.K. made the decision to extend their Licensing hours and in order to get this proposition prepared and lodged for debate we have had to move extremely fast. That has led to the slight law-drafting issue that I referred to earlier on, which has no material effect, of course, but nevertheless time was very short. There is only about 3 weeks

now until the royal wedding, so we did not have much time in order to consult as we would normally have done in such matters. I did, however, consult by email with Ministers and the Council of Ministers. To be fair, the Minister for Home Affairs raised his concerns at that time. I would also like to just mention, if I may, Deputy Martin. I am sure Members will agree with me that it was quite a speech. I agreed with almost every word she said, right up until the point that she mentioned my backbone. **[Laughter]** I would remind the Deputy, however, that I have brought this proposition despite opposition from the Minister for Home Affairs - you can see how strongly earlier on today he felt about the matter - and indeed a number of other Ministers who also had reservations. I would also say to the Deputy that I brought the gambling legislation. Not that it is the slightest bit linked to this but, nevertheless, it was in opposition to other Ministers on the Council of Ministers. So please, Deputy, do not talk to me about backbone. If it is necessary it will come forward. If it is the right decision it will certainly come forward. I believe there was a theme. I am not going to cover many more points that Members have made. The Constable of St. Saviour I thought summed it up. He was concerned about the impact on the Honorary Police about this particular celebration being over 2 days, the extension over 2 days. I accept that point. All I would say is that at New Year we have a similar extension. We did a similar extension at Millennium. I accept this is covering 2 days as opposed to one. All we sought to do for simplicity's sake was to replicate what the U.K. was doing and hence the 2-day extension. I would also just raise quickly the point that Deputy Le Hérisier made about the strategy on binge drinking. I just want to quickly point out that that is, as the Deputy will be aware, a Home Affairs issue and I am sure that that is underway to be resolved. It will obviously feed into the Licensing Law but, nevertheless, it is theirs. I am going to draw to a conclusion now. I would just say that this Island was once royalist. I suspect that it still is royalist. I am certainly a royalist. I believe that everybody in our community should be given the opportunity to celebrate the royal wedding as they see fit, whether that be with cream teas in the company of the Constable of St. Helier and the Minister for Home Affairs, or with an extra tippie at the local pub late into the evening. I do not think the distinction matters. It is the opportunity that members of our community should have to celebrate as they see fit. The choice is, of course, for Members of this Assembly. This is an extension - just to remind you, Members; Sir, through the Chair - for 2 hours in pubs for 2 days and I think that is all that I need to say on the point. Not to do this, in my view, might be seen by some as an act of meanness and I do not believe that we should be seen in that way, and I think we should support the royal wedding in the appropriate manner and I would seek Members' support. I am sure the Constable of St. Helier has had a change of heart over the lunchtime break and I would ask Members to support this proposition.

The Bailiff:

The appel is called for then in relation to the proposition of the Minister for Economic Development. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 37		CONTRE: 11		ABSTAIN: 0
Senator T.A. Le Sueur		Senator B.I. Le Marquand		
Senator P.F. Routier		Connétable of St. Brelade		
Senator P.F.C. Ozouf		Connétable of St. Saviour		
Senator T.J. Le Main		Deputy of St. Martin		
Senator B.E. Shenton		Deputy J.B. Fox (H)		
Senator F.E. Cohen		Deputy of St. Ouen		
Senator J.L. Perchard		Deputy J.A. Hilton (H)		
Senator A. Breckon		Deputy of Trinity		
Senator S.C. Ferguson		Deputy I.J. Gorst (C)		
Senator A.J.H. Maclean		Deputy E.J. Noel (L)		
Senator F.du H. Le Gresley		Deputy A.K.F. Green (H)		
Connétable of St. Ouen				
Connétable of St. Helier				

Connétable of Grouville				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
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 T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Then we come next to the Draft Income Support (Amendment No. 6) (Jersey) Regulations, projet 29, lodged by the ... This debate has gone on so long I had forgotten we were only debating the principles. **[Laughter]** But the Greffier is as alert as ever and has reminded me that that is the case. First of all then I need to ask the chairman of the requisite Scrutiny Panel, Deputy Higgins, whether he wishes to have the matter referred to his panel.

Deputy M.R. Higgins:

Definitely not, Sir.

The Bailiff:

Minister, do you wish to propose the 2 regulations *en bloc*?

2.2 Senator A.J.H. Maclean:

Yes, please, Sir.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the regulations? All those in favour of adopting Regulations 1 and 2 kindly show. Those against. They are adopted. Do you propose the regulations on Third Reading, Minister? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading. All those in favour of adopting ... **[Interruption]** The appel is called for then in relation to ...

The Connétable of St. Helier:

Sorry, I did have my light on, Sir.

The Bailiff:

You want to speak? I beg your pardon.

2.2.1 The Connétable of St. Helier:

It may have been confused with the royal wedding flag that has been left on my desk. No, I just thought I would explain the reason I changed my vote after a fairly strong speech against the motion. I was persuaded by a number of arguments, not least the fact that I would not want to be party to forcing people in rural Parishes from curtailing their entertainment. I listened to the arguments and I was persuaded by them and I thank the Minister.

Deputy S. Power:

Sir, I thought the Constable was listening to Deputy Le Claire more often.

The Bailiff:

The appel was called for then in relation to the adoption of the regulations in Third Reading. So I invite Members to return to their seats and the Greffier will open the voting.

The Deputy of St. John:

My light was on, Sir.

The Bailiff:

I do beg your pardon. I am so sorry. One moment, the Deputy has pointed out his light was on. I thought it was to call for the appel.

2.2.2 The Deputy of St. John:

No, Sir. Just to say that given that the law is flawed that we are being asked for vote for, although I voted pour, because there is a flaw in the law, I am going to have to vote against the Third Reading, Sir.

The Bailiff:

Does any other Member wish to speak in Third Reading? Do you wish to reply, Minister, in Third Reading?

2.2.3 Senator A.J.H. Maclean:

Well, the Deputy can vote, of course, as he sees fit but I would just remind him that I explained what the flaw involved. It makes no material impact at all and so I do not think ... as it has been declared, I think it is fairly clear and he should not have any difficulty supporting it.

The Bailiff:

The appel was, I think, called for in relation to the Third Reading; so I invite Members to return to their seats and the Greffier will open the voting.

POUR: 39		CONTRE: 9		ABSTAIN: 3
Senator T.A. Le Sueur		Senator B.I. Le Marquand		Connétable of St. Saviour
Senator P.F. Routier		Connétable of St. Brelade		Connétable of St. Peter
Senator P.F.C. Ozouf		Deputy J.B. Fox (H)		Deputy E.J. Noel (L)
Senator T.J. Le Main		Deputy of St. Ouen		
Senator B.E. Shenton		Deputy J.A. Hilton (H)		
Senator F.E. Cohen		Deputy of Trinity		
Senator J.L. Perchard		Deputy I.J. Gorst (C)		
Senator A. Breckon		Deputy of St. John		
Senator S.C. Ferguson		Deputy A.K.F. Green (H)		
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				

Connétable of Grouville				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

3. Draft Income Support (Amendment No. 6) (Jersey) Regulations 201- (P.29/2011)

The Bailiff:

Then we now move on to the Draft Income Support (Amendment No. 6) (Jersey) Regulations - Projet 29 - lodged by the Minister for Social Security and I will ask the Greffier to read the citations.

The Deputy Greffier of the States:

Draft Income Support (Amendment No. 6) (Jersey) Regulations. The States, in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007, have made the following Regulations.

3.1 Deputy I.J. Gorst (The Minister for Social Security):

Yes, this is relatively straightforward. It is a proposition that arises out of a States' decision last year to, firstly, increase the rate of G.S.T. shortly and to put money into the income support system to help offset those increased costs for those low income families in our community. What I am proposing in this regulation is to slightly increase the household component. If Members approve this very small increase, I will then go away and make a Ministerial Order to increase the pension disregard and the working disregard. In effect, what I am doing by that is saying that those who go out to work and find work or increase their work will benefit from that extra money that the States has already approved. There are obviously pensioners who cannot do that. I am giving them a small amount as well to help offset the increased costs that they will face as a result of the rise in G.S.T. I maintain the amendment.

The Bailiff:

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

[14:30]

3.1.1 The Deputy of St. Mary:

The obvious question to ask is I understand that what this does is solely to increase the housing component and that the other 2 differences in the disregard will be worked on by the Minister. Does that mean that comes back to the House or is it a Ministerial Order or decision whereby the disregards for pensioners and for working are increased?

3.1.2 Senator B.E. Shenton:

Very briefly, a single person earning £13,000 a year will be taxed on that income. A person receiving benefits will not. When does the Minister intend to come back with a little bit more work on the tax benefits equations? Sometimes these disregards look generous but when you take tax into account, maybe they are not quite so.

The Bailiff:

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

3.1.3 Deputy I.J. Gorst:

What this does is increase not the housing component or rental component. I should make that clear. This is the household component. The other 2 changes, I will not need to return to this House to receive States approval in the formal way. I will make a Ministerial Order which of course will be laid in the normal way that any Ministerial Order is laid. I will if the States approve this today, go away and make those changes, as I have said, in my report. They are not to be worked upon. I will make them, and I believe that it is an appropriate way to channel that money, and I should just say that it is one of these instances where the income support system proves its worth because we are able to target money in a way that we see fit as a Legislature and as a Government. Senator Shenton, I understand his criticisms of the system. He knows the aims that I am trying to achieve in the department. It is something that I have agreed with him that we need to do more work on the relationship between benefits and taxation. That is a piece of work which will be starting with the Department of Treasury and Resources. It is also an area which the Scrutiny review commented on what we needed to do, but it is something that we have known that we needed to do. We would, if we were to go down the route of taxing benefit, be one of the very few jurisdictions in the western world that did that. So I am not saying that the result of this review will be that we would tax benefit, although of course we do recognise that benefits received from the contributory basis are liable to taxation. So we need to make sure that there is a fairness across the system, and we need to make sure that there is no disincentive in that system to those coming off benefit and going out to work. That is the very reason that I am proposing to put the lion's share of this money to do just that, to make sure that every time it is always better for someone to go into work than it is to stay at home on benefit, because we never ever want ... we know that although anecdotally people might tell us individuals in our community make a lifestyle choice for benefit, I do not see the evidence of that. But we never want to be able to have that accusation put at our system, so that people believe that we have to ensure, that the community in which we live believes that the balance and the benefits that we are paying and providing for those who are in difficult circumstances are appropriate and they are ones that they are prepared and wish to support. That is what we are doing in our department, ensuring that the system that we have is fit for purpose. People are always better off in work than they are on benefits, and we look at all the other issues as well around those that cannot for various reasons go into work. So it is a piece of work that is underway. I cannot give him an exact timescale of the relationship between the tax and benefits when that will come back. I can say to him that as soon as people move into the tax system, it is at that point not acting as a disincentive. Perhaps it acts as a disincentive further down the line when they end up having to pay more tax than they might do as soon as they move into it. We have done some provisional work, but we are doing more work. So I hope that Members will see that this is an excellent way to target the money to those on benefit and those in receipt of benefits to say to

them: “You must go out to work if you want to see an improvement in the amount of money in your pocket at the end of the day.”

The Bailiff:

Very well. All those in favour of adopting the principle kindly show; against. The principles are adopted. Deputy Southern, do you wish this matter to be referred to your Scrutiny Panel? Very well. Then Minister, do you wish to propose Regulations 1 and 2 together?

3.2 Deputy I.J. Gorst:

Yes, if I could. They are indeed straightforward.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on the regulations? Yes.

3.2.1 Senator P.F. Routier:

I am very conscious that this seems to be getting the endorsements of the House very quickly. I just hope that Members will recognise that the decision they are making is to spend another £1.48 million annually on income support, and that when it comes to review the system in a later stage that they do not forget that they did make that decision and not criticise it at a later stage, because I believe that we do make these decisions for the right motives and it is the right thing to be doing. So, keep that in mind when I ask for the appel that we all make that decision with our conscience.

3.2.2 Deputy M. Tadier:

I do not know if this is the right time to raise this. I did have a question though on page 4. It is the third paragraph when it talks about the component being paid to all I.S. (Income Support) claimants who occupy their own accommodation as lodgers and tenants, owners. It says it is not available to claimants who live as part of another household or who live in hostel accommodation. Can the Minister just explain the logic, the rationale, behind that and why it does not extend to those who live in hostel accommodation and in another household, and how that another household is defined in this context?

3.2.3 Deputy G.P. Southern:

My question to the Minister is very similar to that one. How come it is regarded that G.S.T. is not paid by people who live in another household, and that this is channelled through the accommodation components? It seems to me that that is a perverse piece of logic. The costs of G.S.T. are paid by all people who eat, sleep and live anywhere.

The Bailiff:

Does any other Member wish to speak? Very well. I call upon the Minister to reply.

3.2.4 Deputy I.J. Gorst:

Yes, I thank Senator Routier for pointing that out. I would however say that the decision to put this money into income support was taken in last year’s budget when we agreed to raise the rate of G.S.T. The corollary of that was that we put this extra money into income support. Perhaps my report was not clear. I am quite simply giving this, what can only fairly be described as a very small amount to increase components, and Deputy Southern is quite right to say it does not really bear very much relationship to the increased costs that families might incur when it comes to the increase in G.S.T. What I am most positively doing is saying that those families on income support, yes, will encounter increased costs, but they will not be receiving the increased monies in their pocket unless they are going out to work or unless they are working. That is one category. Of course, as I rightly pointed out, if they are pensioners I will be increasing the disregard for their pension income as well. So I am quite positively putting the decision before the States today to say

the money that we have allocated would only go to those who are (a) either pensioners or (b) going out to work or already working; and therefore the argument that the Deputy Southern makes about the household component is not relevant to what I am placing before the Assembly today, and the Assembly should be very clear on that. I had assumed that they were clear on that from reading my report and agreeing to what I am proposing in principle. Perhaps they were not. The reason that the household component is as it is, is quite simply that it was one of the components from the old system that was almost used as a balancing component to make sure that individuals were not worse off under the new system than they were under the old system, and that the reason as it is applied is because that is what it says in the law, quite simply. I maintain the regulations in Second Reading.

The Bailiff:

All those in favour of adopting Regulation [Aside] ... The appel is called for then in relation to Regulations 1 and 2.

Deputy M. Tadier:

Sorry. I feel I have to ask for further clarification because that last point was not asked. I do not feel I can vote on that basis. I asked the Minister to explain what might constitute another household and although I appreciate that is the way it is written in the law, I would like an explanation as to why that is the case, and whether that is justified essentially before I vote.

Deputy I.J. Gorst:

Another household might be an individual who is not living in their own house. Also, the Deputy did consider this as part of his speech earlier in this session; I think it was in regard to income tax: an individual could be a single household but living in another house, and therefore they are not entitled to the household component. That is the way the law is written, because in effect there are 2 households living in one house, and only one of those households would be entitled. So an individual living in another house with 2 households in it would not then be entitled. I hope that has clarified the situation.

The Bailiff:

Very well. The appel was called for then in relation to Regulations 1 and 2. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 47		CONTRE: 2		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		
Senator P.F. Routier		Deputy T.M. Pitman (H)		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
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. Clement				

Connétable of St. Peter				
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 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 M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
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 J.M. Maçon (S)				

The Bailiff:

Do you propose the regulation in Third Reading, Minister?

Deputy I.J. Gorst:

Yes, I do, hesitantly.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulation. **[Aside]** The appel is called for then in relation to the adoption of regulations in Third Reading. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 45		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
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. Clement				
Connétable of St. Peter				
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 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 M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

4. Committee of Inquiry: States-owned or controlled utilities (P.31/2011)

The Bailiff:

Then we come next to Committee of Inquiry: States-owned or controlled utilities - P.31/2011 - lodged by Senator Breckon, and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the nature of the relationship between the States of Jersey and the 4 utility companies that are owned or controlled by the States and the governance arrangements in place for the 4 companies; namely (i) Jersey Post, (ii) Jersey Telecom, (iii) Jersey Electricity Company, (iv) Jersey Water.

The Bailiff:

Just if I may interrupt for a moment, I see this is a very long proposition. Are Members content to take it as read? Senator Breckon, are you content to take it as read? Very well. Then I invite Senator Breckon to make the proposition.

4.1 Senator A. Breckon:

If I may just by way of explanation, the handout I have given to Members is information that is in the public domain: 2 extracts from the Jersey Electricity Company are contained in there, Report and Accounts for 2009 and for 2010, which are supplied to Members, and the other information comes from Jersey Post International, Business Review 2009; and on the front on the blue page, salaries were in the public domain in 2005 and the multiplier of 1.19 is the inflation rate between then and now which gives the figure on the right-hand side. My interest in this matter came last year when this document was sent out to Members, produced by Deloitte, and it is *States of Jersey Owned Utilities Governance Review*. I will just share with Members some of the things brought to my attention. It was saying: "This document which has been prepared by Deloitte for the sole purpose of providing a discussion document to the client [that is us] on the progress of our work in relation to the States governance and ownership arrangements of the States-owned utilities. The information contained in this document has been compiled by Deloitte from information provided by the States in discussions with members of the boards of the utilities Jersey Post International Limited, J.T. (Jersey Telecom) Group Limited, the Jersey New Waterworks Company Limited and the Jersey Electricity Company Limited. The document also contains confidential material propriety to Deloitte."

[14:45]

With this I became a little bit more interested and I started to have a look through to see what was contained in there, to look a little closer at the companies wholly or majority-owned by the States and I then started asking a few questions; and it was when I was not getting answers that I then started to get a little bit more interested, and it is true to say that I was more than a little bit concerned about what I found. Therefore I believe it is worth having a Committee of Inquiry because I cannot find out - and I will deal with that in a moment or 2 - Ministers have not answered some of the questions either. I think that matters should become a little bit more transparent and that we and the public be assured that all is well or otherwise, rather than being left in the dark. I have felt for some time that there is a conflict of interest in that States are the shareholder, there is a public interest, there is a consumer interest and then there is Ministerial involvement. So I believe there is a mixture of things there, and sometimes I think there is some tension in that relationship. But to come back to this report, there was something in this that sent alarm bells ringing for me, and this was when it talked about having a board of boards, and the idea is this board of boards would sit across those companies between Treasury officers and Ministers and have some sort of function of reporting and how we do things. When I saw the numbers in that it was £0.25 million talked about to do this. I thought: "Well, hang on, did we not use to have in the good-old bad-old days committees that did this sort of thing and liaised and generally got involved, and where have we gone to?" It says in this report on various pages ... page 42, it says: "The role of the nominated non-executive director would not provide the Treasury with a greater degree of comfort in respect of executive remuneration than currently exists." I thought: "Well, hang on. Where are we with some of this stuff and who is doing some of these things?" Again, with some of the other issues that were in here, it talked about possibly bringing in people from outside, and who would be qualified to do this, and it generally concerned me to such an extent that I started asking questions myself. It also said, on page 47: "The board of boards would engage with the remuneration committees of the utilities to [in bold] ensure appropriate levels of remuneration and incentive arrangements were set for the executive directors." I thought: "Well, who is doing this at the moment then, if they are saying that the board of boards would do it? Where are we at the moment?" It goes on to say: "By setting remuneration packages independently of the Minister the utilities are protected from undue political interference." Well, my question to that is: "Well, can they make it up themselves, then? If there is no interference where is the accountability?" So there was enough in there, including some figures, and the consultants said they would very graciously stay on to assist for about £120,000 a year; so there were some issues in there that did concern me. I am grateful to receive the comments of the Council of Ministers. This proposition was lodged some 6 weeks ago and the comments came out a few days ago, but they do tell me something. But

what I want to do is not concentrate on that, and I want to go to Members and say: "Well, what is this all about?" and to be honest I am not quite sure what it is all about. But I know my instinct tells me that something is not quite right here in a number of areas. For me it is about ownership; it is about accountability and transparency. While recognising that we have trading companies and Jersey Post and Jersey Telecom are 100 per cent owned by us, and Jersey Water and Jersey Electricity we have substantial shareholding in, but there needs to be, I believe, some accountability and transparency. We were led to believe this would be through Ministers. But I would then say: "Well, where is it, and who exactly is responsible and accountable?" because contained in the report is a number of questions from different Members but without answers, I am afraid, and that is where we are. Members may say: "Well, in the end maybe this House is responsible", and that is where I hope this proposition is. The Minister for Treasury and Resources has responsibility as shareholder; the Minister for Economic Development has other responsibilities including the J.C.R.A. (Jersey Competition Regulatory Authority) and other issues, under Postal, Telecom, Jersey Electricity and Jersey Water. So, how exactly have they performed? Deputy Le Hérissier asked a number of questions on 18th January and these are included on page 6. He asked of the Minister for Treasury and Resources: "Why, as reported in Jersey Post International Limited's Business Review 2009 [some of which you have got in front of you] was principle B1.4 of the Code of Remuneration for Board Members not applied in respect of one member's declaration of his role as a director of the boards of various other companies?" The Minister replied in the following terms: "The Business Review is a matter for the Board of Jersey Post. It is not a document that Treasury drafts or approves." So my question there is: "Well, where is the accountability?" Again, following further questions of the Minister for Treasury and Resources, he replied: "I do not think I can really add much more than what I have already said in my answer. This is a matter for the Board themselves in terms of their disclosure. I require all States-owned companies and companies that the States has a shareholding in to adhere to the high standard of governance, and I am satisfied that there has been no issue in terms of governance or lacking in standards in relation to the reporting of Jersey Post. Deputy Le Hérissier is entitled to his own view in relation to some matters, but as far as reporting requirements, I am satisfied." Well, that is in reporting requirement. But what about the actual conduct? What about the money? I am going to come to that in a minute or 2. That is a technical issue and it is perhaps that we are skirting around that. Again, in response to questions from Deputy Trevor Pitman on 13th September, and the question was to the Minister for Treasury and Resources again: "Will the Minister advise as representative of the shareholder, whether the remuneration of the C.E.O. (Chief Executive Officer), H.R. (Human Resources) and Finance Directors of Jersey Post are in excess of their counterparts in the U.S. (United States) Postal Service, one of the largest postal services in the world?" The Minister replied in the following terms: "Remuneration of executive directors is a matter for the company's Remuneration Committee. The company's Remuneration Committee sets the framework for remuneration of the company's executive directors. The committee comprises at least 3 independent non-executive. The committee produces an annual report of the company's remuneration policy and practices which will form part of the company's annual report." Well, that does not really say anything as an answer to somebody who is accountable to this Assembly for a public service and many, many millions of pounds. I asked questions again of the Minister for Treasury and Resources on 6th July 2010 and as part of those questions, and I will paraphrase this, and this was before Deputy Le Hérissier's thing about salaries above £100,000, I asked: "Can the Minister provide details of salaries above £70,000 that have been paid to existing and former employees of Jersey Post and Jersey Telecom in the 2 years prior to (and each of the years following) incorporation up to 2009?" Also in those questions I asked about bonus payments of the same period and any details of severance or redundancy packages. The reason that was based... if Members look at what is on the blue sheet, I had some concerns about what we were doing there and if we look at what Deputy Le Hérissier was proposing last week, some of that pales into significance when we think about what we could have been doing, and the question is who is accountable for some of this? In answer the Minister said this: "The States of Jersey is the sole

shareholder in Jersey Post and Jersey Telecom and the board/shareholder relationship is set up under a memorandum of understanding. The Treasury Minister does not directly control employee remuneration.” He also said, and it was still at the annual general meeting: “Any changes in remuneration for non-executive directors should be agreed in advance by the Minister for Treasury and Resources,” but when questioned on a number of occasions this has not been evidenced, and that really has been of concern to me, because if we do have a shareholding, the shareholding belongs to the people of the Island and certain Ministers have responsibility not just for doing it but, I would say, for reporting on it as well. The other thing this does, I think, is it neatly avoids executive directors and some of the matters concerned, because we are not having an element, I do not feel, of control and reporting that we should do. I just want to refer to some of the issues on Jersey Post, because related to this, and again Deputy Le Hérisier’s questions went unanswered, we have a situation where somebody went from non-executive to executive and was paid consultancy fees and possible rumoured payoff, and here in the Jersey Post Business Review 2009, information that is in the public domain, it said on page 6, and I will just take a few sections from there: “Halfway through 2009 we established a new operating entity, Jersey Post International Development Limited, J.P.I.D., to focus on business diversification and growth.” It says also in there: “Early initiatives include our new Me-mo pre-pay mobile phone service.” At page 10 it talks about: “My first year as Managing Director has been an exceptional one with a business launching its new business structure in April 2009”, headed up by somebody else - I will not mention names - as Managing Director. Further on in there: “At times it has been akin to a rollercoaster ride.” Further down at the section from page 12 of the Business Review 2009 it mentions the fact that £1.6 million investment in J.P.I.D. for diversification and future business growth, and I believe most of that has virtually gone by the wayside. Also, in the same review on page 14, it says: “Our entry into the telecommunications market at the end of 2009 began with the launch of Me-mo, a pay-as-you-go service based on a mobile virtual network operator model, our chosen supplier Airtel-Vodafone.” When I asked the question at the time: “Why are Jersey Post and why is there any sanction to them to enter into the mobile telephone market? As well as us having a company that is 100 per cent owned by the States, we have also got some big market players within the Island and I would not think it is within the wherewithal of Jersey Post to be dabbling here when you have got some companies I would say that have got fairly deep pockets.”

[15:00]

In the same report on pages 18 and 19, it said that: “The Managing Director of Jersey Post International Development was appointed 24th August 2007 as a non-executive director, entered into a contract for consultancy services with effect from 15th December 2008 and was formally transferred into his executive director role on 25th June 2009.” On page 21 of the report it talks about director independence, and it says: “The board considered that all non-executive directors were independent during the financial year, with the exception of someone between the period of 1st January 2009 due to consultancy services he provided for the company” and then there are other details in there. But also at page 24 I think which is rather telling, it says that “The remuneration of directors of the company’s financial year ended so-and-so” and in there it says that somebody for consultancy fees was paid £177,000, and it says there: “The board has not complied with principle B1.4 of the Code of Remuneration received by Mr. So-and-so. Well I can tell the House at the same time that person was a director and an executive of another teleco in the Island and that, I think, contradicts with some of the things that have been said there. Again, I have mentioned the salaries of Jersey Post and if Members add those up on the blue sheet it comes, or it would have come, very much to £1 million a year. So if there is a cost to an inquiry it is probably relative to this, and there are some issues there for me about what exactly has been going on there. But these are facts and figures, this is not stuff that is made up, that is available but I do not believe it is the full picture. I do not believe that is the case. The other thing is millions of pounds of money has been spent here but what about the postal service, where are we with the postal service when we have talked about £1.6 million fees to directors, consultancy fees; all this is adding up. We are

talking now about going down to a 5-day service and I can tell you the actual service itself is suffering. I know about 3 or 4 weeks ago a postman said to me: "I am sorry, I have never done this round before, I have just put mail in the wrong doors." Now, this has never happened before, there is a box down below I have seen emptied late at night, this sort of stuff never happened. Now this is a service where we have Ministers who are responsible who have not answered questions, we had the Deputy of St. John -who is not in the House in the moment - saying the other week some things he had not received. Now, this is the people's postal services and I know myself I have posted something down below and it took a week to get to a destination in the U.K. Where it went I do not know, it was correctly stamped so, again, this is against the background and we have cut lots of jobs, we have changed things around, we have done all sorts of things. But the postal service, in my opinion, has got more expensive, it is not as good and it is probably over-regulated. I know there has been a cost to the Jersey Post for complying with the requirements of the J.C.R.A. Then the question for me is, well, who is accountable? Well, apparently nobody is. Apparently nobody is accountable for this, what I would consider, mess that we have got ourselves into and if for no other reason I think a Committee of Inquiry is the right tool to look at this because this goes beyond the resource of a Back-Bencher and Ministers are not answering questions so somebody needs to. I think they are passing the buck at the moment, so they need to be accountable for what I believe is our company, it is the people's company. The other thing is what is the actual cost and benefit of regulation, not just for post but perhaps for telecoms and others, are we all any better off for it? I believe that as well needs some closer attention. I just want to move on briefly to some other areas. Regarding Jersey Water, I have had some discussions with the chairman at Jersey Water, he is aware of this, I made him aware of some of the information that I have just shared with Members and he had some similar concerns about that. I met with the Chief Executive Officer and the Company Secretary in the last couple of weeks and generally they welcome this because they have a representative with the Minister for Treasury and Resources as the shareholder and they, I think, see it as an opportunity, not a threat. Moving on to the Jersey Electricity Company and again following the report in June 2010 - that is the Deloitte report - I did have a look back at the Jersey Electricity Company's report and accounts and in there I discovered their investment in Newtel and what I found in there - I have included that a bit on page 5 of the report attached to the proposition - the question is, if the Minister for Treasury and Resources does get consulted, why have both the J.E.C. and Jersey Post spent time and money investing in telephone companies and services when the States of Jersey already own 100 per cent of that. The former managing director of the J.E.C. is now chairman of Jersey Post and a former director at Jersey Post had a senior post at Newtel at the same time that Me-mo was established, and for me that is not a very comfortable position. I did raise some of these issues, I did write to the chairman of the J.E.C. and I did not get any meaningful answers. On 1st February - again that is in the appendix of my report on page 17 - I did ask questions of the Minister for Treasury and Resources and he passed them on to the J.E.C., and again the questions were not really answered at all. I did list them out and some of the information I have since got, but they were saying they were limited in the information they could give. I think there are some inconsistencies in the accounts of the Jersey Electricity Company because what they had said previously in ... they have a financial interest in Newtel and a look through their reports and accounts indicates that millions of pounds invested in Newtel, and this had been written-off as lost, and this was shown in the following statement which was from 20th May 2004. It says this: "Losses at Newtel, our associated telecommunications company, increased from £0.3 million to £0.4 million as it struggled to raise sufficient funding to overcome entry obstacles in the newly-liberated local telecom market. It appears likely that it has now secured external funding to develop the business further but we continued our prudent policy of reviewing investments in our balance sheet by writing down the £1.5 million carrying value of our 41 per cent equity investment and loans in Newtel, which is shown as an exceptional cost in the period." It goes on to say further in exceptional items: "The exceptional item of £1,521,000 in the 6 months to 31st March 2004 relates to a write-down of the group investment, our associate, Newtel Holdings." That is in contradiction to what is on the blue sheet. On the back there are some figures in there; in reporting accounts to

30th September 2009 they are saying their share of the losses amounted to £0.9 million and £4.5 million respectively. So again that number is different but if Members will notice the investment, the share, has now gone down to 34 per cent and I can find no explanation of where that 7 per cent went. Again, within there, the bottom of page 77, the very bottom of the blue page, again the figures are different: "In the year to 30th September 2003 our share profit amount of £2.3 million and in the period from 1st April 2004 our share losses amount to £2.2 million." So there is some conflict in what they are saying. But the other thing is there has been some recovery from Newtel and hence payments to the J.E.C. So there are some differences there and, as I say, I was not able to get any clarification of that and they do say on the second to bottom line: "During the year £0.3 million was received in respect of a loan previously written-off in 2004." But the sum they received was not £0.3 million at all, it was £1 million, and only the £300,000 was a repayment of a loan. The other £700,000 was for unpaid bills and that was unpaid bills by Newtel over 4 years, 4 years they never paid certain accounts and that was for rental of fibre optic cables between the Channel Islands, and that is a situation that would not be allowed by a domestic or a commercial user, so the question that I do not know the answer to is, what was that all about? Also there are some issues there I believe that really do need investigating and, as I say, that is beyond that. But I think there is possibly some conflict because of the relationship with Me-mo, with Newtel, with Jersey Post and Jersey Electricity and perhaps the J.C.R.A. that I am certainly uncomfortable. The other thing, I am aware of some other financial information exchanges between somebody who was also a director involved in Newtel who also received a significant sum of money when their operation in Guernsey was sold to Jersey Telecom for £11 million. It is even more complicated because Newtel is now for sale and that is subject to the J.C.R.A., so this issue for me is too complicated to continue to research on my own, that is why I am bringing this to this House and I do not do that lightly, but I believe there are issues that are well worth investigating. As I say, Newtel is now for sale and it is a company, Financial Media Holdings, which I think is a Bermuda based company, who are seeking to buy that and I am not sure what this is all about. I asked the J.C.R.A. for information, I got redacted information which was not very helpful at all, and I got that one month after I requested it. So I am uncomfortable with that and I know there is a lot of local subscribers to Newtel who use them and are satisfied with the service and would probably like some comfort from that.

[15:15]

The other thing I think has happened is I think because of their investment perhaps the Jersey Electricity Company have given some shelter to Newtel because there are areas I think that were referred to the Jersey Competition Regulatory Authority about the Channel Islands connections, and I know another operator was seeking some capacity and were frustrated in doing that. So I think that there are things that are of more interest and things that are beyond the ordinary Member. The other thing, there is the issue of Jersey Telecom and their part in this and previous they have had some reorganisation, there have been bonuses paid, there has been various things, and I think the time for this House to revisit some of these issues and get some of this information and get it in the public domain. So that it is not vexatious on my part, it is not mischievous, it is so that they can go forward I think with some confidence. What I am saying is I believe for my part there is enough evidence to raise questions that need answers that have not been given by Ministers, for whatever reason, and I think, as I say, it goes beyond the scope of a Back-Bencher. There is a cost to somebody and I notice in the comments they say: "Well, it will come out of the public purse." But these companies probably have cash exceeding £40 million between them, so the Minister for Treasury and Resources has the wherewithal to do that and that would not be a problem. They could fund the investigation into themselves, and that is probably the right way to do that. As I say, there is some information, and I do not think I have spoken to that, that I was given in confidence, and I do not think that anything that I have said or touched upon is not available because it is available by putting things together, and I do not think I have done anything to mislead the House on that, but there is other information. I must just close by saying this, since I lodged this I have

received a number of items in the post, strangely enough, anonymously saying: "Have you looked at this? Are you aware of that?" I can say occasionally I receive bits but I have probably had about 9 or 10 things from different sources saying: "I am concerned about this, did you hear about this?" I have not included anything about that because if anybody wants to do that then that is their thing to do that, but it has not happened to me in over 17 years before so there is enough there for me. I know it is a leap of faith, as it were, to bring something about a Committee of Inquiry, but I did not see any other way. Deputy Le Hérisier has asked questions, I think formerly the Constable of Grouville has asked questions, Deputy Trevor Pitman has asked questions, other people have asked questions and the question is, these are the people's investments, they are our investments; we have a responsibility on their behalf. If there are failings, if there are issues then, as uncomfortable as it may be, then I believe we have to go there and I think the correct way to do it ... there are responsibilities for the Ministers, for Treasury officers and for others, but I think the way to do it is to have a Committee of Inquiry. What I am trying to do in that rather long proposition is embrace all of that so that this could happen and I so propose. Thank you.

The Bailiff:

Is the proposition seconded? [**Seconded**]

4.1.1 The Deputy of St. Martin:

I would like to get in nice and early before the Minister speaks and has an opportunity of responding to some of the points that have been made, I am sure by others as well. This is very much another case - almost a bit like we had Deputy Southern this morning asking for something - immediately asking for something: "Do not worry, folks, we have already got it in hand." We keep hearing that every time someone brings something forward: "We have already got it in hand." I really want to comment on the comments. The comments start off: "The Council of Ministers recognises and agrees that the relationship between the States and the companies that it owns is very important and that clear and strong accountability, supported by appropriate oversight and scrutiny, is essential." We all agree to that but the question is, what is the accountability? Because if one goes further down the page it says: "Upon taking office the Minister for Treasury and Resources made it clear that the oversight and accountability of these companies was an area that he intended to focus on and bring about change and improvement." Again, I ask what has been done? Then we read further on, it says that there was a review, "R.C.76" (*sic*), published last year which "considered best practice across the world and made a number of recommendations." The recommendations are listed on the comments and I am not going to go through it, they are there for Members to see, but on the top of page 3, the very first line it says: "Consultation on executive directors' remuneration." So, again, I ask the Minister, have the recommendations been implemented and if so this particular one, this remuneration, because I am staggered to see the figures given here by the Jersey Post. I chat to my postman regularly and they are really, really concerned that they feel there has been almost a gun put to their head because the fees are going up for the stamps, you have got a first or second class, and they feel that they are being seen to be cheating the consumer. Because they know full well if you pay for the first class stamp you are not going to get a first class service simply because the system does not allow them to do it, particularly when it comes down to 5-day weeks. So maybe the Minister can answer again, what is he doing about the remuneration and indeed all those recommendations. It says again, just further on: "This is the basis on which good governance and strong accountability has been built and will continue to be developed." Well, if the Council of Ministers is so happy can I ask, is the Minister happy and is he content that Jersey, with all our small companies, can sustain a wage bill where people are getting over £200,000 for running the post office? Allied to that we have 4 other officers here getting around £150,000 and then 2 more again over the £100,000 for just a small business in Jersey. So it says finally here: "The Council of Ministers is committed to appropriate governance and accountability." Well, I would like to be assured that there is governance, there is accountability and what is the Council of Ministers, indeed the Minister for Treasury and

Resources... and he is very strong and I fully understand what he says when he says: "I am going to do this, I am going to do that." But really what I want to know, are we going to have some action and not words?

4.1.2 Connétable D.J. Murphy of Grouville:

I am going to support Senator Breckon on this and the reasons are that I have over a period of years taken an interest in this and I have asked questions of the first Minister when he was responsible for the J.E.C., et cetera. The questions, when I asked them, were basically about the Newtel situation and I will concentrate on that if I may, because in 2003/2004 there was a mammoth write-off of loans and investment between Newtel and the J.E.C., and the J.E.C. took a very large loss at that stage. I asked questions about it and I was told that the J.E.C. is a private company so we cannot interfere. Now, we are also the majority shareholder in the J.E.C. so I would have thought that as the majority shareholder we would be entitled to ask the questions and then for the shareholder - in the shape of the Chief Minister - to pass the results on to us as to why we get this huge loss. Now I see there have been some minor repayments involved in this but, however, we have never had a full accounting of what the position is money-wise between the J.E.C. and Newtel. What I am looking at here, it is an asset of this Island that we are talking about, these are our assets, this is our money that we are talking about here and we are not getting the answers from the responsible authorities in here. We have got to sort this out and I want to see a complete report into what happened there. We are not being completely kept up-to-date on this so I think we should be told what went wrong at that stage. I will not try and follow on with Senator Breckon's very comprehensive proposition here because we could stumble over figures, but I think that in future the Minister for Treasury and Resources has said that he would like to establish a dedicated resource in the Treasury to oversee the States-owned companies. Well that is a jolly good idea but can we have access to this, can we help, can we do something, can we get involved? I am not happy and I do not think a lot of Members would be happy if they saw millions of pounds floating out of our coffers and just not being reported to us, and we do not seem to have any control on it at all. Quite frankly, if the States are quite happy to leave a majority-owned company to run itself and write off millions of pounds then I think there is something wrong. So I shall be supporting Senator Breckon and I would like to see a pretty wide ambit on the investigations into what should happen and what should not happen, but I think we have got to pull the whole thing together; there is no point in having a dedicated resource in the Treasury to look after this if they do not know what they are taking over to start with. So I think we should have an investigation, we should have the whole thing reported to us, put in place and then somebody take over a clean situation where we all know what is going on and what is happening. Thank you.

4.1.3 Senator P.F.C. Ozouf:

I probably should just start by saying that I respect absolutely the Constable of Grouville, he is a very senior Member of this Assembly, but he has just made a number of comments about Newtel and he is going to be I think very cross with me, but he does have a familial contact with another employee who works for Jersey Telecom, and I think that we just need to be absolutely transparent about where we are coming from in terms of views. I just think that we need to be transparent. I agree with him and I agree with Senator Breckon that the responsibility that the Treasury has in the oversight of utilities is an extremely important responsibility of the Treasury. There needs to be strong accountability supported by proper oversight and this Assembly needs to be reassured that its investments which, without any question, are valued in the terms of hundreds of millions of pounds, are properly overseen. That is why from the moment I took my responsibility as Minister for Treasury and Resources I put a particular focus on strengthening the arrangements of the shareholder function within the Treasury for these very important assets. We have got £600 million or thereabouts in the Strategic Reserve, we have probably got in the region of £250 million to £300 million worth of value in terms of the utilities that we have. That is why it is appropriate and I will go on to explain that my views as a Minister have not been entirely welcomed in all quarters

in relation to the responsibilities that I believe I have. Now, that is the reason why that within a few months of assuming the Treasury responsibilities I commissioned the report that Senator Breckon held up, and it is almost quite interesting, I am almost quite pleased, in a way, that because that report was published a Member ... and I have a proper report, proper terms of reference, and the report has been published in full giving all of the strengths and weaknesses of the Treasury in terms of what it does, setting out all of the opportunities for improvement; that has been published. It almost reinforces the fact that I have been very open and transparent and determined to act in terms of my responsibilities as a shareholder. I am going to suggest to Members that while I agree with the spirit of a lot of what Senator Breckon is saying, this is a bit of a vote of confidence about my own oversight of these areas, and in fact I am going to be very clear to Members that I think that there is certainly more to do in relation to strengthening - and I am in the process of doing that - the oversight and accountability of the utilities. I offer no criticism at all to any of my predecessors. The reality was that the amount of resource that was put in place to oversee these investments was quite small and that is why I wanted to get Deloitte in to advise the Treasurer and the Assistant Ministers and myself, exactly what we should be doing to strengthen those relationships. Deloitte, if Members have read that report, were recommending the establishment of a dedicated resource in Treasury to oversee this area, something that we did not have before. They were recommending adherence to the U.K. Corporate Governance Code, which has not been entirely in place since the beginning, also that we should be involved in the appointment of chairman and take a more direct involvement in the composition of the board. I will not name any particular names, but I found it a curious state of affairs that I was written to by - in the early part of my taking office - one of the boards and they told me who the chairman of the company was going to be, no involvement of the Treasury.

[15:30]

I do think that in some cases the utilities did have a view that they were independent, as the Constable of Grouville has indicated and Senator Breckon has referred to, that they did think themselves as being trusts almost in terms of being self-governing without any intervention. My interventions have not been universally welcomed and I am going to explain a bit more about that. Yes, for the avoidance of doubt, I want to say and I have not said this publicly before, I also regard the annual general meeting and the requirement to sign-off the remuneration of directors as an important responsibility. Members may be surprised to know - and I do not want it in the public section and I am not going to suggest there is any reason to go into camera - but I can advise Members that in one of the cases that Senator Breckon refers to, an historic issue, I refused to sign the draft memorandum or the draft resolution at the annual general meeting because I was not happy with the levels of remuneration. Now, that came as a bit of a shock to the entity concerned, and I have made it absolutely clear that I am going to be tough, I am going to be searching, and I am going to be difficult in terms of the oversight and particularly the levels of remuneration. As remuneration is certainly becoming an issue which this Assembly is concerned about, it is certainly something that I am going to be looking at with the strengthened arrangements at the Treasury in terms to ensure that there are not inappropriate payment structures within the entities. I hope that in itself gives Members some comfort that I am certainly - and the Treasury - no pushover in relation to this issue and I am not saying that all has been well in all circumstances in relation to some of the utilities and I am doing something about that. Also the Deloitte Report said that there should be appropriate consultation in determining an appropriate capital structure and dividend policy. Again, that is not something that has been universally liked, but I do believe that as shareholder and as majority shareholder the States - through me as shareholder - does have a responsibility to examine, to question and to make decisions as shareholder in terms of the shareholding structure and certainly the dividend. Where there are entities that have, for example, large cash reserves, then it must be up to the shareholder to have a constructive dialogue with the entity as to whether or not the shareholder wishes to extract some of that capital and deploy that in the Strategic Reserve or something else. I tend to think generally that entities should not have large cash reserves in their

balance sheets, I think they should be lean, certainly in terms of debt finance there is a case for that. That is something that I am looking at, in fact I am looking at all of the recommendations that the Deloitte Report had. Yes, it has taken some time and it is taking some time to get acceptance by the utilities of some of those recommendations, because the entities do not like the slightly strengthened and perhaps, in some cases, significantly strengthened oversight, which I believe that I must do. I demand the highest standards from the boards that I am responsible for, I expect them and I require them to adopt strong and robust corporate governance arrangements. There is going to be more work to do, as I have said, in terms of putting in place that new shareholder accountability framework. A fundamental principle of good governance is, of course, the very clear demarcation between roles and responsibilities. Indeed, this debate and indeed part of Senator Breckon's proposition, which is the part (b)(ii) of his proposal, is that we should look at the respective responsibilities between the shareholder on the one side and the Regulatory Minister on the other side. This Assembly has made a decision to separate that function. When I first started in this Assembly there was no such separation. The president of Post and the president of Telecom discharged the functions of effectively looking after the public interest, regulator, shareholder and everything, and that was wrong. Now we have a separated relationship, quite right in accordance with best practice, between the shareholder responsibilities being discharged by the Treasury and on the other side the Minister for Economic Development having regulatory oversight with the independent J.C.R.A. There are powers that the Minister has in order to deal with, I think, some of the concerns that Senator Breckon I think has and has historically had about regulation. He is the individual that brought proposals, for example, to regulate electricity tariffs by this Assembly. My view is that this Assembly is not the best body in terms of regulating tariffs; you have set up an expert body in order to do that and I continue to keep under review with the Minister for Economic Development whether or not there is a case for regulation of electricity tariffs. I have to say that as shareholder perhaps I am conflicted on that issue but I do think that from my own shareholder point of view the threat of regulation does drive efficiency. I am making a number of changes. The Deputy of St. Martin asked whether or not I am happy. Well, I have to say that I am happier. I think that there has been an awful lot of good work done by the utilities in recent months and I would not want any of my comments about the need for improvement to be taken as an indication that I am not happy with some of the individual performances by the utilities. Because I think that generally speaking the utilities - each one of them - have made commendable progress in their individual fields. I do need to say perhaps 4 things about the 4 entities themselves because at the heart of this is a comprehensive Committee of Inquiry into all 4 entities. The J.E.C. does provide electricity on a standard of electricity service, which is comparable if not better than a lot of electricity companies around the world, and they do so notwithstanding their small scale, the diseconomies of scale that they have. I take the opportunity of saying that the J.E.C. charges are now 18 per cent lower than the Isle of Man that has gas, which is cheaper, and 17 per cent lower than Guernsey which buys electricity from the same source in terms of the grid in addition to some of their own on-island power. Now, that to me is not an indication of an entity which is performing badly. Also I need to say to Members is that we get a healthy dividend from the J.E.C. which is not the case for Guernsey Electricity either. So is there an issue with the J.E.C.? Do they need to be consistently held to account and to be asked what their activities are? Absolutely, and they are doing so. In relation to the Newtel issue, which Senator Breckon I know feels very strongly about, I have to say to him that the J.E.C. historically has been extremely successful in diversifying and one of the reasons why we do have electricity prices much lower than comparable jurisdictions is because of the success that they have had in diversifying. Their real estate, the splendid Queen's Road facility, is held up as a model in terms of diversification, their data centre, all of those activities have been a huge success and as a property landlord we are benefiting as electricity consumers. I think that is a very positive story. Yes, there is an issue and there was a historic issue about Newtel, but from my own experience, if I may say so, in relation to Newtel, one of the difficulties that Newtel had was because it took this Assembly so long to deregulate the telecoms market and that is one of the reasons why Newtel had issues. If there are issues that Senator

Breckon has in relation to the transaction of Newtel - and he has advised me that there are issues - I have already instructed the Treasurer of the States to look into those issues, if there are any issues to be looked into. From what I understand, at the moment, they fall significantly short of the arguments in favour of a Committee of Inquiry, but there may well be historic issues. But if this Assembly is going to say to every entity that every risk decision they take is a bad decision then I think that Members would be living in a world in which no business ever made a less than profitable decision in the past. The vast majority of the decisions made by the J.E.C. have been excellent. So if I may just turn to Jersey Post itself. Members will be aware that that is an organisation which is in significant transformation, and Jersey Post have made a number of very difficult decisions in relation to realigning their business to falling postal volumes. Indeed, as this Assembly will now be aware, there is a further issue which is on the horizon, which is I think the inevitable changes that will happen in L.V.C.R. (Low Value Consignment Relief) over the next few years, quite apart from the fact that the D.V.D. (Digital Versatile Disc) and C.D. (Compact Disc) business over a period of time will move to the internet. So Jersey Post is an entity which has had difficult trading conditions, has had difficult issues to deal with, and I have to say that it is the entity that probably I spend more time with on a regular shareholder dialogue basis. That is reflective of the challenges that they face and indeed all of the issues that the Minister for Economic Development is aware of in relation to potential liberalisation of the market. There are issues, which I am in regular dialogue with Jersey Post. I have to say that I take this opportunity of warmly congratulating the Chief Executive of Jersey Post for doing a difficult job extremely well in terms of modernising that business, and I am expecting some further good, positive, productive, efficiency and, yes, looking after the staff, making sure that we do have a postal service where postmen will continue to be employed on their fair levels of salary and they will continue to be able to have a good, profitable business in the future. Jersey Telecom is a business which has gone from success to success and indeed they too have had some difficult restructurings; they have taken out £7 million of cost from their business over the last 2 years, they have reshaped their organisation, they are now lean, efficient, they are competing with the vigorous competition of Airtel in the mobile market and Cable and Wireless. Members will have not, I am sure, noticed the digging-up of the areas of St. Helier where Cable and Wireless are putting in place broadband facilities to offices. Jersey Telecom has no fear of competition, they are lean, fit, they are doing well and they have appropriate governance and oversight structures. I again commend the board and commend the new management structure that has a tough board, the Jersey Telecom, for the work that they have done. There is no case, if I may submit to the Assembly, for a review of either Jersey Telecom or Jersey Post or the J.E.C. The last entity which has also, in my period of office, made some difficult decisions in terms of the efficiency that they have made is Jersey Water. They have got a policy of tariff increases below the cost of inflation for the last 10 years, they are now moving ahead boldly and rightly with putting meters in all Islander's homes and they are capping their charges. They too are probably worried about the threat of water regulation prices but the threat is keeping them keen and it is keeping them nimble. I again warmly congratulate the work of the chairman and the board of Jersey Water, they are doing well and they are serving the Island effectively and efficiently. The Committee of Inquiry route is a decision of this Assembly where there is a serious issue to deal with. I have to say that nothing that Senator Breckon has either - if I may say respectfully - lifted from the Deloitte Review or has brought, which is indeed reflective of the fact that an issue has been raised in order for us to make an improvement... nothing that he has additionally raised in terms of any of the issues to do with Jersey Post or Newtel or any of the issues are a surprise to me. They are not an issue, I do not believe, which is an issue which would require a Committee of Inquiry. There is one thing that I can say that is happening already, because I think that this is an additional safeguard that Members should have, and this Assembly should have in the oversight of the utilities, and that is that I am going to be lodging amendments to the Public Finances Law prior to the summer break which will provide for the first time the Comptroller and Auditor General with powers in respect of non-publicly quoted States companies. Those are similar to the powers that he already has in terms of harbours and airport, the States

Trading Funds. I think it is right that the Comptroller and Auditor General has those powers, he has accepted them, I think that they were subject to a review of his own in terms of the oversight of utilities and that additional safeguard which will be in place within a number of months will allow that oversight, but would also allow States Members to alert him to any concerns, or indeed anybody else that has got any concerns. He will then have the full force of his legal powers in order to investigate.

[15:45]

I have to say that I think that is a better and preferable route to deal with individual concerns, if they exist, than the route of a - if I may say - very expansive and not justified Committee of Inquiry. Of course, this Assembly also has the powers to ask the Corporate Affairs Scrutiny Panel or the P.A.C. (Public Accounts Committee) to look in these issues and I am not aware that either of those bodies have had sufficient levels of concern in order to commence their own reviews. I think that is certainly relevant. The proposition may well be invited to be taken in parts and for that reason I am just very briefly going to run through the proposition and say the following in relation to who should be doing these areas within terms of reference. Obviously part (a) sets out the 4 utilities that should be covered, I have already said that I do not believe that there is evidence before the Assembly that a Committee of Inquiry is required for all of those entities. As far as (b)(i) is concerned, the nature of the relationship, well frankly I commissioned a report on the relationship between the Treasury and these entities and that is the Deloitte Review, and it is the subject of the questions that have been raised. So I cannot see how any more a Committee of Inquiry would do than is already being contained in the Deloitte Review. Well, (b)(ii) is the relationship between the Minister for Economic Development and the 4 entities. That is a whole different bag of responsibilities and I am not sure that a Committee of Inquiry, if one were to be approved, can realistically both deal with the nature of the responsibilities of shareholder and the nature of the responsibilities between the Regulatory Minister. If there is a requirement to look into that, that has to be a matter for the Minister for Economic Development in consultation with the regulator themselves. I have to say that (b)(iii), that is an issue for the C.A.G. (Comptroller and Auditor General). If there is a reporting issue that certainly should be looked at by him. (iv) is purely and absolutely within the remit of what the existing work that we are doing with the Treasury. I have made it very clear that as far as (b)(v) is concerned in remuneration, I am already using my powers and when we have the dedicated resource in the Treasury I do intend to do a review of the remuneration levels in preparation for our annual reporting and annual agreement on the senior executive pay. But in most cases I have to say that I do not think that there is an issue in relation to the pay, I think the pay that has been made available to the entities is well-earned in terms of the entities. But I am happy to look at the issue of remuneration because I know that is an issue which this Assembly has indicated sensitivity on, and I intend to do some more work on that. The issue in relation to (v) is the issue of Newtel and Jersey Post. I have asked the Treasurer and she has already commenced her inquiries within the entities, and I will not be shy in dealing with any issues that she raises that she draws to my attention in relation to that issue. But I have to say that Senator Breckon himself said that this proposition was a leap of faith. I do not believe that we have got sufficient evidence to set up a Committee of Inquiry in order to deal with that issue. The last issue is a review of what the Competition Regulatory Authority is, that has to be an issue for the Minister for Economic Development. If he is satisfied that the J.C.R.A. are discharging their functions then that must be a matter for ... he has powers under the Competition Law, under the J.C.R.A. Law to look at the effectiveness of the regulation and I cannot see that there is going to be anything new or anything important that is going to be given to this Assembly by a Committee of Inquiry. I am strengthening the relationship between the Treasury and the utilities. This is an issue which I raised from the start of my term of office, Members can see that I have carried out my promise that I would be doing more work and I intend to go further than that by extending the oversight by the C.A.G. This Assembly I think needs to make decisions, as we hear very often, on evidence not just on - to use Senator Breckon's own word - faith. This is an important

responsibility, I share his view that this is an important issue and that it should be done properly, but I simply think that he has not made the case for setting up the full force of a Committee of Inquiry in these issues. I hope the Assembly will continue to give me support in the work that I am doing in strengthening the relationship with the utilities. I hope this Assembly will send a message of support and continued encouragement to the utilities and what they are doing in terms of improving efficiency, improving shareholder return, and indeed where they are setting prices, reducing prices. So I urge Members to reject the proposition but, nevertheless, maintain the view that this is an important area which work is ongoing and is improving. Thank you.

The Connétable of Grouville:

A point of order. At the beginning of his speech the Minister for Treasury insinuated that my question in backing for Senator Breckon was inspired by a relationship with an employee at Jersey Telecom. This is not correct and I would like him to withdraw that.

Senator P.F.C. Ozouf:

I apologise if I gave an indication of that, I just think that transparency is important. Where a Member could be regarded as being involved in any way or having a close familial contact I think they should be making it. I have made that comment to the Connétable before, I hope he does not mind, that was the point that I was making.

The Deputy of St. Martin:

I did ask a question of the Minister and he may have forgotten, what the question was: have the recommendations of R.76/2010 been implemented, it would appear that the answer is no because the Minister has said in his speech that he is going to make consultation about the remuneration, so one assumes that the answer is no, the recommendations have not been implemented.

Senator P.F.C. Ozouf:

I am sorry, I do not take that; R.76, could the Deputy kindly remind me of what that report was?

The Deputy of St. Martin:

Well I am only going on the second page of the Minister's own comments, it says that: "This review, R.C.76, published to Members last year considered a best practice across the world." Then it listed a number of the recommendations, one of course which I did refer to about the consultation of executive directors. I am only referring to the Council of Ministers, I can honestly say I have not read it that much but I know it is here and I was just asking whether the recommendations have been implemented, but it would appear they have not.

Senator P.F.C. Ozouf:

No, sorry, let me just correct that if I may. R.76 was the publication of the Deloitte Review. I have already indicated that I have used my powers already in relation to remuneration and I have explained to the Assembly that work is ongoing in relation to remuneration and the annual process that I have in signing-off remuneration.

4.1.4 Deputy R.G. Le Hérissier:

It strikes me in that very positive account that the Minister for Treasury and Resources has given he may have glided over certain points. I did bring this point up last week about remuneration, there is an active debate going on in other quarters about the cross-membership of remuneration committees about the inflationary cycle that is set in course by these committees. I would have thought he would have wanted a system that was much more robust and much more obviously independent. We saw how this inflationary spiral is impacting on the public sector and I would have thought he would want that similar effect upon the private sector because we do not want to go away with any notion that people are in some way rewarding each other through, shall we say, quite innocent cross-membership of committees and so forth. I think, in is homily to his very good

management of the utilities, he did not deal with the issue of this dramatic increase in fees, for example, that was paid to a postal director. That came out of the blue and it looked very, very odd and he did not deal with the fact of whether there had indeed been a major breakdown in allowing that to happen. The other thing - and I do not think it is the Minister's fault - is this issue of political accountability. We have always spoken about how this Assembly has a tendency to want to micromanage everything and we have looked at the history of various organisations. The trouble is if we do not micromanage - and this is a great dilemma - and we give organisations rather broad, general, well-meaning objectives to which to work, we know that people can go off and within those kinds of broad rather fuzzy objectives that there can be committed for the finest of motives a multitude of sins. I think we have to look at the whole issue of political accountability and sadly - and I know people will renege at this - it may involve more micromanagement. I mean, another way - and I have noticed this happening in other parts of the States and it is almost creeping back to the old committee system - perhaps the Minister could set up a political steering group where he could be fed views as to how the utilities are operating, as to how they fit in with public policy, and the kind of public policy element that they should take into account. Because the irony is that the utilities at the end of day, they are tasked with being self-sufficient and often because of astute management, as he mentioned - although he did not mention J.E. Marine, I notice - they make profits which are then fed back into the States. But the point at the end of the day, the fact remains they do have a public obligation and we have seen obviously the post office is struggling with this because of this universal service obligation where it has to deliver letters to every home for a designated, soon to be reduced, number of days. I am not sure we have got that balance right. So from that point of view, given that Deloitte in a way is a management consultancy who is involved in the management as opposed to the politics, from that point of view I do believe we have got to review the political accountability structures. I mean, one of the most telling examples of this, I do not know if Members remember when the prison service was set up as a quango - I forget what it was called, a prison lord - you may recall there was a massive breakout from one of the prisons and the Minister concerned, Michael Howard, and of course there was a legendary television interview where he said "no", I think, 14 times to Jeremy Paxman as you may recall. There was a legendary television interview where he said: "I have no responsibility for operational management and I will refuse to answer your questions." It was that legendary interview where he said I think to Paxman 14 times, he said: "No, no, no." I am not suggesting the Minister behaves like that, but what it demonstrated of course was here was a vital service which had been given a high degree of independence where there was meant to be an arm's length relationship where the Minister only answered in general terms about the service. But ultimately there was a major, major operational issue arose and the Minister refused to deal with that. He refused to deal with its broader implications and I think at that point people said: "Maybe we have got it wrong." So that is why, among other reasons, I think political accountability is important and in a way we have ended up in a situation where the Minister for Treasury and Resources - in his normally very energetic way - has ended up as a champion of the utilities in the Legislature, whereas in a way he should be the constructive critic. He should be the person asking them: "Well why on earth have these fees been paid? Show me the results of these salaries you are paying", et cetera, and I am sure he is working on that but given the speech we have heard I think he has to make up his mind, is he the champion or is he this Assembly's representative and hard-nosed representative to those bodies. Thank you.

4.1.5 The Deputy of St. John:

I notice within the paperwork we were given by Senator Breckon a report that mentions fibre optic cables. I have to ask, given that they are a utility company - this particular company, J.E.C., is responsible for supplying electricity, it is an electricity company - why the people of Jersey are expected to pick up a bill for running fibre optic cables around the Island because of one of its subsidiary companies. I say that because every road that is dug-up to run fibre optic cables by the Jersey Electricity Company under the guise of a utility company means that you and I, taxpayers, it

is everybody, are indirectly having to pay to have these roads which are in such a poor state resurfaced.

[16:00]

They dig the roads up, fill them, fill the trench, and at the end of the day the Parishes or the States - whichever road they are going through - have to resurface the roads much sooner than we would have generally. I must say, are our directors - and I know what the answer is - that we have on these boards, working in the interests of the people of Jersey, which we would hope they would be. But, no, under the law they have to work under the interests of the company that they are a director of. This is where I think in this case our Minister for Treasury and Resources has to be far more robust when he is talking to these boards because I think it is costing us far too much money. What have fibre optics got to do with us if they are going across the Island over to Guernsey, if we are bringing in power cables for Guernsey right across our Island and we are picking up the bills just so the company itself can put a new power cable into supply Guernsey, but by crossing Jersey they save X number of millions of pounds. Fine for them but not quite so good for the people of Jersey who have to pick up through their rates, if it is through a Parish road or through their taxes, if it is a States road, the making good when the roads start breaking-up and I would have expected our Minister for Treasury and Resources to be on the backs of these utilities that we have. It does not seem to be happening because I can think back to 2001 and 2002 when the then Public Services Committee - now T.T.S. (Transport and Technical Services) - were seriously looking at putting in place legislation, if the utility companies dig them up, to reinstate the roads 100 per cent by resurfacing the whole area of the road that is being dug up, not just the trenches. I am aware that the Minister for Treasury and Resources, having been also a President/Minister of T.T.S./Public Services in his day... why was this not progressed? I have concerns; why is it now in 2011 and we still do not have any laws to control these utilities in this way? Is it because he wants to bring everything to the centre? I do not know, I obviously do not know, I am just asking but there are areas and I think by having a Committee of Inquiry these areas can be looked at along with others, which have been raised; whether it is for Jersey Post or other areas to do with some of the utility sub-companies; between 2 utilities they have got 3 telephone companies between them, when we have our own telephone company. We are just creating competition between our own utility companies, which seems a bit odd to me when we own 100 per cent of 2 of them and 60-odd per cent of another, we are making them compete against each other; it seems rather odd to say the very least. I think that Senator Breckon is right to have brought this to our notice, brought it here today, and I sincerely hope the Members do vote for a Committee of Inquiry because this is an area that needs to be looked at in depth from outside, not have influences from inside the Chamber where Members may be sitting on Scrutiny now, who may have been a director of one of these utilities in the past, we do not know or if it is done through other areas where we are directly involved. I think it is better to give this to an outside body, such as the Committee of Inquiry, to look at it and come back with a good solid report and give us an indication of the way forward. Thank you.

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

I just merely want to mention in terms of transparency, as the Minister for Treasury and Resources stated; I believe it is only appropriate that due to Newtel being mentioned within the context of this debate that I advise Members that I do have a family member employed by this company.

4.1.7 Deputy G.P. Southern:

Yes, I think briefly; there are issues that are worthy of investigation. It is one thing for the Minister for Treasury and Resources, as he tends to do, to say: "I have got everything in hand; either I have looked at things and I have already done something about it", we do not quite know what or: "I am about to do something about it; things are in hand" or: "The other issues are not really worth bothering about because I am bothered about them" but there are issues. We have tried, on a number of occasions in this House, to hold either the Minister for Economic Development or the

Minister for Treasury and Resources to account for the actions taking place in public utilities. We are told that it is not for the Minister for Treasury and Resources to interfere in any way, shape or form, by and large, with decisions made by the utilities and we are told by the Minister for Economic Development... who just simply refuses to give directions to J.C.R.A., or anybody else for that matter, over issues that concern us like Jersey Post paying its executives fairly large bonuses while requiring its workers to reapply at lower rates for their own jobs, and that cannot be a healthy situation at all. I, for one, am in favour of this Committee of Inquiry. I think the range of issues that are covered by Senator Breckon's proposition are the right ones, particularly the political steering, if you like, of these particular utilities. I think Deputy Le Hérissier is correct when he says: "It is a political issue; it is not just about the day-to-day management, it is political. We have these companies, we have still, as a States, a conflict of interest in the terms of regulation and profit-taking from these companies." But in that context I wonder how many people out there were struck, as I was 2 nights ago or 3 nights ago, I have been in here for so long I do not remember, by the headline towards the centre of the paper that J.E. (Jersey Electricity) reports £14 million profits on £100 million-and-something turnover and I looked at that: "What? What?" £14 million profits when tax is going up and people find it difficult to pay their heating bills; £14 million profits on £100 million-and-something turnover is an enormous profit and I am sure many others were struck by saying: "What? That is my heating bill. That is my electric bill that is going that way" and is it really appropriate that £14 million and not £5 million, £6 million, £7 million or £8 million? That is a good return for a company; £14 million, something, something surely is wrong, so I will be voting for this.

4.1.8 The Connétable of St. Brelade:

Just two points; one is really in reference to comments by the Deputy of St. John regarding infrastructure under the auspices of the utility companies. I think the Deputy is right that in the past there have been issues with regard to the disruption on the roads and the willy-nilly trenching. I have to say that now it really is under far better control and to that extent would have benefited my predecessor as a Minister. The Street Works Law is now with a law draftsman and will be with us probably, I am told, in the early part of next year. Secondly, with regard to the incorporation of the Post Office, I had the experience of being on the Scrutiny Panel which looked at this during that period, and I have to say that I do not believe it has been a great success in terms of the value to the public, which we were concerned about at the time, and certainly the 'last mile' issues have come to the fore now and I think that a scenario of that needs to be addressed. I am not keen on Committees of Inquiry because of their excessive cost but I think this gives a clear signal to the Minister for Treasury and Resources to focus on these areas so that we do ensure that we get good value for the public. Thank you.

4.1.9 Senator F.E. Cohen:

I can assure Members that the Minister for Treasury and Resources takes his responsibilities in relation to utilities extremely seriously, as does the Minister for Economic Development. I know from my many conversations with the Minister for Treasury and Resources that he has indeed taken a very tough line. While he has been modest about his achievements I know that some of the significant cost-savings that have been achieved in recent years have been directly as a result of his interventions. I do not know the chief executives of all of the utilities well but I have got to know the chief executive of Jersey Electricity, and I can assure Members that he is an exceptionally competent chief executive and we are extremely lucky to have him. I do not believe that a Committee of Inquiry at this stage is warranted and I believe we are better off to allow the Minister for Treasury and Resources to carry on in his role and to rely upon his endeavours to ensure maximum efficiency is delivered from the utilities.

4.1.10 Senator A.J.H. Maclean:

Just very briefly, I wanted to pick up on a comment made by Deputy Southern, who unfortunately has left the Assembly temporarily. He made comments to the fact that the Minister for Economic Development refuses to give directions; in particular he was referring to Jersey Post and he was relating it to staff bonuses. I have made clear to the Deputy before, and I hope the Members of the Assembly as well, that the level of powers of direction that I have are strictly limited and they are in the areas of social and environmental matters and not giving directions in relation to pay awards, bonuses and such like. I just wanted to first of all clarify that point. Secondly, I have had at least one meeting with Senator Breckon where he raised some concerns surrounding the utilities and I have to say we did look at these concerns that he raised and suggested that in fact there was probably a better mechanism in terms of addressing the areas of concern that he raised. They were, by and large, opinions and hearsay. I am not in any way suggesting that there is not some basis for further investigation based on that but I think if one refers to the proposition here under page 5, the sort of language that the Senator uses demonstrates my point where he refers to “looks as if jobs have been created for the boys” and “I am convinced” and “I have heard” and “if this is accurate” and “I believe that there are some issues”. There is a distinct lack of concrete evidence that we found that we could actually look into in more detail than we did. What I would suggest is more appropriate; the concept of a Committee of Inquiry in this way and indeed the way it has been drafted and the proposition is extremely wide-ranging, there is a cost associated clearly which the Senator has identified as being possibly £250,000. I would suggest that an inquiry of that nature with that spectrum of issues to consider it could be substantially more than that. There are indeed probably more targeted ways in which matters could be addressed; P.A.C., Comptroller and Auditor General in certain areas and indeed, for that matter, Scrutiny if they wish to look at the relationship specifically between the Minister for Economic Development and the 4 utilities in relation to the regulatory responsibilities, may well be the best way and most cost-effective and, I might add, probably the quickest route in order to ascertain if indeed there is an issue here at all. I am not convinced that there necessarily is but that does not mean that the issues raised by the Senator should not be investigated. I just feel that the proposal of a Committee of Inquiry is very much overkill in this instance, so I would strongly recommend that Members reject this proposition. I do not believe necessarily it should be left to lie. I think we should perhaps take one or 2 of the items that the Senator is concerned about and direct them to the appropriate bodies to investigate and do so in a most cost-effective, and probably the easiest and quickest route to get an answer. I will leave it at that; I would encourage Members not to go down the route of the Committee of Inquiry at this stage. Thank you.

[16:15]

4.1.11 Deputy A.E. Jeune:

Just very briefly, I think Senator Breckon is quite correct in the best part of everything he says here; there are concerns. I do not think I know anybody who sits comfortably with what has been going on in Jersey Post. If we are the 100 per cent shareholder then that means the taxpayer is the shareholder and I do believe that it is the Minister for Treasury and Resources’ duty to make sure that we are getting the very best value out of these utilities. However, having said all that, I do not believe the answer is in a Committee of Inquiry. They are expensive and they take a long time but, as I said at the beginning, I think Senator Breckon has said much of value; he knows what the people of Jersey feel and I ask the Minister for Treasury and Resources to deal with it. Thank you.

4.1.12 Deputy M. Tadier:

I do not need to declare an interest, apart from to mention that I did used to work for Jersey Telecom for about 3 years but the focus of my speech is not going to be on Jersey Telecom. I do think it is necessary to speak as a member of Scrutiny and as a member of a panel which was, for a period of time, looking at issues to do with Jersey Post in the round. That particular review was overtaken by other events in the Chamber to do with things that were going on at Jersey Post at the time, and it was felt that it was not appropriate in that light for us to continue with the review and

with the conclusions; as I said, we were overtaken by events. Nonetheless, I think it was a couple of months that we were looking at Jersey Post and it was with the Deputy of St. Mary and Deputy Shona Pitman at the time. We did uncover issues with Jersey Post that remain unresolved; issues to do with the internal workings of the company. That we also had various issues flagged-up to us by employees in a formal setting but I also had residents of St. Brelade coming up to me and telling me things that were alarming which we could not resolve. I think that certainly, like the previous speaker, there are good grounds for these issues to be looked at, I think in the round. Unlike the previous speaker I do not see any way to do this in a meaningful way, other than by a Committee of Inquiry which does not have to be extremely costly. I do not see, for example, that States Members, in any meaningful way, can look at these things. I think we have all got positions ideologically, if you like, in the States and we cannot necessarily be looking at things of this nature. I think it does need to be handed over to a Committee of Inquiry to look at these things in the round. I think we want a thorough job to be done so that in the long term it can be an invest-to-save. I will be supporting Senator Breckon's proposition.

4.1.13 Senator T.A. Le Sueur:

It is always tempting when anyone has any concerns or anything, well let us try and set up a Committee of Inquiry. Like other speakers I think it is important that we understand when it is appropriate to set up a Committee of Inquiry and when it is not. The range of issues we have spoken about this afternoon vary from detailed theory about particular accountability from Deputy Le Hérisier to the digging-up of roads from the Deputy of St. John and could range, no doubt, far and wide. That is why when one looks at the wording of Standing Order 146 it is quite clear it is to look into a definite matter of public importance. I think in this particular case, although we think that there is something perhaps that might need to be questioned about one utility, we are not quite sure which way. We first of all need to identify what is the definite concern rather than just a general: "I wonder if everything is right" because we can carry on doing that, having a Committee of Inquiry for anything. But I think we have to first of all say before we set up a Committee of Inquiry, are there other things that we, as a States body, should be doing? Are there ways in which we should be holding the Minister for Treasury and Resources more to account? Should we be holding the Council of Ministers maybe more to account? Is there a role here, as I am sure there ought to be, in financial accountability for the Public Accounts Committee to look at this, even if that is not already being done by the Comptroller and Auditor General? There are other ways of addressing parts of the issues of this problem in a far better and more direct way without spending £250,000 or more. Then perhaps if there are any other issues not dealt with, once we have gone through all that lot, then we might have a more focused Committee of Inquiry at lower cost on the particular definite matter of importance. But to have this sort of blunderbuss approach, let us set up a Committee of Inquiry with, as the proposition says "very wide terms of reference" to deal with something which perhaps we do not feel either competent to or inclined to do ourselves and we think we should just pass it for somebody else to do and I think that is failing in our duty; we first of all need to know just what are the underlying concerns that cannot be dealt with within our own organisational methods. I believe that most of the concerns that have been raised could be dealt with very often simply by a telephone conversation or a letter to the person concerned saying: "Could you explain this to me because I am not quite sure what is going on?" I think rather than setting up this Committee of Inquiry, with a wide-range of all-seeing, all-dancing, let us look at the whole thing ourselves first and then, if needs be, look at the more focused approach later.

4.1.14 Senator S.C. Ferguson:

I thought perhaps, Sir, I ought to confess to a slight conflict of interest because I have just acquired a very small holding in Jersey Water. However, I do not need a Committee of Inquiry to go and beat them over the head; I intend to go to the annual general meeting. I do not think it is really a case for the Committee of Inquiry. I would like to see the Comptroller and Auditor General working on it. There are aspects of this that I think yes, if we have time Corporate Services would

look at but we have had to prioritise and our priorities at the moment are somewhat fixed on C.S.R. 2 and migration. We have also got to bear in mind that J.E.C. is a company which is quoted on the London Stock Exchange, and there are limits on the action of a majority shareholder. It could be viewed, I think I am correct in saying, as really oppression of minority shareholders if we start taking unilateral action against a company like that. I think there are areas that need investigation; the circumstances of the employment and subsequent discharge of a particular director. I must confess to a sort of nosy interest in the deals involving Newtel and who are the people who have taken over Newtel? As Senator Breckon has already said, when was the shareholding written-down or reduced from 41 per cent to 34 per cent, who owns the other percentage? Obviously if F.M.H.L. (Financial Media Holdings Limited) have now taken over Newtel they presumably own the fibre optic cables, so that is of interest, but I think that is possibly outside the scope of even an inquiry. I think an inquiry is too excessive for this particular matter. I would hope that the Minister for Treasury and Resources, once he has had his report by the Treasurer, will report to the States in writing on this. As I say, I do not think I am totally conflicted on that because financially it is a very, very, very small investment but I do not know whether you think I ought to retire?

The Bailiff:

You hold shares in ...

Senator S.C. Ferguson:

Jersey Water.

The Bailiff:

That is simply a question of whether there should be a public inquiry into their company. I cannot see that that in itself is a matter for you to retire; you properly declared.

Senator S.C. Ferguson:

Thank you, Sir.

4.1.15 The Deputy of St. Mary:

Just briefly, it is quite good sometimes to leave the room and have a little walk about and come back. It seems to me clearly that the real issue here, the issue that sticks out is the issue of remuneration and some of the apparent irregularities - and I use the word "apparent" advisedly - in J.E.C. mainly to do with directors and consultancy and so on. It seems to me that if you think about those things that the obvious home for this is P.A.C. I just do not see that the Public Accounts Committee is not the right body to ... is that not what they are there for, to look retrospectively at things that have happened that seem to have gone wrong or that seem to need investigation? People have agreed that there are things that need investigation. Indeed the Minister for Treasury and Resources says that he is looking at that very issue through his department. I just wonder why the Public Accounts Committee seems to be absent on this issue and maybe they are too busy writing reports about the future and making political points instead of writing reports about what they should be writing reports about, which is the public accounts and in this case the accounts of our utilities and what is going on with respect to those accounts and remuneration. I just throw that into the pot for the proposer to consider, but that just does seem to me to be the natural home for what we are talking about.

4.1.16 Deputy P.V.F. Le Claire:

Very briefly, I am going to support a Committee of Inquiry because, if nothing else, it will give some indication that I think there is an issue that Senator Breckon has quite rightly highlighted. I am not so hung-up about the levels of remuneration of the executive officers of the organisations; although there are issues in that regard; those are not my primary concern, how much people are paid for their roles is a matter of public interest but it is not the driving force behind my support of a Committee of Inquiry into what Senator Breckon is asking. I think as we move forward into a

world which is going to be impacted severely by climate change there is going to be a need for us to consider not only the energy that we use and the type of energy that we use but also the water and the access to water and the charges for water. I think it is important for us to recognise that these States-owned or part-owned companies, that were once wholly-owned by the States of Jersey, are in our care for the people of Jersey at the moment and should be in perpetuity. I think that with such immense issues on the horizon in relation to tidal power and the transfer of those regulatory issues into economic development, I think that there needs to be certainty about the set-up in relation to these companies from a governance and regulatory perspective. I also think in order for us to ensure that the people of Jersey have continuing adequate affordable energy and water we need to ensure that an independent examination of these arrangements is undertaken and I do not think that we are going to get that if we rely upon ourselves to do the work. My experience of the Minister for Treasury and Resources is he is a very capable politician but he is only one man and he is only in one place at one time. He cannot be everywhere, although he does at times try to be and when he is away he is not everywhere, he is somewhere else. **[Laughter]** I am just upset he did not take me skiing; the boys wanted to go. I hope that he will still take me skiing next time.

[16:30]

In the meantime I would say, with the greatest of respect to the Minister for Treasury and Resources, I think he will not mind me saying, I just get the feeling that he is trying to juggle too many balls and he let one go and he just cannot do it. Yes, he can handle any task, I feel confident that he can, and I am not trying to suck up to him for some money; I have not got a budget, I have not got a department, so it does not matter but I do think he has got ability, I do think he has got commitment and drive and dedication but, I am sorry to say, it is just not physically possible for him to do all that is needed to be done. In this regard I think it would be better served by a Committee of Inquiry. If it is not going to be done by a Committee of Inquiry then I am certainly hoping that the Deputy of St. Mary and others will look about these issues because they are environmental issues; climate change will affect us enormously in these areas. I am hoping that, if nothing else, this will give us food for thought.

4.1.17 Deputy A.K.F. Green:

I just want to pick up on a couple of points. I do not think anyone could be more concerned than I was and than I am, particularly about Jersey Post, but I have to say having seen the work of the Comptroller and Auditor General I have got utter confidence in the work that he does. I wonder why we would want to spend £250,000 when we have a very capable independent employee who could do the work for us. What we should do is reject this proposition, thank Senator Breckon for bringing it to our attention, reject it but hold the Minister for Treasury and Resources to account. He says he is going to make it possible for the Comptroller and Auditor General to do this work, let us make sure that he does.

4.1.18 Senator J.L. Perchard:

I will support Senator Breckon if, when he sums up, he can explain to me and the Members that Jersey Post is disproportionately more expensive and inefficient than it is in perhaps Guernsey, Isle of Man, the U.K., Europe; it is not Jersey Post but it is postal services. If he can explain to me that Jersey Telecom's service provision of mobile and landline and network services are disproportionately more expensive and inefficient to similar services are in Guernsey, U.K. and Europe; similarly with Jersey Electricity, if he can explain to me that Jersey Electricity is inefficient and the price of electricity is that much more expensive than it is in similar jurisdictions; and Jersey Water; if Senator Breckon can explain to me that the prices our consumers are paying are disproportionately high and these utilities are inefficient, when he sums up, I will support him.

4.1.19 Deputy E.J. Noel:

I just want to say I think that Deputy Southern may have inadvertently misled the House when he said that electricity tariffs have gone up; in fact I believe that they were reduced in the past 12 months. That aside, Deputy Le Claire has missed the point regarding the Minister for Treasury and Resources juggling; the Treasury has been given the resources to address these problems, it is not down to one individual; although he is an extremely capable individual he has a team to back him up. I share the same view as Deputy Green. Let us first see what the Comptroller and Auditor General finds or indeed Scrutiny or indeed P.A.C., prior to setting-up yet another Committee of Inquiry. I believe that Senator Breckon's and the good Constable of Grouville's concerns will be best served by the Comptroller and Auditor General's work. The terms of reference suggested are very wide-ranging; they would take a considerable amount of time. In Senator Breckon's own words: "£250,000 is a lot of money and it may indeed cost a lot more." If the Comptroller and Auditor General were to address these concerns it would be more expedient, provide better value and would be focused to address the specific issues that both he and the Constable of Grouville have. I ask Members to reject this proposition and let us support the Minister for Treasury and Resources in changing the law and allowing the Comptroller and Auditor General to look at these matters.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Senator Breckon to reply.

4.1.20 Senator A. Breckon:

I thank all Members who have spoken and especially the Minister for Treasury and Resources for the significant input into this, it is really appreciated and it does get some issues in the public domain, which I think is good and healthy. I would like to come first of all, in reverse order, to something that Senator Perchard said: "How efficient the organisations are is not necessarily the prime issue." The fact is we come back to the proposition about committee of inquiries, about a definite matter of public importance. I would ask Members to consider, is Jersey Post under that category of a definite matter of public importance? It is important to people if you do or do not get your mail or whatever other services you are using, and it is the same as Jersey Telecom, although there are other operators. What they do is definitely of importance, the same as Jersey Electricity who do a good job keeping the lights on, as it were; there are no issues there, it is excellent, there is no criticism there and the same as Jersey Water. They are matters, I would contend, of definite public importance. Therefore the issues that have been raised by Members, it is interesting how this is going to go in different directions. Something the Constable of St. Brelade mentioned, and he and I were on the Scrutiny Panel at that time that looked at postal services, and it has been looked at again and there were some issues there. Deputy Southern, I think, looked at issues with telecoms but at the moment, the way I saw it, is nobody has this on the radar. Public Accounts, of which I am a member, do not. Nobody that I know of is saying: "Yes, we are going to look at this, it is an issue." A Scrutiny Panel did look at issues concerning Jersey Post and then because it overlapped with other things they then stopped their inquiry, so that did not continue. But my idea today is not to conduct the Committee of Inquiry, it is to say to Members - and I hope they are listening - there are enough issues that concern me that suggest a different thing should do it and that is a Committee of Inquiry because what has happened is carefully it has been crafted-in. Somebody has got to be responsible here, whether it is Economic Development, Treasury, Scrutiny, the Comptroller and Auditor General or the Public Accounts Committee; how does this come together? We require a change of law to do various things whereas this body, in my opinion, could be funded and it could provide value for money if, at the end of it, it finds things and makes recommendations that gives us better structure. The other thing the Chief Minister has spoken of and I know in a former life he was an accountant, there are a number of accountants around, but the question is professionally if you are involved with a company and they say, as has been said here in the case of Jersey Post: "The board has not complied with principal B1.4 of the Code of Remuneration." What does that mean professionally? If I was a professional person in some

organisation and have got responsibilities saying: “Well we have not played by the rules here” then I would have a concern. I would have a real concern, now what do we do with that? Do we live with that? Are they going to do it again? Where is the accountability for that? Somebody, I believe, should investigate that and do that. There is a cost but I think that cost is well worth spending because where is this going to fall? I do not think it is going to fall anywhere. What is going to happen? It is going to disappear and say: “Yes, it was a bit uncomfortable at the time; somebody was raising issues, we would rather not deal with them.” We do live, ideally on a regular basis, with Chief Executives and sometimes chairmen of these companies but this is not a personal issue, this is a practical issue saying: “What are we doing here?” Other Members raised a number of questions; the other thing about the black fibre optics, and I know what the Deputy of St. John is saying, but there is, with the Channel Islands’ electricity grid, if you are going to put a cable down under the sea it makes sense to put a communications cable by the side of it and that was done to France and between the Channel Islands. That obviously is the way forward for some of the technology. I do not think the Deputy of St. John said it, but if the roads are being dug-up for other purposes then it is time to do this because this is part of the economic growth and the infrastructure, but again that is a separate issue and that is a business thing that I think most would agree with. The Minister for Treasury and Resources made a number of points but what he was saying was: “Well there is some evidence but how much is it and what is it?” The other thing, I was given some material in confidence and I have kept it that way, although I have shared it with the Treasurer of the States and others on a need-to-know basis, but there are issues there that do concern me about some of the wheeling and dealing that has gone on behind the scenes. I will just leave it at that but I do have documentary evidence that I have chosen not to present in camera but it is enough that concerns me. Whatever way that could be shared another way, and those who will receive that, if it goes in different directions, can share that hopefully and do something about it because it does concern me and it is about professional standards and conduct and things like that, but it is not in all cases and it is, let us just say, not widespread. The other thing that has been mentioned and it is a complication; 2 companies are wholly-owned by us and 2 we have majority shareholdings in; what can we do with that? There again there are compliance issues but then we must get the balance right between the transparency and the compliance, and I do not think we have quite got that. Again, with Jersey Post and with the Comptroller and Auditor General about 3 years ago, Senator Ferguson will remember this and the Deputy of St. Ouen will remember this, we looked at different areas; 2 members of P.A.C. and I, with somebody else, looked at Jersey Post with the Comptroller and Auditor General so there is lots of work that has already been done in different areas that could come together. But in my opinion, and I maintain that the best way of doing this - the independent way of doing this - would be a Committee of Inquiry. Yes, there is a cost but do not forget these companies are cash-rich and there is a way of doing that; we do not pay, they do that. It is not to say we should spend any money or silly money, it should be done properly. With that I think I have covered the points that were raised and I maintain the proposition and I ask for the appel.

The Bailiff:

Very well, the appel is asked for then in relation to Projet 31, the proposition of Senator Breckon. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 16	CONTRE: 29	ABSTAIN: 2
Senator A. Breckon	Senator T.A. Le Sueur	Deputy J.A.N. Le Fondré (L)
Senator F.du H. Le Gresley	Senator P.F. Routier	Deputy A.T. Dupré (C)
Connétable of Grouville	Senator P.F.C. Ozouf	
Connétable of St. John	Senator F.E. Cohen	
Deputy R.C. Duhamel (S)	Senator J.L. Perchard	
Deputy of St. Martin	Senator S.C. Ferguson	
Deputy J.A. Martin (H)	Senator A.J.H. Maclean	
Deputy G.P. Southern (H)	Senator B.I. Le Marquand	

Deputy of Grouville		Connétable of St. Ouen		
Deputy P.V.F. Le Claire (H)		Connétable of St. Helier		
Deputy S. Pitman (H)		Connétable of Trinity		
Deputy K.C. Lewis (S)		Connétable of St. Brelade		
Deputy of St. John		Connétable of St. Saviour		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy T.M. Pitman (H)		Connétable of St. Lawrence		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

5. States Members' Training (P.34/2011)

The Bailiff:

We come next to Projet 34 - States Members' Training - lodged by Deputy Tadier and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Privileges and Procedures Committee to establish a training programme which will be available to all States Members, with at least one session per year, to provide ongoing skills training in relation to delivering speeches, general debating skill and any other areas that the committee deems might be of benefit to local parliamentarians, that are not already covered elsewhere.

[16:45]

5.1 Deputy M. Tadier:

I bring this proposition really for probably 3 main reasons, the first of which is that just in general terms I am a big believer in the benefits of education, of learning, of training and that includes in the workplace. I mentioned earlier in a previous job, and that was in the private sector, I did receive training and it was in an area which directly, I think, benefited me. Some of the training I received was not always directly to my role but it was to do with the telecoms company I was working for, learning about the system and I found that very beneficial; the purpose of it was so that obviously I would know more about the company and know more about how to do my job. Incidentally, I did not have to pay for that training and I do not think any of the staff in that company had to pay for the training themselves; it was paid for them by the company, it benefited the company but also, as a by-product, it benefited the customers who have subscribed to that company as well. That is really where I am coming from; it might sound slightly simplistic in that sense. I think that training is a good thing. I would probably insert at this point that training already exists within the States for States Members. It exists certainly within the Scrutiny function and I think that there is a very good programme; it is a programme that is currently being looked at. It is a programme that does need to be looked at perhaps for consistency, looking at which areas are

beneficial and which areas maybe are not so. I can give an example; on one Scrutiny occasion we had a Q.C. (Queen's Counsel) came from the U.K., he was Scottish and I cannot remember everybody who was in our particular group but I do remember the Constable of St. Peter was there and I certainly felt that that particular session, which was on questioning techniques in the Scrutiny context but which also had a context within the States Assembly for question time, was beneficial. It was, I believe, good value for money to have any Scrutiny members who were free and wanted to go along to that session were able to go there to learn new techniques, to perhaps practice old techniques but also to learn from other colleagues in that context; perhaps colleagues with which they do not really mix within professional circles, not like in the past, that was particularly beneficial. That does not seem controversial; I do not remember any States Member raising objections to that, I do not remember any States Member saying: "Why are these Scrutiny members attending training sessions? They should be paying for this themselves." There was not a great public outcry. The *J.E.P. (Jersey Evening Post)* I do not think asked questions about it; they did not try and ridicule it in any way, that just went ahead. The second reason I have raised this issue is because I think that we do need to look at the actual resources that are available to States Members. There is a disparity between the resources that Jersey has, compared to other jurisdictions; I am not saying that is right or wrong. There certainly are States Members, who have been in the Assembly for a lot longer than I have, who will know that there already has been a vast change and improvement in facilities and resources that are available to States Members. Hopefully that facilitates States Members in carrying out their tasks both for the Island and for their Parish, and I hope that it is also something we would not object to. The third reason is because on 3rd March there was a proposition debated by Senator Routier - it was P.1 - and it debated the idea of whether or not we should have length for speeches; whether there should be a time limit but narrowly accepted that there should be a time limit but it was not defined and that was a vote of 23 to 22. On that day there were various interesting speeches and we heard some very good pearls of wisdom from different Members of the States. We heard, for example, that Deputy Power told us it was Winston Churchill who said: "It takes a long time to write a short speech." We heard Deputy Le Hérissier expounding the virtues of a Chinese proverb: "Deep doubts, deep wisdom; small doubts, small wisdom and if you do have occasionally people who do shake the tree that they should shake it well." We were hearing lots of interesting bits from States Members, strangely about how to give good speeches. We have also heard, on that occasion, from the Constable of St. Brelade saying that he thinks there would be merit in P.P.C. considering whether, at the outset of the States term, they might arrange some sort of training for States Members. He said: "I think training and effective speaking would be extremely useful and I have no doubt at all it would be of great benefit to Members." Also from a cost point of view we heard the then chairman of P.A.C., Senator Shenton, telling us that it costs I think roughly £6,000 an hour for when we are in the States Chamber, so every speech someone gives for an hour it costs £6,000. Clearly one has to take that figure with a pinch of salt because even if we are not in the States Chamber we have to pay staff to do something. It is not simply the fact of speeches which cost that but there is of course a transcription element involved in that. Perhaps, ironically, I was reading through one of Deputy Le Hérissier's comments and it has been transcribed incorrectly, probably by our New Zealand colleagues, who spoke of "sending the Assembly into a whole paradoxism of tedium and boredom", **[Laughter]** which I suspect it should be a paroxysm; that is quite interesting but that is by the by. Clearly I think this proposition, I have been taking soundings and Members will be quite pleased that I will be withdrawing this proposition today and I will give my reasons for that. It is not because I do not believe in the proposition. It is not because I believe that States Members across the board will not benefit from having training - as I have said training already exists - but what I think is probably the best course of action in this case is that I pursue the matter further with P.P.C.; I have had an informal exchange of notes with the chairman. My concern is that, as I have said, we already have a training programme but it is not as joined-up as it could be. I think it is not as comprehensive as it could be, and I think this is something which needs to be discussed further within P.P.C. There have been suggestions that we receive currently a very good induction programme from the

Greffier's Department, and I think that perhaps is the place in which this kind of training could, if it is acceptable to the Assembly and after discussion with P.P.C... perhaps be the time that it would be best to be included. I will not go on any longer. I think it has been an important opportunity this proposition, to raise an issue, which I think is important. The bottom line is I have not done this for my own benefit in any way. I think that is something that the whole States can benefit from, but ultimately it is the public who would benefit if they have better representation. I will just leave States Members with a small thought; just to qualify the costs, I have put costs in here, that they are a maximum cost, that they are a generous estimation based on soundings from the earlier advice I have taken, which would look in a year at up to £7,500 being spent on training for these purposes, and that is on the presumption of somebody coming over, a qualified trainer, to put on courses over a 2 or 3-day period for all States Members, which works out roughly at £2 to £3 a week per States Member but there does not even have to be that cost, I would suggest. I think we have expertise across the road, we have expertise within the Chamber, and I think a programme of this nature could be run very cost-effectively and I think that would be beneficial. But just to put things in context because this cost thing always comes back as a red herring; we send Members overseas to conferences. I went to London last year on a 2-week course. Did that benefit me individually? Did that benefit me as a States Member? Absolutely. I can say that the training and the context from being in Westminster for 2 weeks was of great value to myself, and hopefully over time that will extend through to dealings in the States and to dealings with constituents and it will be a 2-way relationship, but that had a cost implication with it. I found out today it cost £2,842 to send me over to Westminster for 2 weeks. Money well spent, absolutely. I think it was, and I am not saying that simply because I was on the receiving end of it. A similar sum could be spent here and it could benefit 53 States Members which we could all go to. We could get somebody in possibly to give training or we could do it even for that price or less and it would benefit all States Members. That is simply what I am proposing. That is what I will now be pursuing with P.P.C. I will be asking for that to be put on the agenda and I will be happy to work directly with P.P.C. I withdraw this proposition at this point.

The Bailiff:

Very well, so the proposition is withdrawn by Deputy Tadier. We will move on to the next matter; 2 matters have been lodged or presented. The first is States Employment Board Annual Report 2010 - R.41 - presented by the States Employment Board; and secondly, Senator Le Main has lodged a proposition - Projet 48 - a first amendment to the Island Plan.

The Deputy of St. Martin:

Sir, could I just raise an issue about R.41 because it did concern me that when I read it yesterday that it did name a doctor in the report. It is not in the report today, which I am pleased to see but I am wondering whether the Chief Minister, who is also chairman of the States Employment Board, could give his reasons as to why it was included in the first place and maybe offer an apology to the doctor concerned because it should never have been there in the first place.

Senator T.A. Le Sueur:

I agree, Sir, that a person like that should not have been named publicly. I am glad it has been removed from the re-issued document. I cannot understand why it was there in the first place. Clearly it was one of those things that should not have happened. I can only apologise to the doctor and to trust that it will not occur again.

6. Public Elections: extension of pre-poll voting arrangements (P.42/2011)

The Bailiff:

Thank you. Then we come next to Projet 42 - Public Elections: extension of pre-poll voting arrangements - lodged by Deputy Maçon and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 17th March 2011 in which they approved amendments to the Public Elections (Jersey) Law 2002 and (a) to agree that the new arrangements that will permit the Judicial Greffier to take such measures as he or she considers appropriate for taking pre-poll votes from electors who are ill, disabled or illiterate, should be extended to allow the Judicial Greffier to take similar measures in relation to any spouse or carer of such persons provided that the spouse or carer is at the same premises as the elector who is ill, disabled or illiterate and that the voting arrangements can be undertaken at the same time; and (b) to request the Privileges and Procedures Committee to take the necessary steps to bring forward for approval an amendment to the Public Elections (Jersey) Law 2002 to give effect to the decision.

6.1 Deputy J.M. Maçon of St. Saviour:

Before I begin I see the chairman of P.P.C. mouthing something to me, but I will wait for her to give her speech. As stated in my report, the reasons for bringing this, Members will recall that during the debate of the Public Elections Law I raised this concern that it seems rather odd that we are arranging a system to try and encourage people to vote and then to send an officer, who has been instructed by the Judicial Greffier, to go and collect an ill, disabled or illiterate person's vote, to go to their house, go to their home address, collect that vote and then for the officer not to be able to collect perhaps their spouse or carer's vote at the same time; it seems rather odd that we did not make that provision at the time. Therefore, I think, if we are trying to design systems which encourage more people to engage in the election process, to me it makes sense to allow for a provision in law which states clearly that people have the entitlement, if they are a spouse or carer of the ill, disabled or illiterate person who is entitled to make the provision that they can, should they wish to, have their pre-poll vote taken at the same time. That of course does not mean that if they do not want that to happen or they want more time to themselves or if they want to go to the polling station for whatever reason they are still able to do that; it is an option which I think should be extended to people. P.P.C. have not submitted any comments, I suspect that is because we have had 2 successive sittings and they have not been able to meet and discuss this, so I will wait for the chairman to talk. There is a problem in that this would not be ready for the next election, however, I think it makes more sense just to have it done and I put it before Members today.

[17:00]

The cost implications, in my opinion, will be very minimal in that it is just an extra ballot paper to which an officer already has to go to so I hope that will not be a concern to Members. Finally, I would like to thank the Greffier in this; he was incredibly helpful, as the Greffier's staff are always. I do not think it is a very complicated matter. I think in this case, given the time, silence is always shown as support so I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]**

6.1.1 Connétable J. Gallichan of St. Mary:

May I speak, Sir?

The Bailiff:

Indeed, yes.

The Connétable of St. Mary:

P.P.C., as the Deputy said, did not have an opportunity to issue comments on this on a timely basis. I am happy to say I think it is a good way forward, it is something that was raised during the recent debate and I am happy that it has come forward so swiftly. I would also like to advise the Deputy and Members that I did take the opportunity of raising this with the Judicial Greffier and

representatives of the Jurats today, and I think all persons concerned are pleased with the way forward. The only thing that was raised that will have to be borne into consideration when we publicise this when it eventually does become into force, is that of course the carer may not be resident in the same district as the person they care for and so we will have to make provision to ensure that they apply at the same time as the person they are caring for so that we can be sure that the correct ballot papers are taken, but that of course will be something we will deal with procedurally. I am happy to second this and to support it, and I hope that we could probably avoid a long debate, bearing in mind it is such a sensible and pragmatic proposition. Thank you.

6.1.2 Deputy M. Tadier:

It has pretty much just come to mind, and of course I congratulate the Deputy on this, it is a sensible way forward, it is good that it is in some ways I suppose belt and braces, but to make sure that it gets done. My concern, or it seems like a logical consequence of this, if we are saying, for example, a carer does not live at the property, so what are we saying is that a carer who lives, let us say, in St. Brelade, who is caring for somebody in St. Helier, has a commitment essentially is what we are saying, they have a commitment because they care for somebody perhaps, I do not know, 12 hours a day - they may live in St. Brelade but care in St. Helier - so what we are essentially saying is, because they have another commitment, that commitment happens to be the fact that they are looking after somebody with specific needs, they can apply for a sick vote, essentially, is it not? They can apply for a postal vote on that basis. But somebody else who may just have commitments, which are nothing to do with looking after a sick person, may have exactly the same requirement because they have such a busy lifestyle that they also want that postal vote, but they will be denied that vote. So it seems ... have I misunderstood?

The Connétable of St. Mary:

Yes.

Deputy M. Tadier:

That is what it seems like to me, because in rolling-back the postal votes we are saying that people can only vote if they are ... of course they can pre-poll, but anyone can pre-poll of course, but what I am saying is that is not convenient for everybody, and the only people who can get postal votes at the moment are people who they have to prove that they are out of the Island or that they are going to be sick.

The Connétable of St. Mary:

On a point of order, I am just concerned the Deputy may be reopening something we have discussed and voted on recently, which is against Standing Orders I believe.

The Bailiff:

Well, yes, and it did not appear to have much to do with this particular proposition. Very well, any other Member wish to speak? Deputy Hilton.

6.1.3 Deputy J.A. Hilton:

Just very briefly, I wanted to congratulate the Deputy for bringing this to the House. I think it is an absolutely brilliant idea, well done. [Applauding]

6.1.4 The Connétable of St. Saviour:

Yes, just very briefly, I think this is sensible. There may be a problem; we may not be able to get it in for the next election, but in fact the Autorisés do have quite a lot of authority on this and I know in the past, when there have been problems, they have made provision for carers to vote. I know in the past I have taken votes from carers when I have gone to take a sick vote. So the Autorisés do have the authority to do what they think fit, and I understand that they will probably do the same thing in this coming election, even if this is not in force.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Maçon to reply.

6.1.5 Deputy J.M. Maçon:

I would like to thank the Chairman of P.P.C. and other Members who have spoken. The vast majority of Members have all spoken in support and there was the slight confusion about what this is about, but of course this is about pre-poll voting, it is not about postal voting. The benefit for this for many Members is that it will be conducted by an officer from the Judicial Greffe, which means that no candidate or supporter would be involved when the ballot was being taken, which is why I believe Members supported this.

Deputy G.P. Southern:

There was never any question of a candidate being involved in a ballot being taken, ever.

[Approbation]**Deputy J.M. Maçon:**

I absolutely agree, I am not trying to cast any Member in this Assembly, or any previous Assembly in Jersey, under that, but I know in previous debates that has been a concern for some Members, but I was not accusing any Member of this or previously in this House of that, and I apologise for that confusion. However, I note the points made by P.P.C., I thank Members for their contribution in this debate; I thank even more those who chose not to speak. I maintain the proposition and ask for the appel.

The Bailiff:

The appel is asked for then in relation to Projet 42 by Deputy Maçon and I invite Members to return to their seats and the Greffier will open the voting.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
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. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
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 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 T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

7. Draft Separate Limited Partnerships (Jersey) Law 2011 (Appointed Day) Act 201-(P.45/2011)

The Bailiff:

The final matter of public business is the Draft Separate Limited Partnerships (Jersey) Law 2011 (Appointed Day) Act 201-, Projet 45, lodged by the Minister for Economic Development. I will ask the Greffier to read the Act.

The Deputy Greffier of the States:

Draft Separate Limited Partnerships (Jersey) Law 2011 (Appointed Day) Act 201-. The States, in pursuance of Article 47 of the Separate Limited Partnerships (Jersey) Law 2011, have made the following Act.

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

This Appointed Day Act is required to bring into force the Separate Limited Partnerships Law 2011, which was adopted by the States on 25th May 2010 and sanctioned by the Privy Council on 16th March 2011. It simply adds flexibility to the successful Limited Partnerships Law from 1994, a popular collective investment vehicle primarily for private equity investors. I maintain the proposition.

The Bailiff:

The proposition is seconded. **[Seconded]** Does any Member wish to speak on the proposition? The Deputy of St. Martin.

7.1.1 The Deputy of St. Martin:

Just a very quick question, as members will see, this was passed or adopted by the States on 25th May 2010 and yet it took so long to get through the Privy Council system. Just can the Minister enlighten Members as to why it took so long, particularly as it apparently mirrors the Scottish system? Was there a problem at the Privy Council?

The Bailiff:

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

7.1.2 Senator A.J.H. Maclean:

Yes, I thank the Deputy for his comment. I share his concern, as many of us do, that these matters seem to be taking longer and longer to get through the Privy Council. We are seeking to address the issue, because obviously speed to market is very important, and as far as the finance industry is concerned products like this are needed, and needed as quickly as possible. I thank the Members, and I maintain the proposition.

The Bailiff:

Very well. All those in favour of adopting the Act kindly show. Those against. The Act is adopted. So that completes Public Business.

ROYAL WEDDING - MESSAGE OF CONGRATULATIONS

8 The Bailiff:

Before we come on to M, perhaps I can just raise one matter from the Chair, because this is the last occasion on which the States will in fact meet before the royal wedding, so I had in mind to send a message of congratulations in due course to the couple, which I thought I would share with Members: "The Lieutenant Governor and Bailiff of the States and people of Jersey join together to send their warmest congratulation and good wishes to Your Royal Highness and Miss Catherine Middleton on the occasion of your marriage on 29th April 2011. The people of Jersey rejoice and celebrate on this very special occasion and take this opportunity to offer their most loyal affection. They pray that you will enjoy together long years of good health and happiness and that the Island may one day be honoured by a visit from you both." **[Approbation]**

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Very well, so then we come to Arrangement of Public Business for Future Meetings and I invite the Chairman of P.P.C. to speak to it.

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

The arrangement of public business will be as per the Consolidated Order Paper with the following changes. On 17th May we have additions of P.53, which is the Draft Incorporated Limited Partnerships (Jersey) Law 2011 (Appointed Day) Act 201-, in the name of the Minister for Economic Development; and P.54, which is the Draft Incorporated Limited Partnerships (Jersey) Regulations 201-, also in the name of the Minister for Economic Development. Then on 21st June we have the amendment to P.48, which was just lodged, in the name of Senator Le Main. Those are all the changes that I have notice of.

The Bailiff:

Does any Member wish to speak? Deputy Le Claire.

8.1 Deputy P.V.F. Le Claire:

I would like to request that the Island Plan be knocked-back a couple of weeks, and the reason for that is that I am in the process of undertaking some quite serious amendments to that, and I note in the guidance to the statutory provisions and the proposed timeline that the length of public consultation could be extended, depending upon the nature of the amendments proposed. Because my proposals will be significant, I need to take some time to prepare them and get Members around to see them in case they need then to subsequently amend them prior to the debate. So I appreciate this has been a long time coming, but I would make one final point before making my proposal that it be set back 2 weeks. This was deferred from the last session when the Minister for Planning and

Environment was not here, he is here today, so he can tell us his views. But, on 21st June we have the North of Town Masterplan and a number of these issues surrounding the town are going to be, in my view, just rushed through, because we are going to be focusing on the main item of the day - on the big match - the Island Plan. I think 21st June, given that the Masterplan has been put back over the course of a year now, it has been knocked-back continuously for a year; I think that needs to be considered in advance of the Island Plan, I think the Island Plan in my view needs to be set back until 5th July. It is not a huge move, but I think it would give Members enough time to do the body of work that they need to do in the way that they need to do it, and, not wishing to upset the Minister, I make that proposition.

The Bailiff:

The proposition is seconded. **[Seconded]** Minister.

8.1.1 Senator F.E. Cohen:

I would urge Members not to support this proposition. The Island Plan, and I am sorry it has been so late in coming, but it is a very comprehensive document and, right up to the very last minute we were making changes. I have delivered a presentation this morning, of which all States Members were invited to, at which I explained the process of lodging amendments to the Island Plan. My department are there to assist all Members, they will be entirely impartial in assisting Members to craft amendments, and I would urge Members, for the present, to stick to 21st June, we need to see what those amendments are because it is possible that the Island Plan, if the amendments are very significant, will require a further examination in public, and that in itself may cause delays. But at this stage I would like to stick to 21st June, I think it is very important, and I think, if we do not do so, we may miss debating the Island Plan in this session and it would be kicked into the long grass, which I think would be a great disappointment.

8.1.2 Senator J.L. Perchard:

I wonder if the Minister or perhaps you, Sir, would confirm for Members the last opportunity Members will have, if the debate on the Island Plan is to be 21st June, the last opportunity Members will have to submit amendments to the plan. Because I think Deputy Le Claire's proposition ...

The Bailiff:

There is a published list, do we have the dates, Greffier?

Senator J.L. Perchard:

Deputy Le Claire's proposition is motivated by the timelines I suspect.

The Bailiff:

At the moment the date then is, it has to be with the Greffier by 20th April for lodging on 21st April.

Senator J.L. Perchard:

If I may continue, the timelines are very tight and I suspect putting the Island Plan debate to the first item on 5th July is not an unreasonable request and it would give Members time to consider and work on their amendments, and it would only be asking the Minister to concede 2 weeks, and of course we would be fresh on 5th July and I would propose, not only do we put it back 2 weeks, we take it as first item on 5th July.

Senator S.C. Ferguson:

Sir, perhaps I could comment ...

The Bailiff:

I am sorry Senator Ferguson, I had seen Senator Ozouf earlier, and then I will come back to you.

8.1.3 Senator P.F.C. Ozouf:

It may be relevant for Members to consider what other work is likely to be commanding the attention of the Assembly on 5th July.

[17:15]

While clearly the Island Plan has been lodged, I certainly would need to tell Members that there are 3 quite significant items of Treasury matters, which will be lodged: the Medium-Term Financial Plan, which is the changes to the Public Finances Law, which need to be done ahead of any elections - that needs to be done in July; there is also the 1(1)(k) issue; and there is a third one, which I cannot remember. So there is a substantial amount of work that is going to need to be done invariably at the last sitting of the Assembly, and if the Assembly puts the Island Plan on 5th July I think the P.P.C. is going to have to consider sitting all of the week, and giving an indication that we are going to be sitting in the following week, because we simply will not do the business. This happens every 3 years, it cannot really be avoided, but I think that is a relevant matter for Members to consider; to keep the Island Plan where it is.

8.1.4 Senator S.C. Ferguson:

This morning, at the presentation given by the Minister, which I managed to get to, he did say that if Members were struggling with amendments then his department would be only too happy to help, and I wonder if perhaps Deputy Le Claire might find that the members of the Planning and Environment Department could help him with getting his amendment in on time.

8.1.5 Senator P.F. Routier:

The suggestion that the Island Plan is moved to 5th July and to be the first item on the agenda; I would have a problem with that. If the States were to decide to go to 5th July, which I am not supporting, but if it did I would like to maintain that the Draft Control of Housing and Work (Jersey) Law 201- and the Draft Register of Names and Addresses (Jersey) Law 201- maintain their position in order of being lodged, the numbers that they have been allocated, that they are still the first items.

The Bailiff:

At the moment, Senator, the proposition is simply to move it to 5th July, whether it is the first item... Senator Le Sueur.

8.1.6 Senator T.A. Le Sueur:

I am going to speak in much the same vein, except that the propositions down for 5th July, the Control of Housing and Work Law, was deferred from June at the request of Scrutiny. If it were possible for Scrutiny to finish their work earlier, I would be happy to take that proposition 2 weeks earlier in exchange for the Island Plan.

8.1.7 The Deputy of St. John:

I must pass a comment, you have seen my light prior to the Chief Minister's, and yet you gave him priority. There must be some kind of order. So as chairman of the Scrutiny Panel that would, if need be, have to scrutinise this, I have to support the Minister's comments. I do not want my panel having to work right through the summer and find at the end of the day, if we have to pull it - and I am hoping we do not, because, if it is being inspected by the outside body that has done the work to date, I am reasonably happy with everything they have done - but if we did have to pull it and then find that it does not get debated after all the work that may have to be done, I think it will be a backward step. This plan needs to be debated and I think the date the Minister has given... we have to try and work around it if at all possible. Thank you.

8.1.8 Deputy G.P. Southern:

This happens every 3 years certainly, but every year we get this big pile-up of business towards the end of ... but notwithstanding the difficulties that causes, this big pile-up of business, with the 6th today, and we are talking about the 20-something to lodge amendments to the Island Plan, one of the most important informative documents that we will have in our hands, it is, I think, just ridiculous to ask Members to respond in that sort of timescale, a fortnight more is required, and if necessary we go on through that week, we are full-timers, are we not?

8.1.9 Deputy I.J. Gorst:

Just to carry on in the vein of the Minister for Treasury and Resources, while it is obviously a matter for Members, he might have 3 large chunks of legislation, I can count 4, which will be coming forward, and I really would be looking for a debate towards July, and that is Long-Term Care, Insolvency Fund, Pension Funds and F.S.R. (Fiscal Strategy Review), so, if we keep rolling things up like this and do not take them in good order, we will be sitting for weeks on end come July.

8.1.10 The Deputy of St. Mary:

I just want to throw into the pot the issue, as I think Deputy Le Claire alluded to, or someone did, about the North of Town Masterplan, which I understand is also on 21st June as it stands, is that correct? That is correct. So, it bothers me slightly that the Masterplan and the Island Plan will be debated in the same session, because they relate to each other and we should get one out of the way, obviously the smaller one, first. But, that said, I am not quite sure how that fits into the overall pattern, but it does bother me.

8.1.11 Deputy A.E. Jeune:

I do believe the date that has been set by the Minister is achievable, and I intend putting in some amendments, and already I have had a very good response today from the Planning Department, so I so believe it is achievable.

8.1.12 The Connétable of St. Mary:

I regret that I could not attend the briefing this morning, but unless I have misunderstood, surely the whole problem with this is that, if we stretch out the date for debating this, and therefore the date for amendments, we are cutting down the amount of time we could have for any extra consultation that might be needed. It is a question of, we could amend this *ad infinitum*, but we have to put a line in the sand and get to a debate point, and I hate to say it, but this has not come out of thin air, we have been working towards this debate for months, or years, and so really I think we have to stick with the debate so that we have the clarity and, if necessary, if the amendments of Deputy Le Claire and perhaps others are significant, that we have the opportunity to fully consider those amendments with any additional consultation, and yet still get this plan debated, which I think is the important thing.

The Bailiff:

Very well. Do you wish to reply, Deputy Le Claire?

8.1.13 Deputy P.V.F. Le Claire:

Just briefly. I will take a check of the time first. On 17th May we have 3 items, and in this response we have heard from Ministers about the backlog of work that is coming on 5th July. As in every year before summer we see a huge agenda surfacing at the last minute. If Ministers have got issues of significance that they need us to debate prior to the summer recess that we are not aware of until now then I would urge them to try to get them on to the agenda of 17th May, which has got 3 items at the moment. Setting aside for one moment the other work that people have to do, it was mentioned about the Housing and Immigration Law. I am on the Scrutiny Panel that is going to be

looking at that. We have got an Easter break, and while I greatly appreciate the opportunity to get assistance from the Planning officers, and I certainly will take that up, it is not the Planning officers time or my time that I am worried about. It is meeting with the people whose property is of concern for my amendments and getting around to those properties with other Members who may, in the round, decide to bring an amendment. I am also waiting for confirmation, which I will not have for another 2 days or so from one source that may involve a significant amendment. I am asking for a 2-week delay. But what I am beginning to worry about is that the signals seem to be if we delay this then there is a good chance that we will not get it done. That is what we did last time. We got it done last time, but we did not do a very good job, it turns out, in my view. There seems to have been a recognition that what we did last time was not able to last the length of time that it was drafted for. We are going to be in the same position I think if we do this, this time round. I do not know how many other Members were around in the last Island Plan debate. I was around and we had the same sort of time that we are being given now to bring amendments. Something that takes years in the planning stages is given to us and over a course of a matter of weeks we have to bring significant amendments, at a time when people are going on holiday and those people may not be able to be reached. I am going to obviously abide by the wishes of the Assembly, but I just think it is unrealistic that we will see the types of amendments that we might see if we gave ourselves 2 more weeks. If we gave ourselves 2 more weeks it would give Members the time they might need to consider the amendments that they would otherwise not bring. I think like at the last Island Plan if we rush this into debate amendments will fall by the wayside, as they did last time. People had amendments to the last Island Plan they never delivered upon. Other people who were expecting them to occur were disappointed when they were told: "I just did not have enough time. I was going to do it but I just did not have enough time." It is a matter for Members. I am sorry to have taken up this part of the day, but I would like to ask for the appel that it be put back 2 weeks.

The Bailiff:

The appel is called for then for the proposition of Deputy Le Claire, who wishes to move Projet 48, the Island Plan, from 21st June to 5th July. So if you want to move it you vote pour, if you do not, you vote contre. The Greffier will open the voting.

POUR: 18		CONTRE: 29		ABSTAIN: 0
Senator B.E. Shenton		Senator T.A. Le Sueur		
Senator J.L. Perchard		Senator P.F. Routier		
Senator A. Breckon		Senator P.F.C. Ozouf		
Senator F.du H. Le Gresley		Senator F.E. Cohen		
Connétable of Grouville		Senator S.C. Ferguson		
Connétable of St. John		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of Grouville		Connétable of St. Helier		
Deputy P.V.F. Le Claire (H)		Connétable of Trinity		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Brelade		
Deputy S.S.P.A. Power (B)		Connétable of St. Saviour		
Deputy S. Pitman (H)		Connétable of St. Clement		
Deputy M. Tadier (B)		Connétable of St. Lawrence		
Deputy T.M. Pitman (H)		Connétable of St. Mary		
Deputy T.A. Vallois (S)		Deputy R.C. Duhamel (S)		
Deputy M.R. Higgins (H)		Deputy of St. Martin		
Deputy J.M. Maçon (S)		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		

		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		

The Deputy of St. John:

If it will help on the day, I could move my Esplanade Quarter to 17th May, if it will help. It might give some extra time.

The Bailiff:

That is very helpful. Which one was that, sorry? P.24 the Esplanade Quarter: deferment of works. You want to move that to ...

The Deputy of St. John:

Bring that forward to 17th May, if it will help.

The Bailiff:

Very well.

8.2 Deputy I.J. Gorst:

I would just like to give notice that I will be withdrawing P.44, which is down for 3rd May. I have had further information from the Statistics Unit and there is a slight recalculation. I will be re-lodging it. It might be of interest to Members that it will be at a slightly higher rate.

8.3 The Connétable of St. Mary:

I would just like to say in view of comments made during that last mini-debate about business that may or may not be coming for 5th July, whether the Members might like to consider reserving as a longstop the following week just to see, if we do need to run on, that we do not arrange private business in that particular week to ensure that we will be able to mop-up anything that does not get dealt with on that sitting.

The Bailiff:

Well, it sounds as if Members ought to keep that following week free.

8.4 Senator A. Breckon:

I wonder in the circumstances we look at 7th June, is it possible for the Minister for Planning to bring forward the North of Town Masterplan to 7th June, so they are not debated on the same day?

8.5 Senator F.E. Cohen:

I would like them, with the leave of the House, to be debated on the same day. They are interdependent and it would be a significant advantage I think to Members and to the public if the 2 remain debated on the same day.

The Bailiff:

Do Members agree then to take on 3rd May the items listed, minus Projet 44, the amendments on 17th May, with the addition of P.53 and 54 and the suggestion of the Deputy of St. John of moving P.24, otherwise as set out in the Order Paper?

8.6 Senator J.L. Perchard:

Just before we adjourn, I wonder if we have just been provoked there by the chairman of P.P.C. If there were to be a sitting on 12th July - and it is an "if" - would it be a continuation of the sitting of the 5th and would they consider it as that?

8.7 The Connétable of St. Mary:

Doing that, if the sitting was prearranged simply to deal with a large volume of business that would seem to be eminently sensible because we would begin with business rather than the questions; I think that would be better, Sir.

The Bailiff:

That concludes the business of the Assembly, which will now close and reconvene on 3rd May.

ADJOURNMENT

[17:29]