

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 19th JANUARY 2016

COMMUNICATIONS BY THE PRESIDING OFFICER	8
1. Welcome to His Excellency The Lieutenant Governor	8
The Deputy Bailiff:	8
2. Youth Service filming – part of sitting of 2nd February 2016.....	8
The Deputy Bailiff:	8
3. Dr. M. Egan, Greffier of the States – affirmation	8
The Deputy Bailiff:	8
APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	8
2. Resignation of the Connétable of St. Helier as Chairman of the Environment, Housing and Technical Services Scrutiny Panel.....	8
2.1 Connétable A.S. Crowcroft of St. Helier:	8
3. Appointment of the Chairman of the Environment, Housing and Technical Services Scrutiny Panel	8
3.1 Connétable J.E. Le Maistre of Grouville:	9
QUESTIONS.....	9
4. Written Questions	9
4.1 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE END-OF-LIFE CARE STRATEGY:	9
4.2 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE ‘WILLIAMSON REPORT – IMPLEMENTATION PLAN’:	10
4.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING DOMESTIC CARE AGENCIES:.....	14
4.4 DEPUTY J. M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING ONLINE VOTER REGISTRATION:	16
4.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING POTASSIUM IODIDE TABLETS:.....	16
4.6 DEPUTY J. A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING RECOMMENDATIONS MADE BY THE SAFEGUARDING BOARD:	17
4.7 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING PEDESTRIAN CROSSINGS AND BUS STOPS:	17

4.8	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCOME SUPPORT PENSION INCOME DISREGARD:.....	18
4.9	DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE REPORT OF THE COMPTROLLER AND AUDITOR GENERAL INTO COMMUNITY AND SOCIAL SERVICES:.....	21
4.10	DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CHILDREN IN CARE:.....	21
4.11	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCOME DISTRIBUTION SURVEY:.....	23
4.12	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE OUTSOURCING AND PRIVATISATION OF SERVICES:.....	24
4.13	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING OUTSOURCING AND PRIVATISATION OF SERVICES:.....	26
4.14	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING ARRESTS FOR POSSESSION OF CANNABIS:.....	26
4.15	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX INCOME FROM LANDLORDS:.....	27
4.16	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HIGH NET WORTH STATUS:.....	28
4.17	DEPUTY S.Y. MÉZEC OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING CONVICTIONS FOR DRUG OFFENCES:.....	28
4.18	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INDIVIDUALS ACTIVELY SEEKING WORK:.....	29
4.19	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING SCHOOL FEES:.....	29
4.20	DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING ISLANDERS WITH DISABILITIES:.....	30
4.21	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING STEPS BEING TAKEN TO MAKE CYCLING MORE CONVENIENT AND SAFE:.....	30
4.22	DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING PLANNING APPEALS:.....	31
4.23	DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING STRIKE ACTION BY TAXI DRIVERS:.....	32
4.24	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HOUSING WAITING LISTS;.....	33
4.25	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING LAWYERS INVOLVED IN STATES APPOINTED BODIES:.....	35
4.26	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE U.K.'s REFERENDUM ON MEMBERSHIP OF THE EUROPEAN UNION:.....	37
4.27	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INTERIM POPULATION POLICY:.....	38
4.28	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING POTASSIUM IODIDE TABLETS:.....	38
4.29	DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING SOLAR PANELS:.....	40
5.	Oral Questions.....	40

5.1 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the operation of Jersey’s sea links with the U.K:	40
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	40
5.1.1 The Connétable of St. Helier:.....	40
5.1.2 Deputy G.P. Southern of St. Helier:	41
5.1.3 Deputy M. Tadier of St. Brelade:	41
5.1.4 Deputy M. Tadier:	41
5.1.5 The Connétable of St. Helier:.....	41
5.2 Deputy A.D. Lewis of St. Helier of the Minister for Health and Social Services regarding the total expenditure to date relating to the implementation of the Health and Social Services informatics I.T. strategy:	42
Senator A.K.F. Green (The Minister for Health and Social Services):	42
5.2.1 Deputy A.D. Lewis:.....	42
5.2.2 Deputy A.D. Lewis:.....	43
5.2.3 Deputy J.A. Martin of St. Helier:	43
5.2.4 Deputy J.A. Martin:	43
5.2.5 Deputy S.M. Wickenden of St. Helier:.....	43
5.2.6 Deputy A.D. Lewis:.....	44
5.3 Deputy G.P. Southern of the Minister for Social Security regarding the number of domestic care agencies operating in the Island and their employment policies:	44
Deputy S.J. Pinel of St. Clement (The Minister for Social Security):.....	44
5.3.1 Deputy G.P. Southern:.....	44
5.3.2 Deputy M. Tadier:	45
5.3.3 Deputy G.P. Southern:.....	45
5.3.4 Deputy G.P. Southern:.....	45
5.4 Deputy J.A. Martin of the Minister for Treasury and Resources regarding an estimate of the G.S.T. paid in relation to the charitable gift vouchers given to people aged over 70 every Christmas:	46
Senator A.J.H. Maclean (The Minister for Treasury and Resources)	46
5.4.1 Deputy J.A. Martin:	46
5.4.2 Deputy M. Tadier:	46
5.4.3 Deputy M. Tadier:	46
5.4.4 Deputy J.A. Martin:	47
5.5. Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the reduction of waiting times for patients who need an M.R.I. scan:	47
Senator A.K.F. Green (The Minister for Health and Social Services):	47
5.5.1 Deputy J.A. Hilton:.....	47
5.5.2 Deputy M. Tadier:	48
5.5.3 Deputy M. Tadier:	48
5.5.4 Deputy J.A. Martin:	48
5.5.5 Deputy J.A. Martin:	48
5.5.6 Deputy M.R. Higgins of St. Helier:.....	48
5.5.7 Deputy J.A. Hilton:.....	49
5.5.8 Deputy J.A. Hilton:.....	49
5.6 Deputy P.D. McLinton of St. Saviour of the Minister for Environment regarding the introduction of a tax on carbon emissions:	49
Deputy S.G. Luce of St. Martin (The Minister for Environment):	49
5.6.1 Deputy P.D. McLinton:	49
5.6.2 Deputy M. Tadier:	50
5.6.3 Deputy M. Tadier:	50
5.6.4 Deputy A.D. Lewis:.....	50

5.6.5 Deputy A.D. Lewis:.....	51
5.6.6 Deputy P.D. McLinton:	51
5.7 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding the allocation of funds to the work of the Jersey Independent Care Inquiry:.....	51
Senator I.J. Gorst (The Chief Minister):.....	51
5.7.1 Deputy S.Y. Mézec:.....	52
5.7.2 Deputy S.Y. Mézec:.....	52
5.8 Deputy R.J. Renouf of St. Ouen of the Minister for Health and Social Services regarding when it was decided to close The Limes Nursing Home:	52
Senator A.K.F. Green (The Minister for Health and Social Services):.....	52
5.8.1 The Deputy of St. Ouen:.....	53
5.8.2 Deputy J.A. Martin:.....	53
5.8.3 Deputy G.P. Southern:.....	53
5.8.4 Deputy G.P. Southern:.....	53
5.8.5 Deputy J.A. Hilton:.....	54
5.8.6 Deputy J.A. Hilton:.....	54
5.8.7 Deputy M.R. Higgins:.....	54
5.8.8 Deputy K.C. Lewis of St. Saviour:.....	54
5.8.9 The Deputy of St. Ouen:.....	54
5.8.10 The Deputy of St. Ouen:.....	55
5.9 Deputy M. Tadier of the Minister for Social Security regarding the impact of reductions in the Income Support single parent component by 2018:.....	55
Deputy S.J. Pinel (The Minister for Social Security):.....	55
5.9.1 Deputy M. Tadier:	55
5.9.2 Deputy G.P. Southern:.....	56
5.9.3 Deputy G.P. Southern:.....	56
5.9.4 Deputy J.A. Martin:	56
5.9.5 Deputy J.A. Martin:.....	57
5.9.6 Deputy S.Y. Mézec:.....	57
5.9.7 Deputy S.Y. Mézec:.....	57
5.9.8 Deputy M. Tadier:	58
5.10 Deputy L.M.C. Doublet of St. Saviour of the Minister for Economic Development regarding the potential impact of the franchise partnership between Blue Islands and Flybe:	58
Senator L.J. Farnham (The Minister for Economic Development):.....	58
5.10.1 Deputy L.M.C. Doublet:.....	59
5.10.2 Deputy M.R. Higgins:	59
5.10.3 Deputy L.M.C. Doublet:.....	59
5.11 Deputy S.Y. Mézec of the Minister for Health and Social Services regarding the use of People’s Park as the site for the new hospital:	60
Senator A.K.F. Green (The Minister for Health and Social Services):.....	60
5.11.1 Deputy S.Y. Mézec:.....	60
5.11.2 Deputy K.C. Lewis:	61
5.11.3 Deputy K.C. Lewis:	61
5.11.4 Deputy M. Tadier:.....	61
5.11.5 Deputy M. Tadier:.....	61
5.11.6 Deputy A.D. Lewis:	61
5.11.7 Deputy J.A. Hilton:	62
5.11.8 The Connétable of St. Helier:.....	62
5.11.9 The Connétable of St. Helier:.....	62
5.11.10 Deputy S.Y. Mézec:.....	63

5.12 The Deputy of St. Ouen of the Chairman of the Comité des Connétables regarding the requirement for annual rates returns:	63
Connétable L. Norman of St. Clement (Chairman, Comité des Connétables):	63
5.13.1 The Deputy of St. Ouen:.....	64
5.13.2 Deputy M. Tadier:.....	64
5.13 Deputy L.M.C. Doublet of the Minister for Infrastructure regarding the allocation of dedicated public parking spaces for the new police station:	64
Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):	64
5.13.1 Deputy L.M.C. Doublet:.....	65
5.13.2 Deputy J.A. Martin:	65
5.13.3 Deputy J.A. Martin:	65
5.13.4 The Connétable of St. Helier:	65
5.13.5 Deputy P.D. McLinton:	66
5.13.6 Connétable C.H. Taylor of St. John:	66
5.13.7 Deputy L.M.C. Doublet:.....	66
5.14 Deputy J.A. Martin of the Minister for Treasury and Resources regarding the listing of all Andium properties and rents payable on their website:	67
Senator A.J.H. Maclean (The Minister for Treasury and Resources):	67
Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):.....	67
5.14.1 Deputy T.A. Vallois of St. John:	67
5.14.2 Deputy M. Tadier:.....	67
5.15 The Connétable of St. Helier of the Minister for the Environment regarding the results of the Open Space Study conducted in 2008:	67
The Deputy of St. Martin (The Minister for the Environment):	68
5.15.1 The Connétable of St. Helier:	68
5.15.2 Deputy G.P. Southern:	68
5.15.3 Deputy J.A. Martin:	68
5.16 Deputy G.P. Southern of the Minister for Social Security regarding the reduction of the Income Support disregard for pension income:	69
Deputy S.J. Pinel (The Minister for Social Security):.....	69
5.16.1 Deputy G.P. Southern:	69
5.16.2 Deputy M. Tadier:.....	70
5.16.3 Deputy M. Tadier:.....	70
5.16.4 Deputy G.P. Southern:	70
5.17 Deputy J.A. Hilton of the Minister for Health and Social Services regarding the investigation of sites for the new hospital:	71
Senator A.K.F. Green (The Minister for Health and Social Services):	71
5.17.1 Deputy M. Tadier:.....	71
5.17.2 Deputy M. Tadier:.....	71
LUNCHEON ADJOURNMENT PROPOSED	71
LUNCHEON ADJOURNMENT	71
6. Questions to Ministers without notice - The Minister for Housing	71
6.1 Deputy J.A. Hilton:	72
Deputy A.E. Pryke of Trinity (The Minister for Housing):	72
6.1.1 Deputy J.A. Hilton:.....	72
6.2 Connétable D.W. Mezbourian of St. Lawrence:	72
6.2.1 The Connétable of St. Lawrence:	72
6.3 Deputy J.M. Maçon of St. Saviour:.....	73
6.3.1 Deputy J.M. Maçon:	73

6.4	Deputy M. Tadier:	73
6.4.1	Deputy M. Tadier:	74
6.5	Deputy G.P. Southern:	74
6.5.1	Deputy G.P. Southern:	74
6.6	Deputy S.Y. Mézec:	75
7.	Questions to Ministers without notice - The Chief Minister.....	75
7.1	Deputy G.P. Southern:	75
	Senator I.J. Gorst (The Chief Minister):	75
7.2	The Deputy of St. John:	75
7.3	Deputy L.M.C. Doublet:	76
7.4	Deputy S.Y. Mézec:	76
7.4.1	Deputy S.Y. Mézec:	76
7.5	Deputy A.D. Lewis:	77
7.6	Deputy G.P. Southern:	77
7.6.1	Deputy G.P. Southern:	77
7.7	The Connétable of St. John:	77
7.8	Deputy C.F. Labey of Grouville:	78
7.9	Deputy K.C. Lewis:	78
	PUBLIC BUSINESS	78
8.	Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry (P.155/2015) - as amended.....	78
8.1	Deputy M.R. Higgins:	80
8.2	Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry (P.155/2015) - amendment (P.155/2015 Amd.).....	82
8.2.1	The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):	83
8.3	Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry (P.155/2015) - as amended.....	84
8.3.1	The Connétable of St. Martin:	84
8.3.2	The Connétable of St. John:	86
8.3.3	Senator P.M. Bailhache:	87
8.3.4	Deputy M. Tadier:	88
8.3.5	Deputy A.D. Lewis:	89
8.3.6	Deputy J.A. Martin:	89
8.3.7	Deputy S.Y. Mézec:	90
8.3.8	Deputy S.M. Brée of St. Clement:	91
8.3.9	Deputy M.R. Higgins:	91
9.	Draft Policing of Roads (Amendment No. 9) (Jersey) Regulations 201- (P.138/2015).95	
9.1	Deputy E.J. Noel (The Minister for Infrastructure):	95
9.1.1	The Connétable of St. Martin:	96
9.1.2	Deputy M. Tadier:	97
9.1.3	The Connétable of St. Helier:	97
9.1.4	Deputy S.M. Wickenden:	98
9.1.5	Deputy E.J. Noel:	98
9.2	Deputy E.J. Noel:	98
10.	Draft Planning and Building (Amendment No. 7) (Jersey) Law 201- (P.142/2015).....	98
10.1	The Deputy of St. Martin (The Minister for the Environment):	99

10.1.1	Deputy S.M. Wickenden:	99
10.1.2	The Deputy of St. Martin:	99
11.	Jersey Law Commission: appointment of Commissioners (P.149/2015).....	100
11.1	Senator I.J. Gorst (The Chief Minister):	100
12.	Minimum Wage: revised hourly rate from 1st April 2016 (P.150/2015).....	101
12.1	Deputy S.Y. Mézec:.....	101
12.1.1	Deputy S.J. Pinel:.....	103
12.1.2	The Connétable of St. Martin:	104
12.1.3	Deputy M. Tadier:.....	106
12.1.4	Deputy A.D. Lewis:	108
12.1.5	Senator L.J. Farnham:	111
12.1.6	Deputy J.A. Martin:	112
	ADJOURNMENT PROPOSED.....	115
	ADJOURNMENT.....	115

[10:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Welcome to His Excellency The Lieutenant Governor

The Deputy Bailiff:

Welcome, Members, to the first sitting of this new year and on behalf of Members I would also like to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

2. Youth Service filming – part of sitting of 2nd February 2016

The Deputy Bailiff:

I would also notify Members that the Youth Service have asked to film a small part of the sitting of 2nd February. This would be part of a larger film to spark young persons' interests in politics and to give that kind of interest some type of context. They would film the introductory parts of the sitting of the States. May I take it that Members have no objection to that?

3. Dr. M. Egan, Greffier of the States – affirmation

The Deputy Bailiff:

Finally, under A, as Members know, in accordance with the States decision taken on 23rd September 2015, Dr. Mark Egan has been appointed as Greffier of the States to replace Mr. Michael de la Haye O.B.E. (Order of the British Empire). Before he can take up office it is necessary for him to make an affirmation in the States, so I would ask the Viscount to bring Dr. Egan into the Chamber from the precincts. Dr. Egan, before you make the affirmation could I both personally, and in the name of all Members, congratulate you most warmly on your appointment as Greffier of the States. I have already had the pleasure of working with you for a week in the far flung corners of the Commonwealth and I have enjoyed that greatly and look forward to working with you again closely in the future. I know Members will join me in wishing you every success during your term of office. **[Approbation]** Would you please raise your right hand? Do you solemnly, sincerely and truly declare and affirm that you will well and faithfully exercise the office of Greffier of the States of Jersey, that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that you will uphold and maintain the laws and usages of Jersey. **[Approbation]** There are no other items under A.

[10:45]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Resignation of the Connétable of St. Helier as Chairman of the Environment, Housing and Technical Services Scrutiny Panel

The Deputy Bailiff:

In accordance with Standing Order 137(2)(b), the Connétable of St. Helier has given written notice to the Bailiff of his intention to resign as chairman of the Environment, Housing and Technical Services Scrutiny Panel.

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

I believe that my reasons for resigning have been made clear. I feel that to be an effective Scrutiny Panel chairman one has to be completely impartial and not involved in too close negotiations, whether positive or negative, with the departments one is scrutinising. Could I also thank the panel members that I served with for just over a year and the Scrutiny Officers for supporting us so effectively. Thank you. **[Approbation]**

3. Appointment of the Chairman of the Environment, Housing and Technical Services Scrutiny Panel

The Deputy Bailiff:

In accordance with Standing Order 120(1) I therefore invite nominations for candidates for the position of chairman of the Environment, Housing and Technical Services Scrutiny Panel. Are there any nominations?

3.1 Connétable J.E. Le Maistre of Grouville:

I would like to propose the Deputy of St. Mary.

The Deputy Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations then I declare that the Deputy of St. Mary has been appointed as the chairman of the Environment, Housing and Technical Services Scrutiny Panel. **[Approbation]**

QUESTIONS

4. Written Questions

4.1 THE CONNÉTABLE OF ST. LAWRENCE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE END-OF-LIFE CARE STRATEGY:

Question

Further to the written response in relation to this issue given by the Minister on 2nd July 2013, can he advise what the current end-of-life care strategy is and explain how it is communicated to the public?

Answer

As part of P82/2012, Jersey Hospice Care (JHC) agreed in 2014 to be system leaders in End of Life Care (EoLC) across all care boundaries. JHC also extended its remit to islanders with any life-limiting illness and not just cancer and motor neurone disease.

A key strategic driver was to standardise EoLC across all care settings. As such, in 2015 a 3-year Gold Standards Framework (GSF) implementation plan was agreed by JHC, the Health and Social Services Department (HSSD) and Macmillan Jersey. The GSF programme was initially launched in the community in April 2015 and is being successfully implemented by a number of nursing/residential care homes, home care providers, GP surgeries, Family Nursing & Home Care (FNHC) and Hospice. The GSF programme is being positively adopted across primary care with the help of 3 GP champions and is already showing improvements in collaborative patient-centred care.

GSF is an education programme for all health and social care providers promoting the following:

- Earlier recognition of patients in the last year of life and more proactive care
- Initiating advance care planning discussions with patients and giving care in line with their preferences
- Decreased lengths of stay in hospital – meaning more patients are discharged to their preferred place of care towards the end of their life
- Enhanced communication with GPs and information transfer on admission and discharge, thereby improving coordination of cross-boundary care.

JHC has also implemented an education programme which is available to all healthcare workers across the island. This covers various topics across palliative care focuses on communication skills. Courses for Health Care Assistants and Registered Nurses have been fully subscribed; full details of all the courses are available on the JHC website www.jerseyhospicecare.com

The GSF Acute Hospital programme will be launched in March 2016. This will make Jersey the first ever jurisdiction to deliver the GSF programme across a whole health and social care economy. This cross-

boundary approach to end of life care will ensure delivery of a seamless and sustained island-wide service placing patients in control of their end of life journey.

In terms of communicating with the public, the GSF launch received excellent press coverage in April 2015. At the end of last year, a press release was issued by Macmillan around the GP champions supporting JHC and HSSD with GSF and further coverage will be sought around the Hospital launch. There are regular updates on progress via radio, press releases and newsletters.

JHC also endeavours to inform islanders of initiatives by attending community meetings such as the WI. It also engages with employers in the corporate sector which arrange educational and information sessions for their staff. JHC raises awareness of its initiatives during Dying Matters week and Hospice Care week and there have been moves to involve and inform schoolchildren more. As such, JHC has attended a number of schools to give talks and answer any questions.

JHC has an End of Life steering group involving key stakeholders which meets to agree the way forward and to communicate the information back to their organisations. The stakeholders include representatives from the organisations involved in the delivery of EoLC, alongside representatives from HSSD's System Redesign and Delivery team.

4.2 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE 'WILLIAMSON REPORT – IMPLEMENTATION PLAN':

Question

Further to the presentation by his predecessor of the 'Williamson Report - Implementation Plan - Approval and Funding' (R.8/2009) on 4th February 2009, can the Minister inform members which, if any, of recommendations 1 to 11 and A to C have been fully implemented and, if not, can he provide the reasons behind any decisions not to implement recommendations, when those decisions were made and by whom?

Answer

The table below outlines the recommendations of the Williamson Report, the States Implementation Plan 2009 and a current update.

No	Recommendation	States Implementation Plan 2009	Update
1	Create the post of Minister for Children whose responsibilities should be determined following discussions about whether the scope of this role should be for all children or specifically vulnerable children and their families.	The "Corporate Parent" is replaced by a single Minister, the Minister for Health & Social Services. The Minister will have designated responsibility at the Council of Ministers for services for vulnerable children and their families. For the day to day political oversight of these services, the Minister will formally delegate this function to the Assistant Minister for Health and Social Services.	The political lead for corporate parenting was delegated to the Children and Young People's Policy Group. This responsibility now rests with CAVA (the Children and Vulnerable Adults Policy Group).
2	Redesign Children's Executive to report to Minister	It is proposed that services currently under the remit of the Children's Executive should report to the Minister for Health and Social Services	All services within the remit of Children's Services report to the Minister for Health and Social Services.
3	Appoint external organisation to review Children's Service on a bi annual basis	Bi-annual external inspection of children's services will be commissioned from nationally respected agencies specialising in	Inspections were carried out in 2012 by the Scottish Social Work Services Inspection Agency (now the Care Inspectorate) with a follow up

		<p>the area of children's services and secure provision. The first inspection will focus on residential and secure accommodation and will take place in 2009. The second inspection will take place in 2010 and focus upon Child Protection Services. Thereafter, children's services will be subject to a rolling programme of bi-annual inspection.</p>	<p>Inspection in 2013. Children's services continue to be audited and subject to external scrutiny and challenge. Ongoing audits of social work practice were completed in 2015. This process will be replicated this year. Work is ongoing to scope a review of residential services for children. Audit outcomes are reported to the Children's Services Improvement Board chaired by the Chief Minister.</p>
4.	Appoint external Reviewing Officer	<p>A full-time Independent Reviewing Officer (IRO) will be appointed. The IRO must be independent of the statutory 'child protection' and 'looked after children' authorities and be able to guarantee that personalised planning is provided for all children and young people. They would also provide external scrutiny of the work of children's services generally provided in these areas.</p>	<p>The Independent Safeguarding Service (ISS) has been established to review children's plans independent of case management responsibility. This service has been increased from 2 FTE to 4 FTE posts of Independent Reviewing Officers. In addition, the management of the service has been strengthened.</p>
5.	Establish group representing users of remodelled Children's Service	<p>It is proposed that a wholly independent service is established for Looked After Children, primarily (though not exclusively) for those in residential care, particularly those who do not have on-going contact with their parents. It will be dedicated to monitoring and ensuring their well being and helping them to express their wishes and feelings by encouraging self advocacy or advocating on their behalf and reporting any cause for concern to the Independent Reviewing Officer. Health and Social Services is already in discussion with the Jersey Care Leavers Association, working towards identifying how best to support this developing group.</p>	<p>A group of volunteers known as the Independent Visitors for Young People (IVYP) has been established to fulfil this remit. Regular meetings take place between this group and Children's Services Managers. There is work taking place to consider the medium/long term role of the IVYP in preparation for the establishment of the Commission and the implementation of the Regulation of Care Act.</p> <p>In addition a contract has been awarded to Barnardo's to provide an independent "Participation Officer" to seek the views of children in care and develop a "Children In Care Council" (CICC).</p>
6.	Refine contractual approach to external agencies e.g. NSPCC, Brig Y Don, The Bridge, identify gaps in provision and prioritise areas for future service	<p>A scoping project will take place to consider the role and function of existing preventative and supportive services working in this sector. It will recommend the most efficient and effective way to develop, alter or extend existing provision to ensure that parents and children, particularly the most vulnerable, can</p>	<p>The Children and Young People's Framework was developed and launched in 2011 providing a strategic framework for partners to deliver agreed outcomes reporting to the Children's Policy Group.</p> <p>A strong working partnership between The Bridge and the Multi Agency</p>

	development.	be provided with easy to access, 'user friendly' support services which result in improved outcomes for children and which enable, in appropriate cases, easy transition to specialist services. It will examine arrangements for joint strategic and operational planning and make recommendations to enhance the co-ordination and management of services across key providers of family support services, and across specialist services including the statutory child protection agencies. It will also identify gaps in provision and prioritise areas for future service development.	Safeguarding Hub (MASH) has been established. Professional practices at Brig y don and other children's homes have been modernised over the last year. Additional staffing has been agreed that ensures the capability to deliver to the most up to date standards of care. There is active dialogue between the children's service and other major providers including Barnardo's and NSPCC.
7	Consider future role of children's residential homes	The investment in fostering and adoption services and the focus on 'preventative' work with young people has seen a significant reduction in the total number of Looked After Children. This has had a knock on effect on the number in residential care. The last two years have seen a reduction from 42 to 21 and further decreases are predicted. A small number of young people will continue to require residential care. It is expected that the need for residential child care beds will reduce from 29 to 15 by the end of 2009. Residential Units will therefore be configured as follows: Two 6 bedded and one three bedded residential unit will be provided. One of the 6 bedded units will be Brig-Y-Don. Consideration needs to be given to the possibility of using some of the current residential stock or seeking to release capital from the selling of these properties to allow for the purchase of another 6 bedded property.	The service is under the management of a Head of Service for Looked after Children. With the rapid increase in the number of children looked after and the number of children subject to child protection plans in 2015, it is still necessary to expand the number and type of placements available on the island for looked after children. Residential care provisions will be remodelled to provide more intensive therapeutic support for looked after children. The role of Greenfields Secure Unit is being changed to provide services to young people remanded or receiving custodial sentences as an alternative to prison.
8	Develop a new management structure to ensure all services – Child Adolescent Mental Health Service (CAMHS), Youth Action Team (YAT), Youth Service and Schools contribute to wellbeing of	The new Children's Directorate will bring together all the children's services mentioned above and will be the conduit by which all issues relating to vulnerable children and their families are managed. This represents a substantial and ground breaking development bringing together as it does children's social care and health services under one management structure. Existing	Children's Services are within the Community & Social Services directorate within the Health and Social Services Department. The Managing Director of Community & Social Services is a registered social worker.

	children and young people	resources will be re-configured and re-aligned to create the necessary senior management structure. A Director of Social Work will join the Corporate Directorate of H&SS to work alongside the Medical Director and Director of Nursing & Governance	
9	Develop whistle blowing policy for all staff	The policy has been re-written. A suitable independent person/organisation is being sought to provide the assurance that all concerns raised by those who work for the States of Jersey are tackled in an open, timely and transparent way. The Comptroller and Auditor General, has indicated that he may be prepared to be considered for this role. Clear advice has been included in the policy about how to handle anonymous and 'off the record' statements.	A whistle blowing policy is in place across the States of Jersey. Raising Concerns guidance is also available to HSSD staff.
10	Develop a link between the Greenfields Secure Unit and La Moye Youth Offenders Wing with the Jersey Child Protection Committee to ensure that the safeguarding responsibilities are maintained	The JCPC Procedures and Audit Sub-Committee, working as appropriate with the Safeguarding Children Living Away From Home Sub-Committee will be asked to make recommendations to the JCPC about safeguarding procedures. Recommendations regarding the development of safeguarding arrangements for looked after children and those in the YOI will take account of the following: 1) The need to establish a complaints system which ensures that the young people are confident that there will be no adverse impact on themselves if they make a complaint. 2) The need to ensure that young people living away from home have access to independent advice and advocacy when they require it. 3) The need to ensure that any incidents of harm are reported to the JCPC Serious Case Review Sub-Committee so that appropriate action can be taken where necessary. This will entail building on existing formal arrangements for monitoring self-harm and violent incidents between young people	The Jersey Safeguarding Partnership Board (JSPB) has replaced the former Jersey Child Protection Committee. The responsibilities of the JSPB in respect of children are governed by a "Memorandum of Understanding". The objective of the JSPB is to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area and to ensure the effectiveness of what is done by each such person or body for those purposes. All services are included under this remit and have representatives on the Safeguarding Partnership Board. As stated above there is an independent Visitors for Young People Service in place. There have been a number of Serious Case Reviews under the governance of the Safeguarding Partnership Board. There is an actions 'tracker' in place to ensure progress of recommendations and necessary actions.

11	Replace the present Emergency Duty system which uses the Police Service by one which uses 24 hour Health and Social Services availability	The system of calls coming through the General Hospital needs to be redesigned and consideration given to whether this is more appropriately delivered via the combined fire and ambulance control room. This will provide an effective ‘filtering’ system whereby the staff ask some very deliberate and careful questions to confirm that the matter is an ‘emergency’ and that other options for dealing with the presenting situation have been adequately explored, before it is forwarded to the Duty Officer.	Out of hours support and an ‘on call’ service is in place which supports multi agency working.
A	Develop individual Training Plans for members of staff	It is proposed that the training officer function currently under the Children’s Executive will be brought together with a new ‘Training Co-ordinator’ post. This will capitalise upon the joint expertise to develop a ‘training unit’ which will lead on delivering individual plans in a co-ordinated manner by liaising with team/unit managers in the respective areas.	Supervision arrangements have been strengthened with all staff in receipt of regular supervision. Annual appraisals are completed. Training plans are collated into a training needs assessment which is used by senior managers to ensure the workforce is skilled to meet service objectives.
B	Develop a Court Advisory Service similar to CAFCASS in the UK	The proposal is for the creation of the Jersey Court Advisory Service. It is recommended that the Probation Board would be the appropriate responsible body to monitor the work of the service, at least through its initial phases of separation from the existing structures and development as a stand-alone service.	A Jersey Court Advisory Service has been established under the auspices of the Probation Service.
C	Lord Laming Compliance – Case management	Ensure that Social Worker caseload size and complexity is monitored, evaluated and where necessary reduced so that staff are effectively supported in discharging their responsibilities under the Children (Jersey) Law 2002. To set a target reduction in caseload size to 12 child protection and looked after and accommodated children per Children and Families social worker and ensure sufficient legal advice is available to enable Social Workers to effectively discharge their duties	Caseloads are routinely monitored. It is recognised that caseloads have been high in children’s services and this is one of the areas that will be addressed with the additional resource agreed in the MTFP 2. Resources have been provided to ensure that safeguarding standards and effective child care practices can be maintained.

4.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING DOMESTIC CARE AGENCIES:

Question

Will the Minister advise who is responsible for the means by which domestic care agencies tender for the delivery of care and outline what safeguards, if any, are in place to ensure that agencies do not reduce the terms and conditions for their employees in order to ensure low bids?

In the context of ensuring that the terms and conditions for domestic agency workers meet the protective measures laid out in employment law, will the Minister –

- (a) inform members of the extent of the protection;
 - (b) state the number of inspections conducted by the department's compliance section on domestic care agencies over the past year;
 - (c) agree to investigate the employment practices of agencies in cases where:
 - (i) only contact time with clients counts as time in work;
 - (ii) no payment/compensation is made for travel time or use of employee vehicle (petrol/insurance/service) costs;
- and outline the extent to which these terms lead to rates of hourly pay falling below the statutory minimum.

Could the Minister also advise whether the use of zero hours contracts for such employees is considered appropriate, and, if not, state whether consideration will be given to introducing regulation to eliminate such practices?

Answer

In the great majority of cases, individuals are responsible for contracting with domestic care agencies for the delivery of their own care. In July 2014, in parallel to the introduction of the Long Term Care (LTC) Scheme, the Health and Social Services Department (HSS) developed the Approved Provider Framework (APF) for home care and outreach short break services. Any client who receives funding from HSS or LTC may only choose from the list of Approved Providers to deliver their care or support needs.

To establish the APF, interested providers were required to complete a rigorous application process, demonstrating adherence to quality standards and processes. In 2014, 18 providers were fully approved, 3 were provisionally approved and 2 were not approved due to concerns surrounding safety and quality. Since then, other providers have developed their standards of quality and safety and 22 providers are currently included on the APF.

The Minister for Health and Social Services has confirmed that, during 2015, all approved providers were subject to an assessment inspection by the Quality Assurance Officer. Providers are required to implement an individualised action plan to maintain their approved status. Subsequent inspections and visits were carried out by the Quality Assurance Officer to monitor the completion of actions. Providers will continue to be subject to 2 inspections per year, with additional inspections if concerns are raised.

Where a person is employed to work for a domestic care agency, the protection of the Employment (Jersey) Law 2003 will apply in the same way that it does for any other employee in Jersey.

Social Security enforcement officers conducted six inspections of care agencies during 2015. Officers undertake both pro-active and re-active surveys across all employer types. If an employee has concerns, officers will conduct a visit and will ensure that any particular questions are addressed. In a routine survey, officers will ensure that the minimum wage is being paid and that terms and conditions of employment are inspected. Officers are aware of agency carers being paid on a shift basis, rather than on a 'per client' basis. No further information is available based on those investigations and there are no recorded instances of the circumstances that are envisaged by this question in 2015.

The Jersey Advisory and Conciliation Service (JACS) provides an independent and publicly funded service, that is well used by employers and employees alike, to obtain confidential advice and guidance on their employment rights and obligations. JACS can provide advice as to whether zero-hours contracts are appropriate for domestic care work which will depend on the specific circumstances in any case; in

particular, the care or nursing requirements of the client. Of the 9,469 client queries received by JACS during 2015, no client queries or complaints were received relating to the issues raised in this question.

If the Deputy is aware of individual cases where employees are not receiving the correct minimum wage or their other entitlements under the Employment Law, he should advise the affected individuals to seek advice from the Jersey Advisory and Conciliation Service, or to contact the Social Security Department.

4.4 DEPUTY J. M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING ONLINE VOTER REGISTRATION:

Question

Will the Chairman advise whether Islanders will be able to register to vote online and explain why this has not yet been implemented and what actions, if any, the Comité des Connétables will be taking to ensure online registration is available before the next general election in 2018?

Answer

The States approved, on 6 November 2013, the proposition of the Privileges and Procedures Committee **Public Elections: amendments to legislation and administration P.110/2013** which included –

(A) amendments be made to the Public Elections (Jersey) Law 2002 and to the practical procedures relating to the organisation of elections to provide that –

(c) online electoral registration be introduced as soon as practicable;

Although the proposition did not specifically direct who should take forward this change, where changes to the law were required (as is required to provide for online registration) these have been dealt with by the Privileges and Procedures Committee.

The Comité will assist the Privileges and Procedures Committee with the drafting of necessary amendments to the Public Elections (Jersey) Law 2005 to attempt to ensure online registration is available before the next general election in 2018.

4.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING POTASSIUM IODIDE TABLETS:

Question

What consideration, if any, has been given to issuing the population of Jersey with potassium iodide tablets in case of an emergency situation arising at the Flamanville plant in France, which could make Islanders more vulnerable to thyroid gland problems?

Answer

In 2007 the Emergency Planning Office commissioned the Radiation Protection Division of the UK Health Protection Agency to assess the potential radiological consequences for the population of Jersey from postulated accidental releases from the nuclear waste reprocessing plant at La Hague and the proposed pressurised water reactor at Flamanville. It found that to have any effect on Jersey not only would the incident need to be the size and scale of Chernobyl there would also need to be particular meteorological conditions e.g. the wind travelling towards Jersey. The estimated probability of a major incident at Flamanville having an impact on Jersey was assessed as one in every 34 million years.

The decision not to obtain iodine for the general population was based not only on this very low risk, but also on the fact that Jersey is much further away (40km) from the Flamanville site than the 10km distribution area within which protective (prophylactic) iodine would be recommended.

Even if Jersey were within the 10km iodine distribution area, the use of iodine prophylaxis in the event of a nuclear release is complicated. Iodine only protects the thyroid gland against the effects of radioactive iodine, which is only one of many isotopes that would be released in the event of a nuclear power station incident. Also, prophylactic iodine products last a maximum of 4 years which would make regular replacement of stock for an entire population very expensive.

Finally, these products can cause health problems in some individuals, so should only be used when absolutely necessary.

A similar decision not to issue iodine to the general population was taken in the other Channel Islands.

4.6 DEPUTY J. A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING RECOMMENDATIONS MADE BY THE SAFEGUARDING BOARD:

Question

Further to the briefing given by the Safeguarding Board in relation to its report entitled ‘Thematic Serious Case Review of Child Sexual Abuse October 2015’ which contained 31 recommendations relating to interagency work and the avoidance of repetitive single agency plans to ‘form a platform of good practice upon which further improvements can flow’, can the Minister give Members a written update on each of the 31 recommendations clearly outlining progress made and, in instances where progress has not been made, the reasons why, who was involved in the decision not to implement the recommendation and when that decision was made?

Answer

The Safeguarding Partnership Board (SPB) monitors the delivery of all recommendations made as a result of Serious Case Reviews (SCR), including target time-frames for completion and lead agencies, through its SCR sub group. The Children and Vulnerable Adults Policy Group works in partnership with the SPB to oversee and monitor the delivery of any recommendations.

The progress made on implementing all the 31 recommendations made in the Child Sexual Abuse Thematic review will be provided to States Members at the next States Sitting on the 2nd February, 2016.

4.7 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING PEDESTRIAN CROSSINGS AND BUS STOPS:

Question

Would the Minister provide a list of the priority pedestrian crossings and bus stops to be created over the next 5 years and, in doing so, will he confirm that a pedestrian crossing at Bagatelle Road and bus stops on Bagot and Longueville Roads will be implemented within this time frame and, if not, why not?

Answer

The Department has a substantial programme of road safety and sustainable transport proposals at various stages of development. All schemes are funding dependent and most require further design, development and consultation before firm proposals can be published. For those reasons it is not possible to publish a 5 year plan. Proposed new pedestrian crossing facilities that are anticipated within the next 12 months are listed below.

Location	Status
Bath street/Beresford Street junction 2 Zebra Crossings	Implementation programmed for first quarter 2016.
Dumaresq Street by York street - zebra crossing	Implementation programmed for first quarter 2016 (subject to resolving potential conflict with building works at Premier Inn site).
Wellington Hill/ St Saviours Road raised table/traffic	Scheme being finalised, programmed for implementation in school summer holidays 2016.

calmed junction	
Green Street by Snow Hill pedestrian crossing	Planning requirement in connection with the States police Station development. Scheme being finalised for implementation by end of 2016. Assessment underway.
Seaton Place (near Payn Street) Zebra crossing	In principle scheme developed, Parish by-road therefore responsibility of Parish to implement.

The Department has developed a St Saviour's Schools Action Plan in conjunction with the Education Department. This sets a framework for future road safety improvements in that area, which we will work with the Parish to deliver. It includes proposals for pedestrian safety measures on Bagatelle Road, Bagatelle Lane, St Saviours Hill, Wellington Hill, Chasse Brunet, and Claremont Road. Works were completed on Wellington Hill at the entrance to Beaulieu School in the summer 2015. The next scheme for that area, as listed above, will be at the junction of Wellington Hill and St Saviour's Road. Further work in the St Saviour's schools area will be funding dependent and will be subject to prioritisation.

The Deputy has confirmed that the reference to bus stops does in fact mean bus shelters. The Department has a very active programme of bus shelter installations and has installed 47 since 2010, including 12 in 2015. The future programme of bus shelters is dependent on continued funding. We have allocated £45,000 from a recent sale of number plates to cover the next tranche of bus shelter installations which are listed below. A consultation will be carried out on these sites shortly. Planning obligations from major housing developments also provide a funding stream for shelters.

A second list of potential sites is also provided below. These will be delivered subject to availability of funding, consultation and the overcoming of design problems. The design issues are significant in that many of our pavements are too narrow to accommodate a bus shelter and various accommodation works or land acquisitions are therefore necessary to enable a shelter to be installed. Sites are prioritised on usage but implementation is influenced by these design issues and the practicality of implementation. As a consequence there are no bus shelters currently programmed on either Bagot Road or Longueville Road but the Department continuously reviews its programme and the Department's officers would be happy to meet Deputy Macon to discuss the options in more detail.

2016 Proposed Bus Shelter Installations
Croix au Lions, St Peter
Dicq Slipway, St Clement
Grève D'Azette (Kingsley Ave) St Clement
St Catherine's Breakwater, St Martin
Apple Cottage, Rozel Bay, St Martin
Grassett Park (New Era) St Saviour

2016 Potential 2nd tranche Bus Shelter installations
Durrell, Trinity
St Brelade's Bay, St Brelade
Red Houses (Northbound) St Brelade
Bradford Avenue, Rue de Genet, St Brelade
Beaumont JEC substation, St Peter
Marett Rd Havre des Pas, St Helier

4.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCOME SUPPORT PENSION INCOME DISREGARD:

Question

Does the Minister consider that the table below illustrates the impact of her replacement of a fixed disregard with a 23 percent disregard for pension income for those newly claiming Income Support (IS) in 2016 on disposable income after housing costs for a single pensioner?

	£	£	£	£	£
Weekly pension income	60	90	120	150	Full 200
Income Support adult and household	145	145	145	145	145
Old fixed disregard	55	55	55	55	55
Less regarded income	-5	-35	-65	-95	-145
Net disposable income	200	200	200	200	200

New 23% disregard	14	21	28	35	46
Less regarded income	-46	-69	-92	-115	-154
New disposable income	159	166	173	180	191

If so, does she accept that this change, designed to encourage workers to adopt secondary/occupational pensions, heavily penalises those dependent on a States pension and IS, taking them below the relative low income threshold of £200 and, if so, how does she justify this change?

Will she inform members what proportion of pensioners are dependent on a States pension only and how many have a second/occupational pension?

Will she further state what measures, if any, are in place/under consideration to encourage employers to set up occupational pension schemes?

Answer

Changing the calculation of the pension income disregard has not affected any pensioner households who are claiming income support at the end of 2015. The change is in respect of new claims and working age people who will reach pension age in 2016 or later.

This change was one of the measures taken to achieve a £10 million reduction in the 2019 benefit budget. This is equivalent to holding the benefit budget roughly steady over the Medium Term Financial Plan 2016-2019. This measure allows investments to be made in key areas such as meeting the increasing health care needs of an ageing population.

All of the benefit measures were carefully assessed against three objectives:

- *Promote financial independence*
- *Improve the targeting of benefits*
- *Minimise the impact on individuals*

Promoting financial independence includes encouraging workers to save towards a pension for their old age. The new pension income rule means that a working age person who has made more provision for pension income in old age (for example, by paying into a pension scheme) will have a higher household income if

they should reach pension age and need to claim Income Support, compared to someone who has made less provision.

With the previous rule, if someone expected to claim Income Support in old age, there was no incentive for that person to maximise their pension income. The total income, including benefit, was the same for a household claiming Income Support whether it had a small amount of pension income, or a large amount of pension income.

This change will create a fairer Income Support system in future, where households that have provided for their old age will be better off compared to those that have not.

This extract from the first table shows that the previous rule for pension income did not provide any incentive to do this. Household income, including income support, was the same for somebody who did and somebody who did not provide for pension income in later life:

Table 1: Previous rule for a single pensioner household eligible for income support with pension income only

Previous rule	£	£	£	£	£	£
Weekly pension income	60	90	120	150	200	300
Net disposable income (after housing costs)	200	200	200	200	200	200

The extra column confirms this point. A pensioner who had made provision for their own old age and had their own pension income of £300 per week but still required some assistance from Income support also had a net disposable income of £200 under the old rules, and was no better off than the pensioner who had not contributed regularly to a pension scheme and only received a pension income of say £100 per week. Although the examples in the table include pension incomes of the range £60 and £90 per week, it should be noted that there are very few pensioners receiving income support who have pension incomes at this low level.

The second table shows that the new rule does provide an incentive for working age people to provide for a higher pension income in later life. Net household income now increases as pension income increases.

Table 2: New rule for a single pensioner household eligible for income support with pension income only

New rule	£	£	£	£	£	£
Weekly pension income	60	90	120	150	200	300
Net disposable income (after housing costs)	159	166	173	180	191	214

At the end of 2015, only 8% of single pensioner households have pension income of up to £100 a week, whereas 32% of single pensioner households have pension incomes of £200 per week or more.

At the end of 2015, 31% of all income support pensioner claims which include a States of Jersey pension, do not include any other pension income or earnings. The remaining 69% have two or more income sources.

Information previously published indicates that the average total income of all pensioner households claiming income support was £218 per week at the end of 2014 and they received, on average, an extra £176 per week in income support.

Based on recent trends, roughly 200 people will start to receive the new pension disregard in 2016.

It should be noted that ‘relative low income’ describes a household that has a relatively low income compared to the “average” household, by Jersey’s standards. It does not indicate an income level below which it is necessary to maintain a certain standard of living for that household type. It does not take into account spending patterns which will vary between household types.

A commitment has already been made in the Medium Term Financial Plan to encourage workers to make better provision for old age. Page 129 confirms:

During the course of this MTFP, the Social Security Department will also work with the Treasury and Resources Department to promote financial independence in old age, and to encourage a higher proportion of workers to take up occupational pensions. For example, this could be achieved through changes in income tax or benefit rules, as well as the promotion of work-based pension schemes aimed at lower earners.

4.9 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE REPORT OF THE COMPTROLLER AND AUDITOR GENERAL INTO COMMUNITY AND SOCIAL SERVICES:

Question

Further to the publication of the Comptroller and Auditor General’s report concerning a review of Community and Social Services, can the Minister advise which, if any, of the 14 recommendations contained within the report will be implemented in full and in what timescale and, if not, why not?

Answer

The Comptroller and Auditor General’s Report on Community and Social Services was published on 10 December 2015. The report has 15 recommendations.

The Public Accounts Committee has asked the Chief Executive of the Health and Social Services Department for a formal response to the CAG’s report by 1 February 2016, confirming:

- a) The extent to which the recommendations made in the report are accepted by the Health and Social Services Department
- b) Clarification, if relevant as to why any of the recommendations may not have been accepted
- c) The action that is being or has been taken to implement the accepted recommendations

Once the Department has submitted its formal response to PAC, it should then be in a position to share this information with the Deputy.

4.10 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CHILDREN IN CARE:

Question

How many children are currently in the care of the Children's Service?

How many children are being cared for within residential settings here and in the UK and, how many are currently in foster care?

What is the cost of placing children in residential settings in the UK?

Of the children in foster care, how many are in kinship foster care?

How many foster carers are registered with the Department and of those, how many are specialist foster carers?

How many foster placements have broken down during the past year and what were the main reasons for them doing so?

How many recruitment drives for foster carers and potential adopters have taken place during the past two years and, how many new foster carers were recruited and lost during this period of time?

Currently what premises are being used as residential settings, how many beds do they provide and for what age group do they cater?

Answer

How many children are currently in the care of the Children's Service?

100

How many children are being cared for within residential settings here and in the UK and, how many are currently in foster care?

Within Residential settings here – 22

In the UK – 9

In Foster care – 51

What is the cost of placing children in residential settings in the UK?

Costs vary in accordance with Individual placement plans. The current range varies between £76,000 per child per year up to £247,000 per child per year.

Of the children in foster care, how many are in kinship foster care?

19

How many foster carers are registered with the Department and of those, how many are specialist foster carers?

50 registered carers of whom 2 are specialist carers

How many foster placements have broken down during the past year and what were the main reasons for them doing so?

2 breakdowns associated with placements continuing for longer than had been previously anticipated

1 breakdown due to challenging behaviour

1 young person decided to return to their birth family

2 breakdowns associated with crises within the respective foster family

How many recruitment drives for foster carers and potential adopters have taken place during the past two years and how many new foster carers were recruited and lost during this period of time?

There are 2 campaigns every year – 1 in “Fostering Fortnight” and 1 in “Adoption week”, so 4 in the last 2 years.

In 2014 8 new foster carers and 4 prospective adopters were recruited

In 2014 5 foster carers were deregistered

In 2015 13 new foster carers and 8 prospective adopters were recruited

In 2015 5 foster carers were deregistered

Currently what premises are being used as residential settings, how many beds do they provide and for what age group do they cater?

Greenfields Secure Home - 8 beds (age range subject to legal review)

Casa Mia – 3 beds (age range 11 to 17)

Field View – 6 beds (age range 11 to 17)

Brig-Y-Don – 8 beds (age range 11 to 17)

The White House – 3 beds (age range 11 to 17)

Eden House – 2 beds (aged 10 and 12)

There are 2 further units providing short break facilities

4.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCOME DISTRIBUTION SURVEY:

Question

Does the Minister agree that the combined weight of evidence contained in the Income Distribution Survey (IDS) and her own departmental data seriously undermines the rationale behind her decision to stop the single parent component of Income Support (IS) over 3 years?

Does she accept that rather than waiting "to see what the impact is" more urgent action is required to prevent hardship to the households affected, such as single parent households, which have the greatest incidence of relative low income (56%), with a median income (After Housing Costs) of only £310 weekly, compared with an average across the other household groups of £600?

Given that figures from her 2014 annual report suggest that those households at most risk of relative poverty are well targeted, does she not see that the removal of over £2,000 from the 1,098 families in IS, whose average living components (less rent) is £10,792, representing 64% of total household income, and 186 of whom are totally dependent on IS, can only lead to increased hardship?

Will she agree to review this policy before the June debate of the next part of the Medium Term Financial Plan?

Answer

No, the Income Distribution Survey findings and Income Support data do not undermine the rationale for phasing out the single parent component over the next three years.

This change was one of the measures taken to achieve a £10 million reduction in the 2019 benefit budget. This is equivalent to holding the benefit budget roughly steady over the Medium Term Financial Plan 2016-2019. Taken collectively, the result of these decisions is to allow investments to be made in key strategic areas such as improving the educational support available to disadvantaged children through the introduction of a pupil premium.

All of the benefit measures were carefully assessed against three objectives:

- ***Promote financial independence***
- ***Improve the targeting of benefits***
- ***Minimise the impact on individuals***

In this case, the extra payment of £40 per week made to single parents that is not linked to any specific, additional household cost that a single parent would face, is being phased out. The diagram at the end of this answer compares the weekly components that are included in a typical Income Support claim, for a single parent with one child and a couple with one child. For simplicity, this diagram does not show the effect of household income and is rounded to the nearest pound.

Once this policy change has been completed towards the end of 2018, all single parents receiving income support at that time will be in a comparable position to couples with children. All single parents will still receive an adult component to cover their personal living costs, a rental component to cover rent, a household component to cover household bills and a child component to cover the cost of a child's living costs.

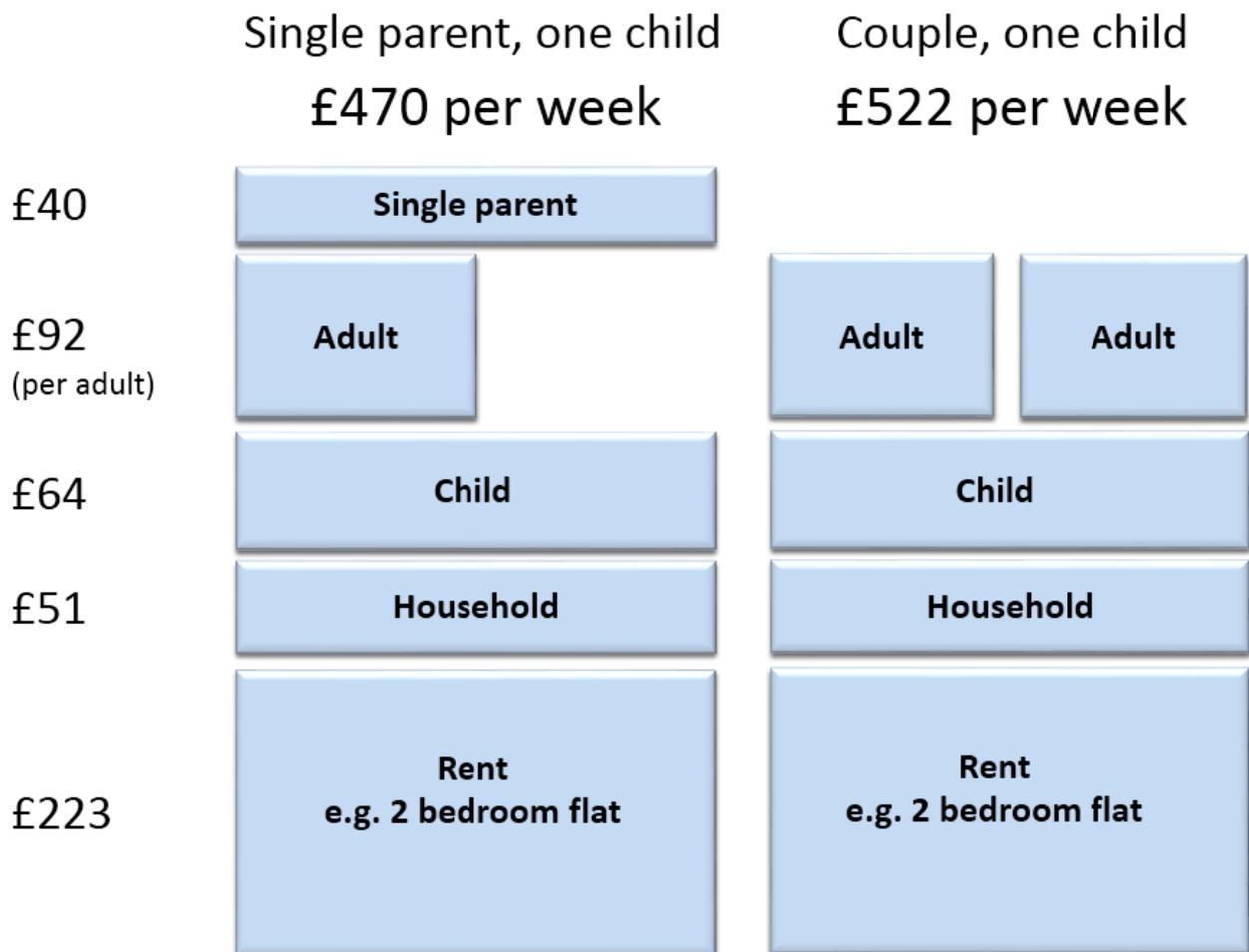
The best way to help single parents be financially independent is to make sure there are no barriers to returning to work. They are able to claim help with childcare costs when they return to work and receive specialist support from the Back to Work team to help them get back into the workforce.

The aims of the strategic plan and the investments created through the MTFP are designed to lead to a healthier economy with more job opportunities for local residents. The success of these policies by 2018 will be reflected in the number of single parents returning to work, thus improving their household income and reducing their reliance on benefits.

Alongside the change to the single parent component, the treatment of maintenance income has been improved to increase the household income of single parents who enter into maintenance agreements and collect maintenance income.

I do not intend to review this particular area this year.

Diagram showing how an Income Support claim was made up before the changes. The single parent component is now being phased out over the next three years.



4.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE OUTSOURCING AND PRIVATISATION OF SERVICES:

Question

In his determination to press ahead with the outsourcing or privatisation of services currently delivered by the public sector, can the Chief Minister state which services, if any, will not be considered for such action?

What specific assurances, if any, can he give to ensure that the quality of services is maintained as costs are reduced?

Will he further assure members that any such schemes to outsource/privatise will be brought to the States for approval and not pushed through via Ministerial decisions?

Will he also state what measures he will put in place to ensure that contract negotiation, employee consultation, transition processes and service level monitoring are conducted to the highest standards to prevent any repetition of UK outsourcing disasters (such as those listed below)?

1. Employment Support Allowance (ESA) testing - private contractors Maximus paid £1.6 bn to replace Capita - result increased cost and waiting times
2. Barnet Council - no risk assessment on private IT contractor 2E2 which went into administration
3. Probation Service London - Private company Liberata removed 100 senior management posts from 550 jobs - result failed to deliver service
4. Musgrove Park Hospital, Taunton terminated its contracts with Vanguard Healthcare after 30 botched cataract operations.

Answer

Jersey is facing significant financial, demographic, technological and environmental pressures in the coming years. As a result we have a duty to all Islanders to ensure that the Public Sector Reform programme looks at the best way for public services to be provided in the future. As part of this work, we are considering which services are still relevant, which need to be changed to meet future demands, and which need to be delivered in a different way.

There is no one size fits all solution for public service reform, and services will only be outsourced when it makes sense to do so. In deciding how best to deliver future services we will assess the cost of service delivery, the level of service quality, we will consider whether or not such services should be provided by Government.

Some services may need to be reduced, while others increased and new services introduced. I cannot provide a list of which services will or will not be suitable for outsourcing as this is an ongoing assessment.

The delivery and structure of services are operational matters for departments, working with their respective Ministers, under the oversight of the States Employment Board. Significant changes to service delivery will be brought to the States Assembly for debate when it is appropriate to do so, following established procedures for such matters.

In all such discussion staff and union engagement is important. We will continue to use all available communication and consultative channels as well as the joint working arrangements with Unions that have been put in place.

Jersey is not unique in assessing how public services should be delivered into the future. This work is taking place in most developed countries, and any changes to service delivery will take into account lessons from elsewhere.

It is the task of every responsible government to continually assess services and whether they are being provided in the most effective way. I am confident of the work that is taking place in Jersey, and I will undertake to keep States Members informed as our plans progress.

4.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING OUTSOURCING AND PRIVATISATION OF SERVICES:

Question

What services, if any, does the Minister have under consideration for outsourcing or privatisation under the four years of the Medium Term Financial Plan?

Has the Minister read the report of the independent think tank the Centre for Health and Public Interest published in March 2015 noting that the National Health Service was struggling to monitor and assess the safety and efficacy of services it has outsourced to private providers, and if not, will he undertake to do so?

Given that a survey of Clinical Commissioning Groups (CCGs) using freedom of information requests found that 60 percent of CCGs surveyed did not record how many site inspections they undertook, or were unable to say how many they had done and that 12% had not carried out any site inspections, what proposals, if any, does the Minister have to monitor of the safety and efficacy of any such services outsourced to private companies or agencies?

Answer

The Health and Social Services Department is always seeking to deliver services to Islanders in the most efficient and effective way possible, while prioritising the safety of patients. As one would expect, services are always under review to ensure value for money, but there are no plans at this point in time to outsource or privatise services currently provided by the Department.

The Minister is aware of the report referred to in the question and while its focus is on the NHS in England which, given its size, is organised very differently to Jersey, he is content to note its conclusions and recommendations.

As stated above, there are no plans to outsource or privatise services at this point in time. Therefore there is no current requirement to monitor the safety and efficacy of any such services. Should this position ever change then of course required standards of quality and safety would be encompassed in contractual arrangements.

4.14 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING ARRESTS FOR POSSESSION OF CANNABIS:

Question

In 2015, how many people were arrested for possession of small amounts of cannabis?
How many of these led to convictions and how many of those were sentenced to a custodial sentence?

Answer

In 2015, there were 144 possession-of-cannabis offences recorded by States of Jersey Police, 92 of which were principal offences, counted in accordance with the UK *Home Office Counting Rules for Recorded Crime*¹. The remaining 52 were subsidiary offences in cases where additional, more-serious crimes had been committed, and so were not counted as per Home Office rules. With regard to the 144 offences:

- 20 remain undetected and a further 4 received admin detections (this latter category indicates the Police are aware of the perpetrator and are not looking for anyone else involved. However, there may be insufficient evidence to continue with the prosecution);

- 42 offenders received written cautions;
- 15 offenders received fines ranging from £100 to £800;
- 9 offenders were bound over for periods ranging from three months to a year;
- 7 offenders received probation orders for periods ranging from six to 18 months;
- 3 offenders received Community Order Notices for periods ranging from 40 to 90 hours, and;
- the remaining offenders were dealt with as follows: deferred decision (11), remanded in custody (12, of which four were remanded for Royal Court appearances), other, non-specified sanctions (3), awaiting a Parish Hall Enquiry (14), case withdrawn (1), unknown outcome (3).
- No-one prosecuted in 2015 for possession of cannabis received a custodial sentence.

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It should be noted that it is difficult to determine the number of people arrested for possession of cannabis because the police custody record will often not indicate the specific drug itself - mention will only be made of the substance being passed onto the States Analyst for further investigation. In addition, individuals found in possession can be dealt with at the scene but later, depending on the Analyst's report, be asked to attend Police Headquarters voluntarily for charge or warning to Parish Hall.

4.15 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX INCOME FROM LANDLORDS:

Question

How much potential tax income is lost by landlords offsetting the payments of Parish Rates against rental income?

How many taxpayers currently benefit from this? Could these numbers be broken down into amounts of marginal rate taxpayers, '20 means 20' payers and High Net Worth individuals?

How many of these people benefit from this for more than one property?

Answer

Taking each part of the question separately.

1. The amount of parochial rates paid by a landlord is an allowable deduction against Jersey rental income under the provisions of Article 52(2)(b) of the Income Tax (Jersey) Law 1961. Whilst details of deductions claimed are included on tax returns, only the net rental income declared (after all allowable expenditure) is recorded on the Taxes Office IT systems. Additionally, the deductions for rates and insurance are aggregated on returns. Accordingly it is not possible to answer this question accurately. Treasury and Resources are investing in a new Taxes computer system over the next three years with a view to introducing online filing and assessment of personal income tax as a priority. The Taxes Office will consider the scope to improve the provision of statistical data as part of that work, as well as the compliance costs for individual taxpayers in providing different levels of data.

2. The total number of personal taxpayers who were assessed to tax on Jersey rental income less allowable expenses for the year of assessment 2014 was 4,945¹. These landlords can be broken down as follows:-

Taxpayers with no tax liability payable	409
Marginal rate taxpayers	2,921
20% taxpayers	1,596
High Net Worth taxpayers (licenced under 2(1)(e) and previous 1(1)(k) regulations)	<u>19</u>
Total	<u>4,945</u>

In addition there were 1,533 limited companies assessed to tax on Jersey rental income less allowable expenses for the year of assessment 2014¹. Jersey rental income less allowable expenses arising to limited companies is chargeable to tax at the rate of 20%.

NB Taxpayers whose Jersey rental income less allowable expenses result in nil income or a loss are not included in the above.

3. The Taxes Office IT systems do not record the number of properties each landlord owns therefore it is not possible to provide this data without examining around 6,500 tax returns.

4.16 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HIGH NET WORTH STATUS:

Question

Under what circumstances, if any, can a person's High Net Worth individual status be revoked?

Answer

It is assumed that the question is referring to High Value Residents ("HVR"), who are approved as having Entitled status under Regulation 2(1) (e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, and subsequently are expected to make an annual minimum income tax contribution of £125,000.

The HVR is liable to lose 2(1)(e) status if they don't meet a condition imposed by the Chief Minister at the time of granting. Those 2(1)(e) residents are subject to the tax rules prescribed in Art 135A of the Income Tax (Jersey) Law 1961. The Taxes Office reviews the financial contribution made under that Article and works closely with the Chief Minister's department.

The HVR's registration card will state 'Entitled Conditions Apply'. This means that each time the card is presented (e.g. when moving home or employment) the Population Office will verify whether the Entitled status remains valid.

4.17 DEPUTY S.Y. MÉZEC OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING CONVICTIONS FOR DRUG OFFENCES:

Question

What formula is currently used to determine how long it will take for a conviction for a drugs offence to become spent and therefore not liable to appear in a pre-employment screening?

Answer

When convictions become spent is governed by the Rehabilitation of Offenders (Jersey) Law 2001 ("the 2001 Law"). All offences including drugs offences are treated in the same way.

The period of time before a conviction becomes spent is determined by reference to the length of the sentence imposed by a court. Rehabilitation only applies to sentences defined as “lesser sentences” by Article 1 of the 2001 Law. “Lesser sentences” are non-custodial sentences and custodial sentences of not more than 30 months. Custodial sentences exceeding 30 months, including life sentences, are excluded from rehabilitation (Article 1).

Article 3 of the 2001 Law sets out the rehabilitation periods in respect of offences on which lesser sentences have been imposed. Sentences not exceeding six months’ imprisonment become spent after a rehabilitation period of seven years. Sentences exceeding six months but not exceeding 30 months become spent after a period of 10 years. Probation Orders and Community Service Orders of any length become spent after 5 years. When a person is convicted as a youth (up to and including the age of 17 years), the rehabilitation period is normally one half of the period set out above.

If a person reoffends during the rehabilitation period then the initial conviction will not usually become spent at the end of the rehabilitation period, but will remain active until the rehabilitation period for the subsequent offence expires (Article 5).

Article 10 of the 2001 Law states that, subject to exceptions set out in regulations, any question seeking information as to a person’s previous convictions shall be treated as not relating to spent convictions. There are certain categories of work, set out in the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002, to which the provisions of Article 10 do not apply. These categories of work include the judiciary, the legal profession, law enforcement officers (including the Honorary Police), and employment requiring a PSV licence or a liquor licence. There are also restrictions on the application of Article 10 of the 2001 Law in relation to working with children.

4.18 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INDIVIDUALS ACTIVELY SEEKING WORK:

Question

Following the abolition last September of Income Support (IS) for people aged under-25 who live with their families, how many of those who were formally claiming IS have since found work and how many are no longer registered as actively seeking work, but have not registered as ‘employed’?

Answer

The position at the end of December 2015 of those claimants aged under-25 who were Actively Seeking Work (ASW) and had their own Income Support claim in July 2015 was as follows:

Category	% of total
Employed	40%
Actively Seeking Work	39%
Turned down support from Back to Work	9%
JET	5%
Full time education	3%
Other	3%

Table does not equal 100% due to rounding.

4.19 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING SCHOOL FEES:

Question

Further to the response given to a question without notice on 1st December 2015 (5.3.1 in Hansard) to the Minister for Education regarding the revenues likely if school fees were subject to the Goods and Services Tax, would the Minister provide details of the expected revenue figures?

Answer

A review of the latest information available in respect of all schools in the island that are in receipt of fees for the provision of both primary and secondary education indicates that the potential revenue from charging GST on those fees could be approximately £1.2m.

4.20 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING ISLANDERS WITH DISABILITIES:

Question

Will the Chief Minister state how many Islanders are estimated to have a disability, including, but not limited to, epilepsy and blindness (partial or complete) which prevents them from being able to drive?

Answer

The results of the Health & Life Opportunities survey¹ estimates the number of islanders to have a disability, as defined under the UK Equality Act 2010¹, to be 13,900 Jersey residents, which is 14% of the population.

The survey also captured detail on functional impairments. 16% of all individuals are reported to having at least 'some difficulty' seeing, even if wearing glasses. This equates to 14,112 Jersey residents. Of the respondents to the survey, 2% reported having 'severe difficulty' seeing, even if wearing glasses. This would equate to 2,016 Jersey residents.

A proportion of those with a disability or functional impairment would be prevented from being able to drive, but we do not have an estimate of the precise number of individuals this would affect. There is no data available on the number of islanders with individual conditions, including epilepsy. However, further qualitative research is being carried out this year to inform the disability strategy which is being developed. This research will help us understand how people's disabilities impact on their lives.

4.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING STEPS BEING TAKEN TO MAKE CYCLING MORE CONVENIENT AND SAFE:

Question

What steps, if any, is the Minister taking to make cycling more convenient and safe?

Answer

The encouragement of cycling is a key element of the States Sustainable Transport Policy and the Department for Infrastructure (DfI) is continuously delivering measures which make cycling more convenient and safer.

We have an active programme to expand our off road cycle network.

Work is underway to provide an off road shared (cycle and pedestrian) route through St Peter's Valley, which will link the western route in St Aubin's bay via the Perquage path through to St Mary, in a similar way that the Railway Walk links St Aubin to Corbiere via Les Quennevais. The new path will dramatically improve safety for cyclists and pedestrians whilst making the route more appealing for both residents and tourists.

The next stage of the eastern cycle network linking Grouville Food Hall to Grouville School via the edge of Grouville Common has commenced and will be completed this year. Other sections are also being investigated. The Island Plan (policy TT3) requires all major developments in the south east of the Island to contribute either physically or financially to the eastern cycle network. Several planning obligations have been agreed accordingly and this will provide ongoing funding for this work to continue.

The cycle route from the steam clock, along Commercial Buildings to Havre des Pas, linking western and eastern cycle routes, has been partially completed and my officers are investigating options to continue the cycle route past the old English and French harbours (a previous proposal having been withdrawn). DfI officers have met the Connétable of St Helier and representatives of the Parish and will be working together to improve cross town cycle routes.

The existing western cycle route is very well used and we are reviewing where improvements can be made to cope with its high usage, for example the improved lighting we have provided along Victoria Avenue and enhancements delivered as part of the St Aubin's village improvement scheme.

In addition to off road facilities, we are progressing a road safety action plan which will aim to reduce the likelihood of injuries on our roads and in particular, make vulnerable road users, such as pedestrians and cyclists, safer. This involves a combination of the 3 'E's - engineering, enforcement and education. We have held a workshop with the Minister for Home Affairs, the Connétables and the 13 policing authorities and have agreed a prioritised programme of measures. These will include continued work on road safety awareness campaigns in conjunction with the road safety officer and States Police (such as last year's 'Let's look out for each other' campaign).

We have an ongoing programme of providing cycle racks. 100 new stands have been provided in the town area in the last 5 years with a further 50 provided in more rural locations.

We work with developers and the Department of the Environment to ensure that cycle facilities are considered and improved as part of the planning application process and have also secured sponsorship for cycle racks from the private sector, i.e. the Co-Op at St Clement.

Law changes to provide for cycle helmet use for children were introduced by my predecessor in 2014. In 2015 we made law changes regarding the use of electric bikes to make the law less restrictive. We are keen to encourage the use of electric bikes as they provide a cycling option for those who do not consider a conventional bike to be a realistic option. This is not just supportive of the Sustainable Transport Policy, but also the Energy Pathway 2050 and the States interest in promoting healthy life styles through active travel. We have had an initial exchange of correspondence with the Jersey Electricity Company to consider how their use could be promoted.

Finally we would add that we have an active programme of cycle promotion, including the schools green travel fortnight and Cycle Challenge programmes which encourage individuals and businesses to get on their bikes.

In addition to encouraging cycling we also have a programme of measures to encourage people to make more journeys on foot. We will be producing a comprehensive series of proposals to ensure a coordinated approach is being taken and to identify any further measures which can improve the safety and convenience of all forms of active travel.

4.22 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING PLANNING APPEALS:

Question

Could the Minister explain how many planning appeals for each category were received by the department in 2015 for each of the following classifications?

- Minor Planning Application
- Major Planning Application
- Enforcement Notice
- Listed Buildings
- Building Bye-Laws
- General Planning Application"

Answer

The Department of the Environment do not directly receive planning appeals.

During 2015, the Judicial Greffe received the following number of appeals in relation to the Planning and Building (Jersey) Law 2002.

Type of Appeals	Number received during 2015
Minor Planning Application	9
Major Planning Application	26
Enforcement Notice	2
Listed Buildings	5
Building Bye-Laws	0
General Planning Application	0 All planning application appeals are captured under Minor or Major planning applications above

4.23 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR INFRASTRUCTURE REGARDING STRIKE ACTION BY TAXI DRIVERS:

Question

Given the recent strike action taken by taxi drivers, can the Minister explain what further discussions have taken place with the Taxi Drivers Association, give an update on the situation and explain what and when changes to policy are to be implemented?

Answer

Comprehensive discussions were held with the Jersey Taxi Drivers Association (JTDA), Jersey Cab Drivers Association (JCDA), their members and company owners and other industry representatives, as well as the public, during the consultation for and the development of the Taxi Regulatory Review 'Green' and 'White' papers (to which over 700 industry and public responses were received). Since being appointed, I have also personally held meetings with industry representatives on the following dates:

Ministerial Taxi Meetings		Discussion Type
Call a Cab	18 December 2014	Exploratory
Taxi rank visit with JTDA	08 January 2015	Exploratory
Taxi rank visit with JTDA	12 January 2015	Exploratory
Liberty Cabs and Citicabs	13 January 2015	Exploratory
Red Cabs and App Designer	13 January 2015	Exploratory
Luxicabs	27 January 2015	Exploratory
Private Hire Taxi-Cab Drivers	29 January 2015	Exploratory
Non JTDA Rank Drivers Meeting	12 February 2015	Exploratory
JTDA	16 February 2015	Exploratory
JCDA	16 February 2015	Exploratory
ECabs	25 February 2015	Exploratory
Domino Cabs	25 February 2015	Exploratory
Non JTDA Rank Drivers Meeting	25 February 2015	Exploratory
Non JTDA Rank Drivers Meeting	27 February 2015	Exploratory
JTDA (request from JTDA for increase in tariffs for	28 July 2015	Tariff request

2016)		
Presentation to taxi industry representatives	28 September 2015	Presentation
Jersey Disability Partnership	12 October 2015	Consultative
Yellow Cabs	15 October 2015	Consultative
JTDA	19 October 2015	Consultative
CitiCabs	04 November 2015	Consultative
Joint Taxi-Cab Working Party	10 December 2015	Consultative
Luxicabs	07 January 2016	Consultative
JTDA and representative of non JDТА rank drivers meeting at Chief Minister's Office	08 January 2016	Consultative

Subsequent to announcing our plans in September 2015, we have received numerous contacts from the industry expressing wide and divergent views, covering the entire spectrum of opinion from extremely supportive to denying any need for change.

The main concerns received related to how the transition from the current situation of strict quantitative control (where government decides how many taxis can operate) to more customer focused qualitative requirements could be achieved. To provide the sector with the freedom to improve productivity to better meet peak demand and modernise the quality of the service. Thus, at the launch of our proposals we invited discussion as to how best to achieve the technical aspects of the changes and requested that interested industry representatives submit their own suggestions.

To allow these concerns to be explored, following a series of industry wide meetings organised by the JTDA and a representative of Private Hire, a taxi-cab sector 'Joint Working Party' was formed. We met with the group on 10th December 2015 to listen to their ideas. As would be expected, the proposed changes to restrictions to access for on-street taxi ranks were of primary concern to the JTDA representatives.

The spirit of the meeting was positive and constructive with many common points of agreement, which all agreed would merit further discussion. However, before dates could be set for our next meeting the JTDA issued an ultimatum objecting to the easing of controls on new entrants to the industry who agree to provide and operate wheelchair accessible vehicles (part of the move from quantitative to qualitative regulation).

Evidently the JTDA were unhappy that protection of its members' position in the taxi-cab market could not be unconditionally guaranteed and decided to publically demonstrate their strength of feeling, without notice, through a day of action. Following on from this, a further meeting was chaired by the Chief Minister on 8th January 2016 with the JTDA. Again this was constructive and it was agreed that a further meeting shall be scheduled to be held in the first week of February.

The high-level strategic programme for Taxi Regulatory Reform remains as published below. At an operational level it may be necessary for some variation in order to secure further consumer benefits as a result of constructive industry engagement.

4.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HOUSING WAITING LISTS;

Question

Will the Minister advise Members for each year during the period 2010 to 2015:

- (a) how many people were on the housing waiting list in each year, breaking the figures down into:
 - (i) the number of single parent families;
 - (ii) the number of couples without children;

- (iii) the number of couples with children, identifying in addition the number of children in each family on the waiting list;
 - (iv) the number of single persons.
- (b) The number of new housing units provided by the States of Jersey and Housing Trusts each year in the period, providing a separate number for each, breaking the figures further down into single bed flats, two bedroom flats, three bedroom flats and single bedroom, two bedroom and three bedroom houses.
- (c) The number of private sector housing units that have come on to the market each year during the same period using the same categories as in (b) above.

Answer

The Housing Gateway waiting list was introduced in 2013 to consolidate the waiting lists of all social housing providers, including social housing tenants who wish to transfer to another unit, and those qualifying to move into the social housing sector.

The total waiting list figure for December 2015 was 1,092, including transfers, with 653 private households in the most urgent housing bands (1 and 2).

The housing gateway publishes monthly statistics on the waiting list, which also explains the banding system, and these can be found on the following web site:

<https://www.gov.je/Home/RentingBuying/ApplicationAllocation/Pages/HousingWaitingList.aspx>

The number of *applications* in each of the individual years 2013, 2014, and 2015 for the categories requested was as follows:

- (i) single parent families:

2013	2014	2015
35	51	111

- (ii) couples without children:

2013	2014	2015
215	438	480

- (iii) couples with children, identifying in addition the number of children in each family on the waiting list:

Number of children	2013	2014	2015
1	28	68	54
2	26	38	61
3	6	14	18
4 - 6	-	4	2

Total	60	124	135
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(iv) single persons;

2013	2014	2015
63	99	147

In addition, the Housing Strategy includes an action to review the Housing Gateway eligibility criteria to make sure that it reflects the current demand and supply for social housing. This work includes analysing and examining further the detailed data on the Housing Gateway waiting list, including a breakdown of household numbers and types, and this information will be available as part of the publication of the results of this work, which is due in the next 3 months.

(b) & (c) Information on the supply of homes is produced by the Environment Department and the Minister for Environment will be publishing the latest housing supply data by the end of January 2016. The Strategic housing Unit work very closely with the Environment Department and this information is a key piece of evidence that supports many of my Housing objectives, as outlined in the draft Housing Strategy.

4.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING LAWYERS INVOLVED IN STATES APPOINTED BODIES:

Question

Will the Chief Minister advise members for the year 2015:

- how many Chairmen of States appointed bodies are lawyers and from which law firms, identifying which bodies, and, if remunerated, the sums paid; and,
- how many members of States appointed bodies are lawyers and from which law firms, identifying which bodies, and, if remunerated, the sums paid?"

Answer

This answer refers to the States appointed bodies listed in Part C of the Constitution of the States of Jersey <http://www.statesassembly.gov.je/SiteCollectionDocuments/States%20Assembly/Constitution%20of%20the%20States%20of%20Jersey.pdf>

Some States appointed bodies include States Members, Law Officers, or members of staff who are qualified lawyers, and these have not been included.

Much of this information is publicly available in the relevant States Assembly propositions or Ministerial Decisions, some of which are listed below.

Body	Position	Law Firm	Remuneration
Health & Safety Appeal Tribunal	Chair	Benest & Syvret	Honorary position
Jersey Employment & Discrimination Tribunal	Chair	N/A	£736.00 daily rate
	Deputy Chair	Davies & Ingram Advocates	£552.00 daily rate
	Deputy Chair	Hatstone lawyers	

	Deputy Chair	N/A	
	2 x lay members	N/A	£97.00 daily rate
Social Security Tribunal	Chair	Viberts	£440.00 daily rate
	Deputy Chair	LWR Law	
Social Security Medical Appeal Tribunal	Chair	Viberts	£440.00 daily rate
Income Support Medical Appeal Tribunal	Chair	Viberts	£440.00 daily rate
	Deputy Chair	N/A	£440.00 daily rate

Body	Position	1) Lawyer 2) Law Firm (as at appointment)	1) Remunerated Role? 2) Sum
Jersey Law Commission	Chair	1) Jersey Solicitor 2) Ogier ¹	1) No 2) N/A
	Commissioner	1) Jersey Solicitor 2) Le Gallais & Luce ¹	1) No 2) N/A
	Commissioner	1) English Barrister 2) N/A ¹	1) No 2) N/A
Jersey Police Authority	Chair	1) Jersey Advocate 2) Ogier ¹	1) No 2) n/a
	Member	1) Jersey Advocate 2) Tremoceiro Advocates ¹	1) No 2) n/a
Jersey Police Complaints Authority	Chair	1) Jersey Advocate 2) Retired	1)no 2) n/a
Community Relations Trust	Chair	1) Advocate 2) Mourants Ozannes	1) No 2) n/a
Jersey Consumer Council	Chair	1) Advocate 2) Viberts	£10,000 per year
Channel Island Competition Regulatory Authority	Member	1) Lawyer 2) not working in private practice	£12,000 per year
Committee of Inquiry into Historic Child Abuse	Chair	1) QC 2) Deputy High Court Judge in Family Division, Crown Court Recorder, Mental Health Tribunal Judge Restricted Patients Panel, Master of the Bench at Gray's Inn, • Chambers at 36	Paid as set out by the Minister for Treasury and Resources in P118/2012 (Com.) (2)

		Bedford Row, London	
States of Jersey Complaints Panel	Chair	<ul style="list-style-type: none"> Retired lawyer 	No remuneration
	Deputy Chair	<ul style="list-style-type: none"> Self-employed lawyer 	No remuneration
Jersey Bank Depositors Compensation Board	Member	<ul style="list-style-type: none"> Advocate Howard law 	No remuneration (structure to change in 2016 with remuneration of £5,000 pa for new member, an advocate who works for Bedell Cristin)
Mental Health Review Tribunal		<ul style="list-style-type: none"> 	
Jersey Financial Services Commission (JFSC)	Commissioner	<ol style="list-style-type: none"> Jersey Advocate Not practicing law 	£26,000 per year (rate for locally based commissioner)
	Commissioner	<ol style="list-style-type: none"> Crown Advocate Baker and Partners (consultant) 	£26,000 per year
	Commissioner	<ol style="list-style-type: none"> English solicitor Cameron McKenna (London) 	£36,500 per year (rate for off-island commissioner)

Commissioners of the JFSC are appointed by the States Assembly and the annual report of the JFSC (which details Commissioners' remuneration) is lodged with the States every year.

Jersey Police Authority – provision for remuneration is made at Article 5(7) of the States of Jersey Police Force Law 2012;

http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f23%2f23.820_StatesofJerseyPoliceForceLaw2012_RevisedEdition_1January2015.htm

Jersey Police Complaints Authority – provision for remuneration is made at the Schedule, 4(2) of the Police (Complaints and Discipline)(Jersey) Law 1999;

[http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f23%2f23.325_Police\(ComplaintsandDiscipline\)Law1999_RevisedEdition_1January2015.htm](http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%2fconsolidated%2f23%2f23.325_Police(ComplaintsandDiscipline)Law1999_RevisedEdition_1January2015.htm)

4.26 DEPUTY M.R. HIGGENS OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE U.K.'s REFERENDUM ON MEMBERSHIP OF THE EUROPEAN UNION:

Question

With regard to the United Kingdom's (UK) in-out Referendum on membership of the European Union would the Minister advise members:

- there have been any discussions with Her Majesty's Government as to whether Jersey residents would be entitled to vote in the Referendum, and if not, will he seek to ascertain from the UK authorities whether Jersey residents will be allowed to vote; and,
- in the event that Jersey residents are not allowed to take part in the Referendum, whether he would support a separate Island Referendum being held on the same question to ascertain the views of Islanders?

Answer

a) As the Chief Minister made clear in answers given to Connetable Taylor and Deputy Mezec during oral questions on June 2nd 2015, there is no legal or constitutional mechanism by which Jersey might take part in the UK Referendum on EU membership. Jersey is a Crown Dependency with a separate legal status from the UK metropolitan territory

It is for the UK government to determine eligibility to vote in the referendum. The European Referendum Act 2015, which gained Royal Assent on 17 December 2015, stipulates that the franchise should be based on the franchise for UK Parliamentary elections. Accordingly, residents of the Crown Dependencies and Overseas Territories will only be qualified to vote if they would be entitled to do so as electors at a UK parliamentary election in any constituency (for example, as overseas voters). This is consistent with past practice, in particular the 1975 UK referendum on EU membership.

b) The UK is the EU Member State and Jersey's limited relationship with the EU as a Crown Dependency exists by virtue of Protocol 3 to the UK's Act of Accession. The decision on whether or not to remain as an EU Member State is a question for the people of the UK rather than Jersey.

Although it is true that Jersey would be affected by a decision to leave the EU, it would be ineffectual and therefore inappropriate, to have a referendum in Jersey on whether or not the UK should remain a Member State of the EU.

4.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INTERIM POPULATION POLICY:

Question

Following the expiration of the Council of Ministers Interim Population Policy at the end of 2015, will the Chief Minister advise members what population policy and target figure his officers are working to at the present time and will he further advise members when he will be bringing a new population policy to the States for consideration?

Answer

The Interim Population Policy was put in place while we developed a Long Term Plan for Jersey. It supports limited, targeted migration that delivers economic growth and helps to maintain our quality of life as society ages. The policy established an average net migration of +325 people per year on which to base our planning decisions.

Before working on the Long Term Plan, this Council of Ministers had to propose a Strategic Plan, Medium Term Financial Plan, and 2016 Budget. Now that work is complete, we intend to involve islanders in developing a plan for Jersey for the next 20 years. Population policy will be an integral part of this Long Term Plan, which will be completed this year.

In the meantime, the principles of the Interim Population Policy, as embedded in the Strategic Plan and Medium Term Financial Plan, remain appropriate, and will be applied using the Control of Housing and Work Law until the Long Term Plan is agreed. This will provide stability and continuity while we make important decisions for our long term future.

4.28 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING POTASSIUM IODIDE TABLETS:

Question

Further to reports that that potassium iodide tablets have been issued to those living close to Cap de la Hague, can the Chief Minister advise members:

- (a) what contact, if any, he has with the French Authorities regarding safety at the nuclear site;
- (b) what notification Jersey would receive (nature and timing) if there was an incident which resulted in the release of nuclear material;
- (c) how the Island would deal with such an incident; and
- (d) whether the Island has a stock of potassium iodide tablets?

Answer

What contact, if any, he has with the French Authorities regarding safety at the nuclear site;

The Emergency Planning Officer is in regular contact with the French Authorities and Emergency Planning colleagues in Bureau des îles-Anglo-Normandes (BIAN) to monitor issues relating to the Norman coastal Nuclear facilities. Last year the Chief Ministers of Jersey and Guernsey travelled to France to sign a cooperation agreement with La Manche and Lower Normandy. The French nuclear facilities were discussed during the meeting and the Emergency Planning Officer signed a Memorandum of Understanding (MoU) between Jersey and Guernsey and the Prefecture de la Manche to formalise the previous information sharing arrangements and to set out the responsibilities of St Lo, States of Guernsey and States of Jersey in relation to the provision of Emergency Planning information during an emergency.

What notification Jersey would receive (nature and timing) if there was an incident which resulted in the release of nuclear material;

In the event of an emergency or accident at either Flamanville or Cap De La Hague special arrangements have been agreed between the Préfecture De La Manche, St Lo, the Emergency Planning Officer and States of Jersey Police to ensure accurate and timely information is passed to Jersey. To facilitate this, dedicated lines of communications have been established between the Préfecture De La Manche, Emergency Centre, St Lo and the States of Jersey Police Headquarters Control Room. These would be activated as part of the Préfecture general alert system if a critical nuclear incident were declared. These communications are tested and exercised regularly.

How the Island would deal with such an incident; and

The States of Jersey Emergency Plan for Incidents at Flamanville and Cap De La Hague on the Cotentin Peninsula, La Manche, France details how the Island would deal with such an incident.

Whether the Island has a stock of potassium iodide tablets?

The Island does not hold a stock of iodine for the general population. A review carried out by the UK Radiation Protection Division in 2007 estimated probability of a major incident at Flamanville having an impact on Jersey as one in every 34 million years.

The decision not to obtain iodine for the general population was based not only on this very low risk, but also on the fact that Jersey is much further away (40km) from the Flamanville site than the 10km distribution area within which protective (prophylactic) iodine would be recommended.

Even if Jersey were much closer to the site and within the 10km iodine distribution area, the use of iodine prophylaxis in the event of a nuclear release is complicated. Iodine only protects the thyroid gland against the effects of radioactive iodine, which is one of many isotopes that would be released in the event of a nuclear power station incident. Also, prophylactic iodine products have a very short shelf life, maximum of 4 years which would make regularly replacing an appropriate level of stock for an entire population very expensive.

These products are not free of risk and can cause health problems in some individuals, so should only be used when absolutely necessary.

4.29 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING SOLAR PANELS:

Question

Would the Minister advise what consideration, if any, has been given by the Department to require solar panelling to be installed as standard on any new development for (a) commercial developments (b) residential developments and (c) any other category of development?

Answer

As part of the assessment of any planning application, the department and the Planning Applications Committee must take into account all of the material considerations which are relevant to that case. The primary material consideration will be the States' approved Island Plan, 2011 (amended 2014).

There is no policy within the Island Plan which specifically requires that solar panels are fitted to all new development as standard. However, the Plan does contain policy NR7 – “Renewable Energy in New developments”. This policy applies to residential developments of 10 units or more and all non-residential developments with a gross floor space of 1,000 square metres or more. The policy requires that such developments incorporate into their design low carbon or renewable energy technology sufficient to off-set at least 10% of their predicted carbon emissions. In addition, all new buildings must meet demanding energy reduction targets set under the building bye-laws. The cumulative aim of these policies is to encourage carbon reductions using a range of technologies, of which solar power is one part.

5. Oral Questions

5.1 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the operation of Jersey's sea links with the U.K:

Is the Minister satisfied that the current operation of Jersey's sea links with the U.K. (United Kingdom) provides adequate reliability, customer care and value for money and, if not, what steps, if any, is he taking to improve the service?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

There is no doubt over the last year the car and passenger ferry services to and from the Channel Islands have faced significant operational and weather-related challenges. I have made my views known regarding the need to greatly improve the services on a number of occasions. I am in regular contact with senior management of Condor and met with their chairman on Friday of last week in Jersey to both review past performance and discuss their plans for making the necessary improvements. I am pleased to say that Condor are going to be making a number of improvements to this service. They have appointed a new chief executive officer. They are about to introduce a comprehensive plan to completely restructure all aspects of their customer service programme. They are in quarter one of this year introducing a new online booking and call-handling system. They are going to be spending in excess of £1 million in the U.K. and France in 2016 promoting the Channel Islands as holiday destinations. Furthermore, on the 27th of this month officials from Jersey, Guernsey and Condor will meet to agree the final terms of reference for the comprehensive service review that I have insisted be brought forward from 2017. This review will define the optimum configuration of car, passenger and freight vessels that will service the U.K. and French routes in the medium to long term.

5.1.1 The Connétable of St. Helier:

I wonder if the Minister would share my concern that some tour operators, members of the hospitality industry, are advising potential customers who are thinking of coming to Jersey not to

book a sea crossing because of the unreliability that has been demonstrated over the past year. What can he do to re-inspire confidence among tour operators that the sea links are indeed going to be effective this year?

Senator L.J. Farnham:

We - when I say “we” I mean the Economic Development Department, Visit Jersey and the tourism industry - are acutely aware of the problems and we are aware, as are Condor, that they are simply losing business from it. Fortunately the impact on Jersey is minimalised by the fact that we have very strong air links, so there is a choice and we are managing to retain most of the business. Nevertheless it is of serious concern because failure by Condor to address the situation this year could lead to permanently damaging Jersey’s reputation for sea travel. But having said that, I am confident that the talks I have had with Condor have been positive. They are extremely keen. In fact they have to improve their service, the future of their business is at stake if they do not and they are acutely aware of it, and I am working closely with them to make sure that happens.

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

Surely it is the performance of the boat which is the central issue here. What information did his officers have when this tender was first made about the suitability of the boat under consideration for local and Channel waters?

Senator L.J. Farnham:

I am less concerned about the suitability of the Liberation as opposed to its operational performance. There has been a recent and thorough safety review which has confirmed its safety credentials. I am about to publish the benchmarking review - I saw the first draft yesterday and will share that with members shortly - which had to look at Condor as a prudent operator. That also covers the extensive research that was done prior and testing prior to the purchase of the Liberation, and I will be sharing that information with Members shortly. I have no long-term concerns as to the suitability of the Liberation vessel. The real problem and the real issue Condor have to get to grips with is making sure they can get the boat to run on time and when it does not provide proper contingency and proper customer service backup.

5.1.3 Deputy M. Tadier of St. Brelade:

Does the Minister accept that the problems experienced by Condor and their passengers is not simply one that is operational but is ultimately systemic and that the only way to resolve that is either by competition on the route or by nationalising the route?

Senator L.J. Farnham:

No, I absolutely disagree with that point of view.

5.1.4 Deputy M. Tadier:

Can he elaborate why because presumably we are told constantly by this Government that competition is a good thing but not when it comes to failing an expensive ferry service, which cannot provide a basic service for businesses and passengers in the Island? We also know that nationalisation in extreme circumstances can be used and has been used by our sister island for transport links. So can he elaborate his position?

Senator L.J. Farnham:

Firstly, I am not sure that the example of nationalisation in our sister island is a good one. I disagree simply because I believe that Condor will resolve these issues and will get the service back to what it should be. We know the routes are unsustainable with competition and perhaps we do need a further regulation introduced at some stage. I have been and will continue to discuss this with Senator Ozouf, so those are my reasons.

5.1.5 The Connétable of St. Helier:

Would the Minister agree with me that notwithstanding the difficulties that have been experienced by the travelling public that anyone who has experienced them - and I know I have - has nothing but praise for the staff at the sharp end who operate on the ferries and look after the public very well?

Senator L.J. Farnham:

Can I thank the Constable for acknowledging that fact and, yes, we agree? My thanks does go out to the Condor staff on the front line who have had to deal with, quite frankly, some shocking circumstances. The Assembly can rest assured that Condor and their staff, the whole management team, are determined to rectify the problem.

5.2 Deputy A.D. Lewis of St. Helier of the Minister for Health and Social Services regarding the total expenditure to date relating to the implementation of the Health and Social Services informatics I.T. strategy:

Would the Minister confirm the total expenditure to date relating to the implementation of the Health and Social Services informatics I.T. (information technology) strategy, provide an update on progress and indicate what savings have been achieved to date and will be achieved upon full implementation?

Senator A.K.F. Green (The Minister for Health and Social Services):

The informatics strategy comprises of 2 phases. Phase one - that was 2013 to 2015 - was largely about building capacity in the department to obtain, analyse and utilise information to plan system developments in phase 2. Phase 2 - taking place between 2016 and 2018. Good progress has been made during phase one. The Comptroller and Auditor General recognised the importance of informatics and the progress being made in her recent review of Community and Social Services. Savings derived from the implementation of the strategy falls into two categories. Firstly, savings from using information to drive performance, improved decision making. In layman's terms, this tells us what we are getting for our money, not just where the money has gone or how the money has been spent. The importance again was recognised in the C.A.G.'s (Comptroller and Auditor General) report in her "*Use of Management Information in H.S.S.D.'s (Health and Social Services Department) Operating Theatres.*" These savings are difficult to quantify but are important to achieve. The second savings are savings achieved from making processes more efficient and effective through the use of I.T. systems. These savings are just as important but are easier to quantify and document. In addition to the routine I.T. expenditure and departmental costs, specific expenditure on implementing the strategy to 31st December 2015 is £440,000. This comprises of 2 main elements: the upgrading of the patient administration system to the current version; and costs related to the implementation of the electronic prescribing system for chemotherapy. The business case underpinning the strategy identified quantifiable savings of up to £1.4 million per annum once the various strategies are implemented and operating.

[11:00]

As these systems are scheduled for implementation in the second phase, that is 2016 to 2018, those savings have not yet been realised. The department is planning to deliver approximately £100,000 of savings from I.T. schemes this year – 2016 - under its Safely Reducing Costs.

5.2.1 Deputy A.D. Lewis:

Could the Minister just quantify something in there? Did he say £100 million of savings in his last view?

Senator A.K.F. Green:

I did not manage to get my earphones on. Could the Member ask me the question again?

Deputy A.D. Lewis:

What amount did you give at the end? The Minister alluded to £100,000 saving or was it £100 million?

Senator A.K.F. Green:

No, I wish we were making £100 million savings but it is £100,000.

5.2.2 Deputy A.D. Lewis:

I would also like to know how the Minister is trying to minimise the cost of the informatics strategy. There was £12 million allocated originally, £50 million was originally requested. Has he made any effort to engage with the equivalent department in Guernsey, who I believe is going through a similar process, and could any costs be shared?

Senator A.K.F. Green:

To answer the second bit of the question first: have I made any effort to contact colleagues in Guernsey? I do meet regularly with my colleagues in Guernsey but I have to say that I.T. was not part of those discussions and maybe that is something I can look at in the future. What we need to do is to, as I implied at the very beginning of my answer, in Health we know exactly where every penny is spent. What we have been lacking until recently is what gave us the best value for money. What gave us the best clinical outcomes? What actions gave us the best to ensure safe continuity of services? That is where the emphasis is on, as far as I am concerned... in driving forward our I.T. strategy. Yes, we want to make things better, more streamlined for patients, but I want strategic information on which good discussions, good clinical decisions, safe decisions for patients are made.

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

The Minister said, I think, to date ... in the second phase only £440,000 is being expended. Out of a budget of either the £12 million or the £15 million that was allocated and the end date of 2018, given that we are already January 2016, can the Minister say this is going to be on budget and definitely on time? Thank you.

Senator A.K.F. Green:

It is a high-risk strategy answering a question like that. But the information I have is that we will deliver on budget and that we will deliver on time. But if that changes I will advise Members.

5.2.4 Deputy J.A. Martin:

What is that budget because the figures keep moving around and that was in the original question that was not answered?

Senator A.K.F. Green:

It is very difficult to give a precise figure but I am happy to come back with it later because some of the budget sits within my own Department of Health and Social Services and some of it sits at the centre as part of the I.T. strategy. But if Members want a defined absolutely correct figure I will need to come back.

5.2.5 Deputy S.M. Wickenden of St. Helier:

I was wondering if the Minister can confirm when this I.T. strategy was first put in place with a business case that would make the savings for the large expenditure of this overall project. They required £15 million to complete the I.T. project, they could not get that money so they only managed to get £12 million. That meant that they were not able to implement the parts of the I.T. system that would make the savings as per the business plan. Now that the extra money has been allocated could the Minister confirm what savings in the business plan will be made by completing this?

Senator A.K.F. Green:

I thought I had done that in my original answer. I will just go through it again, if I may. The savings that we anticipate, once the scheme is fully up and running, is about £1.4 million per annum, and about £100,000 of savings from I.T. schemes under our Safely Reducing Costs; so £1.5 million in total. But for me savings are important. We need to make those savings and we need to reduce costs but for me it is the powerful use of that information that will allow proper strategic decisions to be made and to enable improvements in efficiency and service, which is equally as important.

5.2.6 Deputy A.D. Lewis:

This was a huge sum of money in anybody's term, £15 million originally allocated for this project. Is the Minister satisfied that the procurement process was robust and appropriate? He has already said that it will deliver some value for money but we wish to be reassured that when it comes to, for example, the procurement of the hospital at £400 million, the procurement processes in the hospital are adequate and robust. Can the Minister confirm that?

Senator A.K.F. Green:

The procurement of the new hospital will not be something that my department will be doing alone. It will be something that we will be sharing as part of a project team. But can we improve procurement? Of course we can always improve things. Are we reasonably good at procuring things? Yes, we are but the knack comes in having a very clear specification right from the start, so you understand what it is you want and that your suppliers are then able to quote for and able to deliver what it is you want.

The Deputy Bailiff:

Before we move on to question 3, could I cordially remind Members that the question should be succinct and that the answers should be equally succinct. The normal time allocated for a ministerial answer to the first question is 90 seconds. That has not been honoured so far. If I could bring that to Members' attention at this stage because we have a large number of questions to get through, if we possibly can, within this question time period.

5.3 Deputy G.P. Southern of the Minister for Social Security regarding the number of domestic care agencies operating in the Island and their employment policies:

It is a habit of Ministers not to be very good with targets. What data, if any, does the Minister have on the number of domestic care agencies operating in the Island and whether their employment policies, including the use of zero-hours contracts and the practice of regarding only contact time as paid work, with no consideration for travel time, put them at risk of breaching minimum wage legislation?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

I shall endeavour to be succinct. As my response to a written question on this issue explains, I am aware that 22 providers of domestic care have been approved under the Health and Social Services Approved Provider Framework. The Jersey Advisory and Conciliation Service has confirmed that of the 9,469 individual queries they received in 2015, no client queries or complaints were received on the issues raised by the Deputy's question. I can also confirm that there have been 6 inspections of care agencies conducted by Social Security enforcement officers during 2015. The information collected indicates that agency carers generally work on a shift basis rather than a per client basis. In some cases, officers found that the employer pays an allowance for the employee to use their own car. No minimum wage issues were evident from the inspections and there were no recorded instances of the circumstances described in this question.

5.3.1 Deputy G.P. Southern:

Does the Minister accept that in attempting to see, let us say, 10 clients during a day, the worker will be either driving or away from home for up to 12 hours, 13 hours? In one case that I have

seen, 15 hours; a 15-hour day away from home, and paid for 8½; and that effectively reduces the hourly rates of pay below the minimum wage. I have examples where ... a random sample, 3 out of 15 days were thus; below the minimum wage. Does the Minister accept that that is possible?

Deputy S.J. Pinel:

The Deputy stated in the Scrutiny Panel's public hearing on zero-hours contracts in November that he had seen rosters for care workers who are not paid for travelling time between assignments. The Deputy has not shared any further information with the department on this. If any domestic care employees have concerns about pay or their terms of employment they should contact J.A.C.S. (Jersey Advisory and Conciliation Service) or my department.

5.3.2 Deputy M. Tadier:

Perhaps the Minister can clarify what the law says, if there is any law, and what her feelings are about whether workers should be paid when they are driving in between jobs, whether they work for care agencies or whether they work for a States department.

Deputy S.J. Pinel:

Where a person is employed to work for a domestic care agency the protection of the Employment (Jersey) Law 2003 will apply in the same way as it does for every other employee in Jersey.

Deputy M. Tadier:

Which is?

Deputy S.J. Pinel:

Perhaps I might refer the Deputy to the Employment (Jersey) Law 2003.

Deputy M. Tadier:

I understand that the Minister is reading from that, I just do not know why she does not continue with her sentence and give us the facts now.

The Deputy Bailiff:

It is a matter for the Minister how she answers the questions, Deputy, and you have had the follow-up question that we normally allow.

5.3.3 Deputy G.P. Southern:

In such circumstances as described earlier, does the Minister believe that these workers who will often be working a 45, 48-hour week are kept on zero-hours contracts and does she consider whether that is an appropriate use of zero-hours contracts?

Deputy S.J. Pinel:

I think the Deputy may be able to answer his own question with the work that the Scrutiny Panel are doing on zero-hours contracts in domestic care. When hopefully the report is finished he will give us the information. Thank you.

5.3.4 Deputy G.P. Southern:

There was a question there for the Minister who is responsible for this area of work and law, not to reflect that straight back to the Scrutiny Panel. It is a question to the Minister now today. Does she think the zero-hours contracts in such circumstances are appropriate?

Deputy S.J. Pinel:

In some circumstances, yes, they are. As I said in my previous opening statement, that if any employee - which we have not been aware of - has any concerns about their contracts, travelling time, or payment then J.A.C.S., as a funded body from Social Security, can provide them with any advice they need.

5.4 Deputy J.A. Martin of the Minister for Treasury and Resources regarding an estimate of the G.S.T. paid in relation to the charitable gift vouchers given to people aged over 70 every Christmas:

Can the Minister provide an estimate of how much G.S.T. (Goods and Services Tax) is provided to the Treasury as a result of Islanders, aged over 70, redeeming the generous charitable gift vouchers given to them every Christmas?

Senator A.J.H. Maclean (The Minister for Treasury and Resources)

Unfortunately I cannot give the Deputy an accurate answer because we do not have access to the data from Sir David Kirch's Charitable Trust who very generously issue these gift vouchers to Islanders of 70 years of age or above. We therefore have no way of knowing how many eligible pensioners, i.e. those who are 70 or over, collect the vouchers or how many then partially or fully redeem them or, in other words, spend them thus generating G.S.T. However, what I can tell the Deputy is that the Statistics Unit estimate that there are approximately 11,400 Islanders aged 70 or over, therefore if every eligible pensioner both collects and then fully redeems them, and there certainly will not be 100 per cent take-up, but if there were then the maximum possible G.S.T. raised would be around £60,000.

5.4.1 Deputy J.A. Martin:

Given this is a generous charitable gesture to over-70s at Christmas, is the Minister considering making these generous vouchers G.S.T. exempt and if not, why not?

Senator A.J.H. Maclean:

Yes, it is a very generous donation. I am sure Members would join with me in thanking yet again Sir David for his generosity. **[Approbation]** But it is quite simply not practical to consider exempting this particular sum and the money generated from G.S.T. to exempt the G.S.T. on this. It just is not practical. The purposes of keeping G.S.T. low was on the basis of it being simple and therefore from that point of view this simply would not be possible.

5.4.2 Deputy M. Tadier:

While it may not be practical to make these vouchers G.S.T. free or exempt from G.S.T. it may well be practical for the States to give an equivalent sum as a donation to a charity perhaps of our choice or of Mr. Kirch's choice or of the Co-op's choice. Is that perhaps a better way to do it and a nice gesture, a corresponding gesture from us back to the community?

Senator A.J.H. Maclean:

First of all I should perhaps clarify that the vouchers themselves do not attract G.S.T. G.S.T. is on the goods that the vouchers are used to purchase, and I think that is what the Deputy was probably referring to. She is nodding so I think we are aligned on that. With regard to the Deputy's point, of course the sums raised for G.S.T. go into general taxation and are used for payments into health services, and what have you, that pensioners make good use of and of course we are, at the moment - as the Chief Minister has undertaken - looking at a targeted G.S.T. Christmas bonus and as such that Christmas bonus would have to be funded. I am sure the funds raised in this way would go towards that.

5.4.3 Deputy M. Tadier:

Just to probe a little further on what ministerial policy on G.S.T. currently is. How absolute is the policy on G.S.T. being with no exemptions given that we know that written question 19 highlights the fact that private school fees are exempt from G.S.T. but certain items such as basics in Jersey are not. What is the current policy on exemptions?

[11:15]

Senator A.J.H. Maclean:

The Deputy is being very naughty. He knows perfectly well that this Assembly has debated on numerous occasions G.S.T. on food, for example, which is what this is directly relating to. There are very few exemptions with regard to G.S.T.

Deputy M. Tadier:

It is not necessarily on food. The Co-op vouchers which are given can be used in Homemaker to buy electrical appliances, all sorts, so it is not specific on the basics of food.

The Deputy Bailiff:

I had understood your question to be about donations, Deputy, is that correct? I think the answer can be limited to G.S.T. donations.

Senator A.J.H. Maclean:

I think I answered that part of the question.

5.4.4 Deputy J.A. Martin:

Trust the Minister for Treasury and Resources to make this very ... not practical, un-doable and not wanting to do. These are vouchers given to people where they can just get them and they have to spend them in a certain place, they can make the vouchers quite simply G.S.T. free, if the Minister was willing to do so. Does he not agree?

Senator A.J.H. Maclean:

No, because it is not as simple as the Deputy makes it out to be. It is not about the voucher, it is about the goods that they are buying. So it would make it more complicated for the business and when you start making exemptions of this nature it just quite simply is not practical to consider doing that. That is the fact of the matter.

5.5. Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the reduction of waiting times for patients who need an M.R.I. scan:

What steps, if any, will the Minister take to reduce the waiting times for patients who need an M.R.I. (magnetic resonance imaging) scan and what measures are currently in place should the M.R.I. scanner break down?

Senator A.K.F. Green (The Minister for Health and Social Services):

I can assure Deputy Hilton that the M.R.I. scanner is being managed as effectively as possible in order to maximise appointments. I do however acknowledge that there is a wait for routine M.R.I. scans. Our scanner operates 12½ hours a day Monday to Friday, for 9 hours on Saturday. Occasionally we operate on a Sunday. There were 7,647 M.R.I. examinations undertaken in 2015, an average of 25 per working day. All patients are telephoned to minimise non-attendance and a short notice list is held to offer any cancelled appointments to patients willing to be called at short notice. There is funding in place for a replacement scanner this year. The installation is complicated because it requires 3 different moves from different services and staff in order to accommodate the new scanner into a severely restricted space.

5.5.1 Deputy J.A. Hilton:

I am not sure the Minister answered the question because the second part of my question is: what measures are currently in place should the M.R.I. scanner break down?

Senator A.K.F. Green:

Sorry, I cannot hear the question.

Deputy J.A. Hilton:

Sorry, I do not believe the Minister answered the second part of my question which was: what measures are currently in place should the M.R.I. scanner break down?

Senator A.K.F. Green:

I think the Deputy was asking me - because neither gadget seems to be working - what would happen if the machine broke down? First of all I would like to ensure that we have many things in place to help prevent breakdown and to minimise breakdown in the event that it happens, such as a comprehensive service contract, access 7 days a week for advice, we stock some of our own spare parts and we have 2 hospital engineers trained by Philips to provide first-line assistance. But in the event of all failing and we are without an M.R.I. then I am afraid we have to resort to the more conventional methods of diagnosing, C.T. (computerised tomography) scanning, X-ray and other methods of diagnostic tools that are available to us. Fortunately we have never had a very long breakdown.

5.5.2 Deputy M. Tadier:

Can the Minister inform us whether there is a fee charged to the patient every time there is an M.R.I. scan and if so, what is that fee roughly?

Senator A.K.F. Green:

I believe there is a fee. I am sorry I do not have that amount with me but I can send it to the Assembly.

5.5.3 Deputy M. Tadier:

Just to clarify: that fee that would be charged which we could estimate at how much that would raise per annum if we knew it, is that ring-fenced at all or is the upkeep of the M.R.I. scanner purely done from central reserves at the hospital?

Senator A.K.F. Green:

I think the Deputy asked me if the figures were ring-fenced. They are not ring-fenced for the M.R.I., they are part of the revenue that comes into Health, just as other charges are revenue that comes into Health. Obviously it is identified as income from M.R.I. and income into the Radiography Department.

5.5.4 Deputy J.A. Martin:

Did the Minister say in his answer that if the M.R.I. scanner broke down the hospital would have to revert back to more conventional but less, I would say, conclusive diagnosis? Does the Minister not consider if the M.R.I. scanner is not working here they must send people off the Island? Is there a budget for this?

Senator A.K.F. Green:

I live in the real world. If technology occasionally lets you down then you have to make what other tools you have work for you. I did say we would have to use more conventional methods. We have excellent C.T. scans available. We have excellent ultrasound. We have other diagnostic tools and we would have to use those.

5.5.5 Deputy J.A. Martin:

Is the Minister saying there is now nobody ever sent off-Island for an M.R.I. scan if our scanner is broken down?

Senator A.K.F. Green:

No, I am not saying that. But I am just saying what would have to happen if there was a clinically urgent case that needed to be dealt with but it would be clinical judgment. In some cases that person might need to go away immediately. In other cases doctors will use other diagnostic tools.

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

Will the Minister tell Members in terms of the waiting list, how long it is and what the waiting list is for private patients and the waiting list for members of the public?

Senator A.K.F. Green:

The current waiting times depend on the clinical urgency of the examination. Scans deemed urgent are taken as quickly as possible, in some cases within hours, usually though within 2 weeks. Other scans can wait for up to 17 weeks, and I do not have the information available about the waits for private service, but I will make sure that they are sent out to Members.

5.5.7 Deputy J.A. Hilton:

I think this is a thoroughly unsatisfactory state of affairs. I really do. I would like to know how much time is left before the current M.R.I. scanner is considered past its sell-by date and does the Minister agree with me that with a population which has increased by over 10,000 since 2002, accompanied by an ageing demographic, the days when the Island could just rely on one scanner to provide an efficient service are surely numbered?

Senator A.K.F. Green:

We have plans to replace the scanner this year, as I said in my answer. But it is not very easy when you are working in an old building on a complex site. It is not like we have spare empty spaces that we can just crane an M.R.I. scanner into. We have the budget for it, we have plans to do it. It entails 3 different departmental moves, not just moving the furniture but massive pieces of equipment that have to be decommissioned, moved and recommissioned to create the space. Technically we should be able to cope with one M.R.I. I think that leaves us a little bit vulnerable, which is why the new hospital will have 2.

5.5.8 Deputy J.A. Hilton:

Can I just have one more supplementary? Can the Minister confirm: he said he has the budget to buy a new scanner this year. Will the Minister confirm that we will have a new M.R.I. scanner in situ this year?

Senator A.K.F. Green:

I believe we will, unless we hit some terrible snag when we are undertaking the work. We are out to tender and plan to go ahead with it.

5.6 Deputy P.D. McLinton of St. Saviour of the Minister for Environment regarding the introduction of a tax on carbon emissions:

Is the Minister prepared to consider introducing a tax on carbon emissions in order to encourage a move towards more environmentally friendly practices from both individuals and businesses in Jersey?

Deputy S.G. Luce of St. Martin (The Minister for Environment):

Pathway 2050: An Energy Plan for Jersey is this Assembly's agreed plan for reducing carbon emissions. It contains a number of actions to reduce energy use and carbon emissions to a level of 80 per cent below 1990 levels by 2050. This is in line with Jersey's international commitments under the Kyoto Protocol. The Energy Plan also has an overall objective of secure, affordable and sustainable energy for Jersey's objectives against which all policies are measured. The Energy Plan does not currently propose the introduction of a new carbon-based tax. Instead a suite of other measures are described within it. So the answer to the Deputy is currently no, but I would consider the introduction of new carbon taxes but only if I was sure that the agreed policy regime to reduce carbon emissions was failing and, in addition, I would need to be convinced that any new tax was fair and proportionate.

5.6.1 Deputy P.D. McLinton:

It is interesting the answer the Minister gave. Following the recent Paris climate summit, which concluded with a commitment by 95 per cent of Governments to reduce their CO₂ emissions, I am very pleased to hear that the Minister for Environment has considered maybe moving this forward, however a price on carbon reinvested in society - a citizens bonus as it were - clawing the money back into society is ...

The Deputy Bailiff:

Deputy, could you come to a question please because you have made several points rather than ask a question?

Deputy P.D. McLinton:

It is a force of habit, I beg your pardon. I will try and move on and be more succinct. Will the Minister commit to sit down and talk with people far more savvy on this subject than I am to look for a way forward so that we can definitely commit to what is proposed?

The Deputy of St. Martin:

I am happy to commit to look at any new initiatives which might reduce carbon. We currently have, as I described in the plan, some policies about bylaws and building houses which demand less energy. We have some advice available within the department to give to those people in the able-to-pay sector and we also work with the Department of Infrastructure to assist and move towards more sustainable transport. But I do say to Members, that is about lowering carbon and one of the issues we do have in Jersey - we are very fortunate - is that we have energy which is not only very lowly priced but it is also low in carbon. What we need to do if we want to reduce our carbon is to look at oils and gases, and that is somewhere we would have to go if we are going to reduce our carbon further. The V.E.D. (vehicle emissions duty) is the tool that we use currently. It is the only carbon-based tax that we currently have, and Members will remember that I argued as forcibly as I could in the recent Budget debate for that. Interestingly enough, 2 of the amendments, one to do with vintage cars and another to do with farmers, the Deputy and many others felt it was not necessary and I did not manage to get those amendments through. But anyway I do commit to the Deputy to look at it again and will continue to work on the subject.

5.6.2 Deputy M. Tadier:

Would the Minister be able to tell us what the biggest factors are, i.e. the biggest contributors to carbon emissions in Jersey are at the moment?

The Deputy of St. Martin:

It is quite clear that there are 2 main issues when it comes to carbon emissions. The first one is the energy used to heat houses and the second one is transport.

5.6.3 Deputy M. Tadier:

In the wider context of reducing carbon emissions and having a policy, could the Minister say whether any consideration has ever been given to the financial services industry, which might provide services for very high carbon emission polluter investors doing business in the Island? Does the Council of Ministers have a policy on this?

The Deputy of St. Martin:

No, the Council of Ministers does not have a policy on that but I can say to the Deputy, as I am sure he knows, that large corporate entities take their environmental responsibilities increasingly seriously and they are always looking at ways that they can improve. Certainly many of them are very keen on any initiatives which can promote CleanTech, as it is known. GreenTech is another one. I know they do take their responsibilities as seriously as we all do.

5.6.4 Deputy A.D. Lewis:

The Minister just alluded to what I was about to ask. However, can he just confirm how much dialogue and what progress has been made in his dialogue between the Minister for Infrastructure regarding the Sustainable Transport Policy, as he has just stated that one of the biggest emissions of course is vehicle emissions with regard to carbon monoxide? So what progress has been made with the Sustainable Transport Policy and its negotiations with the Minister for Infrastructure to get that policy moving forward much quicker?

The Deputy of St. Martin:

The Minister for Infrastructure and myself are constantly in dialogue over all the policies which we have mutual interest in, and certainly this is one. I am critical of him at times for not trying to move on with the Sustainable Transport Policy faster. We know that trying to get people out of cars and on to public transport would be a good way to save carbon because we would have less combustible engines running on the road. But it is difficult and the Minister and I talk regularly. It is a challenge.

[11:30]

We all know that Jersey people love their vehicles and they love driving into town in the morning and driving home at night. I am as guilty as any. But we continue to work at the problem and certainly with the new V.E.D. duties I think that will help and we will continue, as I have said to this Assembly previously, to look hard at where we can make it even more challenging for people to buy high carbon emitting vehicles.

5.6.5 Deputy A.D. Lewis:

The Minister has in the past said one of the ways, of course, of resolving this is to drastically increase parking charges. Is he keen to continue to pursue that as a policy?

The Deputy of St. Martin:

I am not sure if the Deputy means me or the Minister for Infrastructure but I think that both of us would say there must be a direct correlation between the price people pay for their parking and their willingness to use their cars to drive into town. It is one of many on a list of things which is available to us. Some people would say if you want to force or encourage people on to public transport, making it more expensive to park their cars in town, is something that we would need to look at. We will continue to look at it just like we may also continue to look at the provision that private people make for parking their cars on private land in town. There are a number of levers which we can pull and we will continue to look at them.

5.6.6 Deputy P.D. McLinton:

Businesses such as Microsoft, Apple, IKEA have set up their own internal carbon price, paying the money into carbon sequestration projects. Would the Minister consider encouraging big business in Jersey to do much the same?

The Deputy of St. Martin:

I am not fundamentally aware of those issues that the Deputy raises there but I will certainly investigate them. If it is a way of saving carbon I would be very interested to know what they are.

5.7 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding the allocation of funds to the work of the Jersey Independent Care Inquiry:

Can the Chief Minister advise the extent to which the funds allocated to the work of the Jersey Independent Care Inquiry have been utilised, how much remains, whether he is aware that the Inquiry has indicated any concerns that more funds may be required and if so what he is prepared to do, if anything, to ensure such funds are made available to enable the Inquiry to complete its work?

Senator I.J. Gorst (The Chief Minister):

At the end of December 2015 the Inquiry had spent approximately £12.6 million of its £13.7 million budget therefore leaving £1.1 million remaining. The panel has not indicated any concerns to me that more funding is required.

5.7.1 Deputy S.Y. Mézec:

The Chief Minister will no doubt be aware of the reports in the media which have suggested exactly what the Chief Minister has just confirmed there, that there is not a huge amount of funding left but those reports also indicated that they had heard that the inquiry was now attempting to scale their operation by reducing the use of freelance staff and other measures including potentially having to change venue for the inquiry. Could the Chief Minister confirm whether he has heard anything about this and if he believes that could have a potential impact on the time it will take for the inquiry to eventually report back?

Senator I.J. Gorst:

A lot of questions in there. This Assembly voted and agreed extra money for the inquiry. A budget process was set up. The inquiry confirmed that they would agree with that budgeting process. They appointed somebody to oversee that budgeting process which is, I think, the Inquiry's secretary. My staff are due to meet with the Inquiry secretary in a fortnight's time so I am sure that if there are issues that need to be addressed they will be raised at that point in time rather than just listening to or gaining information from the media. There is, which I would have hoped was well known, that the current premises that are occupied their lease comes to an end so they will need to move in due course but that is something that was clear from the start of the Inquiry and should not impinge in any way upon the work of the Inquiry.

5.7.2 Deputy S.Y. Mézec:

Can I thank the Chief Minister for his helpful answer? Once he has spoken and can see the clearer picture with regards to this information would he be prepared to make sure that he keeps States Members updated so we know whether or not there is anything to be concerned about, and so put our minds at ease when that information comes to light?

Senator I.J. Gorst:

So the Deputy knows what the process is if the Inquiry did require more funding, and I have no reason to believe that they should and I hope that they will not because there is a budget process set in place and they have confirmed that they can live within the budget that has been provided. However in an extreme case where it might not be there would be liaison between my staff and the Inquiry secretary, and that issue would come to the Council of Ministers and I see no reason why we could not keep this Assembly updated.

5.8 Deputy R.J. Renouf of St. Ouen of the Minister for Health and Social Services regarding when it was decided to close The Limes Nursing Home:

Why is it that the Ministerial Decision relating to the closure of the Limes Nursing Home, announced on 8th December 2015, has not been placed on the gov.je website as at 14th January 2016, 25 working days later?

Senator A.K.F. Green (The Minister for Health and Social Services):

I am pleased to say that it is now there and the delay was entirely down to timing. My priority was the information around the closure of The Limes was shared first with the people most affected, the ones that really mattered, that is the residents, their families and the staff. Instead the provision of care has been widely praised since the decision was made. In an ideal world the closure announcement would have been made after Christmas but comments started to appear on social media, and I felt it was important, as I said, that those affected were advised immediately. I would add that the M.D. (ministerial decision) in an accompanying report provides no new information for

the reasons for closure and so those conspiracy theorists looking for mention of a car park for the police station remain disappointed.

5.8.1 The Deputy of St. Ouen:

The Ministerial Decision and the report accompanying it refers to structural problems with the building, environmental failings and fire control risks. Before deciding the building was unfit for purpose did the Minister for Health and Social Services see appropriate professional reports dealing with these issues as none are referred to in his decision?

Senator A.K.F. Green:

Yes, I did see appropriate reports. One has to remember that this was designed as a residential home, a home for those who are mobile, a home for the walking wounded, if you like, not for a nursing home, and every single patient is in a wheelchair. That makes life very difficult for the staff although, as I say, the quality of care was excellent. That makes evacuation in the event of a fire difficult and we had already decided that at the very least, based on professional advice and reports, we would have to close the building, move everybody out and then renovate it. Even then we did not have an ideal environment but you had a better one. It was the best decision given that there was capacity in the open market, the best decision for the patients and their well-being was to close.

5.8.2 Deputy J.A. Martin:

Can the Minister for Health and Social Services confirm that The Limes - he keeps referring to it - was a residential home? It has always for many years been dual registered and it has been a high dependency nursing home. Will he also confirm that the Willows Court and Willows Day Care Centre have nothing to do with this closure because myself and the other 2 Deputies of this area have some very terrified residents in Willows Court? Will he talk to the Minister for Treasury and Resources and get him to write to him and tell him where they stand?

Senator A.K.F. Green:

Dealing with the latter 2 parts of the question first: I made it quite clear when I issued my media statement that Willows Court and the Willows Day Centre had nothing whatsoever to do with this but I am not responsible for the scaremongering that goes on. The Limes was designed, as I said, as a residential home. It then moved to more of a mixed home, not ideal but just about workable. Now it is 100 per cent nursing home, it is just not suitable, and I use a very simple rule when looking at the care of patients; yes, based on professional reports; yes, based on plenty of advice that if it is not good enough for my family it is not good enough for anyone else's. I am sorry, it is not good enough.

5.8.3 Deputy G.P. Southern:

The Minister for Health and Social Services keeps repeating that there is ample capacity in the private sector to cater for in this case what is a closure of a residential home or originally a residential home. Can he bring the data to the House that will satisfy us as to that capacity?

Senator A.K.F. Green:

Of course I can but you do not need to be Brain of Britain to know that there are 25 people requiring accommodation, 20 now because 5 have found alternative accommodation. There is a new capacity of 40 more units coming online almost as we speak, plus vacancies occur from time to time, but I am happy to provide any information requested by Members.

5.8.4 Deputy G.P. Southern:

Supplementary, if I may. I was a bit slow on my feet there. Is the Minister for Health and Social Services satisfied that there is no requirement for a residential home rather than a nursing home on this particular site?

Senator A.K.F. Green:

Yes, I am but of course with my colleague, the Minister for Infrastructure, we will be looking at alternative uses. That is not necessarily alternative health uses although we may look at it. I believe if it is not required by health it would make an excellent social housing site because you have Willow Court where people live independently. You have the Willows Day Centre alongside some really good sheltered housing would be even better but that is not a matter for me. That is a matter for the Minister for Infrastructure and the Council of Ministers.

5.8.5 Deputy J.A. Hilton:

A couple of weeks ago it was reported in the *Jersey Evening Post* that a number of elective surgeries had to be cancelled because of a lack of beds. Can the Minister for Health and Social Services tell Members whether he has considered using The Limes as a step-down or step-up facility in order to move those people from the hospital but who still require nursing care, thus freeing-up hospital beds?

Senator A.K.F. Green:

Yes, we did look at that. That would have cost in the region in initial build something like £1.82 million and it is not required. What is required is more support within the community, which is what P.82 is about and what they are spending money on as we speak.

5.8.6 Deputy J.A. Hilton:

Can the Minister for Health and Social Services confirm that the reason some of the elective surgery was postponed was because they simply ran out of beds and not because they did not have the nursing staff to nurse all the beds available in the hospital?

Senator A.K.F. Green:

As the Deputy says, we simply ran out of beds. It happens from time to time at this time of year, and for Members that are wondering all the bays were open on Corbiere Ward and fully staffed with nurses.

5.8.7 Deputy M.R. Higgins:

Can the Minister for Health and Social Services confirm that all other nursing homes under his Health Department's care meet the standards required to be a nursing home or will we see further closures at other buildings?

Senator A.K.F. Green:

The only nursing home that immediately springs to mind, apart from those providing mental health services which, apart from Orchard House, the others have been relatively recently upgraded. We will need to find a replacement for Orchard House but that is something that we have to do. The only other nursing home we have is at Sandybrook, the name escapes me at the minute but the nursing home at Sandybrook. I think it might be Sandybrook Nursing Home and that does comply with the current guidelines, regulations and best practice.

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

Today I have a constituent who is being moved from The Limes nursing home, luckily another bed has been found for her. I believe the Minister for Health and Social Services alluded to 40 beds coming online very shortly. Can he inform the Assembly where these 40 beds are located please?

Senator A.K.F. Green:

Not that everyone would want to go there but there is a new facility at Cheval Roc where the Cheval Roc Hotel used to be, and I am not doing an advert for them, but they will be providing 40 nursing beds, as I say, online recently plus the normal turnover that one gets in the community.

5.8.9 The Deputy of St. Ouen:

Referring to the timing of this information, given the obvious concerns and confusion that has arisen as a result of the decision which was announced in early December, and that decision having

only just been placed and made public, does the Minister for Health and Social Services consider there are lessons to be learned about being promptly accountable for the decision made?

Senator A.K.F. Green:

I think there are lessons to learn. People need to be more responsible with their postings on social media.

5.8.10 The Deputy of St. Ouen:

Does the Minister for Health and Social Services consider there are lessons to be learned within his department?

[11:45]

Senator A.K.F. Green:

I think that it was, given the speed at which it had to be done, a model of how to do things. We briefed the media. We spoke to the staff. We spoke to the patients and we appointed somebody to liaise with every single patient and their families by the end of January. That has been exceeded. That was done much earlier. The only thing I would say is if people stop speculating and allowed us to do with dignity and at the right pace what needs to be done and then they can speculate as much as they like.

5.9 Deputy M. Tadier of the Minister for Social Security regarding the impact of reductions in the Income Support single parent component by 2018:

What impact does the Minister for Social Security estimate that the decision to cut the income support single parent component to zero over 3 years will have on the number of single parent households falling below the relative income threshold by 2018?

Deputy S.J. Pinel (The Minister for Social Security):

As the Deputy will know this change was one of the measures taken to achieve £10 million reduction in the 2019 benefit budget. This is equivalent to holding the benefit budget roughly steady over the Medium Term Financial Plan 2016 to 2019. Taken as a whole the changes that have been agreed over the next few years will ensure that the States can bring its finances back into balance and make investments in several key strategic areas. The planned investments will make our economy stronger, providing job opportunities and wage growth for single parents and they will improve our health and education services. The educational support available to disadvantaged children will be increased through the introduction of a targeted pupil premium and that is likely to benefit many low income single parent families. The best way to help single parent families by becoming financial independent is to support them into employment. Income support helps with childcare costs and the Back to Work team provides specialist support to help parents with the return to the workforce.

5.9.1 Deputy M. Tadier:

Listening to the Minister for Social Security I thought she was either the Minister for Economic Development, the Minister for Treasury and Resources or Minister for Education for a moment but she is the Minister for Social Security. She did come back to the 3 points that she has alluded to in written question 11 which says: "To promote financial independence and minimise the impact on individuals." Does the Minister for Social Security not agree that by targeting single parents, the majority of who will be women and who will necessarily have lower earning capacity because they are both single and women, does not promote financial independence. It exacerbates that and it certainly does not minimise the impact on individuals. It makes it even worse. Will the Minister for Social Security give an undertaking to review the policy given that it does not do what it says on the tin? It does exactly the opposite.

Deputy S.J. Pinel:

As the Deputy referred to the written question, there is a table at the back of the written question which clearly explains all single parents will still receive an adult component to cover their personal living costs, a rental component to cover rent, a household component to cover household bills and a child component to cover the cost of the child's living costs. They will also, as I mentioned in my opening remarks, be able to claim help with childcare costs when they return to work and receive specialist support from the Back to Work team to help them get back into the workforce. This by 2018 will bring them fairly into line with couples with children.

5.9.2 Deputy G.P. Southern:

Does the Minister for Social Security not accept that the figures in the Income Distribution Survey show clearly that the incidence of relative low income is at the peak for single parents of 56 per cent, over half single parents below the relative low income threshold, and that threshold is on £310 weekly and the chart that she refers to shows that after housing costs - please do not conflate the before housing costs - take the rental element out, with the single parents' £40 allowance the income is only £250 rather than £310 with the median, the halfway mark, for lone parents? Fifty per cent of lone parents are being picked up by income support and their income will be significantly reduced.

The Deputy Bailiff:

Deputy Southern, could you ask your question?

Deputy G.P. Southern:

Does she not accept that income for lone parents' households will be significantly reduced by her action?

Deputy S.J. Pinel:

Certainly in the Household Income Distribution Survey the figures that the Deputy quoted are correct from that survey, a big difference between before and after housing costs, and what we are trying to encourage, as the Deputy mentioned, is financial independence and to encourage single parents - be they male or female - back into work which will improve their financial situation considerably. We are doing our best to support the return to work and support the childcare costs of the individuals while they find work.

5.9.3 Deputy G.P. Southern:

Nonetheless does she not accept that 56 per cent are already in relative low income and that reducing their income by £40 a week over the next 3 years will absolutely - must - cause further families to fall into relative low income?

Deputy S.J. Pinel:

No, I do not accept that, which is why we made it a staged reduction in the £40 per week, reducing it by £10 a week initially so that it would be £40 reduced by 2018. New incomers into the scheme will not receive any of the single parent allowance and will, of course, have known no difference because they will not have received it beforehand.

5.9.4 Deputy J.A. Martin:

I think the question is slightly wrong regarding the number of single parents. The single parents are parents to children. What will the Minister for Social Security be doing in the next 2 or 3 years while they are cutting this money to make sure the pledge to get children out of poverty is reached because to me this is only putting children of single parents in a much worse position than they are today? Does she not agree?

Deputy S.J. Pinel:

It is difficult to agree or disagree because we have not seen the impact. This only came into being on 1st November last year and until we can see the effect, which is not going to be immediate, and

we are - as I have said time and time again - encouraging single parents to be financially independent by getting work and their childcare costs are met, as are their child costs in the components that are under income support. It will make no difference to rental costs whatsoever.

5.9.5 Deputy J.A. Martin:

Just a supplementary. Would the Minister for Social Security agree that the life of a single parent is always much harder than that of a couple and she is imposing much more? It is not easy to get back to work if you have a shift pattern and you have no partner to back you up. Does she not agree that it is really hard for some single parents to do any sort of paid work with sometimes up to 3 or 4 children?

Deputy S.J. Pinel:

I absolutely agree with the Deputy that the pressures on single parents are considerable. What we are trying to do throughout the whole of this is to encourage people to be financially independent. It has been proven that people are much happier when their self-esteem grows when they are working and it is to encourage them. Nobody is going to be forced into work and certainly not until their child is able to go to nursery which is covered by the 20 free hours care.

5.9.6 Deputy S.Y. Mézec:

The Minister for Social Security never ceases to amaze me with her answers to these questions when they come to the States. Following on from the question that Deputy Martin just asked, the Minister for Social Security said this was about encouraging people back into work but from what Deputy Martin says there are some people whose family circumstances will mean that they simply cannot work or will not be able to work enough hours to make ends meet anyway. Given that fact, is this not simply a case of punishing poor people and making them even poorer, and will she finally come to this Assembly with figures to show what impact on the number of single parent families living in relative low income this will have because in her first answer to Deputy Tadier's question she did not say anything relevant to his question? She simply talked about pupil premium, which has no impact whatsoever on the relative low income figures. When is she finally going to come to the House with those figures so we can see what a failure this policy is going to be?

Deputy S.J. Pinel:

The impact of these policies, all of them combined, are - as I have said time and time again - to invest in health and education which for parents with, as Deputy Martin referred to, maybe 3 or 4 children is only going to be a benefit to those children. The assessment of the success or not - and I do not doubt that it will be a success - will be coming back to the States when we have had time to analyse the impact. It has only been in place for a few weeks so we cannot analyse any impact at this stage in the game.

5.9.7 Deputy S.Y. Mézec:

Another contradictory answer. In her answer there she spoke about the investment in health and education. Those figures have nothing to do with the relative low income figures. They are completely separate. My question is, and if the Minister for Social Security's answer we take it for what it is, she has said that we do not know what the impact is because it is going to have to be done in the future. This contradicts what is previously said where she said that we do know what the impact going to be. What is the answer? Does she know what impact this is going to have on the numbers of those living in relative low income? Yes or no, and if the answer is yes when are we going to find out what these figures are?

Deputy S.J. Pinel:

I do think I have already answered the Deputy. It is impossible to assess an impact when a policy has only been in place for a few weeks. Relative low income in Jersey is not the same as poverty at all. It is particularly true in a place such as Jersey that is fortunate enough to have a higher average household income than many other countries including the U.K.

5.9.8 Deputy M. Tadier:

There is some common ground because I think the Minister for Social Security cares about educational outcomes, like I do and like my party does. She also cares about the 1,001 Days policy which she signed up to as a Minister, which we also signed up to. Does she therefore accept that there is a tension, and I believe a contradiction, in her policy given the fact that income inequality in households is very strongly correlated to educational outcomes so that those in lower income families, including single mothers who are being targeted here, there will be down the line a negative impact on the child not simply on the family? That is not a sustainable position for her if she wishes to pursue the 2 aforementioned policies of education and 1,001 Days. Will she seek to change her policy in the light of that?

Deputy S.J. Pinel:

I totally agree with the Deputy that there is a huge link - it is not just single parents but a lot of families on income support - between that and education which is why a lot of the money saved will be going towards the pupil premium, especially in education, to help those more disadvantaged young people or children. Again I cannot say that I am going to review anything that has only been in place for a few weeks. We have to see what happens by 2018.

Deputy J.A. Martin:

It is not supplementary.

The Deputy Bailiff:

No, I am sorry.

Deputy J.A. Martin:

It is something the Minister for Social Security has said and I am quite offended by it because is the Minister for Social Security saying that the pupil premium will go to families of children with single parents because they are the only ones who will need it and is she making this link? What statistics does she have for it?

The Deputy Bailiff:

That amounts to a supplementary question and we have closed the question on this particular matter, Deputy, so the Minister for Social Security is not in a position to answer it. The next question Deputy Doublet will ask of the Minister for Economic Development.

5.10 Deputy L.M.C. Doublet of St. Saviour of the Minister for Economic Development regarding the potential impact of the franchise partnership between Blue Islands and Flybe:

Following the announcement that Blue Islands is to become a franchise partner with Flybe, can the Minister advise what impact this is likely to have on customer choice and value for money for the average person booking and taking flights to and from Jersey and state whether he is satisfied with competition in this area?

Senator L.J. Farnham (The Minister for Economic Development):

Blue Islands have entered into a memorandum of understanding to become Flybe's third franchise partner effective from May of this year, and in a parallel announcement ended their co-chairing agreement with Aurigny on the Jersey/Guernsey route. Public statements made by Blue Island indicate that there will be no changes in the inter-Island and other services currently operated by the company. That being said, it is important that the travelling public are not disadvantaged in any way by these proposed changes. I have spoken to Deputy Stewart, Guernsey's Minister for Commerce and Employment, who has responsibility for these areas who shares my concern and I am confident that the 2 Governments will act together to ensure a comprehensive and value for

money service is maintained and even improved if possible. In addition I have written to the chief executive of Flybe, Blue Islands and Aurigny to understand in detail their future plans for routes between the Channel Islands that is currently serviced by these 3 carriers. I will be working with the Ports of Jersey and C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) via Senator Ozouf in order to closely monitor prices and service levels on the routes impacted by the changes to ensure that prices remain competitive. We are extremely fortunate to have an extensive and comprehensive network of air routes. As a result of that network, residents in both Jersey and Guernsey wishing to travel to the U.K. and further afield, and tourists and business visitors who wish to visit the Island from the U.K. and elsewhere, can do so from a growing number of airports in a fiercely competitive market. This is clearly evidenced by the announcement recently by Jersey Airport that in 2015 arrivals had exceeded 1.5 million for the first time since 2008.

[12:00]

I look forward to working with all stakeholders in this to ensure our network continues and greater choices given to visitors in the weeks, months and years ahead.

5.10.1 Deputy L.M.C. Doublet:

I thank the Minister for his answer. Is the Minister aware that Flybe has somewhat of a toxic reputation with consumers? Indeed, many have labelled it: "Fly Maybe" and its record for poor customer service? Is the Minister concerned or does he foresee that there might be a decline in visitors flying to Jersey, given that many people boycott Flybe?

Senator L.J. Farnham:

I am aware of those concerns, but I am also aware that recently Flybe have put in place a new senior management team and are working very hard to build confidence in their airline. Being an optimistic person, I see there being opportunities for Blue Islands and Flybe because Blue Islands will now become part of a much larger network and open up all sorts of opportunities, not just to carry people between the Channel Islands, but pan-Island, the other Crown Dependencies and routes that Flybe currently service. It is a bit too early to speculate, but I am going to remain optimistic. I know both Islands need to improve their reputation and they cannot afford not to. The Deputy can rest assured that both Deputy Stewart in Guernsey and I intend to hold their airlines to account to ensure they deliver what they promised.

5.10.2 Deputy M.R. Higgins:

Will the Minister look particularly at the provision of luggage for passengers? Blue Islands have an excellent reputation for allowing generous luggage to be taken on their aeroplanes, whereas Flybe are well-known for the charges that they make for luggage. Their prices may be cheap but by the time you add the cost of luggage on they are very, very expensive. Can the Minister assure us that the generous provision that has been provided by Blue Islands in the past will be delivered by Flybe?

Senator L.J. Farnham:

I cannot assure the Deputy of that at this stage, but it is my understanding that as this is a franchise agreement and Blue Islands will remain as an independent airline, I understand that their baggage provisions will remain the same. That is only my understanding at the moment, but I will try and seek assurance for the Deputy.

5.10.3 Deputy L.M.C. Doublet:

I am pleased that the Minister has agreed to monitor the situation and he has said that he would speak to other Ministers in Guernsey, for example. Are there any other ways that he will be monitoring the situation, as it seems to some people, I think, that there is this gradual closing-off of decent routes into the Island? How will he monitor this as well as speaking to people in Guernsey? Will he be monitoring consumer views on whether there is enough choice in travelling to the Island?

Senator L.J. Farnham:

That is a very good question. I will work closely with the Ports of Jersey. Ports of Jersey have developed an excellent reputation and produced results in their route development, and I met with the chief executive of the Ports of Jersey yesterday and discussed this. But I just want to explain very briefly why I am optimistic that the new arrangement could perhaps be better, because the codeshare agreement between Aurigny and Blue Islands clearly, in my opinion - I have anecdotal evidence to support that - has not worked. First of all, just to be clear, Aurigny are, and have been since the introduction of the codeshare agreement 2 years ago, effectively booking agents and have not flown people in and out of the Islands on their aircraft, they have just booked with Blue Islands and C.I.C.R.A. have allowed them a 50:50 share of the aircraft. That clearly has not worked, because both the number of flights and the number of passengers since this codeshare came into place has declined significantly. That is why I am optimistic. Prior to the codeshare agreement the number of flights and the passengers were higher. But yes, we are going to monitor it. Ports of Jersey, which I have great confidence in, will be doing that and I will of course jump on any situation that we see developing which leads to a decline in service or an increase in prices.

5.11 Deputy S.Y. Mézec of the Minister for Health and Social Services regarding the use of People's Park as the site for the new hospital:

Could the Minister advise when it became apparent that People's Park was the leading contender for the site for the new hospital and state whether the views and desires of the population of St. Helier were considered in this process?

Senator A.K.F. Green (The Minister for Health and Social Services):

As stated in previous answers, the People's Park was proposed as a potential site for the future hospital at a ministerial meeting on 22nd July last year. It has subsequently been subjected to the same assessment process as the other 38 sites that have been considered. At the start of October, the Ministerial Oversight Group for Health Transformation received a presentation that suggested that the site was a strong contender. Following the Council of Ministers on 14th October 2015, further work was required to establish the amenity value of the People's Park, among other matters. That work is still ongoing and in progress and no final decision has been taken by the Ministers. Now, dealing with the second part of the question, in relation to the views of the population of St. Helier, the Deputy may be aware that extensive public engagement was undertaken previously relating to both the wider transformation programme of health services and the redesign of our Health and Social Services, what we have referred to as P.82 and the relating feasibility study for the future hospital within the budget for 2014. We are planning a new hospital for the residents of Jersey. There will be an extensive campaign of engagement relating to the future hospital site selection and ample opportunity for all those who wish to make their views known, whether they live in St. Helier or any other Parish.

5.11.1 Deputy S.Y. Mézec:

A supplementary. I thank the Minister for his answer. Does he accept what I think virtually every person on the Island realises now, which is that of all the rumoured sites so far for the hospital that People's Park is the most unpopular? Would he not accept that public opinion does count for something and would he therefore accept the proposition that has been lodged by the Constable of St. Helier and do us all a favour and stop wasting public money on an option which is not acceptable to the public?

Senator A.K.F. Green:

I accept that people will have an opinion on any site that we select. I accept that for some people throughout the Island, not just St. Helier, this may be an unpopular choice, but once we have made our decision - which we have not done yet, we are still waiting for that information, as indicated - I ask them to listen to the arguments, look at the facts. I, as Minister for Health, want to have the

best hospital that I can get for Jersey within the budget that is going to be allocated. I am not going to accept a second-rate hospital somewhere else for the same amount of money. When we have done our work we will go out to consultation, we will go out and engage with the public, we will go out and let everybody have their views, but I ask them to wait and at least hear all the issues that need to be considered. This is no small development. If you are going to get clinical adjacencies that are needed for patient safety, we are talking about something in the region of 20,000 square metres, I think it was.

5.11.2 Deputy K.C. Lewis:

In recent times, this Assembly has granted £3 million towards the purchase of Plémont Holiday Village on the north-west corner of the Island to pull it down and restore it to nature. Does the Minister not find it ludicrous that the Council of Ministers is now considering concreting over People's Park, one of the few sizeable green lungs we have in St. Helier?

Senator A.K.F. Green:

I do not find it ludicrous that one considers all the options when trying to deliver the best hospital that Jersey can get for its money. I think it is right to challenge the boundaries, I think it is right to think outside the box and it is not unusual, even in cities, for them to build on parks and then replace with suitable amenities with something similar alongside, Addenbrooke's being one.

5.11.3 Deputy K.C. Lewis:

Will the Minister admit that the only viable alternative is to purchase the 2 hotels in Kensington Place and rebuild the hospital on its existing site? That is no finder's fee required.

Senator A.K.F. Green:

Yes, if you want to spend £600 million instead of £400 million.

5.11.4 Deputy M. Tadier:

The issue here is it is not just one option that is being considered. It is being put forward as the preferred option of the Minister for Health and presumably the Council of Ministers, as we now have collective responsibility. Does the Minister accept that there is always a risk of people thinking that this has been a *fait accompli*, so whenever any consultation - or opinion management, as some people call it - is ultimately unravelled and unveiled that we need to have all of the options in front of us? Will the Minister immediately, or in very short order, give us and the public a list of all of the options and all of the possible sites that are or have been considered so that we can all make our minds up and not simply be drip-fed the opinions of a small clique that happen to be running the Island?

Senator A.K.F. Green:

I will commit to doing this, but not immediately. I will commit to doing it when we have come out with our preferred site and we will share with the public how we have got to that preferred site, the reasons for it and why that site that we prefer works best. I want the best hospital that I can afford to get for the people of Jersey.

5.11.5 Deputy M. Tadier:

Could the Minister suggest how it fits with the strategic priority to keep St. Helier special and to make it a better place to go? Obviously it will be good if you need to get to the hospital, which is right near People's Park, but presumably that is not the spirit of the intention of the strategic priority that was only voted on last year.

Senator A.K.F. Green:

That depends, and this is the information I am waiting for, what the compensation package might look like. We might end up with something better and a new hospital.

5.11.6 Deputy A.D. Lewis:

The Minister has alluded to giving more information to us all, not least the public, about how he arrived at a decision, but would it not have been better to have given that at the same time? Because he, I know, has the best intentions in mind, he wants to provide us with the best possible hospital he can, but if he could just explain fairly quickly as to how he has got to these conclusions and what process was gone through I think some of the misinformation may well evaporate.

Senator A.K.F. Green:

I am again not responsible for the leaking of information, so that is interesting that we have looked at 39 sites, we have shortlisted 5, studied them at great length, but only one seems to be appearing in the media. When I have all the information, when I have all the answers, when my ministerial colleagues have looked at it with me, then we will release all that information.

5.11.7 Deputy J.A. Hilton:

May I humbly suggest that Members look at our Scrutiny Report, Scrutiny Report 10, which was published in 2014, in section 10, which gives an enormous amount of information about what ...

The Deputy Bailiff:

Deputy, if you could ask the question, please.

Deputy J.A. Hilton:

I have got a question, Sir. The Minister told Members at a meeting on 22nd July that the People's Park was put forward as a proposed site. Can the Minister tell Members who put that proposal forward?

Senator A.K.F. Green:

I cannot remember that, but I do remember it came up in a conversation when we were looking at maybe the Parade Park might be a suitable alternative.

5.11.8 The Connétable of St. Helier:

Would the Minister agree that the process followed by the Minister for Education in agreeing a site for the new Les Quennevais School is a model of openness, value for money and public involvement and would he explain why the same procedure has not been followed in the case of the new hospital?

Senator A.K.F. Green:

Yes, I would agree. Oh, if it were so simple, because it did not matter - well, there may have been a preference - on which site the school was built, they were going to deliver the same quality school. Every site that we have looked at for the hospital has advantages and disadvantages, significant advantages and disadvantages. Some have great difficulty for people to access; some do not allow us to get the clinical adjacencies, that 20,000 square metre ground floor space that I need. I think if you are spending circa £400 million, you need to get the best value and the best hospital you possibly you can for the people of Jersey.

5.11.9 The Connétable of St. Helier:

A supplementary. My question really was why did the Minister not involve groups concerned about this? Why did he not involve the public in the way that the Minister for Education did with Les Quennevais?

Senator A.K.F. Green:

That was not the question, but now that is the question. We are not ready. We do not have that information to share. You cannot go out there and say: "Do you want site A, B, C and D?" You need to go out there and say: "Look, we looked at site A, B, C and D and these are the reasons why they do not tick all the boxes that they might have ticked."

[12:15]

I am still getting on a daily basis people coming up with new sites, many of which we have looked at, some which are quite outlandish and some that are outrageous, but everyone has an opinion. When I went up to see the 6th form - forgive me, that is what I call it, it has got a different title these days - up at Victoria College and they asked me where the hospital was going to go, typically I turned it back and said: "Where would you like it to go?" There were 12 people in that room and 4 different opinions on the sites that we have been looking at.

5.11.10 Deputy S.Y. Mézec:

In these times of austerity, we know that the Council of Ministers has spent over £2 million so far to come up with what politically is going to be the least viable option. Would the Minister not agree that it would be the more fiscally prudent thing to rule out People's Park now, given what we all know, which is that if they come forward with this as a firm proposal that there will be big protests against it, the Parish Assembly will not approve it, and if they try taking it through a compulsory purchase, it will end up being challenged in court and there will be even more money wasted on it? Would he not agree that the fiscally prudent approach, and also the one which will cause the least political disillusionment, which we have already got enough of this in this Island, would be to just rule it out and we will go for another option and stop patronising us by pretending that People's Park is the only site on the Island where there can possibly be a viable hospital option? That is clearly nonsense, is it not?

Senator A.K.F. Green:

I do not regard investigating site options thoroughly and properly for the biggest project the States has ever undertaken or ever are likely to undertake to be a waste of money. In fact, if you were to benchmark the work that we have done so far against similar developments in the U.K. we are well below the sort of money that they would be spending. Whichever site we pick there will be some people against it, perhaps more for one site or another. I ask that people allow us to do our work, present our facts and explain the journey that we have been on, because the people of Jersey deserve to have the best hospital that they can possibly have and not some compromise that might need to be reinvested in in a few years' time.

5.12 The Deputy of St. Ouen of the Chairman of the Comité des Connétables regarding the requirement for annual rates returns:

Does the Chairman consider that the requirement for Parishes to post to each ratepayer an annual rates return is a poor use of resources in terms of time and money, given that the information in the great majority of cases will be unchanged from the previous year, and if so, what consideration, if any, has been given to improving procedures?

Connétable L. Norman of St. Clement (Chairman, Comité des Connétables):

The Parish rate, and indeed the Island-wide rate, is taxed annually and therefore the Parishes do need to have up-to-date and accurate information on a yearly basis. But having said that, the Parishes are always very keen to improve the services and become more efficient for the benefit of the ratepayers. In this particular area, 2 things have happened in recent times: firstly, about 3 or 4 years ago, the returns sent out by the Parishes were pre-completed with the information provided by the owner the previous year, so if there are or were any changes, they just had to indicate what did change, and if there were no changes, just tick the box and return the form to the Parish Hall and the whole process would take about 5 minutes. Now that has been improved even more and this year property owners can return their forms online: if there are no changes, just tick the box that says that, press the send button and it comes back to the Parish Hall, job done within 2 minutes. If there are any changes, they can be indicated on the form online very easily. In fact, this facility has been well-received by parishioners, and those that have come back, the forms that have come back in the last month, over 30 per cent of them - I think it is 33 per cent - have been returned online, so that is good news for all the Parishes. Just to correct the Deputy's question, it is not all ratepayers

are sent an annual return, just the property owner who is responsible for completing the form and indicating any changes or changes in occupier.

5.13.1 The Deputy of St. Ouen:

A supplementary. Nevertheless the forms still appear reasonably complex and the Parishes do have to send one to each property owner. But Article 12 of the Rates (Jersey) Law 2005 places an obligation on persons transferring the ownership of land in each Parish to notify the relevant Connétable of the change, therefore could a similar obligation not be placed on persons making changes to their properties with perhaps just an obligation every 3 or 5 years to complete a more detailed return?

The Connétable of St. Clement:

We had not thought or had not discussed changing every 3 or 5 years because the rates, as I said in my answer, are taxed every year and therefore we need accurate and up-to-date information, particularly who is occupier, because if we did not have changes every year, occupiers could change and then the rate bills would be going out to the wrong people and that would create a lot more work and inefficiency than the Deputy thinks exists at the present time, where I think the rates system is extremely efficient, well-run. It is understood by the landowner and the ratepayer and is fair and works extremely well. We are, as I have indicated, trying to be more and more efficient as each year goes past.

5.13.2 Deputy M. Tadier:

I think the Chairman has made a good case as to why the papers are still sent out. Has consideration been given to whether or not additional information could be inserted into the letters, provided that it did not increase the postage cost, to give other salient information as to when the next Parish Assembly is, what is on the agenda, so that everyone who receives those letters would know if Assemblies are coming up which have fixed dates and so on?

The Connétable of St. Clement:

We do try and communicate as much information to our parishioners as we possibly can, but the rates returns only go out once a year. Parish Assemblies occur at different times, perhaps sometimes 2 or 3 months, sometimes not one for 2 or 3 months, so it would be impossible to do as the Deputy requests. But we have other means of communication with our ratepayers, not simply the *Gazette*, which you are required to do by law, but most - or least many - Parishes now have a database of email addresses and which information is sent to parishioners about the sort of events that the Deputy refers to.

The Deputy Bailiff:

Did you want a final supplementary, Deputy?

The Deputy of St. Ouen:

No.

5.13 Deputy L.M.C. Doublet of the Minister for Infrastructure regarding the allocation of dedicated public parking spaces for the new police station:

Has any progress been made on the allocation of dedicated public parking spaces for the new police station?

Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):

The planning permit for the development of the new police headquarters does not require the provision of dedicated public parking spaces. It does, however, require the development of 18 new public motorcycle spaces in the Snow Hill Car Park, which are currently being formed, and a further 37 motorcycle spaces obviously at the police headquarters on Route du Fort, creating 55

new additional spaces in total. This also requires, under the planning permit, 10 new bicycle spaces at the cemetery entrance of Green Street Car Park and a further 52 bicycle spaces on Route du Fort, again to create 62 new additional spaces. The permit also requires the development of 53 public parking spaces in Green Street Car Park. In fact, we delivered 64 new spaces in July of last year, available on level 3. Notwithstanding the lack of requirement for visitor parking under the permit, it was proposed to allocate 3 dedicated spaces for visitors to the States of Jersey Police Station in Snow Hill Car Park. The use of Green Street Car Park is also being considered for visitor parking. However, this is not a straightforward exercise due to the operational constraints relating to how the barrier system needs to work to safely manage the access of this popular commuter car park. In response to the Scrutiny Panel's report, S.R. 19/2012, a further review of visitor parking arrangements is being undertaken by Jersey Car Parks and is due to be completed by the end of March this year. On completion of that report, of the options available, a final decision can then be made way ahead of the police station becoming operational.

5.13.1 Deputy L.M.C. Doublet:

I just wanted to clarify: so there is no requirement under the planning conditions to provide the spaces. Is there a will from the Ministers and a feeling that the public needs this space? Is there a will to provide them?

Deputy E.J. Noel:

As I have already mentioned, we are looking at providing 3 spaces dedicated to the visitors to the police station at Snow Hill. There are a further 2 disabled spaces that will be allocated at the entrance of the police headquarters for those with disabilities and we are looking, as requested by the Scrutiny Panel, at other alternatives. Just to bear in mind at the existing police headquarters, there are a total of 5 spaces available to the public. However, in the Rouge Bouillon facility area, there are no other off-street public car parking spaces available, which is completely different to the new location adjacent to not only Green Street Car Park but Snow Hill Car Park and the Route du Fort Car Park.

5.13.2 Deputy J.A. Martin:

The Minister says there may be a will to provide public parking at the new police station. Is it not where the police station is sited, that is impossible? But also in his answer he said now there will be 2 dedicated disabled parking spaces. Has that changed from the original arrangement where this is an unloading bay and those with a disability will have to phone the headquarters to allocate this space for their time at a certain time and date?

Deputy E.J. Noel:

No, the provision has not changed at all since this was brought to the Assembly in the latter part of 2012, early part of 2013. The provisions regarding disabled visitors to the police station have not changed at all.

5.13.3 Deputy J.A. Martin:

He clearly said: "We will be providing 2 disabled parking spaces outside the police station." Now, which is this, by arrangement or are they dedicated disabled parking spaces?

Deputy E.J. Noel:

Those 2 spaces were in the original plans and how they are going to be operated is a matter for the police to consider prior to the station opening. I envisage that they will be available for disabled people as and when they arrive at the station.

5.13.4 The Connétable of St. Helier:

I am sure motorcyclists will welcome the fact that there are going to be new motorcycle spaces in Snow Hill Car Park. Could the Minister tell us how these motorcyclists are to get safely to the new police station once they have parked their machines? Is the proposal to have a Jersey crossing across the roundabout being progressed?

Deputy E.J. Noel:

Not necessarily a Jersey crossing, because they are not necessarily the safest of crossings. They are better than none at all, but as the Constable knows, that is one of the matters that is being looked at to improve the crossing facilities in that area of St. Helier.

5.13.5 Deputy P.D. McLinton:

Anybody who has had the misfortune to have to visit the current police station at Rouge Bouillon and knows that the 5 spaces are completely inadequate and that the Savoy Hotel across the road has to bear the brunt of people who have to park just to go into the police station. Would the Minister not consider it a lunacy to have not provided public parking spaces at the new police station and the very fact that 2 wheels seem to be catered for, but 4 not? Would the Minister give consideration to maybe looking more deeply at more parking spaces being provided for the police station somewhere?

Deputy E.J. Noel:

Deputy McLinton comes up with a very good point there, which has been addressed in the past and we will continue to do so. The current police station has no public off-street parking in its facility, apart from those 5 spaces directly outside of the entrance. The new police headquarters does have substantial public parking in the facility. The provision for additional 2-wheeled travellers is to accommodate the actual police officers themselves, and most of these are on the south side of the Route du Fort and thereby making sure and encouraging them that they do not bring their own cars into the facility and park in the public spaces in that area.

5.13.6 Connétable C.H. Taylor of St. John:

Would the Minister tell me how many spaces are available for the Honorary Police, and in particular Centeniers, who regularly have to attend on business?

Deputy E.J. Noel:

The Honorary Police or any official visitor to the police headquarters will be parking in the basement of the police headquarters, as we have designed.

[12:30]

It will come as no surprise to Members that for the 42 vehicles in the fleet of the police that will be using this building, the majority or those, or a significant number of those, will be out on patrol and on the road and therefore there will always be spaces available for the Honorary Police and other official visitors in the underground car park of the police headquarters itself.

5.13.7 Deputy L.M.C. Doublet:

I thank the Minister for his answers. I understand that the Minister will be looking at providing 3 spaces some distance away in Snow Hill and it remains to be seen whether this will be achieved. In making this decision, does the Minister have all the facts at hand with regards to the availability of spaces in the nearby car parks? Because I am feeling that there is some assumption there that there is availability, whereas my understanding is it is very difficult to get into those car parks, so if you do happen to be a victim of crime who is driving a car, not a motorbike or bicycle, will there be spaces available? Will the Minister be doing any studies to look at availability of spaces nearby?

Deputy E.J. Noel:

The Deputy would be surprised if I did not know the availability of spaces, given that my department looks after the States car parks. At any one time of day, there are normally 20 free spaces in the car park along the Route du Fort and this is some 2 minutes' walk away from the police headquarters. Before 9.00 a.m. in the morning and after 1.00 p.m. in the afternoon, there are always spaces in Green Street Car Park itself. I ran the gauntlet of many States Members a little while ago when I increased the public spaces by 11 by removing States Members' parking from Snow Hill, so we have created additional capacity in the area. Certainly outside of the hours before

9.00 a.m. and after 1.00 p.m. in the afternoon, there is more than ample space in Green Street itself, as I have said, but there is also, a mere 2 minutes' walk away, 20 spaces every day available at Route du Fort.

5.14 Deputy J.A. Martin of the Minister for Treasury and Resources regarding the listing of all Andium properties and rents payable on their website:

Can the Minister advise why Andium Homes do not list all properties and rents payable on their website for complete transparency?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

I am going to ask my Assistant Minister, the Constable of St. Peter, who has responsibility for this area, to answer the question.

Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):

I would like to thank Deputy Martin for bringing this to our attention. As a result of that, I did check the website for Andium Homes and she is absolutely correct, there is no information there on the rental policy at all. Since then I have met with the management of Andium and discussed what they are proposing to do. They have advised me that they are refreshing their website, and by the end of this month, less than 2 weeks away, there will be a full list of all the properties they hold - 4,600 units is the total amount of properties that Andium hold - and there will be the rental profile for those properties online.

Deputy J.A. Martin:

It goes to prove there is always a good reason to ask a question in the House and I thank the Assistant Minister for his very good reply. Thank you.

5.14.1 Deputy T.A. Vallois of St. John:

Could the Assistant Minister advise whether they will also be publishing the Decent Homes Standards that they are going to be complying with?

The Connétable of St. Peter:

The Decent Homes Standard is a publication produced by Health and Social Services, the Public Health Department, and they shall and will be working to deliver Decent Homes Standards under that policy. I am not sure that putting it on their website is necessarily the right place for it to be. It is certainly within the public health website.

5.14.2 Deputy M. Tadier:

On a related issue, would the Assistant Minister take a chance to speak to Social Security, because on their website they do give the rental components for the private sector broken down by bedrooms, but when it comes to social housing rented properties, it says: "Paid according to the reasonable rent charge" and it would seem to me that needs some clarification as to why in fact the fair rent charged component given by Social Security - even though we suspect it does not cover the full cost of rental - is not the equivalent of the social housing charges currently?

The Connétable of St. Peter:

I thank Deputy Tadier for bringing that to my attention as well and it is certainly something I can discuss with the Minister for Social Security, who is nodding quite well over there, so I hope that is something we can bring to a conclusion soon as well. Thank you very much.

5.15 The Connétable of St. Helier of the Minister for the Environment regarding the results of the Open Space Study conducted in 2008:

Would the Minister confirm that the open space study carried out in his department in 2008 shows that St. Helier is deficient in accessible, convenient, open space and the loss of amenity areas in the town area should be resisted and state what action, if any, is being taken to address this?

The Deputy of St. Martin (The Minister for the Environment):

The open space study that the Constable refers to identified and classified open space provision across the Island and sought to assess its adequacy against suggested standards of the day. On the basis of the population estimate for 2008, St. Helier was considered to have a sufficient supply of open space overall, but with deficiencies in the provision of amenity green space, outdoor sports facilities and play space. This data was used to protect existing public open space in the Island Plan and to identify new opportunities for provision, including the Millennium Town Park.

5.15.1 The Connétable of St. Helier:

Would the Minister agree with me that if this was based on our population figures for 2008 that the new units of accommodation built in St. Helier since then, plus the thousands of units earmarked for the northern part of St. Helier, suggest that the open space provision is likely to be insufficient?

The Deputy of St. Martin:

The study in 2008 was the first time that open space had been assessed in detail in Jersey relative to existing population levels. It was useful to establish what space we had and where it was located and to begin to assess the adequacy of supply. There have been changes to the level of supply of open space since the study was undertaken and the study did not include, for example, the Millennium Town Park or the public open space on top of the Waterfront car park. Clearly I have to agree with the Constable, population levels will have increased since that study was undertaken.

5.15.2 Deputy G.P. Southern:

Can the Minister confirm that the protection concerned for those green spaces which were counted in the 2008 survey still exist, including People's Park?

The Deputy of St. Martin:

Protected open space is protected open space. It has not changed. It is still in the Island Plan and it will be continued to be protected until such a time as it deemed unprotected.

5.15.3 Deputy J.A. Martin:

Surely, would the Minister not agree, it is for his department to update these figures. It is 2008 figures; we are in 2016. Yes, he presumes that there is more people, but there is a slightly bit more open space because we have the Millennium Park. Can he confirm that his department will do this work and bring us an up-to-date figure of the open space per head of population in the capital, St. Helier?

The Deputy of St. Martin:

The study in 2008 did not engage the public in the availability and quality of public open space, only limited consultation was undertaken with parochial authorities, schools or sports clubs, so I can say to the Deputy it is proposed to undertake a fresh review of the data within the open space study of the town of St. Helier, and I stress the town and not the Parish. This work will help to inform proposals for the protection and enhancement of existing open space and obviously the opportunities for provision and creation of new public open space, which is so important to me.

The Deputy Bailiff:

A final supplementary, Connétable?

The Connétable of St. Helier:

No, thanks, Sir.

5.16 Deputy G.P. Southern of the Minister for Social Security regarding the reduction of the Income Support disregard for pension income:

As I ask this question, can I ask Members to turn to the written question 8, which contains the information which is relevant to this issue? Following the decision of the Minister to reduce the income support disregard for pension income, can she confirm that senior citizens who are newly eligible to claim a States pension in 2016 and who are entirely reliant on this for their income, having no second or occupational pension to supplement it, will be significantly worse off than previous pensions and what action, if any, does she propose to take over this?

Deputy S.J. Pinel (The Minister for Social Security):

The decision to make changes to the disregard for pension income was ratified by the States Assembly during the Medium Term Financial Plan debate in October by a substantial majority of Members. As I explained then, this change protects existing pensioners, while allowing those who have made more provision for their old age to benefit from the new rules. I have introduced a percentage pension income disregard to encourage people to provide some of their own pension income in old age. Pension income and any wages they continue to earn will be treated in the same way if they claim income support. I have already made a commitment to work with the Minister for Treasury and Resources over this M.T.F.P. (Medium Term Financial Plan) period to encourage more workers to take up occupational pensions. Separately, a public consultation on age discrimination is currently in progress and this will help to remove barriers in respect of older workers seeking to remain in employment. I am confident that these measures will help to increase the number of workers enrolled in an occupational pension scheme, leading to greater financial independence in old age.

5.16.1 Deputy G.P. Southern:

If Members could turn to written question 8, they will see a chart there which shows that under the old system, which will continue for existing pensioners, the net disposable income of a single pensioner was around £200 for all pensioners who did not have an occupational pension, so on the maximum pension available, £200 or below, you still ended up, on income support - which is what it is supposed to do - with £200 of income. Under the new system, new entrants will now get a range of figures. If you are on a full pension and that full pension alone, it will be £191, you will have lost £9 compared to previous pensioners; if you are on as low as £120, a part-pension, you will only be receiving £173 rather than £200 net disposal income. This makes the worst-off pensioners significantly worse off, does it not, Minister?

The Deputy Bailiff:

Deputy, you understand I do have to bring it to a question?

Deputy G.P. Southern:

This makes the worst off worse off, does it not, Minister? Her actions have made these pensioners worse off.

Deputy S.J. Pinel:

I hope that Members will also revert to the answer from question 8 as well, which explains all the tables that the Deputy has quoted. In any transition, there will be some people who are worse off and some people will be better off. As I have said before, existing pensioners are completely protected until the end of 2015. It only affects new people entering the scheme in 2016, which we estimate to be about 200 claimants, and the estimate is - which is fairly easy to do, because we know who is coming into the scheme this year - about 60 of these will be fully reliant on a combination of Social Security pensions and their income support benefit. The remaining 140 have more income on top of the Social Security pensions, so some entering the scheme will not have the automatic advantage of the £55 disregard, but those already in the scheme will have the advantage of whatever is higher of the £55 disregard or the 23 per cent disregard.

5.16.2 Deputy M. Tadier:

It is all very well for the Minister to talk about encouraging people or wanting people to make their own private pension provision; she does talk about the fact that there are 31 per cent of all income support pensioners without a pension. Does she not agree that the wider policy of the Council of Ministers, when it comes to redundancies in the public sector, which normally entail some kind of pension, will exacerbate this figure, meaning that more people will be without a pension provision or certainly without a higher level of pension provision as they are forced to reapply for their jobs to go on the non-existent dole in Jersey?

Deputy S.J. Pinel:

The whole idea of encouraging people into financial independence and encouraging people to get jobs with the support from Back to Work is to keep people in work longer. When people receive a retirement pension from the States pension scheme at 65, there is nothing to stop them searching for and achieving part-time jobs to increase their pension income, which will be disregarded at 23 per cent. A job seeker, for instance, who is already retired, the income support will increase on his 65th birthday - or hers - as the 23 per cent allowance now available against pension income. For example, with each part of the £150 a week, this claimant will be £150 times 23 per cent better off, which is £34.50 more each week.

[12:45]

So it is swings and roundabouts. Not everybody has the same pension; it is a very complicated system.

5.16.3 Deputy M. Tadier:

Does the Minister accept that there is a difference between promoting and encouraging financial independence and forcing people into poverty, and that her policy, certainly at the lower end, makes those who are badly off already - the most worst off - even more worse off because it takes away money that they used to have? If you do not have a pension already and you are not likely to have a pension in 10 years' time, then her adage of financial independence means very little to those individuals.

Deputy S.J. Pinel:

I presume the Deputy is referring to workplace pensions, because everybody of course is entitled to the Jersey state pension. Yes, some of those people have not been able to provide for a workplace pension, which is increasingly less. Workplaces are fully encouraged to put people on a workplace pension scheme. Certainly some of those will probably fall through the net, but the idea with the previous rule, if somebody expected to claim income support in old age, there was no incentive for that person to maximise their pension income. The total income, including benefits, was the same for a household claiming income support, whether it had a small amount of pension income or a large amount of pension income, and these new rules are attempting to adjust that very unfair scenario.

5.16.4 Deputy G.P. Southern:

Does the Minister accept that while it may be laudable to encourage people to take out a second pension, if one is accessible to them, it should not be at the expense of those at the lower end, who have never seen an occupational pension and were never likely to and were already pensioners applying to the scheme? In those circumstances, what positive actions is she taking - or the Minister for Treasury and Resources taking - to encourage employers, especially small employers and medium-sized employers, to set up occupational pension schemes? What incentives are there for the people in control of occupational pension schemes - the employers, not the employees - to set those up?

Deputy S.J. Pinel:

It is just a quote which answers the Deputy's question from the Medium Term Financial Plan: "The Social Security Department will work with the Treasury and Resources Department to promote financial independence in old age and to encourage a higher proportion of workers to take up occupational pensions. For example, this could be achieved through changes in income tax or benefit rules as well as the promotion of work-based pension schemes aimed at lower earners." May I just add quickly that with new pensioners, they will automatically, when they go into the scheme this year, also have the advantage of the winter fuel allowance and the 65+ Health Scheme?

5.17 Deputy J.A. Hilton of the Minister for Health and Social Services regarding the investigation of sites for the new hospital:

Would the Minister confirm whether People's Park is the only new site the department is assessing as a possible location for the new hospital in addition to the 3 shortlisted sites included in the Atkins report on the strategic outline case published in May 2013? Thank you.

Senator A.K.F. Green (The Minister for Health and Social Services):

A quick answer to that: yes, it is the only new site. There have been other new sites that have come forward but failed the initial tests at the first fence, so it is the only new site being considered.

5.17.1 Deputy M. Tadier:

Can the Minister confirm whether or not a campaign is already being planned for the promotion of People's Park as a preferred site for the hospital, and if so, is that being done with ministerial support?

Senator A.K.F. Green:

Once we have a very clear understanding of the questions that were asked in relation to the People's Park site as a strong contender, whether it would come out the top one, once we have the answer to that, then we will finalise a comms plan, of course we will.

5.17.2 Deputy M. Tadier:

That was not the question though. I was asking whether or not a campaign has already been envisaged and whether preparations for that have already started, either with himself or the wider Council of Ministers.

Senator A.K.F. Green:

We are giving consideration to how we might talk to people about these sites generally that are chosen, but that is a very broad-based idea, it is not a campaign as such, and it would apply to whichever site was picked.

The Deputy Bailiff:

That brings the time for our question period to an end.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. The States will stand adjourned until 2.15 p.m.

[12:49]

LUNCHEON ADJOURNMENT

[14:15]

6. Questions to Ministers without notice - The Minister for Housing

The Deputy Bailiff:

We resume with Questions to Ministers without notice, and the first question period is the Minister for Housing. Deputy Hilton.

6.1 Deputy J.A. Hilton:

I am currently helping a constituent with a housing problem. This gentleman has approached me and asked me to assist him in trying to get relocated from bed-sit accommodation, into a one-bedroom flat. He has the support of his G.P. in this matter. Is the Minister aware that the current policy of the Social Security Department is not to pay a rental component to single people to be housed in a one-bedroom flat.

Deputy A.E. Pryke of Trinity (The Minister for Housing):

Obviously it would be inappropriate for me to go down to personal circumstances, but I know that within the Andium stock especially that there are quite a few bed-sits that was the policy a long time ago when they were made into bed-sits, and I know that needs to be looked at. But the Gateway criteria is – because of our housing needs – quite limited. And one thing is that people under 65 at the moment, if they need housing they are offered a bed-sit. Is that right, Sir, I think in this day and age we know that people do not like living in bed-sits, but that is work which needs to be done with the Strategic Housing Unit Gateway and Social Security because with the issue of bed-sits we need to find a way forward; and also, Sir, widening the Gateway criteria - because it is quite narrow. Could we widen it to include people under 25 who might be able to access bed-sits, or people who have been in prison, but that work is going ahead and we need to come up with some sort of policy, Sir.

6.1.1 Deputy J.A. Hilton:

Thank you Sir. Does the Minister not agree with me though that to treat people in their 30s and 40s, who suffer from depression and anxiety, and who have got the support of their G.P. to be relocated in a one-bedroom flat, does she not think that it is a bit unfair to basically leave these people living in such accommodation for the rest of their lives. I doubt that there is a single person in this Assembly who actually would like to live the rest of their lives living in a bed-sit. I think it is an unfair policy. Does the Minister agree with me and would she be prepared to look at the policy in conjunction with the Minister for Social Security

The Deputy of Trinity:

Yes Sir. I think I have given that undertaking in my previous answer, but I also say, Sir – without going into personal circumstances – that I would like to think that if that person, accompanied by a medical letter and whatever, that we could speak to the Gateway and I would hope that something could be sorted out. But the problem of bed-sits is here and we need to look at it.

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

Thank you, Sir. Will the Minister update the Assembly on the discussions she has had with Housing providers regarding their policy on companion animals.

The Deputy of Trinity:

Yes Sir. I have met with the social housing providers - as I have said in this Assembly before - and Andium has got a very clear policy of, if anyone wants to house an animal, have a pet, which I think -and I know the Constable agrees - it is important if they have just moved into Andium housing and the pet has been part of their family life for many years, that should continue. Andium would ask the tenant to go to the JSPCA (Jersey Society for the Prevention of Cruelty to Animals) to see if the house is suitable, if the tenants are suitable, etc. and it goes from there. The other social housing providers have their own pet policy and really it is up to them at the moment how they administer it and if the Constable still has a problem with a tenant that she knows I would recommend that she goes and talks to the social housing provider, the appropriate social housing provider, and speaks to the Board of Trustees.

6.2.1 The Connétable of St. Lawrence:

A supplementary. I thank the Minister. In the first instance I would ask that she provides the Members with a copy of the policies of the housing providers on companion animals so that we may consider them. Will the Minister agree to do that?

The Deputy of Trinity:

Yes, of course I will. Because I know, as she has mentioned a couple of times, that the part of pets as part of family lives is important.

6.3 Deputy J.M. Maçon of St. Saviour:

The 2011 Island Plan seeks to deliver, I believe, by 2020 1,000 new affordable units. We are now in the year 2016. Can the Minister please advise how many have been built and how many are left to be constructed and where we are in that process?

The Deputy of Trinity:

Yes, the Deputy is quite right. In the revised Island Plan, we rezoned quite a few sites which would bring online 1,000 new affordable homes by 2020, either directly owned by the public or through the States or bodies like Andium. Work has been going on but it is a slow process as we cannot just build something overnight and I wish we could. But work is progressing and I know part of the Strategic Housing Unit are working with the Environment Department. An update of where we are is coming out at the end of next month. But just to say sites at De la Mare Nurseries, which will be rezoned, and St Ouen, which are being rezoned, will do 66 and that is progressing. I cannot go into more than that but to tell you that it is progressing. We hope that La Collette flats will provide extra units on there as well as bringing up to date those flats there down at La Collette which are in poor condition and Samarès Nurseries is progressing too. So there are sites, as well as the old J.C.G. (Jersey College for Girls) sites, which will deliver I think it is 80 affordable homes there. But an update will be coming and it will be published, I understand, at the end of next month.

6.3.1 Deputy J.M. Maçon:

A supplementary. Within those figures, can the Minister also provide a comparison between what was the expected number at the time on things like the Housing waiting list and now the actual one, to see if what is being produced, what is predicted to be produced, were under-producing the targets that the Island desperately needs?

The Deputy of Trinity:

Yes, I am sure that they can do that but the Gateway is a matter of a certain time and day. What we will also need to take into the equation is the Housing Needs Survey looking forward too, and that work is being done too. Also, I forgot to mention, of course there is the Ann Court site and work is being progressed with planning applications once the Department of Infrastructure have finished their works down there. Also, the Summerland site, when the police are going to be relocated at the end of this year, I think.

6.4 Deputy M. Tadier:

It sounds better when we call it a studio apartment rather than a bedsit and so my question to the Minister is, why does it appear that there is an Andium property being advertised, or which was advertised, on Troys Letting Agency which, from the photos, looks like it can only have been taken at Le Mare from one of the high rises?

The Deputy of Trinity:

Yes, and I thank the Deputy for his question because it is one again which relates to Deputy Hilton's question too but from a different angle. Andium themselves have taken on doing a limited trial to let 2 bedsits out to the private sector outside the normal Gateway process. It is because they did a full review rather than leaving bedsits empty. They did a review of who was on the Gateway, if anyone within transfer wanted to go into bedsits and there was not at that moment in time. Is that right? Well it is, rather than leaving bedsits empty because I know the Deputy has always said that

flats should not be empty and I would agree with him. But is that right that it goes out to the private sector? It is a short period of time but it raises the issue that we need to look to some sort of policy within the bedsits. I understand the 2 bedsits are not suitable for conversion to a one-bedroom unit because that would be the ideal. But it is something that we need to really look at and come up with some sort of policy.

6.4.1 Deputy M. Tadier:

So, my memory might fail me, are we now at a point where we have nobody on the social housing waiting list, individuals who could benefit? Perhaps even Deputy Hilton's constituent who could benefit from a single bedsit studio? Because it seems to me a very strange policy that if that is not the case when we have lots of people waiting, and even people who do not yet qualify under the very narrow criteria that the Minister has outlined, that we should be letting out stock to the private sector when we cannot even fill the current waiting list.

The Deputy of Trinity:

I think the Deputy has slightly misunderstood where Deputy Hilton was coming from. Her constituent is in a bedsit and he does not want to be in the bedsit and that raises the issue too that people do not want to be in bedsits. But, as I mentioned before in Deputy Hilton's reply to her, perhaps we need to widen the criteria for those, like the under-25s, who could be quite happily housed in a bedsit or those leaving prison. But I am like the Deputy, we should not leave flats empty and I know Andium have worked to try and get people, asking people if they wanted to go into bedsits ...

Deputy M. Tadier:

May I interrupt? The Minister seems to be giving very long answers but the point is that I am not saying that a flat should be left empty, or bedsits, I am saying fill them but fill them with social housing tenants. Does she not agree with that?

The Deputy of Trinity:

I do but people have got to want to go into them. That is the problem. Andium went through the list with the Gateway, went through to Choice Lettings with all their tenants, but nobody wanted to go into them. Rather than leave a bedsit empty, this is a trial that they have done with just 2 bedsits to see how it works.

6.5 Deputy G.P. Southern:

Will the Minister assure Members that there is no intention in social housing of following the U.K. in introducing short term, by which I mean 1 to 2-year, tenancies in the social sector for housing to the rental sector?

The Deputy of Trinity:

I can give the Deputy a very short answer: not that I am aware of.

6.5.1 Deputy G.P. Southern:

Equally, another initiative which has been discussed in the U.K.: that she has no intention of adopting a policy of "pay to stay" for higher earners.

The Deputy of Trinity:

A "pay to stay" for higher earners within social housing?

Deputy G.P. Southern:

Yes.

The Deputy of Trinity:

Not that I am aware of.

6.6 Deputy S.Y. Mézec:

I have recently been dealing with 2 constituents, one of whom is suffering from a terminal illness, the other of whom is disabled, who were recently contacted by Andium and told that they needed to go down to their offices for a meeting to discuss arrears that they had somehow acquired, only to then go to these meetings and find out that the arrears were for a very small amount of money which it turned out was quite easy to reconcile. Would the Minister be prepared to speak to Andium and say that when dealing with vulnerable people for whom the stress can be quite difficult, and in some cases who have mobility issues getting around, that when we are dealing with arrears that are of quite small amounts, that in the first instance these issues would be better dealt with with a phone call rather than asking them to come all the way to the department when it could be quite an inconvenience for them?

The Deputy of Trinity:

Yes, it is distressing for anybody with any illness, let alone a terminal illness or disability, to have arrears discussed.

[14:30]

It needs to be dealt with compassion and thought really and, yes, I can easily have the discussions with the Constable of St. Peter, as well as Andium. But arrears are arrears and rather than letting arrears accumulate over months and months and months and not doing something about it, that is not right either. So why I can see on one hand it is better to be upfront and deal with it as soon as possible, it can be dealt with compassion.

7. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

That brings the period for questions for this Minister to an end. The next question period is for the Chief Minister. Deputy of St. Martin, you have your light on? Do you intend to ...? Deputy Southern.

7.1 Deputy G.P. Southern:

Will the Chief Minister accept my congratulations for missing his target for new employees to the Island? The aim is 375, I believe, new employees per year and he appears to have missed that target by about 100 per cent, achieving 740 new licences or jobs on the Island this year.

Senator I.J. Gorst (The Chief Minister):

I am not sure if that was a question or a congratulatory comment even despite the fact that the congratulatory comment was completely misguided. As the Deputy knows, the Population Office, rightly, have made a decision that we will publish licences issued across the various categories on a quarterly basis and we have recently done that and that will be something that Members and the public can see going forward, the decisions that are being made. But the Deputy knows that new licences issued does not equate to the overall level of inward migration at the end of any given period.

7.2 The Deputy of St. John:

Could the Chief Minister explain whether we would be achieving a new anti-inflation strategy at all over this term and if not, why?

Senator I.J. Gorst:

I do not have that detail to hand. Of course, any anti-inflationary strategy that the States have previously been following I think is perfectly aligned with the work that the Assistant Minister who is now responsible for those particular areas around innovation and around competition is doing, all things which will help to ensure that inflation is kept low. The target, as the Deputy knows, was to

keep it below 2.5 per cent and it has been doing that for a number of months now in line with other European countries.

7.3 Deputy L.M.C. Doublet:

As per a recommendation within a 2012 report from the Community Relations Trust, has the Chief Minister collected any data to ascertain whether there is a gender pay gap in Jersey and if not, would he consider doing so now that we have the relevant legislation in place?

Senator I.J. Gorst:

Anecdotally I think there probably is and I have got no further update to give to the Deputy than when she asked me a question about the report and the work that I have asked officers to do in regard to that report at the last States sitting.

Deputy L.M.C. Doublet:

A different report.

7.4 Deputy S.Y. Mézec:

Has the Chief Minister had time to read the report which was recently released by Oxfam entitled *An Economy for the 1 per cent* which shows that now the world's richest 1 per cent own as much wealth as the bottom 99 per cent combined? If he has had time to read that report, has he given any thought to its recommendations which include sharing the tax burden fairly using progressive public spending to tackle inequality and most topically paying workers a living wage?

Senator I.J. Gorst:

Sadly, I have not been able to read that particular Oxfam report. I do normally, where time permits, read reports from N.G.Os. (Non-Government Organisations). I think it is well known that that particular N.G.O. issues reports of that nature, regurgitating statistics around the time of the world leaders' meeting in Davos. But the important thing for us and this Government's policy is not about the differential. The Deputy seems to be concerned about the rich getting richer, as the Oxfam report was. The important thing is that we concentrate on ensuring that we are raising the living standards of the poorest in our community. As I have said to him in relation to the information that came out of the Income Distribution Survey that is where we should be focusing, not on the differential. What the Oxfam report does not say but is known and backed up by evidence, is that millions of people's standard of living is increasing around the globe because of trade and because of cross-border flows of capital.

7.4.1 Deputy S.Y. Mézec:

A supplementary. You have to wonder sometimes what planet the Chief Minister is living on. He referred to the Income Distribution Survey which showed that the bottom quintile in Jersey have seen their living standards go down by 17 per cent. That is the facts and that is the situation that we are in because of the actions of his Government. So my question to him is, what measures will he be putting forward seeing that so far he has declined to do anything whatsoever to ensure that the poorest people in Jersey ... never mind the rich getting richer. Personally, I am not too ideologically opposed to that but what I am opposed to is the poor getting poorer. What is he going to do to turn this situation around?

Senator I.J. Gorst:

As the Deputy knows, he has taken one report that has calculated the statistics for a 5-year period. When we look over a 10-year period then those numbers have remained static. The reason we know that there has been a worsening of that number over the last 5 years is due to the economic downturn and the effects that that has had on the economy and the low interest rate environment and the effect that that has had creating a differential between those who are homeowners and those who are living in rental accommodation. We are putting in place schemes and we have just been questioning the very able Minister for Housing who is absolutely passionately committed to

extending home ownership, improving standards right across all tenure of housing in our community. So the Deputy is not right to say we are doing nothing; it is right at the top of our agenda.

7.5 Deputy A.D. Lewis:

Would the Chief Minister agree that the Government is making it rather hard for the public to hold Government to account for the delivery of its 3 year-old Public Sector Reform Programme, the budget which has now exceeded £16 million? Because it still has not published even a summary of the core aims and objectives of that programme and the deadline for delivery. If he does agree, will he commit to publishing a summary rather sooner than the June 2016 deadline his department set itself in response to P.A.C. (Public Accounts Committee) report in October last year? Thank you.

Senator I.J. Gorst:

The Deputy and I, he knows, have disagreed about various elements of his approach to this area. He has chosen, in my opinion, just to focus on negatives and not consider the good work that has been undertaken. But notwithstanding that, of course I will endeavour to bring forward that summary earlier than the agreed June.

7.6 Deputy G.P. Southern:

What discussions with the Minister for Social Security and/or the Minister for Treasury and Resources has the Chief Minister initiated around schemes under consideration to encourage employers to introduce occupational pension schemes? If not, will he put this on the agenda for the Council of Ministers as soon as possible?

Senator I.J. Gorst:

It is not something that we have considered to date. The Social Security Department will be carrying out an actuarial review and a wider review of pensions during 2016. I am quite happy to speak to both the Minister for Treasury and Resources and the Minister for Social Security to see if there are models that we could encourage in Jersey because of course we have different legislation in place, so it will not be quite as simple as perhaps importing the U.K. workers' pension scheme, but we certainly do want to encourage people to save for their retirement.

7.6.1 Deputy G.P. Southern:

The Minister for Social Security has taken moves to encourage employees to enter occupational schemes but that depends on employers. The vital key is employers. Does he not agree that we should be doing something to encourage employers, especially the small to middle businessman, to start up occupational schemes?

Senator I.J. Gorst:

In theory that is a good idea; in practice it is quite complex. As the Deputy knows, the pension field is continually changing. You have got to make sure that the costs of running a particular scheme do not outweigh the benefits. Of course, the previous Minister for Treasury and Resources took a number of steps to enhance and encourage people to invest in the Jersey Pension Scheme for their future. I think that that has been extremely successful. Some feel that there is a slightly too great a barrier to entry of that scheme because of the way it is set up using a company. Certainly, I am sure that the current Minister for Treasury and Resources will review that scheme along with the work that the Minister for Social Security is doing.

7.7 The Connétable of St. John:

Following P.78 last year in which this Assembly agreed to maintain the green area in front of La Collette flats, could the Chief Minister confirm whether he informed the Board of Directors of Andium Homes of the wishes of this Assembly that the green area must not be built on?

Senator I.J. Gorst:

I have not personally but I do know that relevant Ministers have spoken to Andium Homes, and that is the Minister for Housing and the Minister for Treasury and Resources, about that proposition.

7.8 Deputy C.F. Labey of Grouville:

Is the Chief Minister content that the tax structure we currently have in place is the most suitable and effective for our community?

Senator I.J. Gorst:

I am not sure what words the Deputy used? “Most suitable” and ...?

The Deputy of Grouville:

Effective.

Senator I.J. Gorst:

It is effective, it is suitable, but I am aware that there is discontent in some quarters about it and whether it should be reformed. I personally... and the Government position is, that if it works well that one should only ever carefully and after due consideration change one’s tax base. I understand that some people feel that there are unfairnesses in the current tax system. But equally the tax system is there, it does gather from a corporate perspective 10 per cent from financial services companies, it gathers tax take from utility companies, it gathers tax take from property development and at the same time it protects our financial services sector, allowing them to employ, and they in turn then by that increased number of employment, continue to give economic certainty to that sector and provide spending and tax in the personal sector into the Treasury. The previous Minister produced a long consultation document with the results of looking to see whether it could be changed. Members will be aware of what that said. That led to the property taxes consultation and the current Minister is considering the results of that consultation. So Ministers are aware of the concern but fundamentally the basis of the current system is working well and is serving Jersey’s broad interests well.

7.9 Deputy K.C. Lewis:

In a written response today to Deputy Tadier, question 19, in answer to a question, it stated that if G.S.T. was charged on primary and secondary education school fees a potential revenue would be £1.2 million. Would the Chief Minister declare here and now that he has no intention of imposing such a G.S.T.?

Senator I.J. Gorst:

There is a reason why cost of education or education did not have G.S.T. applied to it.

[14:45]

I think that is because this Assembly and the Minister accepted that it was not right to add an extra barrier to entry and to benefit from education. That is why the Government’s position is to maintain that position.

PUBLIC BUSINESS

8. Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry (P.155/2015) - as amended

The Deputy Bailiff:

That brings time available for questions to this Minister to an end. That concludes questions generally. We now move on to Public Business. The first item of Public Business is the proposition entitled: Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry - P.155/2015 - lodged by Deputy Higgins of St. Helier. Deputy, you have lodged an

amendment to your proposition, I think it makes sense therefore to ask the Greffier to read the proposition as amended.

Deputy M.R. Higgins:

Yes, and it is also my intention to accept the amendment from P.P.C. (Privileges and Procedures Committee). So if it could be read with those ...

The Deputy Bailiff:

Well of course the amendment of P.P.C. is a matter for the Assembly, not for you, Deputy, so it will have to be dealt with in due course. Greffier.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree, in accordance with the provisions of Standing Order 160(4), that (i) the transcript of the Statement of the Minister for Home Affairs relating to the suspension of the Chief Officer of the States of Jersey Police that was made “in camera” on 2nd December 2008 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 (including the transcript of the questions to the Minister that followed the statement and his answers to those questions) should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols; (ii) the transcript of the statement by the Minister for Home Affairs regarding the suspension of the Chief Officer of the States of Jersey Police that was made “in camera” on 10th March 2009 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 (including the transcript of the questions to the Minister that followed the statement and his answers to those questions) should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols; (iii) the transcript of the debate on Proposition P.9/2010 “Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police” made “in camera” on 24th February 2010 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols; (iv) the transcript of the debate on proposition P.48/2012 “Statement made ‘in camera’ on 2nd December 2008: release of transcript” that was made “in camera” on 26th June 2012 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols; (v) the transcript of the debate on proposition P.182/2008 “Chief Officer of the States of Jersey Police: review of procedure regarding suspension” held in camera on 21st January 2009 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols; (vi) the transcript of any other in camera statement or debate relating to the suspension of the Chief Officer of the States of Jersey Police should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols; (b) to grant leave to Members of the States, in accordance with the provisions of Article 36(1) of the States of Jersey Law 2005, to give evidence in respect of the proceedings of the States to the Independent Jersey Care Inquiry if called to do so; (c) to grant leave to Members of the States, officers of the States and persons employed to take minutes before the States or any committee or panel established under Standing Orders in accordance with the provisions of Article 36(1) of the States of Jersey Law 2005, to give evidence in respect of the proceedings of the States to the Jersey Independent Care Inquiry if called to do so.

The Deputy Bailiff:

Before I call upon the Deputy to make the proposition, could I remind Members that until the States resolve that anything that has been dealt with in camera is no longer in camera, it is not possible to make reference to it in the Assembly. Accordingly, no reference to the contents of the in-camera debate can be made during the course of this debate for as long as we are not in camera ourselves.

Deputy M. Tadier:

Can I ask for clarification?

The Deputy Bailiff:

Yes.

Deputy M. Tadier:

I think many of us have not even seen the Hansard or the transcript but could you give a ruling on whether or not we can refer to external websites?

The Deputy Bailiff:

I think if a Member wished to say a certain thing you said on an external blog site and if that is a true reflection then certain consequences should flow, that would not be breaching the in-camera principles. Deputy.

8.1 Deputy M.R. Higgins:

I sometimes forget when I stand up in this Assembly that its composition has changed substantially over the years that I have been a States Member and that many of those present today may not have the depth of knowledge or understanding of the matters or issues that I am talking about. So for the benefit of those Members who were elected since 2011, I will give you a very brief explanation of what has led to this proposition being lodged. In 2007/2008 allegations of child abuse in the Sea Cadets, Victoria College and States-owned and run institutions such as Haut de la Garenne came to light and Operation Rectangle was launched by the States of Jersey Police to investigate and bring to book the perpetrators of some of the most vile acts imaginable against children. It led to a number of prosecutions and to the imprisonment of some of the accused. It also led to accusations of cover up, mismanagement of the investigation, failings in the Law Officers' Department and to political interference with the investigation. It also led to the suspension of the former Chief Officer of the States of Jersey Police, Graham Power, and to the expenditure of over £2 million on reports by Brian Napier and the Wiltshire and Metropolitan Police forces. On 2nd March 2011 the States Assembly formally requested the Council of Ministers to establish a Committee of Inquiry to investigate a number of unresolved issues in relation to historical abuse in the Island, not least how this abuse could have been so widespread and gone undetected for so long without anyone apparently knowing it was happening or doing anything about it. On 6th March 2013, the States of Assembly agreed the Terms of Reference for the inquiry and on 3rd April 2014 the Independent Care Inquiry commenced its investigation and since then has been diligently carrying out its duties with the aim of completing its report by December 2016. To date some £15 million has been spent on the Inquiry, £11.3 million by the Independent Care Inquiry team and a further £4.1 million by States departments. In addition, a further £2 million in compensation has been paid to abuse victims under the Historic Redress Scheme and the States lawyers have received over £2.2 million to date. Now on 1st December 2015 solicitors acting for the Independent Care Inquiry wrote to the Greffier of the States to ask for copies of the in-camera statements and debates that took place in the States Assembly relating to the suspension of Graham Power and asked for them to be released to them. The Greffier advised them that they would only be released if a proposition for their release was presented to the States of Jersey and Members of the Assembly consented to their release. At the inquiry hearing on 10th December 2015, Mr. Oliver Glasgow, acting for the Greffier of the States, made an application to the panel asking them to adjourn that morning's hearings at which a leaked copy of an in-camera transcript which was in the public domain was to be discussed. He requested that a proposition be lodged "*au Greffe*" so that this matter could be properly considered by the Assembly. Mrs. Frances Oldham Q.C. (Queen's Counsel), chairman of the inquiry, stated after Mr. Glasgow's application the following. She said: "The application for an adjournment today is granted on the basis that this inquiry will be assisted by a full transcript of all in-camera debates relevant to our terms of inquiry. This is a matter of urgency and it is central to the work that we have undertaken. As chair of this inquiry I have emphasised from the outset our

commitment to openness and transparency.” Now, I was present in the inquiry room when Mr. Glasgow made his submission to the inquiry panel, as I was due to give evidence to the inquiry that morning. I was asked by the lawyers acting for the inquiry if I could assist it by lodging a proposition to the States for the release of these documents and I readily agreed to do so. This proposition, although in my name, should really be seen as a request from the Independent Care Inquiry to the States Assembly to release to them the transcripts listed in the proposition and therefore assist them to do the job that we have asked them to do. Now I have been told that this fact has been recognised by the Council of Ministers who have agreed that its Members will be not subject to collective responsibility which means that all Members of this Assembly are free to vote with their consciences and I thank the Chief Minister and his ministerial colleagues for allowing this to happen. Now why does the Independent Care Inquiry want these documents? It wants them so they can see what was said about the suspension of Graham Power in the States at the time it took place and subsequently, and it can only learn these facts if the transcripts are released to them. They are an essential piece of the puzzle and should help them in resolving the conflicting accounts about the suspension that have already been given to them to date by Ian Le Marquand, David Warcup, Lenny Harper, Graham Power and Frank Walker and possibly in the future by Bill Ogley, Wendy Kennard and Andrew Lewis. These documents should enable them to determine the truth about the suspension and whether there was any political interference with the police investigation. Now, as all Members know, in-camera debates are held in private, the public gallery is cleared, the media are asked to leave, and the public broadcast is shut down. A record of these proceedings, however, is kept in the States Greffe. Now the reason why these suspension statements and debates were held in camera was not because they were top secret or because they related to national security but simply because it was a requirement of the Police Force (Jersey) Law 1974 that all matters relating to the appointment, suspension or dismissal of the Chief Officer of the States of Jersey Police have to be heard in camera. So it was more to protect the Chief Officer in case sensitive, personal information was disclosed or from embarrassment. It is also said that it enables Members to talk more freely than they would do if the appointment, suspension or dismissal was debated in open session. Now some Members may raise a number of objections to the release of the in-camera transcripts or to their being published on the Independent Care Inquiry’s website or if P.P.C.’s amendment to the States is accepted, on the States Assembly website, and I would like to address some of these objections now. One of the first is parliamentary privilege, that by releasing the transcripts of what we discussed in private we would somehow be losing some of our privileges. The truth is exactly the opposite. We are losing nothing. We are merely being asked to exercise one of the privileges that we possess. The States Assembly, like other parliaments, determines how it conducts its own business and the details of which are laid down in the States of Jersey law and Standing Orders. No court, tribunal or inquiry can compel the States of Jersey to do anything that it does not want to do and so the Independent Care Inquiry is merely requesting the States to release the transcripts to them and we are merely deciding whether to do so or not, although I hope sincerely that we will do so. The second objection relates to expectations, the expectation of the Chief Officer of Police, that what is said about them in camera will not be released to the public at a later time, the expectation of States Members who may have said something in private that they would not have said in public and that the transcript would not be released at a later date and, finally, the expectations of former States Members who took part in the debates that their words or comments would not be revealed after they left office. To me, these are not valid arguments, particularly in this case. Firstly, nowhere in the Police Force (Jersey) Law does it state that the transcripts or statements and/or debates in camera can or would never be released. Secondly, because I know that Graham Power, the former Chief of Police, who was suspended in November 2008 has no objections to this information being released. In fact, he believes it is in the public interest that it should be released. In his email to me he stated: “I think that this is a matter of important public interest which can only benefit from full transparency. I am therefore happy to confirm that I give my agreement to the release and full public use of these important documents.” Thirdly, I believe, in terms of those objections, that the public elected us to

the States and expect us to be open and transparent. They do not expect us to say one thing in private and something else in public and I do not believe that embarrassment can be an excuse for not releasing these transcripts. We all make mistakes and we should not be afraid of admitting them if that is indeed the case. We also all make decisions with the information we have at the time and if other information comes to light at a later time, we may come to different conclusions and no one should be criticised for that. Nor should States Members be afraid to change their minds or opinions. Also, Members should remember that everyone who enters the States has the privilege of freedom of speech and can say anything they like with absolute privilege.

[15:00]

That is, they can say what they think in this Chamber without fear of being sued in any civil or criminal court so therefore there can be no legal consequences stemming from the release of these transcripts. Finally, as politicians, we all know that we cannot satisfy all the people all the time and that we shall be criticised at some point in our career, and I do not think there is a person who has entered this Chamber who has not developed a thick skin when it comes to criticism; you have to, to survive. Now, the third objection is likely to be that we are setting a precedent by releasing these documents. I do not accept this argument as we are faced with exceptional circumstances: the abuse of children over decades and the need to provide the Independent Care Inquiry with all the information it requires, and I hope to God that we will never have to face anything like it again. If another situation does arise in the future which calls for an in camera transcript to be released, it will have to be judged on its merits. Remember, the States cannot be compelled to release anything that it does not want to. I shall now move on to paragraph (b) of the proposition which has been added on the advice of the former Greffier of the States as it allows States Members, officers and committee clerks to give evidence to the Independent Care Inquiry in respect of the proceedings of the States and any documents or minutes laid before it. The provision exists to protect parliamentary privilege and the autonomy of the Assembly by ensuring that Members, officers or clerks do not give evidence about state proceedings to a court or an inquiry without the prior consent of the Assembly. If you do not pass this part of the proposition those Members who wish to give evidence will not be able to do so, and that could be up to 5 States Members. Those Members who have some important questions to answer and would rather not take part in the inquiry will use it as an excuse to avoid doing so, thus denying the inquiry and the people of Jersey the answers they need and deserve to have. In conclusion, we owe it to the victims of abuse, because the States have failed in the past to release these transcripts, and ensure that the Independent Care Inquiry has all the information it needs to successfully complete its work. If we do not give the victims of abuse and the general public this they will never forgive us for having set up an independent care inquiry, at great expense, then failing to support it by withholding the information it believes it needs to do the job, or preventing States Members from giving evidence to it. It would also fuel suspicions that the States has engaged in a massive cover-up and it will poison the relationship it has with the public for years to come. I urge all Members to support this proposition.

The Deputy Bailiff:

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

8.2 Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry (P.155/2015) - amendment (P.155/2015 Amd.)

The Deputy Bailiff:

There is an amendment lodged by the Privileges and Procedures Committee, and I would ask the Greffier to read the amendment.

The Greffier of the States:

Page 2 paragraph (a) after the words: “In accordance with the Inquiry’s protocols”, in each of subparagraphs (a)(i) to (v), insert the words: “and made public by the States Assembly at the same time.”

8.2.1 The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

There is a full report attached to the amendment so I shall be very brief. The amendment itself does not make a recommendation as to whether or not the transcript of the debate in question and the statements held in camera should be published although, on balance, as we indicated in the report, the committee does believe that they should be. What the amendment asks for is that if the States decide that the transcripts are to be released they should be published by the States and not exclusively by the Inquiry. We believe it would be inappropriate and not in accord with the privileges of the States if the transcripts were available on the Inquiry website but not on the States Assembly Hansard facility, which I believe they should be, if they are to be released. I propose the amendment.

The Deputy Bailiff:

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

Senator P.M. Bailhache:

Sir, may I just ask for clarification from you, if that is appropriate, or alternatively from the President of the P.P.C., if you think that is more appropriate, that the result of adopting this amendment will be that the transcripts, assuming the proposition of Deputy Higgins is later adopted, will be immediately released and immediately put upon the Assembly’s website. That seems to me to be the proper construction of the amendment. It does not seem to me to be right that this Assembly should waive the privilege in relation to its own transcripts and then subsequently have to wait for some other body to decide whether or not to use them. If we are waiving our privilege then the transcripts should be up on the website immediately. I hope that the Chairman of P.P.C. will be able to confirm that; alternatively that, as a matter of construction of the amendment, you might be able to confirm it.

The Deputy Bailiff:

Thank you, Senator. It seems to me that, on a proper construction of the amendment, the amendment when it refers to: “And made public by the States Assembly at the same time” can only be referencing back to when it has been made available to the Independent Jersey Care Inquiry and not necessarily when it is published by that body in accordance with the Inquiry’s protocols. So it seems to me it naturally follows that, at the very latest, the matter will go on the States website at the time that it is handed over to the Independent Care Inquiry, if the proposition is passed. That seems to me to be the logical construction of reading the amendment together with the proposition.

The Connétable of St. Clement:

That is the intention of the committee, Sir.

The Deputy Bailiff:

Does any Member wish to speak on the amendment? If no Member wishes to speak, those in favour of adopting the amendment kindly show. The appel is called for. Can I ask any Members who may not be in to return to their seats. If I can ask the Greffier to open the voting.

POUR: 42		CONTRE: 1		ABSTAIN:
Senator P.F. Routier		Connétable of St. John		
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				

Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

8.3 Transcripts of “in camera” debates: release to the Jersey Independent Care Inquiry (P.155/2015) - as amended

The Deputy Bailiff:

We now return to the proposition as amended. Does any Member wish to speak on the proposition?

8.3.1 The Connétable of St. Martin:

I open my comments by saying that I have got grave concerns with the proposition and look at it in a different light to Deputy Higgins. I can understand why the Deputy is bringing it forward; one of the reasons is he has clearly identified during his opening speech and it is also identified in the proposition. He was asked to do so by the lawyers acting for the Inquiry and because one of us, a States Member, had to be used to bring this proposition before the States today. As I say, the Deputy has clearly explained this. I will not be supporting the proposition today and I hope I have explained my rationale behind the decision. Paragraph (a) of the proposition now has 6 parts, with the amendment brought by the Deputy himself. I would suggest there is no value in discussing each of the 6 different ones individually; they all have the same meaning, the same main goal and I

am sure the Deputy would wish to take that as one vote on its own, split up from the rest. However, I think the concept is what causes me great concern. If supported, I think it does set a precedent and clearly goes against what was in place at the time, the Police Force (Jersey) Law 1974: "Any discussion in the States regarding the appointment, suspension or dismissal of the Chief Officer shall take place in camera"; quite clear. Members were fully aware of that proviso each and every time the matter was discussed in this Assembly and Hansard clearly shows that, albeit I know that Members should or would have been aware of the proviso in Standing Orders 160(4) that states: "In relation to the required transcript of a meeting unless the States decide otherwise." The question I would ask is whether those final 5 words: "Unless the States decide otherwise" is meant for a decision of the States at that time or a short time later, or certainly the Members who spoke in those debates in question time. I really have trouble with that proviso and I think it could be interpreted in different ways, but I would have thought that would relate to the States Members who were dealing with those debates. Although paragraphs (a)(i) and (a)(ii) were statements made by the Minister for Home Affairs, a vote was taken and that vote was in public, but the Minister for Home Affairs could have been questioned at the time and everyone would have felt free to speak their thoughts at that time. I do not know what was said or who said what in those statements; I have not sought to review any of the transcripts of the in camera debate, I am not even sure if I would be allowed to because I was not a member for some of those. But I did not want to anyway. Paragraphs (a)(iii), (a)(iv) and (a)(v) were propositions and, therefore, not only were there speeches undoubtedly made and questions asked during those debates, but votes were taken and those votes were in public. Again, I have not sought to read the debates because of the in camera proviso that was there. How Members voted is not the issue today. What we have in relation to paragraph (a)(iii) is the Deputy's proposition; I think there are 27 Members who have voted, having checked on Hansard, and whether they voted pour or contre does not make any difference because I am discussing the concept. Twenty-seven Members, part of that debate, are no longer Members of this Assembly so they cannot vote today to release what they may have said or how they voted; the voting we know, but what they said. They spoke in debate of the proposition in accordance with the law of the time and in accordance with Standing Orders, free to speak as they thought fit. I think I should make it clear at this point that I have not been approached by any of those Members to see how they feel about what they did lawfully and under the control of the President of the Assembly, nor, should I add, and I wish to make that point quite clearly and strongly, have any former Members contacted me to speak in this debate today. So we move on to paragraph (iv) of the Deputy's proposition. I was, in fact, a Member of this Assembly when that debate took place. Another check of the vote shows that at least, I think, 16 Members who may have spoken that day, and I am sorry I cannot recall who spoke on the debate and I have not looked at the Hansard with the Greffier, are no longer part of this Assembly. They have no say as to whether their comments, their ideas, their speeches made in this Assembly, made correctly, can be used. Finally, we move to paragraph (a)(v). I know this is out of date of the sequence, because we are moving back to 2009; it is obviously because the Deputy brought a later amendment to his own proposition. Fifty Members voted on the occasion on 21st January 2009 and I think it is 29 Members, or maybe 28 because one has left and come back, subsequently voted and may have spoken in the in camera debate. They believed what they were doing at the time was in camera, and we are now making a decision to change that. So I have to say I agree with them: if that is the way anyone believed, to speak in private, in camera, that they have a right to do so. Even if it was just one person who did not want what he said released, I think we have to cover that. I am very uncomfortable, and it is not just those that have left the Assembly; there are also Members who are still in the Assembly who would have spoken in some of those debates, and we can see at a whim ... and I have put: "At a whim" and it is the wrong phrase, because I do not think we are making a decision today at a whim, that because of the proviso in Standing Orders we can change the rules. The issue, I think, is made worse by P.P.C. suggesting that, if approved today, then those in camera debates be made public too. I know they have not put that as a proposition they have just put it as an amendment and the Constable spoke that they were not proposing one way or the other; let people decide.

There may be some of the public who might think, and some Members who might think, this is yet another ... a further cover-up. I am sorry; this is so far removed. I cannot think for one minute that anything untoward went on in this Assembly, and I was here for one of them, that up to 53 Members, maybe 51 Members, arranged or were party to some sort of cover-up under the presidency of the Bailiff or the Deputy Bailiff in this Assembly. If anything untoward took place then it will be up to the Inquiry to establish. But I think we have to be realistic that it did not take place in this Assembly during debates over the suspension of the police chief that occurred on at least 6 different sittings of the Assembly over the composition of 3 different Assemblies and through 2 statements and 3 propositions.

[15:15]

I am sure the Independent Jersey Care Inquiry are carrying out a thorough inquiry, and hopefully approaching the latter stages of that inquiry, but it appears to me that the information supplied by Deputy Higgins with his proposition is that it was the solicitors for the Inquiry who initially sought the in camera transcripts, and not the Chair itself. I must say, what do we require next? We know about the States Members' emails that have been researched recently, and information available. We have personal thoughts as well; how can we research those? If I can say, maybe I am just naive, I do not know, but I am aware of the remit of the Inquiry and have been following it right through, but is the remit to read in camera debates to update all Members on the suspension of the police chief really part of the child abuse issues that have been fully investigated outside of this Assembly? There is only one thing I think that we really need to stress as a result of whatever the outcome is today, depending on how Members vote, and something I think that P.P.C. should take time to consider and that we should all consider, and that is to remove the procedure for all in camera debates in this Assembly. It has to be for everything, if this is how we are going to deal with the procedure many years down the line. If I finally could move on to paragraphs (b) and (c) of the Deputy's proposition, and I think it raises another issue he may want to explain in his summing up. The Greffier has given advice to the Deputy because of the wording of proposition (b), to allow Members of the States to give evidence to the Inquiry in respect of proceedings of the States. However, I am confused because paragraph (c) of the proposition also contains the line: "Members of the States" as well as additional areas of "officers of the States and persons employed to take minutes..." It may be my ignorance; I am sure the good Deputy would not be trying to achieve something with 2 different attempts, 2 bites of the cherry, and I am certainly not implying that. If paragraph (b) failed then there is no good reason, I do not believe, to have the same words to grant leave to Members of the States for the second time, showing in paragraph (c) of the proposition, unless (c) falls away if (b) fails. We, as Members, are all on various committees, panels, commissions, as are officers who work with us, and they do a tremendously good job. I am sure there are occasions when those officers must feel like pulling their hair out undertaking their role. It may be better to say how frustrated they must feel. But they will have loyalty to an employer, they will be thinking of their futures when they are recording minutes at meetings, they will be looking to see if there will be a whistle-blowing. I think we are maybe getting to the stage of becoming paranoid over the whole issue, and I am not sure if civilian members - States officers - should be compelled or used to give evidence at the Committee of Inquiry in the way it is said.

8.3.2 The Connétable of St. John:

I see 3 main issues on this particular proposition: the first concerns the behaviour of the States of Jersey Police, although not directly linked to this proposition; the second is how this is already in the public domain; and finally, the actual topic of the confidentiality of an in camera debate. I have had the privilege and honour and enjoyment of being in the Honorary Police and one of the things that was rammed into me is that when you find evidence you do not contaminate it, you put it in a plastic bag, you label it: where it was found, who found it, location, how it was found, *et cetera*. This is why when I saw a States police officer holding a piece of coconut in his hand saying: "This is possibly the skull from a murdered child" well, quite frankly, not even the most fantastic sci-fi writer, or whatever, in Hollywood would come up with such a ridiculous statement; (a) it was

contaminated, (b) he did not know what it was, and it just defies belief that an officer of that standing should do such a thing, the unprofessionalism defies belief. Any evidence must be - and I hate the terms that the Americans use - "Bagged and tagged", and they were not. So the behaviour there was, quite frankly, unbelievable. If that was their level of professionalism then one has to doubt almost anything to do with their integrity. The second issue is that I understand part of this, or some of, or most of the in camera debate has been leaked. In other words, a Member of this Assembly or previous Assemblies, I do not know who it was, leaked this information. That undermines the integrity of every single one of us, and that individual should be hounded down and strung up in the Royal Square and made sure that he never enters this room again. Finally, we come on to the issue of confidentiality. If we have an in camera debate, it is precisely that: it remains in camera, it remains confidential. Can we, as Members of this Assembly, be trusted to respect that? I sincerely hope I can be trusted and I urge other Members of this Assembly to stand up and ensure that they too can be trusted to maintain the confidentiality of this Assembly, whether it is in an in camera debate or anywhere else in our duties as a States Member. That debate was in camera, those were the conditions under which it was held and that, we have a duty as States Members, to honour. I urge everyone to vote against every part of this proposition.

8.3.3 Senator P.M. Bailhache:

I am glad to follow the 2 Constables because I share some of their reservations but I have no doubt that the Assembly is going to approve this proposition of Deputy Higgins and, therefore, I shall be brief. But I want to make 2 observations: the first is that I believe the proposition will be approved, partly because it would be futile to vote against it, and partly because I think it is right in all the circumstances of this case that the privilege should be waived. The futility is illustrated by the note that we have all received from the Jersey Care Leavers Association, which says: "While we are aware that this document is already in the public domain ...". The unanswered question, and the Constable of St. John referred to this, is how it got into the public domain. We know that a copy was made available to States Members in the context of one of the debates, and presumably it is a sequel of that that the document is now on some of the blogs. I hope Deputy Higgins, who brings this proposition, will be able to give Members an assurance when he sums up that his conscience is clear; that he is not responsible for the leak, which was an absolutely egregious breach of Parliamentary privilege. It is important because, as the Constable of St. Martin said, those who spoke in the debate and who are not in the Chamber, will not have the opportunity to express a view as to whether what they said in camera should now be put wholly in the public domain. That is why, for my part, I would like to explore a little further how we have got ourselves into this position. The more important point, however, is that the reason why the debate was held in camera originally was to protect the interests of a public employee. That is why the provision is in the States of Jersey Police Law; it is to protect employees so that in the event of a debate on their conduct they are not embarrassed or undermined in the functions which they hold by any adverse comments which may be made with the privilege that we have in this Assembly. In this case, the individual concerned no longer has need of that protection; he has given evidence publicly to the Care Inquiry; everybody knows what his point of view is and he, indeed, has made certain allegations which make it important that the transcript, I think, should be released. The public interest has changed; it is no longer in the public interest that the secrecy of the debate should be maintained. The fairness of the issue now requires that the matter should be publicly released. Just as importantly, it seems to me, the Inquiry which we have set up has said that they think it may be relevant to their inquiries. Well, in those circumstances, there is absolutely no way in which this Assembly can prevent the Inquiry from having access to something which it thinks may be relevant for its conclusions. The second point that I wanted to make again has been touched on by the Constable of St. Martin, and I entirely agree with him that the consequence of this debate should be that in camera debates have had their day. I hope that the Privileges and Procedures Committee will examine the laws which require that a debate should be held in camera in certain instances and to see whether that situation can be avoided. An in camera debate in a legislative Assembly such as ours should be a contradiction in terms, other than in the very rare circumstances where national

security is in question. This Assembly is no longer a Government of the Island; it is a legislative Assembly where matters should be debated in public. I hope that the P.P.C. will give some consideration to this.

8.3.4 Deputy M. Tadier:

We seem to have crossed wires here at the back, but thank you for that. We do not seem to be having much of a very nuanced debate here. What is being requested by Deputy Higgins, and essentially by the Care Inquiry, does not happen in a vacuum; this cannot be seen as a very pedantic point of parliamentary procedure which we can isolate and talk about as if it were an academic issue. The wider context, of course, is that children in Jersey were abused systemically over decades while they were supposed to be in the care of people who were looking after them. That happened on the watch of a Government in Jersey, a States Assembly and carers either who did not have the correct structures in place, or worse, which is an allegation which is being made in some respects, that people did know, because you cannot have such systemic failure and child abuse going on without somebody somewhere knowing about it who could have done something, who should have done something about it. That is the reality which should hopefully ground us today. More specifically, the reason that this is being asked for is in the context of the suspension of a police chief officer which was made on the basis of statements that were made during an in camera debate. I think all those things are factual and hopefully brings us back to where we are. I do not see that we can be talking in absolutes here, people saying: "It is absolutely imperative that in future this creates a precedent" because it is relative, is it not, I would hope. I would always think that yes, of course, as a general rule we should always maintain our privilege where it is appropriate. We should abide by the rules of the Assembly and, if a debate has been in camera, would should respect that.

[15:30]

But that is only relative. If something comes out of the woodwork, an allegation, which is the case, has been made which suggests that the decision of the States was made on faulty information which was given at the time of that debate ... and I would draw to Members' attention that I was not in the Assembly at this time, so the only way I know about this debate is from something that is put on a website, which I think is on ricosorda.blogspot.com, has been reproduced there, which purports to be a handwritten documentation from Deputy Higgins. We have no idea exactly how accurate that is, but it certainly makes an allegation in there which says that the Minister for Home Affairs at the time told the States Assembly of his reasons for suspending the police chief. Later on information has come to light which brings into question the veracity of that statement. On this website which I am quoting from, which cannot be the transcript itself, the Minister of the time is purported to say: "Members will be aware that an investigation has been carried out by the Metropolitan Police and I was presented with a preliminary report on the basis of that investigation. So far as I am concerned, that is the preliminary investigation. I acted on the information that was contained in that and, in order to pursue a disciplinary investigation, it was necessary to suspend the police officer." Now, what arises from the fact is that there is another person or another group of people who are saying: "Well, that document either did not exist or, if it did exist, it certainly was not given to the Minister for Home Affairs and he would not have seen it. Therefore, that statement that he made at best was erroneous." If he knew that the facts were as they were when he said that, then the allegation is being made outside this Assembly that a States Member has lied to the Assembly and, with that false information conveyed, the States Assembly has made a decision in good faith because it did not know the information conveyed was either wrong or, even worse, was a lie. Now, which is worse for a member of the public; where does the public interest test lie? We have heard people standing up stating words such as "egregious", that we know that one man's freedom fighter is another man's terrorist, and it seems to me that one man's whistle-blower is another man's traitor, who needs to be hanged in the Royal Square, by all accounts; hopefully metaphorically speaking, by the Constable of St. John. Certainly, I want to get to the bottom of this; we have agreed whether or not it is controversial, we know it is controversial; we now have

the Independent Care Inquiry who need all the facts, because they are the only ones who can resolve these issues. It is important that the privileges of this Assembly are maintained where appropriate, but it is much more important that the public confidence of those outside who put us here, is maintained. Without wanting to get overly religious here, I know that most Members here might have gone to a church service just across the road, which is their wont at the beginning of a new calendar year when it comes to this Assembly. I am reminded of the part in Matthew where it says about: "You blind guides who strain out a gnat and swallow a camel." It seems to me that we have completely lost all objectivity and sense of proportion if we go with the last few speakers who have been talking in this fashion. What we are dealing with here is child protection, the prevention of abuse going forward in future, the shoring up of our parliamentary procedures and the structures that we have in wider civic society, and the confidence of this Assembly. We need to make sure that whoever was giving evidence and whatever was said in this Assembly, that the public interest test has been maintained. I think even Senator Bailhache himself has said that now the goal posts have changed. It was the case that in camera debates were put in place in this particular case to protect a public employee who did not have the right of recourse and the right of defending himself in this Assembly. But now it seems that the protection could be seen from an external point of view to protect one of our club from being held to account for what he said at the time, which no longer seems to necessarily be true, which is what some people are saying. Surely our States Member, who is still currently in the States now, needs to be able to justify what he meant in a public forum to put all this to bed one way or the other. It seems strange that many of us have been calling, or at least questioning, for in camera debates to not take place or to only take place selectively. It seems that we have a particularly reactive situation here when people are standing up who have maybe been quiet in the past, saying: "Well, all in camera debates now need to be abolished." So presumably, if it comes to something like national security, we either have a public debate on it in this Assembly or, more likely, is that decisions which are of a sensitive nature no longer come to this Assembly, they simply get made behind the closed door at cabinet meetings, which is maybe what happens elsewhere. But I would say that there may well be times in the future where there are appropriate scenarios for in camera debates. We know that we had one recently with the appointment of our esteemed Greffier. I am not saying that that should or should not have been made in camera; it was made in camera and the debate ensued consequently. I do not think that in future if that debate were to come out it would be catastrophic because I think we say things hopefully which we would stand by and which are true, more to the point. We cannot simply use the argument that Members will not feel free to speak openly in future if in camera debates are abolished, because the counter proposition could be put that Members might feel obliged to speak more honestly if in camera debates are also abolished. So I think we should all be supporting this. Please can we forego the spurious arguments that we heard. Let us wipe the foam from the corners of our mouths, if appropriate, and support this proposition because it really is the only sensible way forward.

8.3.5 Deputy A.D. Lewis:

I entirely support the principle of co-operating with the Committee of Inquiry and I believe that all minutes from the various States meetings mentioned in P.155 should be made available to the Inquiry team. I am the subject of much of the material so I will, however, be abstaining from the vote.

8.3.6 Deputy J.A. Martin:

Just briefly. I have never been a fan of in camera debates and I was in all these debates; I have been here long enough to not even remember what was said in half of them, but it was said. I have no problem with anybody out there hearing what I said or did not say; I do not know if I have spoken in all the debates, I have not been over at the Greffe to find out, and I do trust in myself. I trust that what I say in here, in camera or out of camera, I would say and I could be held to account for. There are also, from what the Constable of St. Martin has been saying, those who said what they said in these debates will still be covered by parliamentary privilege, left or not, if they are not

in this House. It was said in this House and they are covered. Senator Bailhache said this was done under the States of Jersey Police Law 1974, and we are now 2016; I totally agree, we need to be looking at the laws, and I am on one of the committees that do this: "It was to protect the policeman at the time." Yes, well, when these in camera debates are released there will be some protection for the policeman, there will not be some. There was some hysteria at the time and, to me, it is coming out again today. This, we must remember, is so totally relevant to the Committee of Inquiry and why the police chief was removed from his post was all to do with the handling of the inquiry into child abuse in Jersey. It is not a disconnect, it is not a one-off ... it probably is a one-off about in camera debates, but it goes back to the heart of: we instructed to have this Committee of Inquiry. We said openly: "You can have everything" and now we are getting very touchy about things that were said in this House in camera. I think people should not have a go at Deputy Higgins and tell him, well, sorry ... words I do not even understand, and that: "He should be ashamed", or: "Somebody should be hung drawn and quartered in the Royal Square." We should stand up today, we should all vote yes, we should get this out there. I am quite prepared to stand behind my words if I spoke in this, as I say, and I think everybody else should. We want this Committee of Inquiry to be fully open for everybody and, if "everybody" does not include us, turn the lights off when the last one leaves.

8.3.7 Deputy S.Y. Mézec:

As always, I am glad to follow Deputy Martin and agree wholeheartedly with her. I will speak just briefly. The Constable of St. Martin said in his speech ... I think his words were that he "felt uncomfortable" about this. Well, I also feel very uncomfortable about this and it is because I feel uncomfortable about it that I will absolutely be voting to support Deputy Higgins, and I hope that discomfort is felt by all Members of this Assembly. I hope it motivates a majority of us to also support this proposition. Let us be frank: some absolutely horrendous things happened in this Island in years gone by, and the reason that the States Assembly voted to have a Committee of Inquiry into this in the first place is for a number of reasons, one of which is to determine whether the processes which were undertaken in the investigation by the police and by the wider States of Jersey were the right ones. So when we have what the Constable of St. John did, which was to dedicate a section of his speech to criticising the way the former Chief of Police and Deputy Chief of Police handled the investigation once some of these allegations came to light, well, with respect, that is his point of view and he is entitled to that point of view. But the fact is we are meant to be having an inquiry which should have all the information it needs so that it can come up with an objective view on what happened, whether it was handled well, whether it was not handled well. Their ability to do that is impeded if this States Assembly votes to keep crucial information from the Inquiry. That is what I think the fundamental point here is. If the States votes against this proposition, outside this Assembly what are the public going to think? They are going to think: "What are they trying to hide? What is it they know that they do not want the Independent Care Inquiry to know?" That is the simple fact of the matter here. We will look like we are trying to cover it up, and there are no 2 ways about that. That may not be Members' intentions when they are voting against it, and some of them I am sure it is not their intentions, but that is what it will look like. Everybody will then be able to look at whatever the Care Inquiry comes up with at the end, and they will be able to come up with a perfectly legitimate criticism: "Well, yes, this is what they say but remember the States Assembly of the Island got in the way and tried preventing them from having the documentation they needed to come up with the appropriate and correct conclusions." I will very enthusiastically be voting in favour of this proposition. I am glad to be doing so, and know that I am doing so. I refer to this note which we had put in front of us this morning from the Jersey Care Leavers Association. I have a huge amount of respect for that organisation and I am glad that they have come out and said this, and I hope that Members will listen to the proposition of Deputy Higgins and vote to do something right, which is to assist the Care Inquiry with the information so that they can go forward and come up with their eventual report. This issue about in camera debates, well, it is a bit of a red herring because the Standing Orders of the States do not say an in camera debate will never, ever, ever be published; there is a

get-out clause in there. So when we stand up and speak in in camera debates, we are not speaking knowing that our words will never, ever be seen or heard by anybody else, we are speaking knowing that they probably will not be seen or heard; not that they never will but that they probably will not. On those occasions, I never, ever say anything in this Assembly that I would not be prepared to say outside the Assembly. I hope other Members take that attitude too. We are not elected by the public to be unaccountable and to keep secrets from them; we are meant to be open and transparent and, on this occasion, it would be a good gesture to show that we are committed to transparency and openness by making this transcript public.

8.3.8 Deputy S.M. Brée of St. Clement:

Having listened to the debate, it seems to be that the arguments are falling into 2 areas: that being the whole issue of in camera debates and the second one being the actual proposition as amended itself. I would like to just put to one side the issue of in camera debates by saying that I believe in open and transparent government. I am not a supporter of in camera debates unless it may have something to do with national security. But I would suggest that we leave that debate for another day. Let us look at the actual proposition itself: it is not going to set a precedent in the sense of it is very specific in what it is setting out to do.

[15:45]

What it is setting out to do is to provide the Independent Care Inquiry with the information that it needs, or it believes it needs, in order to do the role which we have asked it to do. We as an Assembly have voted to provide a large amount of resources and money to this independent care inquiry. If we do not vote in favour of this proposition then we are denying them the ability to carry out the task which we, the States of Jersey, have mandated them to do. I would also suggest that Members, when thinking about how to vote about this, think about whether or not we, the current Members, have a duty of care to the population of this Island. That duty of care, which I firmly believe in, is to ensure that the independent care inquiry is given all resources and all it needs to carry out its inquiry. That is our duty of care. If we fail to support this proposition then we not only fail in our duty of care but we send a resounding message out to the world that: “No, well, sorry, we do not support the independent care inquiry.” So I would urge all Members who are considering voting against this proposition to search their consciences and to think about the implications of what we are debating here today. As you may have guessed, it is my intention to fully support this proposition.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? If no one else wishes to speak I call on Deputy Higgins to reply.

8.3.9 Deputy M.R. Higgins:

I would like to thank everyone who has spoken in this debate. I think I am going to start with Senator Bailhache’s contribution and the main reason for that is he said that he would like me to state that my conscience is clear and that I did not leak the in camera transcript. I am quite happy to say my conscience is clear. I am not only prepared to put my hand on my heart and say I did not do it, I am also prepared to put it on a Bible. I did not release the transcript to the in camera debate and that, by the way, is in my evidence to the Care Inquiry. So to put matters straight I was not responsible, I do not even know who did, so that is as clear as I can possibly be. The debate in some ways has gone the way I expected it would. I knew that some Members would be uncomfortable with the fact that information is being released when perhaps some Members had the expectation it would not come in. But the circumstances in this case are such that we should. We have set up a Care Inquiry to find the truth. We have spent an awful lot of money on the Inquiry and we have to get to the bottom of what went on to, therefore, I believe we have to continue with what is going on and provide as much co-operation as possible. We have already seen one court case where a States Department did not want to provide information to the Inquiry and it has been heavily criticised, not only by the court but also in the press. The other thing I

would like to say - and Senator Bailhache also said it - the public interest is that this report should be - not one report but all the reports that are listed in the proposition - should be released. We have to be as open as possible. I also believe and support the comments by others. I believe that we should do away with in camera debates and I do believe that we should say what we want in public and be prepared to stand by our words. We should never be afraid to speak in this House and say what we think or what we believe to be the truth. I am firmly of the belief that the trust and integrity of the States is being looked at here and the public - and certainly the victims - will not forgive us if we do not fully support the Care Inquiry and give them all the information that they require. A comment was made about part (b) of the proposition and I changed it in my amendment. The reason was although the Care Inquiry have not told me they want to interview committee clerks or officers or anybody else, they know that certain Members of the States wish to give evidence and, therefore, we have to have permission from the House for them to do so. If, however, they do at some point wish to speak to officers or speak to clerks then we will have dealt with the issue now. It just means that we do not have to come back to the House and try again and have a debate to get permission for these people. It is just good housekeeping effectively. They may never want to speak to them but if they do they can do if this proposition is passed today. I do not want to labour the point, I think the case has been made. Graham Power, who was the person who was suspended in November 2008, has given his consent to the transcripts being released. He has no fear on that and believes that it is in the public interest that they should be. So it is not a question of the person about whom the debate was concerned is not in agreement and will be affected by it, all we are talking about is will some Members or former Members be worried about what they said. I personally have been through the transcripts, I have been across to the States Greffe and read them, and to be perfectly honest I do not think people should be. If they believed what they said at the time or they had information at the time then that is fair enough, they should stand by it. As I say, as politicians we should not be afraid of criticism if some people do not agree with us. Many will agree, maybe others will not. I am going to leave it at that and I am going to call for the appel and if we could take it in the 2 parts. So in other words part (a) agreeing to all the transcripts being released and then part (b) giving permission for States Members to give evidence to the inquiry.

The Deputy Bailiff:

There is also part (c), Deputy, which is the additions.

Deputy M.R. Higgins:

The additions, yes, sorry, so (a), (b) and (c). Therefore, yes, I call for the appel.

The Deputy Bailiff:

Do you wish to take (b) and (c) together or (b) and then (c)?

Deputy M.R. Higgins:

I think (b) and (c) together. You are looking doubtful. I will follow your advice, we will go (a), (b), (c).

The Deputy Bailiff:

I suppose there is an extent to which (b) overlaps (c) in the sense they both cover States Members, but it does not seem to me there is any harm in taking them separately because there is a difference in span to the others. Very well, the appel is called for. I invite Members to return to their seats. The vote is on part (a) of the proposition. I ask the Greffier to open the voting.

POUR: 43		CONTRE: 3		ABSTAIN: 2
Senator P.F. Routier		Connétable of St. Martin		Connétable of St. Mary
Senator P.F.C. Ozouf		Connétable of Grouville		Deputy A.D. Lewis (H)
Senator A.J.H. Maclean		Connétable of St. John		
Senator I.J. Gorst				

Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

We are now voting on paragraph (b) of the proposition. I ask the Greffier to open the voting.

POUR: 44	CONTRE: 2	ABSTAIN: 1
Senator P.F. Routier	Connétable of Grouville	Deputy A.D. Lewis (H)
Senator P.F.C. Ozouf	Connétable of St. John	
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator A.K.F. Green		
Senator Z.A. Cameron		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Peter		

Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Lastly, paragraph (c) of the proposition. I ask the Greffier to open the voting.

POUR: 44		CONTRE: 2		ABSTAIN: 1
Senator P.F. Routier		Connétable of St. Martin		Deputy A.D. Lewis (H)
Senator P.F.C. Ozouf		Connétable of Grouville		
Senator A.J.H. Maclean		Connétable of St. John		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				

Connétable of St. Saviour				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

Deputy M.R. Higgins:

I would like to thank everyone for their support of the Care Inquiry.

9. Draft Policing of Roads (Amendment No. 9) (Jersey) Regulations 201- (P.138/2015)

The Deputy Bailiff:

Very well, the next item is the Draft Policing of Roads (Amendment No. 9) (Jersey) Regulations 201-lodged by the Minister for Transport and Technical Services, now Infrastructure - P.138/2015 - and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Policing of Roads (Amendment No. 9) (Jersey) Regulations. The States, in pursuance of the Order in Council of 26th December 1851, Article 92 of the Road Traffic (Jersey) Law 1956 and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, have made the following Regulations.

9.1 Deputy E.J. Noel (The Minister for Infrastructure):

This change of Regulations is a very simple one. The aim is to improve the ability of the Parish of St. Helier to police its roads, in particular with regard to the control of dog fouling. Indeed we have undertaken this change at the request of the Constable of St. Helier and we are more than happy to do so. It is, therefore, appropriate that I leave it up to him to explain how this change in regulation will help the Constable increase the number of officials who are able to undertake such policing matters, should Members require any further information, and I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** The principles, I should say, I beg your pardon, I should have said principles.

9.1.1 The Connétable of St. Martin:

I thought the Constable of St. Helier might have been speaking first. There are just a couple of issues I would like to raise with the Minister and to share with Members and hope he may be able to broaden when he responds. It will be interesting to see how the media report the proposition if approved today, and will it be angled towards St. Helier and the move to reduce dog fouling on the streets. It is far more reaching. I am sure all Members have read their papers, it is far more reaching than Members may be aware of, and certainly the media. I will be supporting the Minister's proposition but I think we have to be cautious on a number of issues. The report accompanying the proposition initially indicates that this relates to St. Helier, but of course it is Island-wide. It will enable all Connétables to appoint authorised officers to police some of the activities on any roads around the Island. It may help in particular with St. Helier, where the Connétable already has a number of paid wardens for other duties, but it is unlikely to be the answer to the problem that exists. I think it has been brought in because of the frustration that nobody is policing the law at the moment, or very few are policing it at the States Police. The authorised person facility already exists under the policing of beaches. The authorised person facility already exists under the policing of parks legislation, and of course it makes sense to introduce it to the third of the trio of these pieces of legislation. However, I wonder if the respective Ministers - the Minister for Economic Development, Tourism, Sport and Culture, and the Minister for Infrastructure - could tell this Assembly how many people have been reported by authorised persons under those relevant pieces of legislation, beaches and parks, in the past 10 years. I doubt they would be able to, it is very unfair to ask off the cuff, but I would suggest very, very few offenders have been reported by authorised persons for offences under that legislation. How many for dog fouling on a beach? Few, if any. Members will probably not believe it but many years ago I had a surfboard and would go down to 5 Mile Road and I would be summoned from the surf with my surfboard along the 5 Mile Road by a beach inspector or a harbour official who would want to examine my surfboard, the tax disc on my surfboard, and I could not have a tax disc without insurance. Those officers also patrolled the beaches at the time. I cannot recall the last time I saw a States beach inspector or an authorised person on a beach, and sadly my surfing days have finished. I am not even sure if the Minister for Economic Development employs anybody to police the beaches, and the dogs on the beach issue is something that is very topical at the moment. Presumably the Minister for Infrastructure has authorised these States park keepers and others and issued them with identity cards to police these parks as authorised persons, but I am not sure how many reported offenders for offences committed in these parks. I have a park in our Parish which comes under my authority. I have 4 authorised persons appointed by myself and we have had no prosecutions and only a few people advised. The States Police and Honorary Police have a power to carry out policing but not much is done. So the Minister has not identified in his initial comments the offences that these people or authorised persons will be able to deal with on their streets. Dropping litter; minor damage; behaved or clothed in a manner to offend public decency; they will be able to ask the person's name and address, and it is offence to fail to give the name and address; reporting homeowner's who do not put their proper rubbish in dustbins; throwing fireworks; to name a few. If supported today the Parish will now be able to decide if they wish to appoint persons and whether the role will be voluntary or a paid role.

[16:00]

We will or could consider authorising our Parish staff members, maybe our Roads Committee members or roads inspectors or nominate people. The comments in the paper, there will be no additional financial and manpower implications arising from the proposed draft Regulations. Indeed there are none, none for the taxpayer or the States. There could indeed be some for the

ratepayer unless we seek further unpaid volunteers, honorary positions to undertake this role. I am thinking of things like uniforms, training costs, health and safety and the like, identity cards of the authorised persons. So although the proposal is not the answer to everything, it is probably better and greater than what we have at the moment, but it is not quite as straightforward as suggested maybe today by the Minister. I remain cautious that these people do not or are not seen as replacements for police officers, be that Honorary or States Police, or that the officers themselves, States or Honorary, think they have no longer the role to play in this policing role. This should be a working partnership between the Parishes and the States and not just passing the responsibilities because there are main roads which come under the Minister and byroads which come under the Parishes, but this amendment to the piece of legislation relates solely for the Parishes to appoint, not the Minister. I do hope some persistent offenders are reported by these authorised persons. Thank you.

9.1.2 Deputy M. Tadier:

I think some credit needs to be given to maybe the mover of this proposition but also probably to the Constable of St. Helier, because it seems to me that for a long time this has been one of the peeves. It is quite down there in some ways in politics when we deal with hospitals, education, and so on, and roads - although this does deal with roads as well - it seems to be one of those issues which should have been resolved fairly easily and people cannot understand why it has not been. So I think credit is due there, although we have not yet seen the scheme up and running and of course the devil is in the detail. I do have a question perhaps about how it might be administered in reality and why it was not conceived that we could have a centralised system whereby permits are issued by the States or by the Minister himself. I admit that I am not necessarily fully up to speed on the particular regulation of the 1959 Regulations, but it seems to me that things like cliff paths, will they be included in these provisions, because fields for example which may be publicly accessible, and what if the roads and areas are not necessarily under Parish ownership but they are under States ownership, or they are in fact under the ownership of the ever-increasing number of quangos that we see existing in Jersey, i.e. the privatised element of Government. How will this be administered in reality? Perhaps the Minister can shed some light on how those considerations might have been put into the mix in ultimately administering this proposal.

9.1.3 The Connétable of St. Helier:

Many of us know that the Constable of St. Martin used to be a police motorcyclist but not many of us knew that he was also a surfing dude, so that is a new thing that we know about him. He does question the importance of this amendment to the legislation and he did point out in his speech that not much is done with regard to the offences listed in the Policing of Roads Regulations 1959 by the Honorary Police or the police. I suppose that, in a way, is the whole point. Certainly as far as St. Helier is concerned, our Honorary Police officers and the States of Jersey Police are really far too busy dealing with substantial crimes, or in the case of the Honorary Police, policing the many events that happen in St. Helier to, for example, stop somebody defacing the surface of the road or any public property they are on by writing marks. There is a whole list, foul the road with saliva, mucous or other excrement, and so on.

Deputy M. Tadier:

Is that “Marx” with an X or is it “marks” with an A-R-K-S?

The Connétable of St. Helier:

Basically these are offences which do affect the quality of life of people who live in Jersey, particularly in the urban areas, and the purpose of this amendment is to allow the extra officers that St. Helier currently employs to not be prevented from enforcing the existing law when they go out of the park on to the pavement, for example. The beaches are covered, we know that, but there is simply this area where our officers time and time again say: “We would have enforced the law if we had the powers to do so.” So I think this is a welcome amendment, it is an example of how well the Parish and the newly named Department of Infrastructure are getting on. Hopefully this will

satisfy the Constable of St. Martin and we will see more people being prosecuted for these kind of antisocial events which can make living in a congested place really quite unpleasant. So I thank the Minister for bringing the amendment and suggest that Members support it.

9.1.4 Deputy S.M. Wickenden:

I just thought I would ask, in it is says: “To enable the Parish to improve its policing of roads, in particular for the control of dog fouling.” Obviously there are other things in there, it just highlights one of the many things that this Regulation will change. I just want to know, will this also include being able to issue fines for fly-tipping that we are now likely to start to see soon after the waste refuge charge will be brought in later on.

The Deputy Bailiff:

Does any other Member wish to speak upon the principles? If no other Member wishes to speak on the principles I call upon the Minister to respond.

9.1.5 Deputy E.J. Noel:

I thank all Members that have contributed. I thank the Constable for clarifying the situation and the matters raised by the Constable of St. Martin. With regard to Deputy Tadier’s point about cliff paths; under the definition of the law it means any public road or any public place, but excludes any place to which the Policing of Beaches (Jersey) Regulations 1959 or the Policing of Parks Regulations 1962 applies. So in the broadest terms I would have assumed that cliff paths would have been included under that “any public place” definition. With regard to Deputy Wickenden’s concern about fly-tipping; yes, these authorised persons, I would have presumed, will complement those that already do have the powers to take names and addresses to report people carrying out such actions, as indeed any of the actions laid out currently in the law. I maintain the Regulations. I do not wish currently to vote the appel, I think we can do this under a standing vote.

The Deputy Bailiff:

Those Members in favour of the principles kindly show. Those against? The principles are adopted. Does the Environment, Housing and Technical Services Scrutiny Panel wish to scrutinise this legislation? Minister, would you wish to propose the Regulations in Second Reading?

9.2 Deputy E.J. Noel:

I do. Just very, very quickly, Regulation 1 obviously is the definition of the authorised person, and Regulation 2 inserts a new Regulation into the principal Regulations requiring a Connétable to issue each authorised person it appoints for the purpose of these Regulations with an identity card.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? No Member wishes to speak on the Regulations, then those Members in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you wish to propose the matter in Third Reading, Minister?

Deputy E.J. Noel:

I do, sir.

The Deputy Bailiff:

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

10. Draft Planning and Building (Amendment No. 7) (Jersey) Law 201- (P.142/2015)

The Deputy Bailiff:

The next item is the Draft Planning and Building (Amendment No. 7) (Jersey) Law, lodged by the Minister for Planning and Environment - P.142/2015. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Planning and Building (Amendment No 7) (Jersey) Law. A law to amend further the Planning and Building (Jersey) Law 2002 and the States of Jersey Law 2005. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

10.1 The Deputy of St. Martin (The Minister for the Environment):

I am sure that Members will have realised while reading this proposition that these amendments are mainly points of housekeeping. They, in the main, represent minor changes to the Planning and Building Law in the interests of better regulating the planning and building process. I might say that it is my intention to bring more amendments as and when I can find changes that can improve regulation even further. Of particular interest in this set of proposals are amendments which we name the current Planning Applications Committee as the Planning Committee so as to avoid conflict of the acronym with the Public Accounts Committee, something that has been requested in this Assembly in the past. The change also reflects the increased importance of this committee and the fact that the committee has a broader remit than just considering applications for planning permission. Amendments also include the introduction of the ability to charge a fee for an application and to vary or remove a condition previously attached to a planning permission. This is also the mechanism used to renew a planning permission. The ability to raise a fee for such applications will contribute to the cost of processing the applications, it may also persuade the applicant to commence the development within the originally required timescale. Members will know that I have on a number of occasions publicly said that I want to introduce measures that encourage developers to build-out approvals that they have secured, and this is just one such measure. Other amendments include clarification that the Minister for the Environment will determine applications that have been the subject of a public inquiry - again, that is something that has been requested in this Assembly - making it a statutory requirement to explain any building approval granted contrary to building bylaws; allowing for the prosecution of anyone acting as a certifier of design who makes a false statement; and finally, clarification of types of sites of special interest. The Planning and Building (Jersey) Law 2002 establishes the statutory framework for land use, planning, and the control of building operations. As well as setting the process for the formulation of the Island Plan, the control of development and the regulation of building works, the law also provides for the safeguarding of the built heritage and important archaeological, ecological and geological sites of special interest. I am sure Members will agree that these proposals are small but important changes to the law and I am happy to answer any questions, if required, but at this point I would just like to propose the principles.

The Deputy Bailiff:

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

10.1.1 Deputy S.M. Wickenden:

I would just like to say that I think this is a very good draft and I fully support it, especially as I am on the Planning Applications Committee and the Public Accounts Committee, this is going to make my life a lot easier.

The Deputy Bailiff:

If no other Member wishes to speak on the Principles I call on the Minister to respond.

10.1.2 The Deputy of St. Martin:

I would just like to thank the Deputy for his support.

The Deputy Bailiff:

Those Members in favour of the principles kindly show. Those against? The principles are adopted. Do the Environment, Housing and Technical Services Scrutiny Panel wish to scrutinise this? How do you wish to propose the Articles, Minister?

The Deputy of St. Martin:

If Members are content I am happy to propose them *en bloc*.

The Deputy Bailiff:

Are the Articles seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Articles? If no Member wishes to speak on the Articles in Second Reading then those Members in favour of adopting the Articles *en bloc* kindly show. Those against? The Articles are adopted in Second Reading. Do you wish to propose the matter in Third Reading, Minister?

The Deputy of St. Martin:

I do, thank you.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the law in the Third Reading? If no Member wishes to speak then those in favour of adopting the law in Third Reading kindly show. Those against? The law is adopted in Third Reading.

11. Jersey Law Commission: appointment of Commissioners (P.149/2015)

The Deputy Bailiff:

The next item is the Jersey Law Commission: appointment of Commissioners, P.149/2015, lodged by the Chief Minister. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 30th July 1996, in which they approved the establishment of a Jersey Law Commission, and (a) to appoint the following as Commissioners of the Jersey Law Commission for a period of 5 years, with immediate effect: Mr. Jonathan Walker, Ms. Claire de Than, Advocate Barbara Corbett; (b) to re-appoint Mr. Clive Chaplin as Chairman of the Jersey Law Commission for a further period of 5 years, with immediate effect; and (c) to reappoint Mr. Malcolm Le Boutillier as a Commissioner of the Jersey Law Commission for a period of 3 years, with immediate effect.

[16:15]

11.1 Senator I.J. Gorst (The Chief Minister):

Hopefully this is self-explanatory as the Greffier has just read out. I am extremely grateful to those who serve on the Jersey Law Commission. They do so on a voluntary basis and their work is invaluable and helps to inform government policy and certainly helps the work of the Legislation Advisory Panel. I am pleased that those 3 individuals have put their names forward and I propose that they serve for a period of 5 years together. I am grateful to the Chairman who is content for his name to go forward to continue as chairman and Mr. Le Boutillier who will serve again for a period of 3 years until his retirement. So I propose those names to the Assembly.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, those Members who are in favour of adopting it kindly show. Those against? The proposition is adopted.

12. Minimum Wage: revised hourly rate from 1st April 2016 (P.150/2015)

The Deputy Bailiff:

The next item is the Minimum Wage: revised hourly rate from 1st April 2016 - P.150/2015 - lodged by Deputy Mézec of St. Helier and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Social Security (a) to revoke the Employment (Minimum Wage) (Amendment No. 9) (Jersey) Order 2015, scheduled to come into force on 1st April 2016, and to take such steps as are necessary to make a new Order fixing the minimum wage at £7.20 per hour from 1st April 2016; and (b) to investigate the impact on the tax and benefits system of a significant rise in the minimum wage, sufficient to lift recipients out of relative low income, and to assess the impact that any changes arising from the introduction of the “National Living Wage” in the United Kingdom could have on the structure and level of the Jersey minimum wage, and to report to the States by December 2016.

12.1 Deputy S.Y. Mézec:

I am also pleased to note that my comrade, Senator Ozouf, is wearing red today which I take it will be a sign he will be supporting me. That is good to see.

Senator P.F.C. Ozouf:

Sir, a point of clarification, so are you wearing red and the Minister for Social Security. **[Laughter]** I do not know whether that is also relevant. I am slightly worried that it may cast the same aspersions.

The Deputy Bailiff:

Thank you very much, Senator.

Deputy S.Y. Mézec:

Well I am wearing my blue tie today and that will become apparent, the reasons why, later on in my speech. **[Interruption]** Members will see. As I sat down to write this speech yesterday evening, the news headline that I could see on my computer screen read: “Wealth of the world. Richest 1 per cent now equal to other 99 per cent.” This was the calculation that Oxfam has made using the data they acquired from Credit Suisse for the report which they released recently entitled *An Economy for the 1 per cent*. They also found that the richest 62 people in the world had as much wealth as the poorest half of the global population combined. Now just 5 years ago it would have taken 388 individuals to have had the same wealth as the bottom 50 per cent, so much worse has income inequality become in such a short space of time. It is because I believe in equality and social justice that I find these figures to be absolutely grotesque. I believe wholeheartedly that it is the Government’s responsibility to do what it can to create a more equal and fair society and I believe that in Jersey, the picture is no different. The Income Distribution Survey which was released at the end of last year has shown that inequality in Jersey has now become worse than in the United Kingdom when the previous survey 5 years ago showed then we were doing better than them. The average standard of living for the poorest 20 per cent in Jersey has reduced by 17 per cent over the past 5 years; 56 per cent of single-parent households are now living on a relative low income and so are a third of pensioners. All of this has happened, as a Freedom of Information request has shown, that in the past decade the number of people in Jersey earning above £1 million a year has quadrupled. I believe that, sadly, things are probably going to get worse from here on in. The Government, which is pursuing what some of us consider to be an ideologically-driven austerity agenda, has already decided to cut £10 million worth of support to the poorest and most vulnerable people in Jersey: that is the pensioners, single-parent families and disabled Islanders. Now the world is becoming a more unfair and unequal place and it is getting worse because of complacent governments who, let us be perfectly honest here, are beholden to the interests of a

small minority group in whose interests they serve, despite not having any real democratic mandate to do so, and despite any evidence whatsoever that this economic strategy will produce any long-term or widespread benefits for the population as a whole. In fact, all the evidence from the O.E.C.D. (Organisation for Economic Co-operation and Development) and the I.M.F. (International Monetary Fund) shows that the exact opposite is true and it is the more equal societies which have better prospects for economic growth and happier societies as well. Now Oxfam made several recommendations on how they think governments can reverse this trend and begin to make a tangible difference to ordinary people's lives and to the economy. They made suggestions like ending the gender pay gap, reducing the price of health care, taxing wealth rather than consumption and using progressive public spending to tackle inequality, which is pretty much basically the Reform Jersey manifesto. But one of the fundamental suggestions they made was to introduce a living wage so this is what my proposition today is about moving towards. Now the Chief Minister said about a year ago that he was going to make reducing poverty one of his Government priorities. Then we saw a few months later the publication of the Strategic Priorities document in which the word "poverty" did not appear once and instead it laid down the foundations for a fiscal plan over the next 3 years which is probably going to make conditions for the poorest and most vulnerable people in Jersey much worse. At the time I challenged the Chief Minister and said, when he made that statement at the time, to support Reform Jersey's then proposition which was being brought forward by Deputy Southern to raise the minimum wage to demonstrate his commitment to reducing poverty, which he declined to do so then, and has indicated that he will be doing the same this time round. Now at the time ... well there was a time previously when people like me could have just dismissed that and said: "Well, yes, it is just what you expect. It is the same old Tories ideologically attached to a broken economic model which serves the few above the many just like they always do." But, no, not this time. Because even the Conservative Party in the U.K. is surpassing everybody's expectations and increasing the minimum wage and setting out a path to a £9 an hour national living wage by the end of the current Parliament in 2020, not only outdoing what the Labour Party was suggesting they would do if they got into Government, but also leaving Jersey's Government even more isolated in this political context. So I say if Reform Jersey can plagiarise George Osborne's policies, surely it is not too much to ask the Council of Ministers to do it just this once as well. That is why I am wearing the blue tie, by the way. So, as my report says, if you take the current trends we have seen in the nominal increases in the minimum wage since it was introduced, it is going to take Jersey an entire decade before we reach the U.K.'s level of £9 an hour. We are not going to get there until 2030. Now surely that cannot be right to say that we are going to allow the situation to develop where we are an entire decade behind the U.K. on how we pay the lowest-paid workers in Jersey. So the question I ask to States Members is this, is it acceptable for Jersey to have a minimum wage which is a decade behind the U.K.'s? I do not believe that there will be Members of this Assembly who seriously believe that that is a tolerable situation. If you accept that it is not tolerable, as I suspect most Members do, then surely the position, the automatic position, is to support at least part (b) of this proposition because we all accept hopefully that there is a problem with the minimum wage which is going to have to be addressed in some form or another. Because the fact is that the campaign for a decent living wage is not going to disappear any time soon. The principles of it are becoming more mainstream every single day and more and more Governments of all political persuasions, politicians, businesses and economists are understanding the value of the concept and working towards putting it into practice. So, the minimum wage is never going to go down; it is only ever going to go up. The question is by how much and how fast? That question of speed is a fair question and it is one which is alluded to in the Council of Ministers' comments. They talk about giving appropriate notice for businesses and they also refer to the legitimate worries which were expressed by the Chamber of Commerce about getting it right with sensible increases rather than big jumps. Of course, I completely agree with what they say in this area as, to be honest, I often do. But the fact is, because we are set to be a decade behind the U.K. unless we take action, and the timetable that is given in the Council of Ministers' comments shows that we might not make any meaningful progress until 2018, that

means that we would end up with just 2 years to catch up or we would fall behind, neither of which, to be perfectly honest, is an acceptable situation. So this proposition means that we would have double the length of time to spread out these increases which would surely make it easier for businesses to cope with it. So I do not particularly buy that argument being pursued by the Council of Ministers. So I know when I sit down and the debate begins we will hear, I presume, from the Minister for Social Security, who will lay out the position of herself, her department and the wider position of the Government, and I want to ask Members when she speaks, or when the Chief Minister speaks, to listen to the words being used and, in your head, work out what is being argued. Is it an argument against the proposition or is it an argument against the living wage altogether? I think we are likely to see that most of it will be an underlying distrust of the idea that paying our lowest workers a bit more would be good for the economy. So the comments which were lodged by the Council of Ministers at the last minute - which seems to be what they do as a matter of standard practice now - a couple of times it refers to businesses offsetting the increased wages with job losses which, to be frank, is the same old tired line that has always been used about the minimum wage. It was said before the minimum wage was first introduced that it would cause mass unemployment, and the same Doomsday predictions are made when it is suggested that it is raised, and every single time they are proven to be either complete nonsense or fantastically simplistic. The evidence shows that when unemployment is able to be attributed to a rise in the minimum wage it is usually offset by the employment that is created by the extra economic growth, which is inevitable when the lowest-paid workers get more disposable income. So the idea that it creates unemployment simply cannot be demonstrated to be true in any way which is not a simplistic, overly-simplistic, and therefore inaccurate way of looking at the situation. I find it strange that when the Government proposes its own increases to the minimum wage, which it does more or less every year, that this argument does not seem to be raised. It is only when we talk about doing further rises to it that that somehow comes forward as an argument which shows to me that the position is held disingenuously. So, this proposition, part (a) of which is to agree that from 1st April next year we are not going to let Jersey's minimum wage fall behind what will be the effective minimum wage in the U.K. Okay, they are not calling it a minimum wage, it is the national living wage, which is a title that they have been criticised for giving it because it is misleading at the end of the day, but it is essentially what the minimum wage will be for the vast majority of workers in the U.K. It is about saying: "We are not going to let an Island which has a cost of living which is much higher than the U.K. fall behind." I think that is an entirely sensible position and that is what part (a) is about. Part (b) is about saying: "Right, well, we know what the future of the effective minimum wage in the U.K. is going to be. We know it is going to be £9 an hour by 2020." It is about saying: "Right, knowing that that is the context that we find ourselves in, we need to look at ours because we cannot have the situation where we end up falling 10 years behind it." So that is what this proposition does. It gives the States an opportunity to debate that and consider those points. I hope that at least one part of the proposition can be seen as acceptable and therefore adopted. From my point of view, I am doing it to show my support for Jersey's lowest-paid workers who are struggling more than ever to make ends meet.

[16:30]

I hope that Members are not too ideologically aligned to an economic ideology which is being shown all around the world to be a complete failure. I hope Members will demonstrate on this argument to be on the right side and to support our lowest-paid workers.

12.1.1 Deputy S.J. Pinel:

Like the Deputy, I also hope and expect to see employees receiving higher wages. But this is not the right way to do it. Our aspirations are very similar to those of the U.K. Government. The States of Jersey intends to push the minimum wage to 45 per cent of mean earnings - not 45 per cent of median earnings, as the Deputy's report says - by 2026, not 2030. The U.K. aspires to reach 60 per cent of median earnings. These are both measures of average earnings, but they are calculated differently and the mean is usually higher than the median. In Jersey, 45 per cent of

mean earning is equivalent to 57 per cent of median earnings. It is right that we look at developments in other countries, but we need to take our own decisions based on what is right for Jersey, rather than copying U.K. rates. Part (a) of the proposition would apply a minimum wage of £7.20 to all employees over age 16 in Jersey. The first difficulty I have is that the £7.20 rate in the U.K. will only apply to the over-25s. The proposition does not address this very important difference. Minimum wage rates for other groups in the U.K. are far lower than in Jersey. For example, the rate is £3 less per hour for those aged 16 to 17. If a minimum wage of £17.20 applied to a wider age group in Jersey than in the U.K. the cost implications for businesses would be far greater. A survey has estimated the cost of the U.K. increase to be around £600 per employee in the first year. We must allow the Employment Forum to conduct its planned annual review, which will look at the options for a higher rate, taking age into account. The second difficulty I have with the proposition is that the £7.20 rate would apply in 10 weeks' time. I accepted the minimum wage recommendation in September, so that employers would have 6 months' notice of the new rates. A significant wage increase at short notice would be totally irresponsible. A higher minimum wage appears to bring income support savings, but benefit costs will increase if employers cannot afford the unplanned additional wages. The U.K. announcement came as a surprise to many, but at least employers were given 9 months' notice. The Low Pay Commission will report to the U.K. Government next month on the potential impact of the minimum wage of the over-25s. We should take the opportunity to consider that report. Connétables in the rural Parishes will understand the difficulty of a large and unplanned rise in the minimum wage. This additional 23 pence could be the death knell of the farming and hospitality industries. I have already approved an increase that is greater than the increases in average earnings and prices. The independent Employment Forum will start its review in April and will report to me in September. We must allow that statutory process to take place with the political steer that we have already given. The Forum has assured me that sensible increases will allow us to reach the States target within the agreed timeframe. It is vital that part (b) of this proposition is also rejected. Members may think this is just a review and it will not hurt to do the work. However, we have set up a very competent non-political and independent body to conduct an annual review of the minimum wage. We have already agreed to direct the Forum to look at the U.K. position this year and to consult on a higher minimum wage for different age groups. A separate review this year would be time consuming, unnecessary and would totally undermine the work of the Forum. In addition to this, the Statistics Unit has agreed to ask employers about the potential impact of a higher minimum wage in its March Business Tendency Survey. The turnaround on this survey is quick and so we will feed this information into the forthcoming minimum wage review. I urge Members strongly to oppose both parts of this proposition. Thank you.

12.1.2 The Connétable of St. Martin:

I think both Deputies might be pleased to see I am wearing a blue and a red tie today. **[Laughter]** As a relatively new Member of the Assembly, I think this is the fifth minimum wage versus living wage debate that I have been in this Assembly to debate. The difference this time, the proposition is brought by Deputy Mézec and not Deputy Southern. I think it is the fifth letter that I have received from the President of the Jersey Farmers' Union of the situation and what the situation will create if we support the proposed increase from that recommended, in this case, already approved unanimously at this Assembly, as recently as 1st December just passed. I say this not in fun, not light-heartedly, because I can understand both sides of this serious situation. I wish I knew, and I think we all wish we knew, the answer to the best way forward. The Deputy and his Reform Party colleagues, and of course many other Members, think that we have it right and the living wage is the way forward and would bring more self-respect and more self-esteem to hard-working individuals at the lower end of the wage structure and a reduction in income support payments and therefore a saving to the Social Security Department and to the States. The more money being spent today is disposable income. The Minister for Social Security and the Council of Ministers, who have submitted a comments paper, think, and of course as do others, that we already have it right with the minimum wage. We have followed the recommendation of the Employment

Forum who are there for that very purpose; that the committed increase to reach the 45 per cent of mean weekly earnings no later than 2026. It is creeping up as agreed. Albeit, I note, that there is the get-out clause, subject to consideration of jobs, competitiveness and the economy. And that was subject to an interesting debate that I read over the weekend, which took place with the Minister for Economic Development in 2010 in this Assembly. Members were arguing the same points then as they are today. That work will continue with the Employment Forum this year for the future increases and a review will continue for the next wage increase on the minimum wage process. I find it very difficult now to change a vote then, of something that this Assembly agreed in December, unanimously approved just 7 weeks ago. I think I cannot support part (a) of the Deputy's proposition. However, I am inclined to support part (b) if the Deputy is intending to take the 2 matters separately today, the red part of my tie, maybe. I think Members can agree, I do not sit on the fence. We have seen that earlier this afternoon. If the second part is approved today, I would hope that the Employment Forum would work closely with the Minister for Social Security, as they do, with the employers and with the employees, but also with the Council of Ministers, to see if there is some scope for working towards a living wage and not leave it to individual Members to try and seek this change each year. Coming in this morning on the bus I passed a number of speed limit signs, maximum 20 miles per hour. The law of the land telling us the maximum speed we can drive. The maximum speed is uncomfortable in a few places if we were travelling at that speed at some locations. What we have on the Island in relation to wages is the opposite, the minimum one can pay an employee. We even do it ourselves. The States, in the papers we have today, employ 30 people at the Social Security Department, I think, on the minimum wage. I believe some of those minimums are uncomfortable too, like the bus this morning, morally uncomfortable. You cannot go any lower. That is it. You are having to pay that because you have to and we are not going to pay anything less, because we are not allowed to. I think there are some employers that would pay lower if they could, they have to do that. I am not a businessman. I have never been a businessman. I have no idea of the difficulties. There are Members in here today that have businesses, and facing those challenges every day to make their businesses run and trying to make the business profitable. I admire them for that. I am not trying to make their task more difficult. Of course, there are some employers that pay over the minimum, but many will continue to seek to pay the minimum wage to their staff and have the comfort because that is what we, as an Assembly, have supported and approved - that level, an uncomfortable minimum. Of course, that will be us, in effect the taxpayers, topping-up some of those employees with income support payments. I am in a fortunate position now, and I appreciate it, I have no idea what it must be like to be living on a minimum wage, although I know members of my own family have in the past. Some Members here today have probably experienced the same thing, really hard times. The envelopes that my mother had in the lining of a mat, a little carpet, where she put a few pounds each week to pay for the gas, electricity, the water and the milk, so she could pay them when they arrived. Something I have learned as a Member of this Assembly is that delicate balance. I suspect many members of the public are maybe not aware of the fine balance we all tread in this Assembly, all the time, in particularly the Council of Ministers, on nearly every decision we have to make and of not knowing the consequence of what might happen if we took a certain course of action. Having been to too many briefings since becoming a Member, the advice on the outcome of those changes might have a serious effect on other areas of the economy. Again, not wanting to make light of the situation, it is like the game of Jenga, when you start with a large block comprising of many small blocks of wood and each player removing one while trying to maintain that structure and removing just one final block that can result in the whole construction collapsing. Of course there is an alternative game called Chairs. That is one building up the tower, a construction of small chairs, one on top of each other, to see how high we can go and maybe we should have confidence to build up. That is the experience of the games I have of having 4 grandchildren. The million dollar question: if an employer has to pay more will his company fail and that block of wooden bricks falling to the floor in that game of Jenga or will the Government fail the employer, not the employee, cause the company to fail by insisting the employer pay his or her staff a living

wage? Does living wage sound morally wrong? I think the answer has to be: no, a living wage is not morally wrong. I have listened to Deputy Andrew Lewis in the past and in this Assembly and I am sure he will be speaking during this debate. I look forward to the comments he might be bringing. I will not go into what he might say. In conclusion, I would be much happier knowing that an employer is paying a living wage to an employee than the Social Security Department and the taxpayer being prepared to top up the minimum wage with income support. I think part (b) of Deputy Mézec's proposition, to investigate an impact, could answer the issue and I am minded to support that part of his proposition. Thank you.

12.1.3 Deputy M. Tadier:

Talking about ties today, this is pure coincidence that I am wearing a blue tie, although that seems to be something which has come into focus. Looking at the Constable of St. Martin's tie, I would say that rather than necessarily being red and blue, it is more of a claret and blue, which we know is the tie of the great London football team, that the Prime Minister in the U.K. supports, Aston Villa. I suspect he may also be a closet Aston Villa supporter. I make no more comment on that. I hope that joke is not lost on everybody. It seems that when we have a question being posed, and I am pleased to be following on from the Constable: is a living wage morally wrong? It is a bizarre question to ask, is it not? Because surely that underlies and shows what a system we have, which is completely on its head, that politicians right across the world at this moment have to be making the case for something that should be blindingly obvious, that somebody who gives up their time, their energy and their labour should at least be paid the amount that it costs for them to live in this world. I guess the analogy is the taxi drivers, whose ears will be pricking up, no doubt, outside of this Assembly. It would be very bizarre to expect a taxi driver to give you a lift somewhere for less than the cost that it costs them to run that lift. If it costs them, let us say, £2.50 in petrol, over a year it costs them a certain amount for upkeep, so that journey you could add £1 for upkeep, all their running costs, the insurance, *et cetera*, so it came to a minimum of £5 before they had even started or they had even made any money for their personal time that they had put into that.

[16:45]

You would be very bizarre to ask a taxi driver to give you a £5 lift to the airport, which cost them to do it £4.50. Yet it seems normal that right across the world, even in Jersey, we expect people to give up their time, their energy and their skills for something that cannot even pay for the basic existence in the place that they are living. So that they have to if they can go cap in hand to the Social Security Department and say: "Please can you top-up because my employer is not paying the right contribution for me?" It is a cross-subsidy; that is the reality of what happens. Of course for many people who come to work in Jersey, they do not even have that option because you need to work here for 5 years before you can even touch those benefits. So that is the kind of reality that we are dealing with. So, far from asking the question is a living wage morally wrong, the question should be, and the answer should be coming back resoundingly, so the question should be: "Is not having a living wage conscionable?" and of course the answer should be: "No, absolutely, we should always have a living wage and wherever possible we should try to surpass that." Certainly from a Government's point of view, certainly as legislators, we should be supporting the concept of a living wage. I remember in a different debate - it was on gambling I think - somebody said: "But you never see a poor betting shop owner. You never see the owner of a casino who is driving up in a dodgy old bike or a rusty Robin Reliant." It makes me think that is perhaps the case in other industries. You sometimes often see staff working who are there, who might arrive on Shanks's pony or they might arrive on their bicycle to their workplace, don their black tie, black jacket and white shirt, if they are working in hospitality, or put on their Wellington boots and their jeans if they are working on some of the many farms, back-breaking work that may happen on some of the *côtils* in Jersey, and you very rarely see them driving around in large Mercedes, *et cetera*. Now, we see that the comments from the Council of Ministers say that the States Strategic Plan and the Medium Term Financial Plan are clear; we need to grow our economy by increasing productivity, we need to see businesses making more profits and workers being paid more as a result. Looking

around, it is quite evident that nobody in the Assembly seems to be wearing a green tie today, because those kinds of concepts go unchallenged under the prevalent neoliberal policies that we have throughout the west. It is taken as read that we need to grow more, more and more, and that we need to see businesses making more and more profit and consuming more resources. Tagged on to the end of it: "Oh, and workers need to be paid more as a result." But that is tagged on to the end as if it is going to happen by osmosis, by magic, that if somehow we set the parameters for business to grow that of course workers will necessarily be paid more. Every year we see it is like a bit of a running joke, we get this letter from the Jersey Farmers Union, which says: "Oh no, yet again we have seen ..." and the Constable over there is smiling, the one in the back row, because I think he would have been writing that letter at one point, now it is somebody else saying: "Yet again we see ..."

[Interruption] Same letter, except this time the names Mézec and Southern have been changed and the names Constable of Grouville has been changed for another name, which is Mr. Le Lay, I think, which gets circulated to all Members, which is a document - I will take that back if I need to, Sir - but he is a well-known public figure. He is I think the chairman of the J.F.U. (Jersey Farmers Union) **[Aside]** ... president, thank you. So we change a few numbers, the politics remains the same, but every year one of us will bring an amendment to the minimum wage saying it is not enough and the farmers will say: "If you do this it is going to put us out of business, life is difficult for us already." It cannot be that polarised. I think surely the reality has to be somewhere in the middle, we do need to be supporting our farming industry in the Island, whether that is to do with dairy, to do with potato farming, or perhaps to do with some of the other lesser-known and emerging crops that are out there. Have we done enough for those industries already? I do not think we have. We give them some support; we have some very bizarre and partial - partial in the sense that they are not holistic mechanisms that we put in place - so we will say tractor fuel can be discounted, we will give you red diesel, or whatever it is, that will help you in some ways. We will be very communist about our milk policy, so we are going to say that you cannot import milk from anywhere else. That is just the way it is. You cannot have other cows in Jersey and the reason for that is that we want to protect the Jersey cow. Now I am not criticising that, certainly the end is laudable, although the means is perhaps suspect for what is supposed to be a very modern and business-oriented Island. But we do not do the same for Jersey Royal potatoes. We could do, we could say we are not going to allow any other potatoes to come into Jersey and you can only eat and export potatoes that are grown in Jersey that are Jersey Royals. You could do that. It would be very bizarre, and people might start calling us feudal. But it might mirror what we are already doing with Jersey milk. Surely there must be better ways to support the farming industry. I mean we have let them go so far that many of the soils in the fields around Jersey are infested with so much P.C.N. (potato cyst nematodes) that, if it carried on at the current rates, they will not even be able to produce edible potatoes in the next couple of years. That is what has happened on our watch, or the recent Governments. That is not assisting farmers to help with exports and we know that ultimately we should be looking at what comes into the port, whether we tax things that come into Jersey at source and whether we create more of a demand for local produce. That surely has to be the way to help local producers because it is good for the economy, it keeps money here, but it is also very good for the environment and cuts down on our carbon emissions, which we heard questions about earlier. So, coming back to the question in hand, which is the minimum wage, but I think these comments are nonetheless germane because we cannot say it is one side is good, one side is bad, and carry on down this polarised debate all the time. The question to do with the minimum wage has to be one of principle and it has to be one of politics and we cannot simply be held to ransom by 2 industries, which are held up I think perhaps as shrouds, and waved about saying: "If you increase the minimum wage by 23 pence, then that might render certain jobs in certain industries, namely hospitality and agriculture, completely non-viable." If that is the case that is seriously worrying. If our industries such as hospitality, which is supposed to be one of the relatively longer-legs of the 3 legs on the stool in Jersey, and tourism, if it is so precarious that a 23 pence increase in April will break the industry and put some people out of business, then that is a terrible thing to think about. It is more likely, I suspect, that the planning policy about converting

hotels into luxury flats needs to be looked at, the policy about greenhouses going into dilapidation and them just waiting for time for this wasteland to get planning permission so that they can develop luxury flats, the absence of a proper affordable housing policy and legal framework to have affordable homes in perpetuity not being in place, those are the kinds of facts that really affect hospitality and farming in the Island. All at the same time, it pushes the cost of living up and up and up because we are not doing anything to address the real cost of living, which is the other component. It is fine to increase the minimum wage, it is fine to introduce a living wage, and that is a necessary requirement, but at the same time we need to be making sure that the cost of living is not spiralling, because certainly this Council of Ministers, when it comes to their comments, they are doing a great job at, perhaps you could argue, increasing productivity, because somebody is doing all right out of it at the top somewhere. The millionaires are certainly quadrupling, but the people at the bottom, the poorest, are also proliferating. That is because we do not have proper work policies in place and it has to be mentioned also that people who work in the hospitality industries, and I dare say in the farming industries, although I cannot speak quite as much from a knowledgeable point of view with the latter - even though I do come from Breton farming stock somewhere down the line - is that these are the people who are often living and working in precarious conditions. They are working long hours in hospitality, they may be working split shifts, antisocial hours, they do not get their travel time given to them, so they may come in, in the morning, the afternoon, for a 5-hour shift, be sent home for 3 hours, come back in later for a 5-hour shift. They do not get any antisocial hours pay; they do not get a premium that some States employees currently might, or people in other industries might; they are expected to work Saturdays, Sundays, and all the rest of it. Really, we can talk about whether or not we introduce this now or we do it next year, but I cannot really see any strong arguments for why we would not have at least a review. It does not need to be a separate review, as the Minister for Social Security has said. She said that we already have a body, which we know looks at the minimum wage and how it should be set. They will be listening to this debate and, if they are not, they will be given a transcript of this debate, and they will sense the mood of the debate, whether it goes one way or the other, and it does not need to be a separate review, they would simply incorporate this request from Deputy Mézec to look at the establishment of a higher minimum wage, effectively a living wage, and they will take the political direction of this Assembly. So I would certainly ask Members, with the previous speech perhaps of the Constable of St. Martin ringing in their ears, certainly to support part (b). There is nothing controversial about that. It is not another piece of work. It can be subsumed into the current work and give greater direction. I would say that support part (a) as well, because even though some might be concerned about the timing, it is 23 pence and it might not seem like a lot in the grand scheme of things, but to those who will be receiving that 23 pence it will certainly be useful for them and it will be spent, it will go straight into the economy. The 23 pence in the back pocket of some, and I would say most employers, will not necessarily make any difference to economic stimulus.

12.1.4 Deputy A.D. Lewis:

Personally, I am delighted that Deputy Mézec has brought this proposition to the States and I say that because it creates a debate and it keeps this debate going; that subject of a low wage in our community. We have discussed living wage, a term that has been mentioned a number of times today, so I am really pleased that we are having this debate. Some may feel it is too late or it is the wrong time and people will not have enough notice if this was to be successful as a proposition. But it really goes a long way along the route of generating significant important debate about this subject of low wages. I do wonder, if this had not happened, would the Minister have been instructing the Employment Forum to do the things that she has asked them to do? I mentioned this a few months ago when it was last discussed and I hope that those words of mine and others in this Chamber have made that happen and the Employment Forum have now a wider remit, it would appear. That is all well and good. But there is so much more they can do and the thing that concerns me most about the Employment Forum is, is the Employment Forum there to discuss and decide as to what is appropriate in terms of a minimum wage and apparently they talk to employers

and employees, or employees' representatives. I would be fascinated to know what the conversation goes like. So you talk to the employer and you say: "We think the minimum wage should be higher." They would say: "Well I do not think it should because that is going to eat away at our bottom line." I have been in business all my working life; I understand that. Yes, it will. When you talk to the employee and you say: "You do not really want an extra bit of money, do you? It would really affect the people you work for and it might be catastrophic for them. You do not want an increase, do you?" Is that the way the conversation goes or does the employee say: "Well, no, I totally understand this, I understand the economics of it, and of course the business would suffer and I would not want that to happen to my boss." I do not think so, somehow, I do not think that is the way the conversation would really go. So I am fascinated to understand how this Employment Forum works. In the U.K. I think it is called the Low Wage Foundation. They must have a similar issue. So I would like to see a lot more input from the employee and those that are generally on low wages. So, I could talk, and I will talk, a bit longer about this subject because I think it is really, really important, and it is a really important economic driver as well. I have done a lot of research in this area. I have been an employer, I have been an employee, I understand the issues of low wages on both sides of the fence. I also have come to understand really fully the economic argument for looking at this, again from both sides of the argument. They are strong, both sides of the argument. But, funnily enough, it goes back a long way, the Living Wage Foundation is a relatively new phenomenon, but the concept of a living wage, i.e. a higher minimum wage, has been going on for many, many years. If Members choose to Google: "Living Wage", out will come a document written by an M.P. (Member of Parliament), a Mr. Oldroyd, who was an eminent M.P. of his day, a Liberal Democrat, and he wrote this in 1894, you are welcome to read it, if you like, it is a lecture about the living wage and how he felt it would be a fantastic motivator for those working in cotton mills and the retention of staff, the motivation of staff, was important to him as an employer and a businessman, but also an M.P. But he also saw the ethical and moral arguments and it goes right back to the 1890s. So there is nothing new about this debate, and that was before, of course, the social safety net that we now have in the form of Social Security, in the U.K. other names are used. That is important that we have that safety net for those that are on low wages.

[17:00]

But could it be said that us taxpayers are subsidising employers, because in a way we are, because in order to meet the living wage, the Minister has very well-articulated in the past, we do pay a living wage in Jersey apparently, because it is a combination of the minimum wage and the top-up from Social Security that gives you a living wage. Incidentally, it is now paid in a similar way in the U.K. But is that right? Is it right that taxpayers should be subsidising employers that perhaps do not pay enough? Is it a good business model that says, what are 23 pence an hour extra on my wages? It is going to be catastrophic to my business. Because if it is, it is not a terribly robust business model, and that would worry me if I was a businessman. You should not be that affected by that low level of increase if you have a robust business. I accept that the agriculture industry is slightly different. There is absolutely no reason why you could not have a derogation, and one of the things the Forum should be looking at is, could we have different levels of wages in different sectors? In fact, the low wage foundation in the U.K. is looking at exactly that at the moment so, yes, it could be done. You do not not have a higher minimum wage or higher living wage because one industry will be most affected by it. That industry needs to have a different approach, maybe a subsidy in a different way. At the moment we are subsidising it through our taxes by providing the income support to those that are qualified to have it. But you must also remember that of course a lot of workers in some of those sectors cannot even apply for that income support because they have not been here long enough. Is that morally right? I do not think so. It is not morally right that they should be living on a minimum wage that is not liveable but they cannot access something they have not paid into. We have all paid into the scheme, so if we fall on hard times we can apply to the fund for help, and that is right. If we have not paid into it, no, you cannot apply for it. So

there you have a minimum wage that is nowhere near the living wage because they cannot apply for that top-up which gives them the living wage. But where is the full economic study in all of this? I went back through my records to see what had occurred in this debate in the past and discovered, of course, that we did have an economic report, and I have shown it before. This is it. It is 4 pages. This is an economic report produced by the O.E.C.D. on low wages, a proper economic report. This is 120 pages. In other words, we have never really done an economic study into this, and that is what Deputy Mézec is suggesting. He does not quite go as far as that, but that is really what he is alluding to. We do not have the evidence that says: "Look, here is the economic argument for higher wages amongst the low paid", because it is a fact that people on low wages, if they earn a little bit more money they do not put it under the mattress. They do not go and buy a mortgage or a pension. They spent it, because they have to, and of course, that goes into the economy. They pay G.S.T. and it fuels the economy. In many, many successful economies across the world, not least the United States, which I have cited before, have seen the opportunity here, a pure economic opportunity: the more money spent in the economy, the greater distribution there is. It fuels growth in the economy; it is a good thing. But what you cannot do is do it too quickly, and I do not think even Deputy Mézec's proposition here is too quickly. It is unfortunate it does not give the employers much notice, and I take on board that argument, but the economic argument, when you read reports like the one I just showed you and many others that I can forward to Members if they are interested, the economic argument for it in my view is much stronger than the one against it. When the U.K. Government introduced a minimum wages, as did we in Jersey, there were cries from all corners, from the C.B.I. (Confederation of British Industry), from the Chamber of Commerce, from everybody: "This is going to be the death knell of industry. We need these workers at these low wages to make our economy tick. There will be job losses. It will be terrible." It did not happen. So I do not believe that a modest increase in the minimum wage here to get to the living wage much quicker would have the detrimental effect that scaremongers perhaps wish us to believe. It certainly is not going to happen. Economic studies in other places do show that, and studies in the U.S. (United States) show significant increased output as a result of higher wages. I am so sorry. I was looking at the clock there. So I do not take on board that argument. So I would like to support this proposition for 2 reasons. (1) I think it puts the pedal harder on the Minister to really go out there and find that information, but not just the Minister for Social Security. Where is the Minister for Economic Development in this? Why is he not looking at the economic impact, the positive elements of economic impact? Where is the pressure on the Council of Ministers to do the study to find out what is going on? We need to warn our industries that pay low wages, that is, hospitality and agriculture in particular, that: "Come on guys, this is coming, whether it happens now, in 5 years' time, in 10 years' time. So you are going to have to change your business model", as they have done in other countries, as they are now going to do in the U.K., because things like care homes in the U.K. are already claiming they are going to struggle with this. But others have managed to absorb this already in their business models, because they have been given fair warning. If we give fair warning, you can adapt your economy and take full benefit from it. So I do take on board the fact that this is at short notice, but it is only 23 pence. Come on, 23 pence. If you have a business that can be affected by 23 pence, I am sorry, I think you have a little bit of a problem with your business. I see the former Minister for Economic Development shaking his head there. These are not robust business models if you are going to be affected to that degree. So there is a strong moral argument here as well, and when I read back the living wage report that the Minister and her team produced, which is a very good report, by the way, and is well worth reading if Members have not read it fully, there is not anything in there about the moral argument at all, which I was slightly disappointed in. It was all about why we should not do it, and not perhaps on the reasons why we could and should, and that is a really, really strong argument. We have people in Jersey already working 2 and 3 jobs just to make ends meet. We have a hardworking population, and we have enough jobs obviously, for the most part, to go around so they can. But is that right? Is that right, that they come in from one job and dash out to another in the evening? No bedtime story for the children, not the great family setup that you

would like to see happen. No help for the children with their homework, perhaps. So it has an impact on children in low income families and their education, ultimately, and their ability to perform at school, perhaps, when mum and dad are out working late into the evening, and maybe their children are not going to get the time they should, and they are falling asleep at school. This does happen, it really does, and that is because of low wages, because people are taking 2 and 3 jobs to make ends meet. So all the Deputy is trying to do here is to speed up the process of increasing minimum wages towards a living wage. I am an advocate of living wage and I have said publicly and with the support of my colleagues behind me, we have done quite a lot of work in getting the Living Wage Foundation established in Jersey, and I am very pleased today to publicly announce that Caritas have agreed to take on the franchise for the Living Wage Foundation in Jersey, and it will be launched as a concept in Jersey later on this year. Members will have the opportunity to speak to some of the founding members of the Living Wage Foundation who wish to visit Jersey shortly and talk to all Members, and I hope the Council of Ministers as well, about the concept. They include economists, people from well-known accounting practices, that advocate this concept, and that will take off in the next few weeks, and you will be hearing a lot more about it. That is in line with what I have said to the Minister before and what she has said to us which is, basically, we want this to be voluntary, the living wage, and I understand that. But surely, as a Government, as an Assembly, we should be posing the question. We need to get closer to the living wage as a statutory item rather than a voluntary item, and the Living Wage Foundation will help us keep this argument going, a positive argument. That is what it is about, and it has successfully done that in the U.K., so much so that of course, unbelievably, a Tory Government announced the introduction of a living wage in the U.K. Some may sneer and say, of course it is only for a certain age group and it has had caveats and so on, but it was a very positive step on the road to higher low wages, as is this. So I would urge Members to support this, put out a message there that we do not accept that low wages of this kind should be part of our economy and our community. Grab hold of the opportunity and take it, so that we can emulate people like Mr. Oldroyd here, back in the 1890s, who recognised the importance of it, and do the same in Jersey in the same way the Government in the U.K. has, across the world has. The U.S. states, most U.S. states have a living wage as a mandatory measure in the public sector, more so a voluntary measure in the private sector. But some states have it mandatory right across the board, because they see the economic opportunity, and I really think that as a Government we should be looking at this as an opportunity and not a threat. I will not say much more because time is ticking on and maybe other Members wish to speak, but I would urge Members to support this, and look forward to us getting much closer to a living wage much quicker than 10 years, which is what is being proposed by the Government. Ten years is far too long. Even the U.K. Government is suggesting 5 years. I know we are saying we need to wait for the economic environment to be right. This can be an economic driver, not an impediment, so 10 years is not very aspirational. I would like the Minister to come back after the study is done and say: "In conference with my fellow Council of Ministers, Economic Development, Treasury, and so on, no, 5 years is possible, or less." That is what we should be aiming for, not saying in a plan that, no, we will get there in 10 years. That is not acceptable, so I would urge Members to support this proposition.

12.1.5 Senator L.J. Farnham:

I am pleased to follow Deputy Andrew Lewis. For a number of reasons, which I will come to in my short speech, the Council of Ministers comment on Deputy Mézec's proposition makes it clear that the introduction of a living wage cannot be viewed in isolation. Indeed, the U.K. took exactly the same approach when they introduced a living wage a part of a series of measures, including changes in the in-work benefit system. The introduction of living wage - and Members need to remember this - is not a consequence-free action for businesses and the competitiveness of the Jersey economy at this crucial stage in its growth, and also in an increasingly difficult and competitive global economy. This is particularly relevant for small to medium-sized businesses, which, as Members will know, account for the majority of businesses in Jersey. It is worth mentioning at this stage that the U.K. has announced support to offset some of the costs for small businesses. For

example, the Chancellor has announced a 50 per cent increase in the National Insurance employment allowance, amongst other allowances, which will help small business owners to reduce their wage bill, and could offset the additional costs of an increase in living wage. Recent research in the U.K. shows clearly that small firms expect to slow their hiring and raise prices as the newly announced national living wage is introduced. A negative impact on business is expected by 40 per cent of small employers. Half of the firms said they would have to raise prices, and more than half said that they would put off taking on new employees. This is not Government or Opposition speculation, this is the words of small business owners. The subject is particularly important in our ... this is particularly relevant, I should say, in our traditional sectors of tourism and agriculture. It is not right to assume that increased costs are borne solely by business because they are not. It is the ever more price sensitive consumer who eventually bears the burden of these increased costs, be they as a result of an increase in the cost of labour or any other factor. With this in mind, I would urge Members to support the proper consideration of the impact of any policy change. Deputy Lewis said whether it is now or 5 years or 10 years, we have to start doing it, but that is a key point, and one of the problems is, we cannot do this immediately. This is not a 23p increase, it is a 44p or 43p increase, if we do it all together, and that is just too much for some of these small businesses. But I am not saying it should not be done. I am saying, if it is going to be done, and I do support the gradual increase and move towards a living wage, but with the right support for small businesses that will enable them to keep trading.

[17:15]

Back to tourism as an example of the emergence of low cost airlines, and the influence they have had on the global tourism market is one manifestation of the price sensitivity of our visitor economy. The Jersey Hospitality Association industry's trade association that gathers the opinion of the businesses they represent has for many years highlighted the impact of the increasing cost of labour on Jersey's competitiveness as a tourism destination. Of course it is not going to end the industry but it is a relevant factor and it will impact in the same way that tourism could be impacted by these increasing labour costs, agriculture, and our rural economy is also vulnerable to such increases. Our farmers and fishermen deliver some of the finest products in the world but they too are under ever increasing pressure from increasing costs and increasing competition. The domestic market, where we are seeking to build greater market share for locally-grown products through Genuine Jersey working with Jersey Business and others, compete with imports from across the world. While the Jersey shopper is loyal, that loyalty is tested by lower-priced products produced and imported from larger jurisdictions with economies of scale that Jersey simply cannot apply. If we increase labour costs in the production of food in Jersey we will render our farmers and fishermen less competitive and in doing so harm our ability to enjoy a sustainable sector. Of course our farmers and fishermen are also working hard to grow their export markets in the U.K., Europe and now China and the Far East. These are incredibly cost-sensitive markets with huge economies of scale. If we are to succeed we must be able to offer competitive pricing. Again, increasing labour costs will damage our export drive and, as with the domestic market, impact the sustainability of the rural sector. Now all of this is further evidence, if any were needed, that we must consider the issue of a living wage in the broadest possible context before making any decisions. We should, as the Council of Ministers proposes, call upon the Employment Forum, to look at the matter in the broadest possible context and decide what is best for Jersey and if, in the fullness of time, it is decided to move to a minimum living wage strategy then it should be delivered with ample notice and Government support to ensure that small to medium-sized enterprises are able to sustain the position and the additional costs imposed by the introduction of a minimum living wage. I think we all know this is going to end up there; we have just got to make sure we do it at the right speed and we follow good process which does not take out any small businesses on the way.

12.1.6 Deputy J.A. Martin:

What a pleasure to follow the Minister for Economic Development and what a depressing speech. If I was the Minister for Economic Development ... depending on 23p an hour or £2-something a day we could lose fishing, farming, small businesses, agriculture and a death knell in hospitality, says him, and also the Minister for Social Security.

Senator L.J. Farnham:

I did not say any of that. Once again she has completely misinterpreted what I am saying.

Deputy J.A. Martin:

The Minister had a word with me earlier in the coffee room and said I had been very kind to him today. Well it is very late in the day and I am getting very tired. **[Laughter]** So I hope he does not interrupt me again. He did say much of that. We are going to get there some day but we are hanging on to a thread to these industries. It is like Deputy Lewis said, if these industries have got such a ... I say some of the business in these industries have got such a terrible business case they should not probably be there anyway, and they will not be there anyway, depending on 23p, £6.97 or £7.20. The real argument in this House today is who is asking for the £7.20? Who is asking for the moral case and for the low-paid workers to be paid a bit more in their wages each week, and it will save taxpayers. Why do I want to subsidise rich, sometimes very good, earning bottom-line employers? As Deputy Lewis said, what is the conversation? Does the employer go: "Mm, well if I have to put the minimum wage up, give them a bit of a living wage, I have got 10 employees I have to go on holiday only 5 times a year, not the normal 6." You do not know the bottom line. You do not know how well-off some of these people are. When you hear from the farmers, we all know some very, very, very rich farmers. We also know some that are probably struggling. But this is across the board and what we are saying today is get on this journey, go on it early. The Minister for Social Security said: "We cannot possibly do it" and the Minister, it is in the comments, we have given employers 6 months' notice because we all decided in December to support the Minister for Social Security. I will probably make somebody... and I did not bring it, there was no alternative in December. For one year I do not think there was an amendment so we supported it, it went through unanimously, and we supported the version of the Employment Forum. Is it right? Are we told that we really should be supporting the workers who want to rise their selves out of poverty or rich employers who are absolutely counting on social security - who is the taxpayer by the way - subsidising these businesses. To me it is moral, it is a no-brainer. I was in another big house across the road earlier and I was preached a sermon about some farmer who had so much grain and a great crop that year he wanted to tear down his barns, build bigger barns so he could keep all his wealth to himself and everyone was sort of ... yeah. This is the moral of the story. We should be giving it out more. We should be thinking of the lower paid. We should be thinking of those who have nothing. But, no, today this is an argument between Deputy Mézec bringing the £7.20 living ... towards a living wage because even £9 an hour, £7.20 an hour living wage will not cover a 2-bedroom flat of Andium on the rent. So get real about your living wages and get real about the people you are talking about and please get real, if someone else turns up and tells me, and I am waiting for the Assistant Minister for Economic Development to tell me 23p and everyone is going to go out of business. Do not believe it, will not believe it. I support Deputy Mézec's amendment wholeheartedly and I hope I have persuaded some people to support him as well.

Senator L.J. Farnham:

Could I just say, this is important? I did not say that this increase would put people out of business. I did say that it would have a negative impact and there is a difference, and it will have a negative impact on small business. I just wanted to make that clear.

The Deputy Bailiff:

You have clarified the point you made there, Senator.

The Deputy of St. Martin:

I am happy to follow Deputy Martin as she seems to have thrown down a challenge to the farming industry because they are an industry that I represent. I would start by using 3 words to the Assembly this afternoon, and these are they: Future St. Helier. I have got Members' attention because it does not appear that Future St. Helier and this debate have much in common but I hope to elaborate and explain. Why have we chosen Future St. Helier as one of our 4 priorities? It is quite clear. Because we expect more people to be living in this Island and we would like them to live in our capital so we can keep development out of our countryside. Why is that important? Because our countryside, whether you are a tourist or whether you are a local or whether you are somebody who comes to reside here to help us with our local economy, is a beautiful place that we all appreciate and we want to keep it like that. I roll out a phrase which is often used by members of the dairy industry and it is this. Brown cows in green fields. I ask Members to remember that. Who keeps these brown cows in green fields? The answer of course is quite simple. It is our farmers. It is our agricultural community that faces challenges not just from issues like the minimum wage but one that also is part of my remit, that of the Met Office, and I would like to talk about weather just for 30 seconds or so, if I may. We all know that climate change is happening. We can see it all around us. We are going to have to get used to more extremes of weather. Whether that is hotter or colder or drier or wetter, we know it is going to happen and it is going to happen for longer periods of time. The agricultural crop, which has most recently been affected by these extremes of weather, is the daffodil crop and I hope Members will see in the local newspaper this week and other media coverage that an initiative is being launched this week to help our local daffodil farmers because it is quite clear that what has happened in the last couple of months of the daffodil crop is an unsurpassed event. It has not happened pretty much that anybody can remember and farmers have lost the vast majority of the early crop of daffodils. Lost completely, unsalvageable, unsaleable with zero return. I do not know if Members know very much about daffodil crops but I would just like to take a couple of minutes to explain. You plant bulbs in your fields in the autumn and you leave them there for 2, 3 maybe even 4 years. They take very little input from a fertiliser aspect and they certainly take very little input from a chemical aspect. But what you do on an annual basis is quite obviously go out and pick your crop and send it off to the markets and reap your rewards. But the biggest input of all, by far the biggest input in growing daffodils, is the cost of your staff. This is not a debate just about the minimum wage. It is a debate about what happens to those in the next stage above the minimum wage. If the minimum wage goes up as proposed today there will be some on a slightly higher tier that will expect more money. So it goes on. Those on the next tier up will expect more again. This will have a huge effect, and I know Deputy Martin and others will say: "Here we are bringing up the farmers again" but when I get to the end of my speech I think - I hope - they will understand it is not just about farmers. This is about the countryside. Picking flowers and picking potatoes, our Jersey Royals, especially early on in the season, where developing and opening up the markets is so crucial in greenhouses and in these early difficult cotils cannot be mechanised. We cannot mechanise the harvesting of our brassica crops. I will come on to local crops in a minute. These proposals, if adopted, will mean jobs going in the countryside. It will mean fields, small unworkable fields becoming uncultivated and it will also mean, in those fields where you can mechanise the crop and the harvesting of the crop, more and larger machines with less workers on them. The already agreed 2.8 rise in the minimum wage is already a serious threat to these crops. I am disappointed Deputy Tadier, who is a member of the Environment Scrutiny Panel, chose to talk briefly about a potato cyst nematode. The P.C.N. problem that our farmers have is a real challenge to them. They are having to take fields out of production with no alternative reward at the moment because of this difficulty and here we are potentially putting another extra cost on top of that. Deputy Tadier mentioned local food and, yes, I hope that members of the public, all of us, will continue to buy local food but be under no illusions, local food is a sort of crop that takes input from labour and not from machines. It will have an effect on price but I hope people will bear that in mind. I would finish with this, and I would turn to Deputy Martin. Yes, I am putting the case for the farmers. I agree with her, this is

not going to put all farms out of business, let us be honest. It is not going to put all crops out of production. It is not going to take all fields out of production either. We will still have farmers, we will still have a smaller number of crops and we will still have a proportion of our fields cultivated. But I would refer to just one part of the Farmers' Union letter. In the last 4 years the number of farms down 15 per cent, the number of milking herds down 14 per cent, and the number of employees down 11 percent. If we want to keep a diversity in our countryside, if we want farmers to continue to grow a variety of crops, which are viable, I say to Members these proposals on the table today just go a little bit too far. I reiterate, it is not going to put all farmers out of business or all fields out of production. But it will not help to keep those brown cows in green fields.

ADJOURNMENT PROPOSED

Senator P.F. Routier:

I propose the adjournment, Sir.

The Deputy Bailiff:

The adjournment is proposed. Could I have an indication of anyone else who wishes to speak on this proposition? A number of people. The adjournment is proposed. Do Members agree we adjourn?

ADJOURNMENT

[17:29]
