

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 23rd FEBRUARY 2016

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[9:30]

The Roll was called and the Greffier of the States led the Assembly in Prayer.

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to His Excellency The Lieutenant Governor

The Bailiff:

First of all, under A, in the usual way, I take great pleasure in welcoming His Excellency on behalf of you all. [Approbation]

1.2 Welcome to Deputy R.J. Rondel of St. Helier

The Bailiff:

Secondly, from the Chair, can I add my own congratulations and welcome to Deputy Rondel? It is a pleasure to see him back.

QUESTIONS

2. Written Questions

2.1 DEPUTY J.M. MAÏON OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PROCESSING OF IMPAIRMENT FORMS:

Question

- (a) Is there a backlog in the processing of Impairment Forms within the department and, if so, why?
- (b) If there is a backlog, when will this be resolved and what action is being taken to deal with this issue?
- (c) How many people are currently affected by the backlog?
- (d) How is the department going to prevent backlogs from happening in future?

Answer

Income Support is designed to meet a variety of household needs, and from the introduction of the scheme it has always been recognised that the assessment of impairment should be undertaken separately to the processing of the remainder of the claim.

The broad range of medical and health needs supported by impairment components are considered through a separate application and assessment process. The staff who process these claims are experienced advisers who receive additional training and the assessment process considers both information provided directly by the claimant and evidence from GPs and/or relevant specialists.

In most cases, the main Income Support claim will be put into payment before the impairment process is complete. The impairment payments are then backdated to the start of the claim as soon as the impairment assessment is completed. This does not constitute a backlog. It allows for the efficient handling of the different parts of the claim. We also have procedures to ensure that urgent impairment cases can be prioritised.

The impairment test is designed to be transparent, the questions are clearly linked to the legislation and the assessment considers the evidence provided by the claimant themselves through a self-reporting form and a clinical report from an appropriate expert.

Income Support impairment components are available to assist with costs as follows:

- personal care components (three levels) provide additional support for individuals who have difficulty undertaking basic daily activities;
- mobility components (two levels) provide support for those who have significant mobility problems outside the home; and
- clinical cost components (two levels) provide additional support for those who need a higher than average number of GP visits to monitor an ongoing medical condition.

Individuals can be eligible for one or more components depending on their particular condition.

The departmental annual report for 2014 noted that, as of 31 December 2014, 34% of claims (2,185 claims in total) had at least one impairment component in payment.

During 2015, 483 new claims included a request for an impairment component. As noted above the impairment process is undertaken separately to the main Income Support application and will almost always take longer than the main claim.

The Social Security Business plan for 2016 includes a commitment to continue the development of our customer service excellence programme and officers are continually working to improve the service they provide. In respect of impairment components another round of staff training has recently been completed to provide more staff available to work in this area. Managers are also currently in negotiations with clinical professionals as part of a review of the technical support available to the team.

2.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUTURE HOSPITAL WEBSITE:

Question

Could the Minister provide a breakdown of costs for the new www.futurehospital.je website, including branding, video recording, advertising and materials?

Answer

Given that the Future Hospital will be such a significant decision for the people of Jersey and the States it is only right that appropriate investment in engagement and consultation is being made by the States with the full support of the Council of Ministers.

The following breakdown of costs for development of the www.futurehospital.je website, including branding, video recording, advertising and materials has been prepared for the Deputy:

Element	Cost incurred and ordered to date
Video recordings	£12,720.00
Website design	£3,025.00
Website coordination with communications strategy	£2,000.00
Website Future Hospital Branding	£9,280.75
Advertising (Display banners)	£1,520.00
Advertising (JEP adverts)	£1,305.12
Total	£29,850.87

2.3 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING LAWS ADOPTED BY THE STATES ASSEMBLY BUT NOT IN FORCE:

Question

Which laws adopted by the States Assembly have not been repealed but –

- (a) are not in force; or
- (b) contain Articles or Parts which are not in force?

Can the Chief Minister provide the reasons for each such Law, Article or Part not having been brought into force and what plans, if any, does he have to ensure that each such Law, Article or Part is brought into force and what the timetable is in each case?

Which Regulations and Orders adopted by the States Assembly have not been repealed but are not in force; what are the reasons for each such instrument not having been brought into force; and what plans, if any, does the Chief Minister have to ensure that each such instrument is brought into force and what is the timetable in each case?

In each case, how long have the said laws and/or Articles not been in force?

Answer

Attached is a list of uncommenced laws. Departments are being asked to update Members on their areas and this information will be provided at the next States sitting.

Enactment	Provisions not in force	Responsible Minister or Committee
Social Security (Amendment No. 16) (Jersey) Law 2002	Whole Law	Social Security
Public Elections (Jersey) Law 2002	Articles 12(2) and 20(5) to (7)	Privileges and Procedures Committee
Police Procedures and Criminal Evidence (Jersey) Law 2003	Most of Part 5	Home Affairs
Burials and Exhumations (Jersey) Law 2004	Whole Law	Health and Social Services
Christmas Bonus (Amendment No. 2) (Jersey)	Whole Law	Social Security
Drainage (Jersey) Law 2005	Article 4	Infrastructure
Regulation of Investigatory Powers (Jersey) Law 2005	Paragraph 2 of Schedule 4	Home Affairs
Income Support (Jersey) Law 2007	Paragraph 3(b) of Schedule 1	Social Security
Burials and Exhumations (Amendment) (Jersey) Law 2008	Whole Law	Health and Social Services
Banking Business (Amendment No. 7) (Jersey) Law 2011	Whole Law	Chief Minister

Employment (Amendment No. 5) (Jersey) Law 2010	Article 6	Social Security
Employment (Amendment No. 6) (Jersey) Law 2012	Article 2	Social Security
Employment (Amendment No. 7) (Jersey) Law 2012	Article 9	Social Security
Poisons (Jersey) Law 2012	Whole Law	Health and Social Services
Aquatic Resources (Jersey) Law 2014	Whole Law	Environment
Criminal Justice (Young Offenders) (Jersey) Law 2014	Whole Law	Home Affairs
Explosives (Jersey) Law 2014	Whole Law	Home Affairs
Charities (Jersey) Law 2014	Partially in force	Chief Minister
Regulation of Care (Jersey) Law 2014	Partially in force	Chief Minister/ Health and Social Services
Dentistry (Jersey) Law 2015	Whole Law	Health and Social Services

2.4 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR INFRASTRUCTURE REGARDING BUDGETING FOR THE PROVISION OF THE EASTERN CYCLE NETWORK:

Question

How much money has been budgeted for the provision of the Eastern Cycle Network?

Could the Minister detail –

- (a) the balance from the original sum of £500,000 that the States Assembly provided from the amendment to the 2010 budget (P.117/2009 Amd.(5));
- (b) how much has been collected through planning gain and the provision for the Eastern Cycle Network from developments which fall within the Eastern Cycle Network Corridor; and
- (c) how much, if any, was collected from The Willows development in Gorey Village and the Co-op development on Rue à Don?

Answer

- a) The remaining balance from the original sum is £289,620, of which £215,000 has been allocated towards constructing the link from Checkers at Ville és Renaud to Grouville School (work commenced on site). This completes the path from Gorey to Grouville School. The remaining £74,620 has been combined with the ‘Planning Obligation Agreement’ POA gains and allocated towards the development and delivery of the next phases of the Eastern Cycle Network.
- b) Total value of signed POAs to date is £105k. The first tranche of £25k to be provided through the Island Plan’s Eastern Cycle Corridor provision is due for payment in 2016. The payment profile of the remaining POAs and / or transfers of land is dependent upon the contents of individual agreements and when or whether the various projects proceed on site.
- c) The Willows POA provided a £10k contribution and the Co Op signed a POA to create a public footpath / cycleway across the frontage of their site, as shown on the drawings which forms part of the POA available at:

<http://www.gov.je/sitecollectiondocuments/government%20and%20administration/poa%20-%20de%20la%20mare%20florist%20-%2006.03.2014.pdf>

Details of all POAs are published at:

<http://www.gov.je/government/departments/planningenvironment/pages/planningobligationagreements.aspx>

2.5 THE DEPUTY OF GROUVILLE OF THE CHIEF MINISTER REGARDING THE EXTENSION OF THE FREEDOM OF INFORMATION LEGISLATION TO COMPANIES OWNED OR CONTROLLED BY THE STATES:

Question

Following the adoption on 25th November 2014 of P.149/2014, ‘Freedom of Information: extension to companies owned or controlled by the States’, could the Chief Minister provide an update on the progress made to date, including reference to the application of the Freedom of Information Law to wholly-owned States companies and those companies where the States has a controlling interest?

Given that the Chief Minister was requested to bring forward legislation to give effect to the proposal and to report back within 6 months (by June 2015) on investigations into the feasibility of further extending the scope of the Law to entities that receive their majority funding from the States, what progress has been made and when can the Assembly expect to receive the feasibility report?

Answer

In the first full year of operation of the Freedom of Information (Jersey) Law, officers have been concentrating on establishing appropriate systems and establishing the law's operation.

There was consequently a delay in obtaining advice on the request to expand the law to cover government owned or controlled companies (the entities).

Advice was received during the second half of 2015 and work has recently recommenced on the expansion of the Law.

It is envisaged that consultation with the entities will take place during the second quarter of 2016.

Due to the complexity of some of the entities and the volume of work already in progress relating to the law, it is not expected that the legislation will be extended to the entities before the first quarter of 2017.

A report will be produced during the third quarter of 2016 following consultation with the entities.

2.6 DEPUTY R. LABEY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE PROVISION OF LOCAL WHOLESALE SERVICES BY J.T:

Question

Can the Chief Minister detail what actions, if any, have been undertaken and what directions have been issued to the Jersey Competition and Regulatory Authorities and the JT Board and/or the executive management of JT to ensure that JT is mandated to provide local wholesale services?

Furthermore, given that, in 2009, international consultants Regulaid advised that the Jersey Competition Regulatory Authority should require JT to provide wholesale services to other local telecommunications licensed operators (OLTLOs), will the Minister explain why wholesale line rental, in particular broadband services, is not available to OLTLOs and what action, if any, he proposes to take to resolve this?

Answer

This matter falls within the area of responsibility led by Assistant Minister, Senator Philip Ozouf.

The Channel Islands Competition and Regulatory Authorities (CICRA) currently obliges JT in Jersey to provide local wholesale services in broadband, leased lines and wholesale line rental.

Wholesale line rental is the most recent addition to this portfolio of wholesale access products and was introduced in June 2015 as directed by CICRA.

More recently, on the 10th of February 2016, CICRA issued a consultation to establish the nature and extent of demand for additional wholesale access services. Its next steps will be guided by the responses to that consultation and the potential additional benefits to Jersey consumers.

The Deputy refers to the Regulaid report that was conducted in 2009. The recommendations from this report have informed the regulator's work over the years since its publication. However, it is important to recognise that this report is just one of a number of factors that drive the JCRA's work programme.

As the Deputy will be aware, in 2015 the Government of Jersey commissioned Oxera to review the JCRA and the regulatory and competition framework applied in Jersey. This review identified whether, in order to improve the outcome for the Jersey economy in general, and Jersey consumers in particular, changes could be made to the way the JCRA functions, the framework under which it operates, and/or the way stakeholders interact with the JCRA. The review focuses on the operation of the JCRA itself, but also considers the broader policy and institutional context in which the JCRA operates. On the 2nd February 2016 the government published the draft regulatory and competition framework review action plan.

2.7 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE ALLOCATION OF STATES MEMBERS' PARKING SPACES:

Question

Will the Minister advise –

- (a) how many allocated 'No Public Parking' spaces are allocated to States members in Sand Street and Pier Road;
- (b) how many parking permits are currently issued to States members for parking in those car parks?

Answer

- (a) 10 in Sand Street and 8 in Pier road, States Members Permits are valid on Level 2 upwards at Pier Road.
- (b) 41 permits issued

2.8 DEPUTY R. LABEY OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE SERVICE PROVIDED BY CONDOR FERRIES:

Question

Can the Minister advise what action, if any, he will be taking to ensure that Condor resolves the following issues –

- (a) how frequently Condor cancels travel bookings to Jersey at short notice;
- (b) how frequently clients are unable to contact the company by telephone to change bookings;
- (c) the disruption caused by altered travel arrangements which often oblige Condor clients to travel to a different point of departure from the one anticipated and involve early morning crossings which require an overnight stay in a hotel; and
- (d) the frequent rejection of customer compensation claims towards hotel costs, citing EU Passenger Rights Regulation 1177/2010 (that the relevant circumstances causing the cancellation were beyond the company's control)?

Answer

- (a) Statistics provided by Condor Ferries indicate that overall fleet reliability is only just below 2014 levels despite the introduction of the new vessel. The majority of cancellations are due to weather. I

understand that Condor provide 24 hours' notice of weather cancellations. I further understand that Condor proactively contact all customers by email or text whenever there is a cancellation or even a delay.

- (b) I am aware that there are times when it is not possible to get through to Condor by phone. One disrupted sailing can affect several hundred people, so it is inevitable that there will be times when people cannot get through. I have urged Condor to do all it can to ensure maximum resource is available at difficult times. They have informed me that standard hours for its central Reservations office have, as of last month, been extended to 8pm on weekdays. Having asked Condor directly about this issue, I have seen reporting which shows a significant reduction in 'abandoned' calls compared with last year.
- (c) The only time when customers might be asked to travel to or from a different port is when high speed sailings are cancelled and passengers instead have to travel on the Clipper to/from Portsmouth. This is usually because of weather disruption. If the disruption is Condor's responsibility, the company pays for customer hotels as well as transport (or vehicle mileage) to/from the alternative port
- (d) I have been categorically reassured by Condor that Condor always meets its obligations under the EU Passenger Rights Directive. Not only does Condor adhere to the EU Directive, but thanks to the published Operating Agreement, they also pay out on inter-Island travel – which is not covered by EU Legislation.

I can reassure the Deputy and the Assembly that my Department and Ports of Jersey will continue to work closely with Condor to ensure that both operational performance and customer satisfaction are improved.

2.9 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING SUPPORT PROVIDED TO JERSEY'S DIGITAL INDUSTRY:

Question

Following the commitment in the Strategic Plan to support Jersey's digital industry what efforts, if any, are being made to ensure that local digital businesses are prioritised above UK firms when States contracts for the implementation of eGovernment are awarded?

Answer

eGovernment is a significant programme of work covering a wide spectrum of digital and IT technology components.

Much of this work can be delivered by the local digital sector, and a number of agreements have already been awarded to local suppliers. Jersey's digital sector is growing rapidly and island firms have developed skills and products for both the local and international markets. Some areas, however, require specialisms not currently available in Jersey.

Significant government contracts should always be awarded through fair and open procurement processes which aim to provide best value for taxpayers. Suppliers of IT services compete for Jersey government work by applying through the e-Procurement portal, "Channel Island Tenders".

Bids for contracts are evaluated by published criteria, which include relevant experience and expertise. This process aims to ensure services are delivered in a timely fashion at competitive prices.

The Government has announced its intention to build capacity and skills in the local digital sector. For the first time a Jersey 'Digital Framework' is being drafted for publication in the next couple of months. This will be a digital sector equivalent of the 'Financial Services Framework' – the Financial Services strategy published in 2014 – which has been so successful in repositioning the island's Finance Sector.

All eGovernment tenders will increasingly need to recognise, and assist with, the important strategic need to grow the island's digital sector.

This will be achieved by bringing in the best IT companies in their field. If such skills are not currently available in the island there will, in future, be a requirement for these companies to engage with local technology firms to build skills. Digital Jersey is being mandated to assist in this area and as eGovernment delivers more services the local industry will gain business opportunities.

2.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE REGENERATION OF FORT REGENT:

Question

What progress, if any, has been made towards pursuing the proposals to regenerate and improve the usage of Fort Regent outlined in the report, 'Rediscovering Fort Regent: A vision for the future', published on 12th September 2014?

Answer

Fort Regent is a critical element of the regeneration of St Helier, one of the key priorities in the States Strategic Plan.

The Fort Regent Steering Group (FRSG) that oversaw the delivery of the Rediscovering Fort Regent report has been reconstituted under the chairmanship of Connétable Steve Pallett, Assistant Minister with responsibility for sport in the Economic Development, Tourism, Sport and Culture Department.

The first meeting of the newly constituted group was held on 8th December 2015. One of the key outputs of the meeting was a request to the Minister for the Environment to define acceptable uses within any redevelopment of the Fort. As response is expected from the Minister by the end of the second quarter of 2016.

The Rediscovering Fort Regent report, combined with a clear view of acceptable uses from the perspective of the planning approvals process will allow options for the redevelopment to be developed.

Progress will be discussed at a forthcoming meeting of the FRSG to be held on 1st March 2016.

2.11 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING UNDERGROUND PARKING AT THE ESPLANADE:

Question

What is the current timescale for the completion of the underground carpark at the Esplanade as part of the International Finance Centre development? Does this timescale affect the viability of Option D, the Waterfront, as a possible site for the new hospital, given the necessary loss of the current replacement carpark on the Waterfront as the development takes place?

Answer

The delivery of the Jersey International Finance Centre is demand led. Based on the demand profiles, SoJDC anticipates the new underground public carpark at the Jersey International Finance Centre being complete around 2022.

Included in the costings for the Waterfront option for the new hospital is the creation of an alternative temporary carpark to relocate the temporary car parking that would be on the site of the Waterfront option.

The timescale of the delivery of the new public underground carpark therefore does not affect the Waterfront option.

2.12 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING ALLOWANCES MADE TO CLIENTS OF LES AMIS:

Question

Can the Minister advise –

- (a) the circumstances of any reduction in allowances made to clients of Les Amis;
- (b) the number of clients of Les Amis who have seen a reduction in their allowances, and by how much;
- (c) what changes, if any, have taken place in the funding arrangements between the States and Les Amis; and
- (d) whether these changes are consistent with the goal listed in the current strategic plan of ‘protecting the interests of the frail and the vulnerable’, and if so, how?

Answer

Les Amis provides a variety of services to adults and children. The Social Security Department provides support to the majority of the 81 adult clients of Les Amis, through both the Long-Term-Care scheme and Income Support.

Some of the clients supported by Les Amis have care needs below the level to qualify for the Long-Term-Care scheme. These clients are supported through the Income Support scheme with components allocated to living expenses, rent etc. In particular these clients all receive a personal care component in addition to their normal living components.

Most of the clients supported by Les Amis qualify for the Long-Term-Care scheme. This covers the cost of providing care (four separate levels are available depending on the needs of the individual), a standard cost to cover living expenses and a personal allowance for incidental expenses. The value of these components are set out in the Long-Term-Care Benefits Order.

There has been no reduction in Long-Term Care rates. They were all increased by 1.8% from January 2016. The living component increased from £312.76 to £318.43 per week and the personal allowance increased from £34.09 to £34.72 per week.

In respect of the care element, a transitional arrangement was agreed with Les Amis to cover the first 18 months of the Long-Term-Care scheme, from July 2014 to the end of 2015. During this time, adult clients were all supported at a set care rate, regardless of the level of the care needs of the individual. The transition period allowed time for a detailed care assessment to be agreed for each client and the single care rate has now been replaced by the appropriate care rate reflecting the individual care needs of each client.

In line with the arrangements approved by the States Assembly in 2013 (P.99/2013, P.140/2013) Health and Social Services provides additional support for any client whose care needs exceeds the maximum level provided through the Long-Term Care scheme, which is currently set at £997.50 per week. A number of Les Amis clients fall into this category and Les Amis receives additional funding from Health and Social Services to support the care needs of this group.

The Long-Term Care scheme and the additional support provided through Health and Social Services now provide coordinated and consistent support for all adults with long-term care needs. The creation of a ring fenced Long-Term-Care Fund and a dedicated funding mechanism through long-term-care contributions clearly indicates the firm commitment of the States to support this vulnerable group over the long term.

2.13 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING COMPLAINTS MADE ABOUT TELEPHONE PROVIDERS:

Question

- (a) How many complaints have been made to –
- (i) the Channel Islands Competition Regulatory Authorities/the Jersey Competition Regulatory Authority;
 - (ii) the Minister;
 - (iii) Trading Standards; and
 - (iv) the Consumer Council;
- regarding telecoms providers in the past two years (2014 to 2015)?
- (b) What protection, if any, is in place to prevent mobile telephone providers from ceasing special offers, such as free/discounted roaming, during the term of a contract, especially if that offer was used to encourage clients to sign up to a minimum term?
- (c) Is the Minister made aware of any such complaints as detailed above, and will he list what action, if any, is being taken to examine whether such a problem exists, and, if so, the extent of the problem?

Answer

This matter falls within the area of responsibility led by Assistant Minister, Senator Philip Ozouf.

The Deputy's question covers a number of issues and organisations. The response is therefore broken down into the relevant categories

(a) Complaints about Telecoms

CICRA

CICRA does not keep a record of all complaints raised about telecommunications providers. When CICRA receives a complaint from a consumer it ensures that, in the first instance, the consumer engages with the complaints procedure of the relevant operators.

If a consumer has exhausted the process with the operator then CICRA will either recommend that the complainant approach Trading Standards (for example if it is a contractual issue) or if CICRA identifies a systemic issue it can initiate a review. In some circumstances the outcome of such a review can result in changes to operator's licence conditions.

The Consumer Council

The Consumer Council does not catalogue individual complaints as this is not a core part of its remit. However, it received around 25 complaints regarding telecoms providers in 2014 and 2015 and these complaints touched on issues as varied as fibre installation, bill shock, broadband speeds and customer care.

When dealing with complaints the Consumer Council tries to ensure that the consumer has exhausted all channels with the provider before it signposts the consumer to the appropriate body. On rare occasions it may act independently to broker meaningful dialogue between the two parties. Helping to ensure that consumers have access to the right information which will allow them to make informed choices is crucial and, to aid this, the Consumer Council recently launched the comparison website TelcoWatch.

Trading Standards

The Assistant Chief Minister has received a small number of complaints from individuals about, or related to, telecoms. In each case the department investigates and then either responds to the complainant directly or ensures that the complainant is directed to the right body, for example, Trading Standards.

All complaints to the confidential Consumer Advice Service at Trading Standards are recorded and categorised in relation to the business sector and type of complaint.

The number of recorded cases for 2014 and 2015 are as follows.

Business Sector	Fixed Telephone Services	Mobile Telephone Services	Internet Services
2014	31 (2.1%)	39 (2.6%)	45 (3.0%)
2015	10 (0.8%)	31 (2.6%)	19 (1.6%)

The data includes ‘on’ and ‘off’ Island providers, ‘cases’ includes complaints and enquiries for all types of complaints and is also expressed as a percentage of the total number of complaints received by the service for that year.

(b) Protection for consumers

In 2014 the regulator issued a decision publicised as ‘fixed means fixed’ that increased the level of protection afforded to consumers in a scenario where a telecoms operator sought to alter the contract terms in a way that amounted to increases in prices for customers on a fixed-term contract. As a result of this customers must be given two calendar months written notice of any increase to the unit price of services. The customer also has the right to terminate the contract, without penalty, if the proposed variations are not acceptable.

Consumers also have statutory rights under the Supply of Goods and Services (Jersey) Law 2009, which allows for civil redress in certain contractual circumstances.

Trading Standards provide a free confidential consumer advice service. Should evidence of an alleged breach of the ‘fixed means fixed’ decision come to their attention, a case referral will be made to the JCRA having obtained the appropriate authority to disclose.

Jersey providers also fall within the jurisdiction of the Advertising Standards Authority ‘Code of Advertising, Sales Promotion and Direct Marketing’. Consumers and competitors can make official complaints to the Authority and the outcome of adjudications are published.

(c) Existing complaints

The Assistant Chief Minister is aware of one outstanding complaint regarding a change to a consumer’s contract. This complainant has been referred to the Trading Standards Service.

Improved transparency and consumer information can help people in Jersey make informed decisions about telecoms services. I am, therefore, delighted that the Consumer Council has launched TelcoWatch which is designed to do just that.

2.14 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE PRESENCE OF ASBESTOS IN SCHOOLS:

Question

- (a) Can the Minister confirm that all staff are informed of the presence of asbestos in their schools during their induction?
- (b) Given that recent communications stated that ‘policies and procedures do recognize that we have a duty of care to inform staff that there is asbestos containing material in some of our buildings and how they are managed’, and that, ‘If there is a request from the staff as to the exact location of the asbestos the site team highlight these areas using the survey plans’, can the Minister advise whether staff are only made aware of the location of asbestos in their schools if they specifically ask?
- (c) Are those schools which have asbestos subject to regular fibre monitoring?
- (d) Can the Minister advise why the Education Department has not made a commitment to remove asbestos from schools in a phased, controlled way, given that, in October 2015, the All-Party Parliamentary Group in Occupational Safety and Health stated that ‘the time has come to put in place regulations requiring the safe, phased and planned removal of all asbestos that still remains in place across Britain’ and recommended that this should happen in schools by 2028?

Answer

- (a) The induction process for all new staff includes a health and safety element that requires the management of asbestos to be highlighted if applicable. The policies and procedures are devised and updated centrally at the Education Department but the induction process is delivered by the schools’ management teams on site. As the induction is an automatic requirement, it is highly likely staff have been informed where necessary but, without conducting a survey of all staff, it is not possible to confirm this absolutely. All health and safety issues are regularly monitored and reviewed as part of the Department’s audit programme.

Unless changes to a facility are expected to involve work that might disturb the fabric of the building, the presence of asbestos presents no significant risk to staff. Should managed/encapsulated asbestos need to be disturbed for building work, the States’ corporate policies and internal procedures would be followed to ensure staff are safe. There are clear systems in place to ensure that no one is exposed and these apply to contractors as well as school staff.

- (b) The duty of care is addressed by the processes currently in place and the information regarding the exact location is available to all staff in the site log books located in the reception at every school where this is applicable. Existing staff should already be aware and new staff are given the information during their induction if necessary.

- (c) Regular air monitoring for asbestos fibre levels would only be completed when it has been identified by the asbestos management plan for the premises, which is prepared by an asbestos specialist, that regular reassurance air monitoring is required.

I am advised by Jersey Property Holdings that there is no requirement for regular air monitoring within the current asbestos management plans for the schools. The asbestos management plan for each school is reviewed at least every 12 months to ensure that the management processes remain effective and the arrangements are being properly implemented.

(d) The States of Jersey continues to comply with current Jersey asbestos health and safety legislation, primarily the Management of Exposure to Asbestos in Workplace Buildings and Structures Approved Code of Practice (ACoP 8, revised 2015) and the Asbestos-Licensing (Jersey) Regulations 2008.

Any proposed change to the current Jersey asbestos health and safety legislation would be a matter for initial consideration by the Health and Safety at Work Inspectorate.

Asbestos containing materials have been removed from the majority of the schools if the material is located within the property and it is foreseeable that users could come into contact with it. This was a significant undertaking by the States of Jersey. Asbestos management plans are in place for each school which proactively manage any remaining asbestos containing materials. The asbestos management plans for each school are reviewed at least every 12 months to ensure that the condition of asbestos containing materials has not changed, the management processes remain effective and the arrangements are being properly implemented.

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SITES SHORT-LISTED FOR THE NEW HOSPITAL:

Question

Will the Minister give a breakdown of the projected costs for each of the 5 sites short listed for the new hospital clearly separating out the direct building costs from extraneous site costs attached to each site, such as –

- (a) the compensatory land costs in option E;
- (b) the opportunity cost of not building housing/office space;
- (c) the replacement of Jardins de la Mer in option D; and
- (d) the cost of parking provision in each option?

Will he further explain why no mention is made in the website summary page of the ‘protected open space’ status of People’s Park in the Island Plan?

Will he also explain the differences between ‘good’ and ‘very good’ clinical adjacency and ‘reasonable’ and ‘good’ future flexibility in options D & E?

Will he indicate what the ‘risk’ identified with the compensatory sites in Option E is?

Will he also give an assessment of the risk of indefinite delay attached to continued opposition to Option E, should it prove necessary to pursue compulsory purchase in respect of People’s Park?

Answer

No public breakdown of costs will be provided for the five short-listed site options as this is commercially confidential information. To do so would impair future negotiations and tenders and would not therefore be in the public interest.

However, as the Deputy will be aware, having attended the States Member briefing on 2nd February at St Paul's Centre, the Council of Ministers is willing to share all the breakdown of costs with States Members subject to them signing confidentiality agreements.

This information has been provided to the relevant Scrutiny Sub-Panel under the terms of the normal confidentiality agreement.

The planning position in relation to the option of the People's Park site is clear. The Open Space policy (SCO4) allows for development that is for greater community or Island benefit or where appropriate compensatory provision is made. The proposals for the People's Park option meet both of these tests.

Both shortlisted options D (Waterfront) and E (People's Park) would make good hospitals. The assessment of option D is that the location of hospital departments vertically is not as good as in option E. Similarly, the future flexibility in Option D requires re-provision of ground floor support services whereas this would not be required in Option E.

Clearly, the key risk under compensatory provision for Option E is that this is not considered publicly acceptable.

I would hope that compulsory purchase would not be necessary were Islanders to determine that Option E should be the preferred option.

2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE HEALTH CHARGE PROPOSED IN THE MEDIUM TERM FINANCIAL PLAN:

Question

Will the Minister update members on what progress has been made in determining the scope and structure of the 'health charge' proposed in the Medium Term Financial Plan?

How many meetings have taken place with the relevant Ministers to discuss the new charge and when can the Assembly expect proposals to go out to consultation?

To what extent, if any, will the charge involve changes to the funding of General Practitioner and dental services and the re-introduction of prescription charges?

Answer

As the Deputy is aware MTFP2 includes proposed additional income of £15m for 2018 and £35m for 2019 under the description "proposed sustainable funding mechanism for health". Consistent with the statements made in the 2016 Budget the Minister's position is that, provided States income continues to meet the forecasts outlined in MTFP2, the amount to be raised through the sustainable funding mechanism in 2018/19 will be reduced by any additional income raised through the annual Budget process.

As noted in the MTFP2 document, an officer working group has been established to provide advice to Ministers on the scope and structure of the sustainable funding mechanism. High level presentations regarding the options and related issues have been made to the Council of Ministers in May 2015 and recently at a Council of Ministers/Chief Officers workshop.

Although no decisions have been made, it should be noted that the Council of Ministers' final proposals are unlikely to consist of a single income raising measure, but rather, consistent with the approach adopted in most jurisdictions across the globe, the sustainable funding mechanism is likely to consist of a package of measures which deliver the required income but also help to drive the correct behaviours in the consumption

of health services. The Council of Ministers are committed to outlining firm plans for the health charge in the MTFP2 addition (scheduled to be lodged in June 2016).

The health charge proposed in the MTFP relates to services provided by Health and Social Services and therefore don't extend to the funding of General Practitioner and primary dental care services and the re-introduction of prescription charges.

2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING HOUSEHOLD INCOMES:

Question

In order to better understand the impact of the recession on the economy in comparison with other countries, will the Chief Minister publish the data contained in the Income Distribution Survey on household incomes by decile along with the 90/10 income ratio and the ratio of average earnings between the top and bottom deciles, and if not, why not?

Answer

The report on Jersey Household Income Distribution 2014/15 was published by the independent Statistics Unit in November 2015; the report can be found on the Statistics Unit website at:

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Income%20Distribution%20Survey%20Report%202014-15%2020151112%20SU.pdf>

The detailed analysis and objective interpretation contained in this report has already proven to be an invaluable source of information for government and will continue to be for several years, until the next round of the Income Distribution Survey (IDS) is carried out.

The published report presents the current status of household income in Jersey and, through previous rounds of the IDS conducted over the past 15 years, an assessment of change in household income over time. Compared with similar sized jurisdictions, Jersey is fortunate to have such detailed and consistent information available for the purposes of policy development and evaluation.

As well as presenting the full income distribution, the report presents analyses broken down by household composition, tenure and income quintile. For the purposes of international comparison, the report utilises a commonly applied definition of relative low income and presents three measures of income inequality: the Gini coefficient; the 90-10 income ratio (*see page 22 of the report*); and the 90-10 income shares ratio.

Consideration of household income broken down by income, or any other variable, is governed by the statistical accuracy and robustness of the results. Furthermore, analysis by income quintile enables comparison with the published results of previous rounds of the IDS.

In order to consider the publication of income broken down at a more detailed level, e.g. by income decile, I must defer to the professional expertise and judgement of the independent Statistics Unit, and specifically to that of the Chief Statistician.

The Chief Statistician assures me that the Statistics Unit will investigate the feasibility of publishing further information at the level of income decile. If he considers that the results of such an exercise are meaningful in terms of statistical accuracy and robustness he will publish the information on the Statistics Unit website. In the interim he invites the Deputy, or any other States Member, to discuss specific data needs with him directly.

2.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING POTENTIAL REDUCTIONS IN RETAIL GAS TARIFFS:

Question

Will the Chief Minister inform members what discussions/negotiations, if any, have taken place between the Channel Islands Competition Regulatory Authority officials and Jersey Gas over potential reductions in retail gas tariffs to reflect those in the UK?

Will he further inform members when he expects to be able to report any progress on this issue to the States, and if not, why not?

Answer

This matter falls within the area of responsibility led by Assistant Minister, Senator Philip Ozouf.

The States debated Deputy Southern's proposition, calling for Regulations to reduce the Jersey Gas Company's domestic and commercial tariffs by 10% with immediate effect, on the 20th of January (P.154/2015).

That proposition was not successful but during the debate it was made clear that the JCRA would undertake further work to understand the gas market. If it appears to the JCRA that there is a problem with the operation of the gas market, intervention could take a number of forms depending on the circumstances: including recommendations to the States on legislation, following up under the competition law or seeking a voluntary commitment from the Gas Company.

The JCRA has issued an invitation to tender (ITT) for the stage two review of the gas market and has received two bids that it is currently considering. It would not be right to openly discuss matters related to the ITT whilst negotiations are continuing with consultants. However, an update will be issued on timescales once a consultant has been appointed.

The terms of reference were summarised for the benefit of States Members in the Council of Minister's Comment to P.154. The full terms of reference are now appended to this answer.

It is important that the JCRA is allowed to complete its work before any judgments are made about whether or not price regulation is warranted.



Invitation to Tender

The Channel Islands Competition and Regulatory Authorities (comprised of the Jersey Competition Regulatory Authority (JCRA) and the Guernsey Competition and Regulatory Authority (GCRA)) is the competition authority and telecommunication regulator for Jersey and the bailiwick of Guernsey. It also regulates the Ports of Jersey and Guernsey Electricity as well as the postal sector in both jurisdictions. This work is specific to the JCRA.

In May 2015, CICRA agreed Terms of Reference with the Assistant Chief Minister to carry out a stage one assessment of the fuel market in Jersey. These can be found at:

http://www.cicra.gg/_files/Fuel%20Market%20Review%20Jersey%20ToR.pdf. In October 2015, CICRA published a Statement on the First Stage Findings:

<http://www.cicra.gg/files/Review%20of%20the%20Fuel%20Market%20in%20Jersey%20104109%20V2.pdf>. CICRA is now seeking to engage an advisor to carry out a focussed assessment of certain matters following discussions and identified in a Statement made by the Assistant Chief Minister on 14 December 2015.

With regard to the gas market in Jersey there are two areas of analysis sought:

- provide further analysis on retail prices and how they compare over time in Jersey relative to an appropriate benchmark, such as equivalent retail prices in the UK or elsewhere and the appropriate wholesale prices in the UK, recognising there are two primary retail gas products in Jersey – bottled LPG and a gas network supplying LPG.

An analytical framework is sought that provides an in depth understanding of the relationship between retail and wholesale gas prices over time in Jersey, in particular to answer the question whether retail prices bear a reasonable relationship to market-based wholesale prices, and if not what factors might account for material divergences over time.

This assessment will include consideration of the medium to long term relationship between retail and wholesale gas prices in Jersey, establish what other factors play a role in the level and movement of retail prices charged in Jersey (such as low volumes, transport costs) and explain the influence these factors have on the retail price to Jersey consumers. The effects of the changing volumes of gas sold (as outlined in the first stage report) should also be taken into account and explained in relation to any movements in the relative position of the benchmark(s) chosen.

- further analysis of rates of return and gross margins, including consideration of the value of the asset base and analysis of operating costs

The first stage assessment carried out by CICRA considered statutory accounts in arriving at estimates of margins and returns. The successful applicant will carry out an analysis of the relevance of differences between Jersey Gas's statutory accounts and a reasonable economic valuation of the assets and operating costs of the gas business, as a basis for arriving at such margins and returns. Where differences contribute to material variation in the estimates of margins and returns these should be discussed and substantiated.

Tenders for these two areas of work should provide separate prices for each area as well as a single price where both areas of work are bid for. A brief outline of the approach the assessments will take should also be provided in the bid. The final outputs would be a single or two separate reports, which fully explain the analysis undertaken and its findings in a form which can be made available to States Members and the general public. If necessary, confidential versions to CICRA should also be provided where information provided is commercially confidential.

Tenders are invited from applicants to assist CICRA in this area. The closing date for submissions is Friday 12th February, 17:00.

Applicants should provide an overall estimate of the costs, either as a fixed price or on the basis of a fixed price or as an estimated number of days and the corresponding rates.

Please provide details of the individuals or team expected to carry out the work and previous experience in conducting similar assessments or other relevant experience.

Any potential conflicts of interest should be disclosed.

Such conflicts would not rule out candidates, and prior knowledge and understanding of the issues relevant to this area in the Channel Islands or similar jurisdictions may be advantageous. However, candidates must indicate how they would avoid actual conflicts of interest and manage the confidentiality of information within their organisation.

The key criteria used in the assessment of applicants proposals will be experience and value, which combined will enable CICRA to complete the assessments in the most efficient and cost effective manner in the available time.

2.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING RENTAL CHARGES:

Question

Following an exchange of emails on the subject between the Minister for Social Security and States members on the topic, will the Minister inform members why Andium Homes cannot publish clear figures for the rents it charges to new tenants by category?

Will the Minister also clearly set out what policy or policies are being followed for rental charges?

Answer

Andium Homes publishes clear information to tenants about its rental policy on its website:

www.andiumhomes.je/yourhome/Pages/Paying-your-rent.aspx

This provides a summary of the minimum, average and maximum weekly rents Andium Homes charges tenants by the type of accommodation. Some of the rents will be for tenancies that commenced before 1st April 2014, which were set under the former States Rent Policy, and some will be for tenancies that commenced after the new States Rent Policy came into effect.

New tenants are given information about the actual rent for the property that they will be renting as part of the offer process before they sign the tenancy agreement.

The rent level for individual properties will be linked to factors such as the size, location and condition of the property and, moreover, rent levels will change as new tenancies are created and rents are reset. However, publishing the range of rents charged by Andium Homes provides new tenants with a better understanding about the rent they are likely to pay.

The rents charged by all social housing providers, including Andium Homes, conforms with the States Rent Policy, which was set by the States Assembly in May 2013 when it approved P.33/2013 ‘The Reform of Social Housing’. Andium Homes calculates rents for new tenants at 90% of the rent that would be charged for an equivalent property in the private rented sector, with an inflation-linked increase applied annually to all tenancies, unless the increase would take the rent above the 90% market rent level.

For tenants who receive Income Support, the full cost of social housing rent can be met through the housing component and set according to the rent that is charged by the landlord, depending on the income of the household and providing that the household is occupying a property that is appropriate for the size of the household.

2.20 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING STATES MEMBERS’ CAR PARKING:

Question

Can the Chairman advise –

- (a) how many States members’ car parking spaces have been removed from Snow Hill and whether any consideration has been given to compensating for those spaces elsewhere, and if not, why not;
- (b) whether consideration has been given to harmonising the ‘overflow’ provisions for States members’ parking, given that, if all spaces are taken at Pier Road, permit holders are permitted to park on any floor except the lower ground floor, whereas, at Sand Street, in the event that all the spaces are taken, members either have to park upstairs and pay for parking or drive to Pier Road; and
- (c) whether PPC supports the continued provision of States members’ parking and if so, why, and if not, why not?

Answer

(a) On 22nd May 2014 the States adopted P.43/2014 and agreed –

“to request the Minister for Transport and Technical Services to take the necessary steps to cease the provision of free car parking for States Members, Jurats and Law Officers at Snow Hill car park with immediate effect so that, upon completion of the Transport and Technical Services North of St. Helier Flood alleviation scheme in the car park, the 11 spaces currently reserved for States Members, Jurats and Law Officers can be amalgamated with the 84 public spaces currently provided at Snow Hill subject to the continued provision of adequate parking for Jurats at an alternative location as required”. *(The full proposition is appended for reference.)*

The Infrastructure Department have advised that, when the spaces at Snow Hill were lost, 8 additional spaces were provided at Pier Road in order to compensate.

(b) This is not a matter for which PPC has any responsibility. However we have been advised by the Minister for Infrastructure that he has not been approached to discuss whether the overflow provision at Sand Street car park should be amended in order to allow members to park on any floor of the car park. At present there is ample space available for States members at Pier Road and the remaining floors of Sand Street car park currently provide centrally situated shopper parking for the public, which is of considerable value to St. Helier’s economy.

(c) A decision of the States in 2004 entitled members to free parking with the allocation to be determined by the Environment and Public Services Committee, now the Department for Infrastructure (P.199/2004 refers). As the current arrangements seem to be working satisfactorily, PPC does not see any merit in proposing changes.

STATES OF JERSEY



SNOW HILL CAR PARK: PARKING FOR STATES MEMBERS, JURATS AND LAW OFFICERS

Lodged au Greffe on 1st April 2014
by Deputy E.J. Noel of St. Lawrence

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Transport and Technical Services to take the necessary steps to cease the provision of free car parking for States Members, Jurats and Law Officers at Snow Hill car park with immediate effect so that, upon completion of the Transport and Technical Services North of St. Helier Flood alleviation scheme in the car park, the 11 spaces currently reserved for States Members, Jurats and Law Officers can be amalgamated with the 84 public spaces currently provided at Snow Hill subject to the continued provision of adequate parking for Jurats at an alternative location as required.

DEPUTY E.J. NOEL OF ST. LAWRENCE

REPORT

States Members, Jurats and Law Officers free car parking provision at Snow Hill was temporary taken away to allow Transport and Technical Services (TTS) to carry out works on the connection of the cavern and the shaft to Anne Court in the beginning of July 2013.

These works have been underway now for 9 months and are due to be completed in September of this year.

During this time States Members, Jurats and Law Officers have had access to alternative free parking provision provided at Pier Road multi-storey car park. The Jurats have 9 permanently reserved spaces for their use on Vine Street, prior to the works a further 3 permanently reserved spaces were available at Snow Hill. During construction period TTS has made special provision for additional Jurat parking when the Court requires a full sitting of Jurats, temporarily reserving additional spaces as and when required. The Jurats give greatly of their time at no cost to the public and it is important that they continue to be provided with appropriate and adequate car parking as and when needed.

Pier Road car park has ample space to accommodate the relocation on a permanent basis. Some 250 spaces per weekday are currently available at Pier Road.

In my opinion, these temporary measures have had little or no significant adverse effects on States Members, Jurats and Law Officers. On the occasion when a full sitting of Jurats is required, the present arrangements, whereby TTS temporarily reserve spaces as required, could continue.

I am proposing, on completion of the works being carried out by TTS at Snow Hill, that the 11 spaces formerly utilised free of charge at Snow Hill by States Members, Jurats and the Law Offices should be combined with the 84 public parking spaces to increase the number of spaces available for shoppers in St. Helier by some 13% (from 84 to 95).

These spaces are at the most northern end of the Snow Hill car park and as such are the most “valuable” to shoppers.

We have been asked on a number of occasions to increase shopper parking in this area of St. Helier and this proposition allows us the opportunity to deliver at no additional cost 11 additional spaces in Snow Hill car park.

Indeed during the Police Headquarters debate the need for additional shopper parking in this area of St. Helier was referred to by a number of States Members. This proposition is simply asking Members to put Islanders interest before our own.

I hope that Members will support this proposition.

Financial and manpower implications

There are no manpower implications and based on information provided to me by the TTS officers, this change will result in approximately £13,318 per annum of additional income for the car park reserve fund.

3. Oral Questions

3.1 Deputy K.C. Lewis of St Helier of the Minister for Infrastructure regarding expressions of interest issued for gardeners and cleaners during ongoing negotiations with the existing workforce:

Will the Minister explain whether he has invited expressions of interest for gardeners and cleaners when negotiations with the existing workforce are ongoing, and if so, why?

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

Obviously this question was drafted prior to the *J.E.P. (Jersey Evening Post) Gazette* notice last week on Thursday, 18th February, when the department published a notice to advise interested parties of a P.Q.Q. (pre-qualification questionnaire) lunch briefing for contractors working in the areas of gardening and commercial cleaning. It is at a very early phase of the procurement process for potential private sector provision of services. It is also issued through the States procurement portal on Wednesday, 17th February. The P.Q.Q. is an opportunity for contractors to express their interest in providing services on behalf of D.f.I. (Department for Infrastructure) and it is therefore for the department to conduct due diligence regarding the suitability of those contractors. It is no more than that. In order to do so they must be given details of the services that they are attempting to pre-qualify for. This process precedes any invitation to tender and is a requirement for determining whether it is feasible to pursue any further tendering exercise. The department's chief officer, in a circular to all staff distributed to staff on Thursday, 18th February, explained this process to the staff and apologised to employees in the areas mentioned in the P.Q.Q. notice for the need to do this during the consultation process. However, in order to meet the saving timescale set by this Assembly it is unfortunate but necessary for some of the workstreams to run in parallel.

3.1.1 Deputy K.C. Lewis:

I am aware that a P.Q.Q. is the pre-qualification questionnaire, which is the pre-cursor to tendering. As the tender notice in last Thursday's *Gazette* states, there is a list of 13 services from cleaning, gardening, emptying bins on roads, and harbours. There is a list of 13 here. Does the Minister not realise that the Infrastructure Department, formerly T.T.S. (Transport and Technical Services) employees, are greatly distressed at the thought of losing their jobs, many of whom will never work again, to post this advertisement while negotiations are ongoing is a gross discourtesy to the workforce? Does the Minister not agree that employees who have given decades of loyal service should be treated with respect and looked after?

Deputy E.J. Noel:

Absolutely their employees should be treated with respect and that is exactly what we are doing. Unfortunately we do need to understand whether or not the private sector can take up any of these particular tasks and to carry out due diligence on those organisations that express an interest to do so. We have not finished the service reviews yet. As Members will know, I anticipated those reviews would have been finished some time earlier this week. That has not been the case because we have extended the consultation period with the unions for a further 6 weeks, until the end of March, beginning of April. It is important that we do that with the unions and staff. But what is equally important, we cannot drag this out because those individuals that will be affected, and there will be some that will be affected. You cannot take £70 million worth of staff savings out of the States budget without some people no longer being employed by the States. We need to do that in a respectful way and we need to get to the position where we can give certainty to those individuals affected as quickly as possible.

3.1.2 Deputy S.Y. Mézec of St. Helier:

When the Deputy was attempting to convince Members of this Assembly to vote for him for the position of Minister for Transport and Technical Services, as it then was, in his speech he said: "The merger between Jersey Property Holdings and T.T.S. is not a slash and burn exercise, it is not a Trojan Horse privatisation" and then during questions Deputy Southern asked him the very direct question, which was: "By how much does he expect to reduce his 500 workforce?" He responded with: "I do not intend to reduce that 500 workforce at all." So why is the situation now different and at what point after this Assembly voting for him did he perform this U-turn?

Deputy E.J. Noel:

The situation is different because since November 2014 and the early part of 2015 we soon realised, when we were working out the strategies and priorities going forward, that we wanted to invest in health. We wanted to invest in education. We wanted to invest in our economy. We wanted to invest in St. Helier.

[9:45]

We had to fund those and what came out of that, agreed by this Assembly, is some £70 million worth of staff reductions across the States. I am afraid that cannot be done without some individuals moving on from States employment.

3.1.3 Deputy S.Y. Mézec:

The Minister knew that that was exactly what was going to happen. Before the election it was all the candidates which made up the Council of Ministers we are talking about during that election. So my question is: given what he told the States Assembly and the U-turn he performed after that, would he not like to take the opportunity, being broadcast over the radio now, to apologise to the workers who, as far as they were concerned on his election as Minister, they would have someone who would be defending their jobs and now it turns out it is somebody who is interested in simply flogging those jobs off to the lowest bidder?

Deputy E.J. Noel:

That is not the case. Deputy Mézec has no idea what I was thinking of in November 2014 and still has no idea what I am thinking of because it is impossible to do so. It is impossible to know what an individual is precisely thinking.

Deputy S.Y. Mézec:

Thanks to Hansard we know what they say though.

Deputy E.J. Noel:

Our workforce is important. They have provided good service. Those staff that we are looking to the service reviews and the areas that they work do provide good service. In December I had the privilege of meeting many of them and awarding service awards to many of them. It does not change the situation that this Assembly has agreed to take £70 million from the States payroll costs. I am afraid that cannot be done without some people moving on to employment outside of the States sector. It is a cold light of day fact. It is not something that I certainly enjoy doing. Making people redundant either through voluntary redundancy or compulsory redundancy is not an enjoyable act.

3.1.4 Deputy G.P. Southern:

Could the Minister clarify for Members whether his outsourcing process, which is obviously underway now, is one which is covered by redundancy law or one which is a transfer of employment covered by T.O.P.S.E. (Transfer of Public Sector Employees). Where is the protection for the workers in the system that you are setting up?

Deputy E.J. Noel:

Deputy Southern knows exactly where that protection is, it is under the redundancy law.

3.1.5 Deputy M. Tadier of St. Brelade:

Will the Minister be able to give an indication of what the likely impact is on the P.E.C.R.S. (Public Employees Contributory Retirement Scheme), the pension scheme that is currently run for the States?

Deputy E.J. Noel:

I believe the Deputy or one of his colleagues has asked that question just 2 weeks ago. The effect on P.E.C.R.S., those people that leave States employment will have their pension effectively frozen and they will be able to draw it down at their normal retirement ages. Individuals that will be leaving States employment will have the opportunity to speak to the Pension Department to understand what their options are.

3.1.6 Deputy M. Tadier:

The question was really more so about the future funding for the scheme; when all these current public sector employees are removed from the scheme what impact is that likely to have on future viability and funding for the scheme?

Deputy E.J. Noel:

I think it was just 2 weeks ago... that is a matter for the actuaries to get together, the long-term funding implementations of that, but for my work on the States Employment Board over a year ago when I was a member of the States Employment Board, and when we were looking at the CARE (Career Average Revalued Earnings) Scheme, that scheme is sustainable with the number of reductions that we will see in the States manpower. In the longer term what will replace P.E.C.R.S., which is the CARE scheme, is sustainable.

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

On the P.Q.Q.s that the Minister has sent out, and they are the Minister's, does he ask the question of all the companies who expressed an interest how many registered employees they have or are allowed to have, and secondly, the pay structure of their gardeners, cleaners, *et cetera*? If not, why not?

Deputy E.J. Noel:

The P.Q.Q. has not gone out. What has gone out is an invitation to contractors to a briefing to come and understand about the type of services that we are reviewing. The actual P.Q.Q. document has not been produced yet.

3.1.8 Deputy J.A. Martin:

Will the Minister then guarantee that those 2 questions are put on all the P.Q.Q.s because we need to know if they are comparing like for like?

Deputy E.J. Noel:

Certainly we will be comparing like for like and we will be issuing our definition of what a responsible employer is. We will also be seeking to get clarification from any potential contractor that they will be using unlicensed staff as opposed to licensed staff for our contract.

3.1.9 Deputy K.C. Lewis:

I have learnt something new today. "Moving on" means being fired from your job. When people are in the unemployment queue I am sure their long-service certificates will be of great comfort to them. When I was Minister at T.T.S. I greatly admired the dedication and hard work of the employees. In times of bad weather the teams would be out in appalling conditions clearing fallen trees, up to their waists in ice-cold seawater, putting up sandbags to prevent floods. When we have the next heavy snows with any more subbing out who are we going to call? Will the Minister agree to have respect for the employees and redouble his efforts to find a negotiated settlement with the workforce before the tendering process?

Deputy E.J. Noel:

I do have respect for our workforce and that is why my officers are working extremely hard to slot in those that are in areas that we are looking to redesign the services, where other vacancies come up. We have had a number of V.R.s (voluntary redundancies) come through in the latter part of last year, and are going through the process currently. We are trying to, wherever possible, ensure that existing staff in areas that are having service reviews have the opportunity to transfer their skills to other areas of not just within the Department for Infrastructure but with other areas such as Health and Education.

The Bailiff:

Members might wish to know that we have spent 12 minutes on that question and there are 19 questions in 2 hours so we have got to do rather better if we are going to get through all the questions this morning. I appreciate that that is a matter of considerable interest.

3.2 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding the timetable for the introduction of a charge for waste disposal:

Would the Minister set out his timetable for the introduction of a charge for waste disposal, assuming he is successful in his bid to have the “Bellozanne covenant” declared spent and extinguished by the Royal Court?

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

For many years now the covenant has hampered us and has meant that the taxpayer has been subsidising commercial waste, which makes up some three-quarters of our E.f.W. (Energy from Waste) plant waste. This is just simply not fair and it needs to be addressed. The Constable agreed at our joint meeting on 5th November that the best way to resolve the issue of the covenant is to take it to the Royal Court and to let the Royal Court decide on the status of the covenant. Currently Jersey is one of the very few places in the world where charging for waste disposal, not to be confused with collection, is not in place as a means of encouraging waste avoidance, recycling and other better environmental waste management techniques in the waste hierarchy. As a result we have in place a disincentive for the generators of commercial waste and, worse still, it is heavily subsidised by the general taxpayer. This cannot be right, both in times of climate change and in times of pressures on the public purse and the taxpayers of Jersey. Therefore it is right and proper, indeed it is appropriate and necessary, to investigate the continuing relevance of the public benefit from the Bellozanne covenant, which relates to a time, I believe, in the early 1950s when waste disposal arrangements, environmental concerns and finances were very different to those of today.

The Bailiff:

Minister, the question is about a timetable.

Deputy E.J. Noel:

I am about to answer that. We are therefore working in accordance with the timetable set out in the M.T.F.P. for user pays to be introduced in 2018.

3.2.1 The Connétable of St. Helier:

Would the Minister confirm that it was his idea, not mine, to test the covenant in the Royal Court? Clearly the Parish does not have a lot of choice if the Minister proceeds that way. But could he further clarify that the effect of removing the covenant would be not only to target producers of commercial waste, which is what he spoke to in his answer, but also producers of domestic waste, in other words ordinary householders?

Deputy E.J. Noel:

Yes, it will open up the ability to charge for domestic waste produced by the Parish of St. Helier. We have always had that ability to charge for domestic waste from the other Parishes. It needs to be a level playing field here. But what is certain, from the work that we have been carrying out, is that three-quarters of that waste going to the Energy from Waste plant comes from the commercial sector. A third of that comes from the same bin lorries coming from St. Helier that bring the domestic waste. What we need to do is to remove that subsidy from the taxpayer to those commercial businesses.

The Bailiff:

Can I remind Members the question is about the timetable?

3.2.2 Deputy S.Y. Mézec:

Hansard is a wonderful thing. During his election for Minister for Transport and Technical Services, when he was trying to extort votes out of us so that he could do this job, he was asked a question by Deputy Le Fondré about waste disposal tax in which he said: "I believe currently that it is not possible to bring waste charges in on domestic waste due to the covenant with St. Helier so it is not in my remit to implement it even if I wanted to, which I do not, but I do believe there is a strong argument for charging commercial waste." So could I ask him when this U-turn happened?

Deputy E.J. Noel:

I still strongly believe that the commercial waste needs to be charged. What I have discovered since then is that I thought it was a mere ... the exact figures I am not sure, I think it was 30,000 tonnes a year commercial waste. What we have discovered is it is three-quarters of the waste at E.f.W. is commercial. That needs to be addressed.

3.2.3 Deputy S.Y. Mézec:

Two questions and 2 U-turns identified and zero apologies, just platitudes, platitudes, platitudes. Would the Minister like to take the opportunity to stand up and explain why he said one thing to get elected and now is saying something completely different?

Deputy E.J. Noel:

I can probably take lessons from Deputy Mézec about giving platitudes. There has been no ...

Deputy S.Y. Mézec:

I have never broken an election promise.

Deputy E.J. Noel:

... U-turn. I said in my election speech in November 2014 that I favoured bringing in a charge for commercial waste. I said in that that I did not believe that it was in my remit to raise the covenant on Bellozanne, that the Parish of St. Helier has. It is not in my remit to do so. We tried to negotiate a settlement with the Parish, it was obviously from our advice and their advice that it was not going to be possible to do that and we agreed that the way forward was to let the Royal Court opine on the covenant and to give clarification of what its current status is.

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

Does the covenant potentially impact upon the ability to raise a sewage charge and in which case does that have an impact on the timetabling?

Deputy E.J. Noel:

No, the covenant does not, as far as I am are, impact on the sewage ... the works that we are carrying out on the sewage treatment works.

Deputy J.A.N. Le Fondré:

That was not about the sewage treatment works. It was the ability to raise a sewage charge.

Deputy E.J. Noel:

Again, as far as I believe, it has no impact on the ability to raise a sewage charge.

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

The Minister said that the taxpayer subsidises getting rid of domestic waste. Could the Minister not agree with me that we pay our taxes for this to be got rid of and if he introduces a charge we effectively will be paying twice?

Deputy E.J. Noel:

No, what I said was commercial waste. The taxpayer is subsidising commercial waste.

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

In the timescale set out for trying to charge for commercial and domestic waste has the Minister done the work to understand how charging for domestic waste will affect the lowest income households in Jersey?

Deputy E.J. Noel:

That work is underway. We have commissioned a substantial piece of work looking at both liquid and solid waste charging mechanisms and how they can be implemented in Jersey. How they can be implemented in a fair way and also addressing to make sure that we address the concerns about the ability to pay. That document has recently been produced in its first draft and I believe was sent to the Scrutiny Panel yesterday or it is certainly on its way to the Scrutiny Panel today.

3.2.7 Deputy M. Tadier:

It seems the Minister ... there were pokes to his job in the sense that he is the only one in the Island who can do U-turns with impunity. But can the Minister give some light on whether we are seeing the emergence of a new policy direction with the Council of Ministers? We see talk of a new health charge although we see no material about what that might entail. We talk about a waste charge in here. We already have a long-term health charge. Is this perhaps the new way of ministerial government in Jersey, is that we basically no longer rely on general taxation to pay for public services but maybe in future we can see an education charge, a road charge and, in fact, the abolition of all sorts of other general taxation in favour of regressive charges?

Deputy E.J. Noel:

No, I do not believe that is the case. It certainly is not a policy decision that I am aware of.

[10:00]

But what we have had is we had an M.T.F.P. debate last September and in that it was clearly stated that we would be bringing forward a health charge or health tax to cover some £35 million of the £145 million shortfall. We also said that we would be bringing in user pays charges or user pays taxes to cover 10 per cent of that.

3.2.8 The Connétable of St. Helier:

For the record, I am not happy to leave on Hansard the Minister's statement: "We tried to negotiate a settlement with the Parish of St. Helier." I think perhaps it was when I was taking a comfort break that he did that. But could the Minister just tell us, to revert to the timetable, what steps he will take should it be impossible to raise the Bellozanne covenant, certainly in his ambitious timetable he set himself to introduce the charges by 2018?

Deputy E.J. Noel:

It will be extremely difficult to raise the level of charges as set out in the M.T.F.P. by 2018 and 2019, should we be prohibited from charging commercial waste. The problem with commercial waste, it does not ... at least a third of it arrives in the back of Parish dust carts. That is a fundamental issue. If we could separate it, we could charge in a different way and remove the subsidy from the taxpayer to the commercial enterprises.

3.3 Deputy G.P. Southern of the Minister for Treasury and Resources regarding funding the projected cost of the new hospital:

Will the Minister inform Members how he proposes to fund the projected cost of the new hospital and clearly account for the difference in costs of the 5 options under consideration?

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

The future hospital will most likely be funded by what I have described as a blended solution. By that I mean it is likely to include the issuance of a further sterling sovereign bond, the use of some existing reserves, the sale of some assets and, only in an extreme circumstance, a possible charge. The final solution will of course depend on the site option chosen, as there is a considerable range in potential cost between the sites. Turning to the costs of the 5 site options under consideration, this is difficult to deal with in the time available for an oral question. However, in essence, the 2 most expensive options, that is option A, the dual site at £504 million and option C, the current hospital at £630 million. The other options are more similar in cost, ranging from £444 million to £471 million. Options A and C are more costly because they involve more complex construction than other options and include increased levels of temporary works. As such, they have significantly longer build times, 11-plus years versus 6 or 7 years for the other options, which accordingly attract higher inflation. The complexity of building on the current site, while simultaneously maintaining an operational hospital, also adds risk and therefore cost.

3.3.1 Deputy G.P. Southern:

The Chief Minister, the Minister for Treasury and Resources and the Council of Ministers have all said that the people will decide over the site of the new hospital. In order to help them do so will he reveal to Members the compensatory land costs in option E and the opportunity cost of not building offices or apartments in option D?

Senator A.J.H. Maclean:

Yes, the public, through the public consultation process, will indeed voice their opinions and I know that the Minister for Health and Social services and indeed the Council of Ministers have stated that they will listen very closely to what members of the public have to say in determining the outcome of the future hospital. With regard to land values, the question the Deputy has asked, some of that is commercially sensitive. What has, I believe, been undertaken is that the Scrutiny Panel will be provided with all the necessary information so that they can make an informed decision on the relative merit.

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

Can the Minister explain why in the space of 2½ years the option of developing the existing hospital site has risen from £460 million to £630 million for the same specification?

The Bailiff:

This is almost a matter for the Minister for Health and Social Services rather than the Minister for Treasury and Resources, is it not? The Minister for Treasury and Resources is responsible for how you fund it.

Deputy J.A. Hilton:

The reason I ask that question is because it was the Minister who told Members that the development costs of the existing hospital site are £630 million. I dispute that figure.

Senator A.J.H. Maclean:

I shall answer the question then. My understanding is the specification is different to what was originally outlined but really the key point here is that the various figures have been externally validated. First of all, Gleeds have looked in detail at the information. They have been verified independently by Ernst & Young and, indeed, the land values, which are of course of interest to Members, have been verified by PNB Paribas.

3.3.3 Deputy J.A. Hilton:

It is my understanding the figure quoted included all the same third party acquisitions that had to be made, so I am still not understanding how there can be £170 million worth of difference in 2½ years. There must be a reason for that.

Senator A.J.H. Maclean:

It is mixed up in the various land acquisition costs. As I pointed out to Members, the details of the various site values and other sensitive information will go to the Scrutiny Panel. All that information will be made available and then a report will no doubt follow. But all I can tell the Deputy is, to date, the figures that we have available have been independently verified by professional external practices and not those that have been thought up by Ministers or others internally.

Deputy J.A. Hilton:

The only comment I would like to make is I do not believe ...

The Bailiff:

It is not comment time. It is question time.

3.3.4 Deputy M. Tadier:

Will the Minister for Treasury and Resources explain whether the option D costs for the Waterfront include decontamination of the site and if so, what decontamination?

Senator A.J.H. Maclean:

I can confirm that decontamination costs are included in those costs, but I cannot give specific details to the Deputy other than it would be done in an appropriate way to meet international standards.

3.3.5 Deputy M. Tadier:

What are we decontaminating down there?

Senator A.J.H. Maclean:

There is potential for land contamination, potash and such like. As such, that will be dealt with and had to be considered as part of the assessment. I am sure Members would expect all potential costs and issues to be included within the relative costs, and that is the case in this instance.

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

Can the Minister explain further to his answer earlier, that he is looking at funding the hospital partly through the issue of bonds, what impact the downgrading of Jersey's credit rating has?

Senator A.J.H. Maclean:

That is a very good question. We are advised that the downgrading is going to have, if any difference, a marginal difference on the ability to raise a bond. Interestingly, if we consider the housing bond that was raised back in 2014, the gilts market has indeed fallen since then. We have seen Guernsey raise their own bond at a lower strike rate than we managed to achieve, and our rate was a fantastic rate at the time. So we therefore believe that a bond, if we were to go to the market fairly quickly - and that is why I have said publicly that a decision needs to be made earlier rather than later - would be at a strike rate, in my opinion, that would be lower than the existing housing bond that we have got. Therefore there is available cheap money for this particular exercise.

3.3.7 Deputy M.R. Higgins:

Would the Minister tell us what the impact then of a British exit will have on the gilts market and all the others because it will have a significant impact?

Senator A.J.H. Maclean:

If only I had such information.

The Bailiff:

Are you really not going to answer that question, Minister?

Senator A.J.H. Maclean:

I am always prepared to venture an opinion but probably not in this forum. I would just point out to Members that clearly the downgrading and negative outlook that Jersey received from Standard & Poor's was as a result of the pending E.U. (European Union) referendum. I should also point out that the United Kingdom also had a downgrade to a negative outlook for the very same reasons. There is going to be a period of uncertainty over the coming months and it will not be until after the referendum that the question posed by the Deputy will be more easily answered.

3.3.8 Deputy G.P. Southern:

The Minister for Treasury and Resources mentioned the housing bond recently raised, but that comes attached with a revenue stream in rental. Where is the revenue stream for any potential bond issued in this particular case? There is not one at the present, surely.

Senator A.J.H. Maclean:

No, and another excellent question. Yes, the external advice that we have received is that the expected returns over the long term - and we are talking about a bond issuance of 40 years - would provide the returns from the Strategic Reserve investments while maintaining the value of that reserve in real terms. That is up to, we are advised, a bond level of around about £400 million and that is one of the reasons that I stated earlier that the most likely outcome is going to be a blended solution because a bond alone is not necessarily (a) either enough money to raise for the building of a hospital but it is also unlikely that we would want to necessarily raise that level in one go, when other options perhaps exist, such as the ones I have mentioned; disposal of assets and perhaps using some other reserves.

3.4 Deputy J.A. Martin of the Minister for Health and Social Services regarding the public consultation on the new site for Jersey's hospital:

Will the Minister advise whether any independent companies (such as Ipsos MORI) were consulted prior to the publication of the public consultation on the new site for Jersey's Hospital in order to ensure that it contained no leading statements and all 4 options were presented totally without bias?

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

I thank the Deputy for her excellent question. Let us be clear, the consultation has not yet started and will not start until the first week in March. But I think, like Deputy Martin, I want this public consultation to be as comprehensive, as robust, as fair, and as transparent as it is possible to be. To this end, we have appointed an independent organisation experienced in health and social care public consultations. That is the Consultation Institute who is advising us on preparing for the consultation. It has a rigorous quality control assurance process during both the consultation and following the completion. A key part of the Institution's contribution will be to review any documentation and any materials before they go out so that the merits of all options will be presented with no misleading statements and totally without bias.

3.4.1 Deputy J.A. Martin:

The Minister then split the consultation period from 1st March to this last 4 weeks and ongoing engagement period. Can he confirm that this consultancy firm have not been brought in, in the engagement period?

Senator A.K.F. Green:

That is correct. We are out for engagement at the moment and one of the pieces of work that the independent organisation, the Consultation Institute, has already advised me on is good practice for consultation is 12 weeks not 8 weeks, and so we have already added that. We cannot obviously put any paperwork in front of them to look at until we know the outcome of P.3.

3.4.2 Deputy G.P. Southern:

I will repeat the question for the Minister then since the Minister for Treasury and Resources refuses to answer. How can he consult the public, who will be making the decision, without some breakdown, partial or otherwise, of the costs involved in each particular site?

Senator A.K.F. Green:

I can give headers so that people can see what sort of things were considered. I can give a total at the bottom, as an indication of the price. There is no conspiracy here. These figures are worked out by independent, experienced hospital builders, reviewed by qualified and experienced accountants such as Ernst & Young. But some of this information is commercially sensitive. If you put all the information out into the public domain, and I am quite happy and have already shared a lot of it with Scrutiny... if you put it all out in the public domain, lo and behold when you go out to tender for the preferred choice you might find that the figures come in exactly as per the money estimated rather than people taking part in a proper, competitive tendering process.

3.4.3 Deputy G.P. Southern:

Is it not the case that the People's Park, option E, only became viable when they reduced the size of the hospital required?

Senator A.K.F. Green:

Yes, that is true. If we were to pick up the service that we are providing in the hospital and in the community today, and try and transfer that to a new hospital, we would need to build the hospital far more expensive than the one that we are looking at, at the moment. We would need to build a hospital in the region of 400 beds. But we know from the information, the consultation, that went

out on P.82, that the public have told us very clearly that wherever possible they wish to be treated within the community.

[10:15]

That means it is a different type of modern health service to be provided. We still need to provide more beds than we currently provide. But it will not be a 400-bed hospital, it is nearer 282, I think.

3.4.4 Deputy J.A. Hilton:

Does the Minister agree with me that the reason that the People's Park option has come out as the most affordable option is because the land value attached to it has been done around car parking spaces; 500 car parking spaces? Unlike the Waterfront option which has been valued at residential prices, which is obviously going to inflate the Waterfront option over the People's Park option and they are simply not comparing apples for apples.

Senator A.K.F. Green:

When I became Minister I was quite anxious that we did compare things on a like-for-like basis. But I cannot make up the figures as per the land value. The land value is what the land value is. But in order to try and be fair, in order to ensure that we are looking at apples and apples, we know that the Constable had a desire at one time - I do not know if he still has - to put an underground car park under the People's Park and therefore it was valued as that. It could have easily have been valued as just open space.

3.4.5 Deputy J.A. Hilton:

Is the Minister suggesting that because the Constable suggested that an underground car park might be acceptable on the People's Park site that the Council of Ministers have decided that that is the value of it? That the Parish of St. Helier could turn round and say: "Well, if we are considering it for development we are going to put a block of luxury flats on it", which would increase the value of the land.

Senator A.K.F. Green:

If there was a block of luxury flats on it we would not be having the discussions we are having later on today.

3.4.6 Deputy M. Tadier:

Would the Minister clarify that it is more expensive to use a piece of land which is in States ownership rather than buying a piece of land, which does not even belong to the States and which the owner does not want to sell?

Senator A.K.F. Green:

When you are looking at the price of something, you have to look at the cost of that land, the value of that land, the opportunity costs. I have tried to be absolutely straight down the line. I do not play games but people want to try and make it that I do. But I do not play games. We have had professional assessments done by independent people on a like-for-like basis. I am sorry, the figures are what the figures are and people must make of them what they want. There are some options to be taken into account here. There are some trade-offs to be taken into account, including access and all the rest of it. That is what I want to consult with the people. It is their hospital, and I want to hear what they have to say. The figures speak for themselves.

3.4.7 Deputy J.A. Martin:

I would like the Minister to email States Members details of this company and their experience in consultation independently, on hospitals in particular. I look forward to that. Also why this

company has not ... the question is: why they were not brought in, in the so-called engagement round. Surely the precursor to the consultation is getting the message out there without bias. Does the Minister not agree?

Senator A.K.F. Green:

No, I do not agree with everything the Deputy said. But I do agree that we need to get the message out there without bias. That we need to have a proper, fair, open and robust consultation. I will certainly send with pleasure the information on the company that we have engaged.

3.5 Deputy C.F. Labey of Grouville of the Chairman of the Comité des Connétables regarding the Code of 1771:

What does the Code of 1771 mean to the Connétables and what impact, if any, does it have on the way they carry out their duties?

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

A fascinating question. The Code of 1771 ratified a number of existing laws. The only aspect of the 1771 code which remains today in relation to the Connétables is a requirement to convene a meeting once every month of their police officers. This of course is something which we do.

3.5.1 The Deputy of Grouville:

Is the Constable aware that the lodging periods, that we have 6 weeks for departments, 2 sittings for other propositions, remain in place - and they remain in place, and they remained in place when we went to ministerial government, they were not changed - to give the Constables the opportunity to hold Parish Assemblies to consult with their parishioners on issues?

The Connétable of St. Clement:

No, I am not aware of that. The lodging periods were changed fairly recently. They used to be, when I first came to the States, with 2 weeks for every proposition, they were extended some time ago to allow all States Members to consult with their parishioners and their constituents if they so wished. There is nothing in the 1771 code referring to that.

3.5.2 Deputy S.Y. Mézec:

Is the chairman aware that the Code of 1771 was adopted as a direct result of a mini-revolution which took place 2 years earlier where hundreds of Islanders gathered in the Royal Square to protest against a series of very poor decisions made against the will of the public by the then out of touch government? Given the context we find ourselves in today, does the Comité believe that it is time to adopt a Code of 2016 and if so, what would he like to see in it?

The Connétable of St. Clement:

I really feel that I should have notice of that question so that I can give it full and proper consideration. This code has served us for some 240 years, perhaps we give it another 8 or 9 years and at its 250th anniversary we can consider a new one.

3.5.3 Deputy S. Y. Mézec:

In order to consider what he may like to see in a future code would he be prepared to be encouraging his colleagues on the Constables to hold Parish Assemblies to consult with their parishioners on the issue?

The Connétable of St. Clement:

Can I assure the Deputy and States Members that the Constables consult with their constituents I am sure equally as well and as much as other Members of the States do and should. We are all representatives of the people who elect us and therefore we should all consult with them. At the end of the day, of course, we are representatives, not delegates, and we make our own minds up based on the quality and the persuasions that we receive in debates. But I can say that at Parish Halls we do have many consultative meetings. While the Deputy was asking these questions I wrote a few down that I can remember, and I am sure there are others. The Electoral Commission, when that was going on. There were meetings at every Parish Hall. The current major debate on the hospital. There is going to be a presentation in each Parish Hall during the consultation period. I remember meetings regarding changes to bus services. I remember meetings regarding road safety issues. I remember meetings in every Parish Hall about the Island Plan and other planning issues. So there are regular meetings going on at the Parish Hall where parishioners are consulted about the issues which affect them directly, and it is important that that continues.

The Bailiff:

Something has to give in terms of timing in question time.

3.5.4 The Deputy of Grouville:

I find that this is an opportunity that is being missed here, to invigorate grassroots politics and I do not believe having the health roadshow can substitute for a Parish Assembly. Does the parishioner not agree with me that there is an opportunity being missed here whereby Constables can consult with their parishioners, give them the opportunity to have their say, know their feelings on issues, such as ... we have had many in the past such as Plémont, Port Galots and now the hospital site? Does he not believe that this would help reinvigorate Parish Assemblies and also perhaps increase voter turnout?

The Connétable of St. Clement:

I think it is very important that the States recognise, and the Deputy should recognise, that the Parish is probably the most democratic, transparent and open government institution that we have. I have said it in this Assembly before at question time. It is the only institution, the only government institution in this Island where people tax their own rates. That they elect their own officials, including police officers, roads committee, assessors, the ones that assess their properties for the rates that they themselves will vote for. At the end of the day it is the parishioners who decide how their money is going to be spent. They do not have a States Assembly or a Parish ... they are the Parish Assembly. Every single voter in the Parish has the right to come and decide how their rates are going to be spent. There cannot be anything more democratic, open and transparent than that. Really I think the Parish Assembly, the Parish system, should be the envy of so many democracies throughout the world because it is a direct democracy.

3.6 Deputy J.A. Hilton of the Chief Minister regarding the privatisation of aspects of the Department for Infrastructure's service provision:

Can the Chief Minister confirm that, when the Department for Infrastructure privatises aspects of its service provision, he will not increase the number of registered licences currently granted to the companies awarded the contracts, and will he confirm that the employees of such companies will be subject to the 5-year residency rule?

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

Could I ask Senator Routier who is responsible for issuing licences to answer this question please?

Senator P.F. Routier (Assistant Chief Minister - rapporteur):

I would like to thank the Deputy for the question. No applications or approaches have been made by anyone, including any companies, for additional permissions. Should they be made they will be considered on their merits in the normal manner. I am pleased to have the opportunity to reinforce the Housing and Work Advisory Group's position that there will be no special treatment, and that means any request for registered staff would be refused should entitled people be available.

3.6.1 Deputy J.A. Martin:

The question is simple, like I put to the Minister for Infrastructure. Will the Minister be working with the Minister for Infrastructure to look before the P.Q.Q.s go out to see how many of these companies already have just registered workers or the majority of registered workers and what pay scale they are on? It is a very simple question. Will the Minister do that and work with the Minister for Infrastructure?

Senator P.F. Routier:

I would like to reassure the Deputy that I have already made representations to the Minister for Infrastructure and to the department that we will be taking a tough line with regard to employment of people. That we will not be giving any licences. I have seen a draft of what they are intending to send out and there is a section in it which says the employer - it is the way it is worded - is not reliant upon the need for an employment licence to fulfil licences they are tendering for. There is a section in there which specifically talks about they will not expect an employer to be asking for licences. With regard to the wages, that would be something for that department to be dealing with. My responsibility is obviously about licences for employment.

3.6.2 Deputy J.A. Martin:

Could the Minister then not urge the Minister for Infrastructure to add on to that question, if you are not reliant on an extra registered licence what is your split now? If you have 100 employees, is it 50:50? Is it 60:40? It is a simple question. You need to know where these jobs are going. How many of these companies tendering are already reliant or over-reliant on registered employees, i.e. without 5 years? Can you add that to the question?

Senator P.F. Routier:

That is the sort of discussion that we have had with the Minister and the department. We will obviously do our utmost to ensure that the wishes of many Members I am sure are held. Certainly the Housing and Work Advisory Group's view right from the outset, when it was talked about that there was a possibility of this move, that we would not be looking upon any licences favourably.

3.6.3 Deputy K.C. Lewis:

Many of the workers at Infrastructure, when they lose their jobs - or as just been said, the current colloquialism is being "moved on" - some will lose their homes, some will never work again, a lot will end up on benefits. The new people coming in will be on minimum wage, zero-hours contracts, no benefits whatsoever, and will probably need a top-up from Social Security. Does the Chief Minister agree this is a completely pointless exercise?

Senator P.F. Routier:

That is not really an issue for my responsibility. But certainly the Deputy has jumped to lots of conclusions with regard to the conditions that the employees will be being offered. I am aware that businesses who come to us for licences are challenged by obviously the employment legislation rules and wage restraints. It is obviously a commercial decision which will be made by the companies but I know that we will not be giving licences for people to be employed within companies.

3.6.4 Deputy J.A. Hilton:

Can the Minister confirm how many vacant registered licences are being currently held by companies that will be tendering for these contracts?

[10:30]

Senator P.F. Routier:

I am obviously unable to give that information on the hoof but certainly I will find out and let the Deputy know.

3.7 Deputy L.M.C. Doublet of St. Saviour of the Minister for Home Affairs regarding the allocation of funding to set up a Sexual Assault Referral Centre in Jersey:

Can the Minister advise whether she will be allocating the necessary funding required to set up a Sexual Assault Referral Centre in Jersey and if not, why not?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

Jersey already has the foundations of a fully-functioning S.A.R.C. (Sexual Assault Referral Centre) which provides the care for adult and child victims of sexual assault. The Health Department and the police are already working collaboratively to share buildings, equipment and expertise to provide a good service to victims and a new forensic paediatrician and Island-designated doctor have been appointed. A range of possibilities are being explored to further develop a fully-fledged Jersey S.A.R.C., along with a co-ordinated victim service. A meeting is taking place this week between the police, the Health Department and possible partners from the voluntary and community sector to consider funding options and take appropriate steps to enhance the existing service.

3.7.1 Deputy L.M.C. Doublet:

I thank the Minister for her answer; I am pleased that work is going on. Can the Minister confirm that she has the money within her current budget to ensure that a S.A.R.C. is delivered as soon as possible?

The Deputy of St. Peter:

As I said, discussions are ongoing to find potential partners from within the community and voluntary sector who may be able to assist with funding.

3.7.2 Deputy J.A. Hilton:

Can the Minister confirm when the paediatric expert was employed and whether it is a full-time post, please?

The Deputy of St. Peter:

That is a very recent appointment as far as I am aware and it is a part-time post.

3.7.3 The Deputy of Grouville:

Does the Minister have any estimates of the cost involved - the economic cost involved - for violence against women?

The Deputy of St. Peter:

That is a very good question; I thank the Deputy for it. It is a piece of work that is underway because it is something that has been collated in other jurisdictions and it is something that we are very keen to understand further.

3.7.4 Deputy L.M.C. Doublet:

The Minister stated in her answer to a written question in February last year that this type of crime is massively under-reported and there have been calls for a S.A.R.C. for quite some time; in fact, I found a tender had gone out back in 2014. Will the Minister consider and, if she is able to, submit a further growth bid for the M.T.F.P. given that I think that the amount needed is around £50,000 and that we should not be relying on partners from within the community and this is important work that we should be able to fund from within our budgets?

The Deputy of St. Peter:

As we know, the M.T.F.P. process is still underway for the additional parts but in July of last year a paper was taken to the Council of Ministers asking for some £60,000. It is now considered that the sum needed to have a fully-fledged S.A.R.C. would be more in the region of £150,000 and so it is very much felt that there are interested parties within the community and voluntary sector and it would offer best value for money and also best possible practice and service to those people who require these services if we were to partner up with interested parties.

3.8 The Connétable of St. John of the Minister for Treasury and Resources regarding the level of Vehicle Emission Duty payable on cars with no engine:

Can the Minister advise what vehicle emission duty is payable on a car with no engine, in other words just the physical structure and chassis?

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

I am pleased to advise the Constable of St. John that there will be no V.E.D. (Vehicle Emission Duty) payable on an imported chassis or body without an engine although G.S.T. (Goods and Services Tax) would be. Thank you.

3.8.1 The Connétable of St. John:

I have here an acquaintance who has approached me who did precisely that. He is a rally driver who, unfortunately, had an incident with his car. He bought a new chassis from the U.K. (United Kingdom) without an engine and put the engine from his old car into the new chassis and was charged £255 vehicle emission duty. Can the Minister assure him that his money will be refunded?

The Connétable of St. Peter:

I am afraid not. The position is that if a chassis is brought in without an engine and then an engine is fitted, it then becomes liable for vehicle emission duty because it will be a vehicle that will be used on the Island roads. So I am afraid I cannot give the Constable's friend any comfort in that area.

3.8.2 The Connétable of St. John:

The vehicle emission duty, I understand, is on a vehicle imported into the Island. The engine was already here and had already paid the necessary duties. How can this be when a double taxation is taking place? You clearly answered there was no V.E.D. applicable to an empty chassis. Can you please give this acquaintance of mine some comfort? Thank you.

The Connétable of St. Peter:

Thank you to the Constable of St. John. He raises a very good point and I will give some comfort but only insofar as it raises a very interesting question, particularly as the engine has already been imported into Jersey on another car and therefore has already been paid. This is something I am

quite happy to take forward to Customs and Excise and see if they will consider whether there should be an exemption for this type of situation but I cannot say that I will get his acquaintance's money back in this case but I will do my utmost to get a resolution. Thank you.

3.9 Deputy R.J. Renouf of St. Ouen of the Minister for Treasury and Resources regarding annual pension statements issued to pensioners in receipt of a Social Security pension:

Is the Minister aware of a discrepancy between the annual pension statements issued to pensioners in receipt of a Social Security pension, which show a figure comprising pension entitlement over 53 weeks, there having been 53 Thursdays in 2015, and the pension received by most pensioners of 13 4-weekly payments, and advise whether pensioners will be taxed on the higher figure produced by calculating entitlement over 53 weeks?

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

I am aware now. **[Laughter]** I would also point out that this is not straightforward although it appears somewhat odd at face value. We believe the pension income has been dealt with in this way since the Income Tax Law of 1961. Under the Income Tax Law, the amount of pension income accessible in a particular year is the amount of pension income arising in that year rather than the amount received in that year. Strictly, the Jersey old age pension is a weekly amount which arises every Thursday; therefore, the income that a recipient of the old age pension needs to include in their tax return is calculated by multiplying the number of Thursdays in the year by the applicable weekly amount. Due to the fact that there are not exactly 52 weeks in a year, because that of course would need a year that only had 364 days, periodically there is a year which has 53 Thursdays in it; 2015 was one such year. Therefore, for 2015, recipients of the old age pension need to include 53 weeks of pension income on their tax return. Pensioners ordinarily receive their pension from the Social Security Department in advance in a 4-weekly payment. Some pensioners will have received 13 of these 4-weekly payments in 2015, equating to 52 weeks of pension. However, some pensioners will have received 14 of these 4-weekly payments in 2015, equating to 56 weeks of pension. It is therefore far more straightforward to tax all pensioners on the arising basis. Using the arising basis consistently over time means that there is ultimately no discrepancy between the income received and the income taxed. I hope that is crystal clear.

The Bailiff:

It is. It is about 20 seconds too long but crystal clear. **[Laughter]**

3.9.1 The Deputy of St. Ouen:

A supplementary? The Minister said that he believes pension income has been dealt with in this way in previous years. I do not believe that to be the case. Can the Minister carry out research to inform us? Because I believe that this move will cause some pensioners to move just above the exemption threshold for payment of income tax. That means some of them will no longer be eligible for the cold weather bonus, the food cost bonus and the free TV licence. Is the Minister causing significant financial loss to low-income pensioner households for the sake of collecting small amounts of tax?

Senator A.J.H. Maclean:

That is an extremely good question. With regard to the first part of it, I am advised within the department, because I have asked the question as to when this arose and whether it has in fact been since - I was told - in 1961; we are going to look further into that but that is the belief, that it is dating back to that period. It is interesting that it appears that this issue has come to light due to the good work of the Social Security Department since they started issuing statements in 2013 to make

it easier for recipients to know what was going on. But of course by having that knowledge it has now become obvious that in various years, and I think it is about every 6 years or so, that this comes about. With regard to the point about exemption thresholds, again, we are aware of that as a matter of concern. Of course, approximately 50 per cent of pensioners, due to the generous exemption thresholds, do not pay tax anyway, assuming that they only receive pension income and no additional income. Some pensioners clearly have other income. If there are any who are caught, as described by the Deputy, then indeed we would work with the Social Security Department. I am happy to speak to my colleague to make sure that nobody is disadvantaged who falls just over the line but we are not aware of anyone falling into that category at the moment. If there are any, they should be brought to both my attention and the attention of the Minister for Social Security.

3.9.2 Deputy J.A.N. Le Fondré:

Just to be clear, I have certainly had an approach, and I guess the Deputy of St. Ouen has also had an approach, so there are pensioners who do just cross the line because of the actions of an early payment. So really, just to be clear, the Minister has said he will work with the Minister for Social Security to address this matter. Can he give us a timescale, if possible, and what should pensioners who feel they have been affected do? Should they contact the department, should they contact the Social Security Department, or do you want them contacting their political representative?

Senator A.J.H. Maclean:

I would say they could do any of the above, whichever is more comfortable for the individual. We are aware, as I pointed out, within the Tax Department from time to time, as I have said, this only comes about every 6 or so years, that individuals have approached the Tax Department in the past needing to have the situation explained because at the very least it is odd and does need some explanation. But with regard to the numbers of people who are disadvantaged, falling just over the line as described by both Deputies, we are not aware of any significant numbers there whatsoever. But we would obviously want to hear if that were the case; it is not intended to disadvantage people in that way.

3.9.3 Deputy J.A.N. Le Fondré:

A supplementary? Will the Minister, if they are disadvantaged, take some form of measure to address that disadvantage? The key question is that they are suddenly treated as taxpayers for a very minimal liability and therefore as a taxpayer, even if it is only £20 or something, will no longer be eligible for, for example, the £200 G.S.T. food bonus.

Senator A.J.H. Maclean:

Yes, the Deputy is right. Just to be clear, as a single taxpayer I think it is £200 the difference we are talking about which would then be subject to tax but of course could push them over the line. For a married couple I think it is £332. But that is an issue that I am happy to discuss with the Minister for Social Security. We will address it, just to be clear, with the Deputy. We are not aware of individuals falling in that way at the moment but if there are any, we would like to know. Thank you.

3.9.4 Deputy G.P. Southern:

Whatever the numbers of people affected by this, will he assure Members that he will give sufficient publicity to this to enable all to understand that they may be affected by this particular change?

Senator A.J.H. Maclean:

Yes.

3.9.5 Deputy J.M. Ma, on of St. Saviour:

Will the Minister then, after his conversation with the Minister for Social Security, email all States Members and possibly the media when he is going out with this with a designated point of contact so that we all know who is the contact should this situation arise and we be contacted by parishioners?

Senator A.J.H. Maclean:

I think I have already answered that question; yes.

3.9.6 The Deputy of St. Ouen:

Is it sufficient for the Minister to say that he will work with Social Security because is there discretion in the legislation which allows pensioners to receive these benefits, notwithstanding that they may have to pay a small amount of tax?

Senator A.J.H. Maclean:

I am very happy to discuss this issue with the Deputy if he feels a different approach is one that needs to be considered. I think that probably the easiest matter would be for the Deputy to come and have a discussion both with myself and the Minister for Social Security and we will take this forward. If he feels there is another approach that is workable, then we will listen to whatever views he has on that matter.

[10:45]

3.10 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding the effect on economic growth of plans to increase taxes on middle earners:

What impact assessment, if any, has been carried out to predict the effect on economic growth of the Council of Minister's plans to increase taxes on middle earners to raise over £50 million per year and what official consideration, if any, has been given to raising taxes on the highest earners as at least a partial alternative?

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

A number of potential future charges form part of a package of measures under consideration to balance public finances by 2019. The details of these have not yet been finalised so to suggest the impact will solely focus on middle earners is presumptuous. Full details will be lodged with Medium Term Financial Plan addition in June. To date, no detailed economic impact assessment has been carried out but the Council of Ministers is following the Fiscal Policy Panel advice that we should develop a plan that will address any structural deficit by 2018/2019 and to ensure that the range of measures minimises the risk to the economic recovery as it continues to develop. This means withdrawing fiscal support for the economy gradually, allowing economic growth already underway to gain momentum and aiming to balance the budget at a time when the economy is backed to capacity. To the second part of the Deputy's question about raising taxes on higher earners, I would remind him that at the budget I continued phasing out child allowances from standard rate taxpayers which of course are higher earners. Thank you.

3.10.1 Deputy S.Y. Mézec:

A supplementary. In terms of economic analysis, would he agree with the words of Senator Alan Maclean who said in November 2014: "Governments should be looking at tax-raising options as a last option. Clearly it is damaging to the economy. It is not good for Islanders in the community to have more money taken out of their pockets"? Does he agree with those words and, if he does agree, why is he pursuing a policy which is quite blatantly going to have a negative impact on economic growth?

Senator A.J.H. Maclean:

The final part of the Deputy's question was an opinion. I suggest it was presented as fact but it was an opinion nonetheless. The final point that you made there, as far as the quote that the Deputy has made, as far as I am concerned, and this is exactly what the Council of Ministers has been doing, we made it clear at the outset that any measures in order to balance budgets would be brought in towards the latter part of the Medium Term Financial Plan period. That is why in my opening comments I was making the points following the F.P.P. (Fiscal Policy Panel) advice around introducing charges from 2018. That is where the significant changes or potential changes with regard to charges are focused. Health charge - I will use as an example - in 2018 at £15 million and in 2019 the balance up to £35 million and that is the right approach. So it is a gradual withdrawal is the way that we should manage this based on solid independent professional advice.

3.10.2 Deputy A.D. Lewis of St. Helier:

At a recent presentation the Minister for Treasury and Resources attended, an example was given of £130,000 of income being earned by a family, yet still not paying 20 per cent in income tax. Does the Minister think that is acceptable? Also, if he could please define what he regards as a middle earner, as many people would regard people earning £130,000 as perhaps not being a middle earner. Could he define what a middle earner is? Thank you.

Senator A.J.H. Maclean:

Yes, the Deputy gives a good example. At face value, again this does not look acceptable. Individuals earning more than £100,000 are effectively, in the example described, marginal-rate taxpayers. That is because there are some very generous benefits available to taxpayers and it ensures that our tax system is not on a slab basis but is graduated so you do not have sudden changes by, for example, turning round and saying that somebody earning £90,000 should suddenly move from a marginal rate on to a standard rate. You would get a slab effect there as opposed to a gradual rise. There are some drawbacks to the marginal rate but what the Deputy is describing is not easy to resolve. What he is describing is a change to the entire tax system, not just one small tweak.

3.10.3 Deputy A.D. Lewis:

A supplementary? Would the Minister not agree then it is a good time to completely review the marginal-rate computation? It is highly complicated, most people do not understand it, and it clearly is not doing its job.

Senator A.J.H. Maclean:

You do not rush to suddenly change a tax system that has worked for decades and worked very efficiently. There are costs associated with such changes. That does not mean that within the Tax Department there is not an ongoing process of reviewing the way in which the tax system works and indeed there is investment going in to ensure, working together with Social Security, we combine the I.T. (Information Technology) systems to make them more efficient and more effective. We are moving towards independent taxation. That is a requirement and indeed would be necessary for allowing us to change the system as the Deputy is perhaps suggesting. So there are various steps that need to be taken first in terms of modernising the tax system starting right now which could lead ultimately to a change to the marginal-rate system but you do not do it at the drop of a hat.

3.10.4 Deputy M. Tadier:

Would the Minister just put on record now whether he prefers regressive or progressive methods of raising revenue whether that be through so-called charges or taxation?

Senator A.J.H. Maclean:

I think there is always going to be a difference of opinion between perhaps myself and the Deputy and some of his colleagues as to what is regressive and progressive. I have said on many occasions that we need to have a tax system that is fair as it possibly can be. No tax system is perfect, ours included, and we need to continue to ensure that we develop it to be as fair and balanced as it possibly can be to meet the needs of the Island.

3.10.5 Deputy M. Tadier:

I was labouring under the impression that expressions such as “progressive” and “regressive” were well understood in parliamentary terms, so perhaps I can clarify for the Senator what I mean. When I say “regressive”, I mean something that impacts most on those with the least disposable income and “progressive” means that those who have the most disposable income will be asked to pay first before those with the least disposable income. So on that definition perhaps, can the Minister clarify whether he prefers progressive or regressive methods of funding the future deficit?

Senator A.J.H. Maclean:

I think we need to be clear about a particularly important point and that is where the burden of tax falls in this Island. At the current time we have got more than 50 per cent of the tax paid in the Island is paid by the top 10 per cent highest earners. More than 50 per cent of the tax paid in the Island. So the heavy burden of tax is falling on those that are earning the larger sums of money and that is exactly as it should be.

3.10.6 Deputy S.Y. Mézec:

It is difficult to know where to go with this after some of those answers. The question I would like to therefore ask the Minister is, would he not agree that introducing new taxes, which is the policy he seems to be wanting to pursue, involves creating more bureaucracy and involves increasing the costs of administering taxes from the State, so would he not accept that a good Conservative should be pursuing a version of taxation which includes altering income tax as the most cost-effective way of raising revenue rather than creating new bureaucracies, new systems and more forms to fill out for people?

Senator A.J.H. Maclean:

Is the Deputy describing himself as a good Conservative?

Deputy S.Y. Mézec:

I think I was speaking in the third person.

Senator A.J.H. Maclean:

I am pleased the Deputy has clarified that point. It is important that we focus on what we are trying to achieve here and that is balancing public finances by 2018 or 2019 based on good solid independent advice from the Fiscal Policy Panel. That is what we are seeking to do. We have been putting money into the economy to ensure that we maintain the recovery that we are beginning to see. We want to maintain that and it is critically important that we do so. We are needing to make some changes to charges and that will be in the latter half, as I have already stated, to ensure that we do not put in danger the recovering economy which we want to and absolutely must maintain for the good of the Island to maintain jobs and generate the revenues necessary to pay for our quality public services.

3.11 Deputy M. Tadier of the Minister for Housing regarding the average rental costs of residential accommodation per sector:

Could the Minister provide figures on the average rental costs of residential accommodation per sector, including entitled, registered and per category (bedsit, 3-bedroom house, *et cetera*) and, if not, why not, and what steps, if any, will she take to gather this information and make it publicly available?

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

To support current and future policy decisions we need to have a strong evidence base and we recognise this in the Housing Strategy. I am pleased to inform the Assembly that a rental price index is being developed by the Statistics Unit which will monitor changes in rental prices over time similar to the quarterly house price index. As part of the index, we will also be able to break down average rental prices by different sectors of the market and different types of property. It is envisaged that this index will be published in the coming months.

3.11.1 Deputy M. Tadier:

That is reassuring to know. Can the Minister provide detail specifically whether the index will be based on estimates and samples or will it be based on hard evidence of all of the properties out there and what the actual rents are, i.e. will it involve some kind of registration and collecting of hard data for all rental properties in the Island?

The Deputy of Trinity:

The Statistics Unit is gathering information on advertised rents from letting agencies. This reflects, as I said, advertised rents, not the actual rent paid by a tenant after negotiation, but will provide a robust and reliable benchmark of rents in Jersey. It also includes registered and entitled rental properties, rents by property types, such as bedsit, one-bed flats, 2-bed houses and flats, and 3-bed houses, *et cetera*.

3.11.2 Deputy M. Tadier:

So why does the Minister insist on making things more difficult than they need to be? Does she not accept that you cannot get an accurate figure, as she has already admitted, from advertised properties, (1) because not all properties are advised and (2) because the advertised rates are not always the final rental rate because they may be subject to negotiation? So if she does accept that, will she not pursue a method whereby we have a register of landlords, we have a register for rental properties, but you cannot rent those properties out until they have been registered and we know exactly what those costs are? Because, after all, we have to register now for the Deposit Scheme under the Residential Tenancy Law. Is that not the sensible way forward, the clearest way forward, for both tenants and landlords?

The Deputy of Trinity:

I know that the Deputy is very keen on registration and it is something perhaps we need to look further down the future and as probably a part of the Housing Strategy. But this is the first step and, as I said, it is coming out fairly soon and it will be evidence based. Regarding the Tenancy Deposit Scheme, yes, we will get a certain amount of data from that as it builds up over time which will be published on an annual cycle.

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

If it is difficult to determine the average rental price index and this work is yet to be completed, could the Minister advise how it is that we have a 90 per cent rent policy and what is that established against?

The Deputy of Trinity:

The 90 per cent market-value rent was approved by this Assembly in the Housing Transformation Scheme but also it provided some sort of feedback for the housing bond, which the Minister for Treasury and Resources has spoken about earlier, to enable all flats to come up to a decent standard which is something I hope that we all want.

3.11.4 The Deputy of St. John:

A supplementary? I am not sure that quite answered the question I was asking, how the 90 per cent rental policy was determined in terms of what was it based against. If there is no index, if it is difficult to identify what the average rental price is, then how did we come up with 90 per cent of a supposed market rental? Could the Minister explain that, please?

The Deputy of Trinity:

The 90 per cent was agreed, as I said, through the Housing Transformation, and the Housing Department at that time did a whole lot of work and also worked with Scrutiny.

3.11.5 Deputy G.P. Southern:

The Minister fails to understand the question which was unless you know the average price of something, how can you establish the 90 per cent figure? How. Not who authorised it, how was that done?

The Deputy of Trinity:

Yes, I do understand the question. I think you have to look exactly at the nuts and bolts of how it was done; you have to look back in the Housing Transformation. I have not got that information to hand at present.

3.11.6 Deputy G.P. Southern:

Does the Minister now know? Will the Minister master her brief and bring those figures and that methodology to the House?

The Deputy of Trinity:

Yes, I can do that but, as I said, it is in the Housing Transformation Programme. But that information, it is important that you have got to take that 90 per cent market value in the round.

[11:00]

It is also there to make sure that there is enough money to reinvest back into the housing bond to increase decent standards in all our housing stock which was certainly definitely lacking.

The Bailiff:

A final supplementary.

Deputy M. Tadier:

Sir, I do not have any supplementary at the moment.

3.12 Deputy R. Labey of St. Helier of the Minister for Health and Social Services regarding the consultation process for the future hospital:

How does the Future Hospital consultation process propose to measure and record the public preference for each site?

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

Another really good question today. The public will be able to record a preference for a single site either electronically or in paper form. This will provide key quantitative records. The Consultation Institute, an independent organisation I talked about earlier, have experience in public consultations in health and social care and they are advising us on the governance relating to this process, i.e. numbered preference forms, a risk of double voting. The forms will also contain a section where Islanders can express other comments about sites when they feel the need to do so. These will be recorded and analysed. The analysis of the data recording the public's preference for each site will be undertaken in an auditable form by an agency independent of the Future Hospital project.

3.12.1 Deputy R. Labey:

So will a Survey Monkey-type exercise be binding on his department?

Senator A.K.F. Green:

I have taken advice on this and I have always been really clear that if there is a clear outcome then that is what I will work to in delivering a hospital for the public. But it is very difficult to put what a clear outcome might look like but it will be, as the Deputy said, some sort of Monkey Survey system. I am hoping that there will be such a clear outcome for whichever site the public prefer that it will be very easy then for the Council of Ministers to come back with a preferred site.

3.12.2 The Deputy of St. Ouen:

How will the Minister ensure that these forms are available to all, even those who do not have access online to Monkey Surveys? **[Interruption] [Laughter]**

Senator A.K.F. Green:

For those of us that cannot afford to go to Durrell, I think. **[Laughter]** No, seriously, we have costed it out and we intend, once we know what the sites are, how many we are consulting on, once we know the date of the consultation process because we need to have all of the documentation evaluated, we intend to send a pamphlet out to every home, every postal address in Jersey, with information on all the sites with a voting slip post-paid in there as well and then people can either pick that up or go online and hopefully we will engage as many of the public as possible.

3.12.3 Deputy J.A. Hilton:

I understand Channel Television held a survey and within 24 hours over 2,000 people responded and the result of the response was that I believe something in the region of 46 per cent voted for the Waterfront as the new location and only 14 per cent for the People's Park. Is that a clear enough indication to the Minister of what the public want?

Senator A.K.F. Green:

The last time I looked I thought we had about 100,000 people in the Island. The indication of the way that 2,000 people want to go is possibly a good representation but is not as good as a proper survey.

3.12.4 Deputy M. Tadier:

Does the Minister accept that the best methodology that we have in a democratic system for a survey is called a referendum and that based on my costings in 2015 when I asked for one it was £30,000? Now I do not know what the current figure is for consultation. That has already happened on the hospital but we have got an answer today which says it is £30,000 already spent, most of that on videos being made, for propaganda purposes, no doubt. If the Minister is genuinely committed to getting a feel from the whole of the Island to give people a democratic say, should the Council of Ministers not be looking at a referendum where Islanders could list their preferences from one to 4 or 5 and with all the information provided?

Senator A.K.F. Green:

It seems to be that sometimes in this job you cannot win. If you try and provide all the information, you are spinning and providing propaganda, and if you do not provide the information, you are secretive and in a conspiracy. It is right that we get the information out there for people. As to the answer about a referendum, the Deputy knows full well that referendums done properly are yes or no answers. You do not do a referendum for 4 sites with 4 different combinations of what might be in there. A referendum is yes or no.

3.12.5 Deputy M. Tadier:

The States has a pedigree of not having simple yes or no referenda when they ask questions. He knows full well that you can have referendums which ask multiple choices when the actual decision is a multiple choice one. So will the Minister acknowledge that that is a red herring and if there was the political will there to genuinely consult with Islanders that they could do it much more cost-effectively, much more democratically, through the use of a referendum?

Senator A.K.F. Green:

The Deputy knows full well that referendums done properly are yes or no. There are no grey areas on that, there are no red herrings. I have not been out fishing. It is yes or no. I am consulting genuinely on the site that the public may wish to have for their hospital and to that end I am ensuring that we have a robust and transparent consultation. Sorry if the Deputy does not agree with me but that is a fact.

3.12.6 Deputy J.A. Martin:

On the question of the papers that people will be signing, can the Minister confirm that it will be first past the post or will there be transferrable votes?

Senator A.K.F. Green:

It is not an election and, as I said, I have to seek advice from the Consultation Institute who warned me that when there is a very clear quantitative outcome, that is fine, but sometimes when it is close you need to look at other information. That is why we will have an auditable system of ensuring that votes are recorded properly and that comments are taken into account if they are very close. I am hoping that the public will overwhelmingly come down on the side of one site and it is very clear for us.

3.12.7 Deputy D. Johnson of St. Mary:

Will the Minister confirm that the public will not be asked to express their preference until such time as the Scrutiny Sub-Panel have issued their report and have been able to obtain public comment on that?

Senator A.K.F. Green:

We cannot do that. We are going out to consultation at the beginning of March in order that the Council of Ministers can then come up with a preferred option based on that survey and then place a preferred option to this Assembly to make a decision on. The Scrutiny Panel have got all the information they need to look at how we reach the process at the sites. The acting chairman told me the other day that he - I cannot remember which one now - also wishes to look at the way that we go out to consult to ensure that that is fair, open and transparent. There are lots of opportunities for Members of this Assembly to quality control what we are doing but we will not know what proposition to bring forward to the States Assembly until we have done the consultation.

3.12.8 Deputy G.P. Southern:

Whatever mechanism is used to divine the will of the people, does the Minister not agree that that will should be an informed will and that in fact the system cannot be transparent while the Council of Ministers hide some of the figures, the breakdown of the figures, of the costings? If we do not know what costs have been put into what figures, opportunity cost or otherwise, then we cannot get an informed answer.

Senator A.K.F. Green:

All I can give is totals. I can show the things that were taken into account. I have been as open and as transparent as I can be. The Deputy knows full well that if we want to force up the costs of a project, and this is many, many millions of pounds to pay for it, we lay all the figures open for the people that will be competing for the contracts. I will know exactly what it is we are expecting to pay in each area and, lo and behold, I remember when this Assembly used to go for a vote to do a project and they would go out to tender and the tenders always surprisingly came out the same as the vote that this Assembly approved. We cannot go back to that.

3.13 Deputy S.Y. Mézec of the Minister for Health and Social Services regarding the ownership of People's Park:

Could the Minister confirm whether he would be prepared to abide by a decision of a Parish Assembly to refuse to pass ownership of People's Park to the States of Jersey for the new hospital and if not, why not?

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

This is a hypothetical question. It assumes the outcome of the debate on P.3 that we are going to have later on. I am not in a position therefore to answer this question.

3.13.1 Deputy S.Y. Mézec:

Well I am asking it on a policy basis then. The fact is that if People's Park is chosen as the option to be pursued and the States want to acquire the land from the Parish of St. Helier, there will have to be a Parish Assembly vote. We are not speaking hypothetically here; we are speaking about certainties. It will certainly vote against transferring that land there. On that basis, would he be prepared to abide by that democratic decision or would he seek to override it and pursue a compulsory purchase instead?

Senator A.K.F. Green:

It is not a matter for me whether I would override what the Parish Assembly wants. It is a hypothetical question. We are going out to consultation on a number of sites to ask the public what they want. They will inform us on the way ahead and hopefully will be clear. We will come back with a preferred option. It may not be the People's Park that the people want in this Island. It may be one of the other sites. It is a totally, totally hypothetical question; I am not in a position to answer it.

Deputy S.Y. Mézec:

Sir, a point of order. My understanding is that hypothetical questions are out of order and I did submit this question with notice, which I presume either yourself or the Deputy Bailiff approved and therefore it is not a hypothetical question. Is that the case? If that is the case, could you therefore ask the Minister to treat it as a question which is in order rather than coming up with excuses not to accept it?

The Bailiff:

Deputy, the question has been approved as being in accordance with Standing Orders and the Minister has answered it in such a way that suggests that he thinks it is not in accordance with Standing Orders. Members will have to make their own minds up about that.

Deputy S.Y. Mézec:

Surely you, as Presiding Officer, have the final say on that and it is in fact a question which is in order?

The Bailiff:

I have indicated the question has been approved. The Chair has taken the view that it is not a hypothetical question. The Minister takes a different view and Members will make their own minds up about his answer in that respect. We come to question 14 ...

Deputy S.Y. Mézec:

Also, were there not to be supplementaries for that question, Sir?

The Bailiff:

Well, as I understand it, the Minister is not answering so ...

Deputy S.Y. Mézec:

But other Members have not been asked if they want to ask.

The Bailiff:

We have still got quite a lot of questions to get through today.

Deputy S.Y. Mézec:

Well could I ask my final supplementary? I have not been asked for that yet.

The Bailiff:

Yes, indeed, you may. As long as it is not hypothetical obviously. **[Laughter]**

3.13.2 Deputy S.Y. Mézec:

Well, I will do my absolute best, Sir, as I have until this point. The question I was wanting to take this in the direction down, is that one of the reasons we are being asked to vote against the Constable of St. Helier's proposition is that somehow it is an issue of democracy and that it would be apparently wrong to take People's Park off the list because it would be depriving the public their democratic choice through this consultation. But surely, therefore, if democracy is something which we are taking into account, a Parish Assembly decision is, as the Chairman of the Comité des Connétables said before, the purist form of democracy in the world, then surely this should be something taken into account. If he has not taken it into account so far, would he be prepared to include on the Future Hospital consultation process a full explanation of the implications of a Parish Assembly result and what the options would be if that Parish Assembly voted for or against the final pursuit option of People's Park? I am fairly sure that question is in order.

Senator A.K.F. Green:

The Deputy always tries to chase me on these sort of things and, quite clearly, what I am not saying is that the views of the Parish are important. What I am saying is that we do not have a view about a site to put to anybody yet until we have carried out the consultation. Until such time as we have carried out the consultation, such time as the Council of Ministers comes forward with a preferred site for this Assembly to consider, I cannot answer his question.

3.14 Deputy J.A. Martin of the Attorney General regarding the process for the compulsory purchase of People's Park:

I hope I do better with the Attorney General on hypothetical questions. I do apologise, it has been around the Ministers and it has ended up in the Attorney General's box. So the question is, can Her Majesty's Attorney General explain the process for the compulsory purchase of People's Park and advise whether planning permission would need to be obtained in the first instance and, if this was the case, whether this would make the land more valuable and, if so, by how much? Thank you.

Mr. R.J. MacRae, Q.C., H.M. Attorney General:

The process for acquiring land by compulsory purchase is provided for in the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 which also sets out the provisions for the determination of compensation to be paid to the owner of the land is acquired in that way. The provisions of that law apply only where another law, called a special law, has conferred power on the States to acquire land by compulsory purchase.

[11:15]

An example of a special law is the Planning Law 2002, whereby the States may acquire land by compulsory purchase if the States is satisfied that the land should be acquired for a purpose under the Planning Law. Under the Planning Law, the power to acquire land includes a power to extinguish or modify any interest in the land, including a servitude or covenant in or over the land. The Minister for the Environment is the acquiring authority for the purpose of a compulsory purchase under the Planning Law. No land may be acquired by compulsory purchase on behalf of the public unless, firstly, a plan showing the land to be acquired has been approved by the States and, secondly, a credit of the monies needed to meet expenses to be incurred in buying the land has been voted by the States. It is not a requirement under the law that planning permission is in place prior to the States approving the use of compulsory purchase and, on the last 2 or 3 occasions when that power has been exercised, planning permission has not been in place at the time. The 1961 law has detailed rules for assessment of compensation for the compulsory purchase of land. If agreement cannot be reached, there are arrangements for a board of arbitrators, consisting of a chairman and 2 other persons appointed by the Royal Court, to determine the matter, following an application by the Greffier of the States to refer questions to them. Proceedings before the Board of Arbitrators are heard in public and expert evidence can be heard by the board. The decision of the board is final, the decision is registered in the Royal Court and that registration has the effect of vesting the land in the public. As to the value, the law provides that no allowance or deduction is made on account of the fact that the acquisition is compulsory and the value of the land is to be taken as the amount which the land might have been expected to realise if sold on the open market by a willing seller. The law further provides that the special suitability of the land for any purpose shall not be taken into account by the valuers if that purpose is a purpose, *inter alia*, for which there is no market but for the requirement of the public. So plans to use the site for a hospital would not increase the amount of compensation payable.

3.14.1 Deputy J.A. Martin:

I am sorry, this is going to be a political question to Her Majesty's Attorney General, because I did put this question to the Minister for Planning, who batted it to Infrastructure who then found it is a legal point. My question is, under the law, I have got the Compulsory Purchase 1961 Law, Article 3(a) and (b), which the Attorney General has already mentioned: "A plan showing the land to be acquired has been approved by the States, and a credit of monies necessary to meet the expense to be incurred in the acquisition of the land has been voted for by the States." Would the Attorney General not agree that, to get monies for this piece of land, it would have to come back to the States for the only purpose of building a hospital? Planning have said to me that they would

view that this green space would need planning permission to get this part of the Compulsory Purchase Law through, because nobody would vote for the monies or the purpose unless they knew why they were voting; a piece of land that was, again, hypothetically not being wanted to be given away by the Parish of St. Helier. So I am sorry that it is a point that I am labouring on Article 3(a) and (b) of the law, but I do put that to the Attorney: how would you get this through the States, a large sum of monies for a piece of land, if you do not know what you want it for?

The Attorney General:

Well, to the extent that I can answer the question, I am sure the States would want to know what the land was required for but, as I have said, planning permission is not a requirement to trigger the power of the States under the law; it would be up to the Minister proposing, the Minister for Environment, whether or not he thought it was appropriate to apply or not apply permission to the land before bringing the proposition to the States. In the past there have been instances where the law has been invoked and propositions passed by the States in the absence of planning permission being obtained but, of course, it could be obtained, as the Deputy suggests.

3.14.2 Deputy G.P. Southern:

The Attorney General referred to recent compulsory purchase cases; could he give the States an indication of how long those compulsory purchase cases took?

The Attorney General:

I do not have first-hand knowledge of those applications but I do not think the process would be a long one and would take months, I would imagine, no more than that, not years. I remind you that there is no appeal from the decision of the Board of Arbitrators.

3.14.3 Deputy J.A. Martin:

Can the Attorney General advise that there is no appeal but it goes to a board vote and each board member gets a separate vote and, if they are not in agreement, the compulsory purchase falls at that point?

The Attorney General:

The board consists of 3 members and that is by a majority.

3.15 Deputy M. Tadier of the Minister for Social Security regarding the maximum accommodation components for Income Support:

Does the Minister accept that the current maximum accommodation components for Income Support are not adequate to meet typical weekly rental costs for properties in the private sector and, if so, what steps, if any, is she taking to resolve this issue?

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

Most Income Support tenants live in accommodation provided from social housing landlords and their full rent is included in their income support calculation. A minority of claimants are housed in the private sector. As well as including people on the waiting list for social housing, this also includes people who do not have full residential qualifications and those who do not meet the criteria for the Housing Gateway, for example, single people aged under 50. The private sector provides accommodation at a wide range of rental values; the cost of fully supporting a typical private sector rental would place a significant additional pressure on the income support budget, and the limits that have been chosen are based on the average of social sector rents. I consider that this is a reasonable and fair way of supporting costs in this area. We have already taken steps to provide extra support to private sector tenants: the limits on private rental were reviewed in 2013;

in 2014 these caps were increased, providing ongoing additional support of £1 million per year to private sector tenants as part of the Housing Transformation Programme. Support for accommodation costs has also been fully protected within the Medium Term Financial Plan, and rental components for private sector tenants are due to rise in each of the next 4 years.

3.15.1 Deputy M. Tadier:

Could the Minister perhaps provide the figures now as to what the minority she talks about is that are not in social rented accommodation, both in terms of numbers and a percentage?

Deputy S.J. Pinel:

Total in rented properties, there are 1,898 income support households in private sector rental, and the percentage is split across the board as to what are below the cap, which is about 48 per cent, and 52 per cent above the cap.

3.15.2 Deputy J.A. Martin:

Can the Minister confirm how much work she does with the Minister for Housing on tracking the private rental sector and how much effect this £1 million had they put into the private rental sector in 2014? Did it keep the prices balanced, did they stay the same, did they go up? Did the landlords think: "Oh, well, Housing, Social Security; I will give them another £20 a week. I shall up their rent by £40, but they are still only paying £20 extra"? What research is being done between these 2 ministries?

Deputy S.J. Pinel:

The Minister for Housing has already announced that the Statistics Unit is developing a rental price index which will help considerably in producing the figures that the Deputy is asking for. This work is carried out alongside the progress already being made to increase the availability of social housing.

3.15.3 Deputy G.P. Southern:

In the absence of any form of rent control in the private sector or in the public sector, does the Minister not face an endless spiral of rising subsidies for rentals through the income support scheme?

Deputy S.J. Pinel:

No, it is not the role of the Minister for Social Security to set conditions for the private market. Landlords have the right to price properties at whatever level they chose.

3.15.4 Deputy G.P. Southern:

Since the Minister for Housing has chosen to raise rents by R.P.I. plus 0.75, has this, in her understanding, had any effect on the rental levels in the private market?

Deputy S.J. Pinel:

I think I just answered that question inasmuch as the retail sector index is going to be looking at that, so we will have more information when that is completed. I think the Minister for Housing said that was within a few months, and we cannot or should not control the housing market in the private sector.

3.15.5 Deputy S.Y. Mézec:

Given the results of the Income Distribution Survey, which showed that housing costs were the single biggest contributor to the number of people living in relative low income, does the Minister

accept that her decisions over the past year and a bit to cut certain benefits and freeze income support will see the numbers of people living in relative low income increasing in the Island?

Deputy S.J. Pinel:

No, I do not. As I have already said, within the Medium Term Financial Plan the rental components of income support are going up; they are not affected by any of the recent changes in the benefit system.

3.15.6 Deputy S.Y. Mézec:

Of course, many tenants have to pay the balance of their rent from their other components of benefits, whether it is a health benefit or a pension. So, given that there are cuts to these going through, will the Minister confirm whether that will have an impact on the number of people living in relative low income, as they have to use more of their disability benefit, more of their pension to go towards the rent, leaving less to afford their heating and food?

Deputy S.J. Pinel:

I think in a situation where there are other earnings, the increase in earnings disregard has compensated for a lot of this; it is now 23 per cent.

3.15.7 Deputy M. Tadier:

The Minister will be aware that in Jersey if you are between the ages of 25 and something around 50, you will not qualify probably for social housing, and we know that, according to her income support figures, you are supposed to be able to rent a property in the private sector with their components for £1,477 a month, that is a 4-bedroomed property in Jersey. She will know that the reality on the ground is something closer to £1,800, £2,000, and keep going if you want to keep looking at the internet sites in Jersey. Does the Minister accept that something needs to give here and that if government policy is not to intervene in the market to have rent controls then they need to at least provide some kind of adequate funding for those who are obliged to rent in the private sector who cannot have the corresponding living wage to pay for that?

Deputy S.J. Pinel:

There are many examples that one can give of people who are in the private sector renting. Obviously, with social housing, anybody with children has priority for social housing, and in the private sector you may dip in and dip out; it is quite difficult to have a consistent track of people who are having to, or wanting to, rent in the private sector. They may have just recently been made redundant, they may be in private sector housing and want to stay in it; there is an element of choice involved in this and income support housing component has to keep up with that, but there is an element of choice. These components were never designed to be incredibly generous; they are a modest assistance to low income families who are required to rent in the private sector, but without influencing the general direction of the rental market and without encouraging landlords to increase their rents.

3.16 Deputy L.M.C. Doublet of the Chief Minister regarding the gender pay gap:

Can the Chief Minister advise whether any data is collected that could inform us whether there is a gender pay gap in Jersey?

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

As part of its extensive programme, the independent Statistics Unit produces a range of data on income and earnings, but this information is gathered for households and companies as a whole; they do not collate this data for individual workers.

[11:30]

Interestingly, the Jersey Annual Social Survey shows that people do perceive there to be a pay difference generally, although they say they do not experience it in their own workplace. It, of course, has been unlawful to pay a woman less than a man, or *vice versa*, for work for equal value since the introduction of sex discrimination regulations in September of last year.

3.16.1 Deputy L.M.C. Doublet:

Could the Chief Minister undertake to do some work to start collecting the data on whether there is a gender pay gap in Jersey given that the issues go deeper than just the issue of whether there is equal pay for equal work? There is a more nuanced debate to be had, which Deputies Labey, Martin and myself learnt about on the recent Commonwealth Women Parliamentarians Conference that we attended in Guernsey. So would the Chief Minister undertake to look a bit deeper into this issue, please?

Senator I.J. Gorst:

Yes, I will. The Deputy is aware, and I spoke to her earlier this morning, that the situation has not changed from when the question was asked of the then Chief Minister in 2010, other than we have got further information coming from the Jersey Annual Social Survey. I will speak to the Statistics Unit, but I know that there are many pieces of work that they would like to do to add to our statistical data so that we could make informed decisions. It is an important area. Living in the age that we do, it cannot be acceptable that people are paid anything other than equal for equal work of equal value, and we within the States are going through a programme to try and ensure that that is the case as an employer as well, and I would hope that all employers were doing the same. That seems only fair and reasonable. We will certainly go away and see if there are other easy ways of collecting more extensive data to be able to make informed decisions into the future.

3.16.2 Deputy M Tadier:

Is the Minister aware that women are more likely to be carers than men and that, when it comes to those who care, particularly for family members, that the compensation that they receive, if anything at all in some cases, is an area which maybe needs to be looked at if we are to also close the gender pay gap?

Senator I.J. Gorst:

Of course, we do not have the information. I know ... I have forgotten the name of the organisation now, did some research in Jersey into carers. I do not have the results of that analysis to hand. I have seen a copy of the presentation that the Deputy has received and the conversation that they had while they were in Guernsey, and it covers some of these areas: that female members of our community are more likely, if you look at data from elsewhere, to have more than one job, to be carers, to be the main provider of care for children as well. Some of that may, of course, be by choice, and that is appropriate, but some of it may not be by choice, and it is that particular area that we need more information on to be able to make policy decisions around it so that people have the freedom, ultimately, to make that choice.

3.16.3 Deputy L.M.C. Doublet:

I thank the Chief Minister for his answers and I look forward to seeing how he will be reviewing his policies if and when the Statistics Department does do that work. I wonder if the Chief Minister has considered, on the flip side, how traditionally men's work, or roles and professions that are traditionally seen as men's work, that there is a perception that there is not the same access to flexible working, part-time working and possibly parental leave, as women do. How is the Chief Minister addressing this perceived inequality as well?

Senator I.J. Gorst:

There are some days when I return to the Gorst family home and I wish that I was the carer for my delightful children, but the serious point that I think the Deputy is making is that we do need to have the information in order to make the policy decisions that I think provide people with appropriate choice and their own flexibility to make those decisions. The issue of parental leave, both male and female, those issues are, of course, being addressed and in some cases have been addressed by the Minister for Social Security, and she is committed to ensuring that the discrimination legislation that she has responsibility for continues to move forward, and she will bring the other facets in early order.

3.17 Deputy J.A. Hilton of the Minister for Health and Social Services regarding regulatory standards for residential and nursing homes:

Can the Minister advise Members how many of the current registered residential and nursing homes meet the regulatory standard laid down by the department and, with regard to those that do not, what plans, if any, are in place to replace them with ones which do? Can he further state whether there is currently enough choice in the private sector to satisfy public demand for nursing beds?

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

Apologies, before I start, for the length of the answer, but there are 3 questions in here, and I will try and rattle through them as quickly as I can. Since 2000, any new care home opening on the Island is expected to be fit for the intended purpose and designed appropriately to meet the needs of the people who will be using the service. There are, however, a number of care homes registered historically when the current 1995 legislation was brought in that cannot be retrospectively required to make improvements that may not be up to modern standards. It is intended that regulations and standards of the Regulation of Care (Jersey) Law, which will be implemented in mid-2017, will apply to all care homes registered under the law. Once the regulations are approved by this Assembly the responsibility for the standards will lie with the independent commission and consequently these standards are still to be determined. It is not possible therefore to be definitive at this time about the number of non-compliant homes, as this will only become evident once the inspections have been carried out under the new regulatory regime. It is proposed that, for any structural improvements that are identified, the provider will have time to complete the work. There are 14 registered homes for residential care, one for nursing and 9 dual-registered for both residential and nursing care for older people. Additionally, there are 19 residential registered homes for people with learning difficulties and one dual-registered nursing residential home for people with physical disabilities. The department collects figures on a weekly basis of the total number of beds available from independent care providers involved with homes for people in residential and nursing homes. The total number of nursing beds available in the independent sector is 280, with 733 residential beds, and further homes are due to open shortly. One would expect fluctuations on a week-to-week basis. On 15th February there were 4 nursing beds, 25 residential beds, 2 dementia beds, 2 respite beds and 2 step-up-step-down beds available. To conclude, it would appear that there is enough choice in the private sector to satisfy public demand.

3.17.1 Deputy J.A. Hilton:

The reason I have asked this question is because a couple of weeks ago I had to ring around the nursing homes to try and find a nursing bed and, on that particular Friday afternoon, I could not find a single nursing bed available in the Island. Really, it is following on from the Minister announcing that The Limes was going to close down. In response to my original question, he has said that he believes there is enough capacity in the market, but I would challenge that. On the

occasion that he said there was enough capacity, he talked about a nursing home that was available in the north of the Island, and that nursing home is still not open today, so I question whether there is enough capacity for people. Is it not the case that some of the homes registered for dual care are not seeking to make the change from residential beds to nursing beds because there is a difference in the system which Health and Social Security use, which means that funding available for public patients from Social Security simply does not cover the cost of caring for them, therein making it financially unviable for the homes to provide nursing care?

The Bailiff:

That concludes the time for question time, 2 hours has passed. No doubt the Minister would like to circulate Members with his answer to that question at a later stage.

Senator A.K.F. Green:

It would be a pleasure, Sir.

Deputy G.P. Southern:

Sir, could I ask the Minister to give me his answer to my question 19, in his own time?

Senator A.K.F. Green:

Yes, Sir.

4. Questions to Ministers without notice - The Minister for External Relations

The Bailiff:

We come to Questions without notice. The first question period is of the Minister for External Relations. Deputy Kevin Lewis.

4.1 Deputy K.C. Lewis:

I think this question possibly could go to the Minister for External Affairs or indeed the Chief Minister. Further to reports that the Crown Dependencies were invited to participate in the U.K. referendum on whether the United Kingdom of Great Britain and Northern Ireland should remain in the European Union, will the Minister confirm whether the Crown Dependencies, and indeed the Crown colonies, were consulted with and/or invited to participate?

Senator P.M. Bailhache (The Minister for External Relations):

The Crown Dependencies were indeed consulted on the proposal of the United Kingdom Government to set the parameters of those who were entitled to vote, or will be entitled to vote, in the referendum on membership of the European Union. The Government of Jersey took the same view as the Government took in 1975, when there was a previous referendum on membership of the European Union, which was that Jersey is not part of the United Kingdom; constitutionally it would not be correct for Channel Islanders to vote in an election in the United Kingdom, which is the equivalent of a parliamentary election, and therefore no request was made to the United Kingdom Government to take a different view from the view that was taken in 1975.

4.2 The Deputy of Grouville:

Over the past 18 months has the Minister held any discussions with our neighbours in Brittany and Normandy over the collapse of the French farmgate prices by as much as 40 per cent on their products, and does the Minister identify any implications or possible advantages for Jersey?

Senator P.M. Bailhache:

I am sorry, Sir, it is my fault; I could not hear very distinctly what the Deputy was asking. Would she mind repeating it?

The Deputy of Grouville:

Over the past 18 months has the Minister held any discussions with our neighbours in Brittany and Normandy over the collapse of the French farmgate prices, by as much as 40 per cent in some cases on their products, and does the Minister identify any implications or possible advantages for Jersey?

Senator P.M. Bailhache:

The answer to that question is no. Discussions have taken place from time to time with representatives of the Brittany and Normandy Governments but not in this context. I should be very happy to receive more information from the Deputy, if she is willing to provide it, so that such discussions can be considered.

4.3 Deputy S.M. Wickenden:

Would the Minister please inform the Assembly how his department achieved against their targets set out in his 2015 business plan, and would the Minister be willing to publish the 2015 business plan so the people of Jersey and the Assembly could see what is in it, please?

Senator P.M. Bailhache:

I think it is probably fair to say in answer to the Deputy that the Ministry for External Relations does not itself have a business plan. There are different elements of the Ministry for External Relations which do have business plans: the Channel Islands Brussels Office has a business plan, the Jersey London Office has a business plan and the Bureau des Iles Anglo-Normandes has a business plan. One of the purposes of seeking to restore the post of a chief officer in the Ministry for External Relations was to enable a greater co-ordination of the activities of these offices than has been possible without the staff and resources available in Jersey to carry out that work. So I hope that it will be possible shortly to make that recruitment and then, certainly, consideration will be given to the suggestion that Deputy Wickenden has made.

[11:45]

4.4 The Deputy of St. Ouen:

Given that the hospital and other Island institutions recruit key workers from many jurisdictions, is the Minister involved in work to ensure that in all cases information as to criminal records is made available from the home country of applicants?

Senator P.M. Bailhache:

No.

4.5 Deputy M.R. Higgins:

Would the Minister advise the Assembly that, should the United Kingdom decide to leave the European Union, what impact he believes it will have in terms of the current position of Jersey under Protocol 3, which enables the finance industry to operate throughout Europe? If the U.K. leaves, there will be negotiations between the U.K. and the E.U., and what safeguards will it leave Jersey with?

Senator P.M. Bailhache:

I think the Government, and certainly the Chief Minister and I, have made it clear on a number of occasions that if the decision is taken by the United Kingdom to leave the European Union, that

will obviously have an effect upon the Crown Dependencies, including Jersey, because Protocol 3 will fall away. The arrangements that we have with the European Union will need to be renegotiated or put in place following any new relationship that the United Kingdom might have with the European Union. It is difficult to be too specific at this stage as to what any new relationship with the European Union might be, but I think the broad position of the Government of Jersey is that we would seek to replicate, so far as we could, the existing provisions under Protocol 3.

4.5.1 Deputy M.R. Higgins:

Protocol 3 was originally brought into being as part of the Treaty of Accession, and at that time, Jersey's economy was based on the 3-legged stool that we used to refer to: tourism, agriculture and finance. We now have an economy that is dominated by finance and we know that we have been subject to attack on repeated occasions by European institutions for the finance industry that we have here. How easy does the Minister think it is going to be to get Europe to agree to the same as we have now should the U.K. leave the European Union? The Minister will be facing an uphill task, especially as we have so many enemies in Europe.

Senator P.M. Bailhache:

I think the Deputy is correct that the situation that obtains in 2016 is not the same as the situation which obtained in 1972 or 1971. At that time the agricultural industry was of much greater importance to the Island, not in a holistic sense but in an economic sense, and one of the prime purposes of the negotiation at that time was to ensure that agricultural produce could be exported to the United Kingdom, and indeed to the rest of Europe, free of any inhibitions. Today the financial services industry is, as the Deputy says, a much stronger leg of the stool than any of the other legs, and it is true that if we were to seek any specially-advantageous position from the European Union, it would be difficult to do that. I am not sure that we would seek any particularly different position from the position that we have at the moment. Our policy has been to build up relationships with the European Union by agreement on different matters, on data protection for example, and access to markets in the European Union, by showing that we have equivalent regulatory controls to those that apply in Europe. So that as a third country we already have certain advantages in terms of access to markets which, in the event that the United Kingdom were to leave the European Union, the U.K. itself would not have. So I am not sure that I would agree with the Deputy that the position is quite as dire as he might suggest.

4.6 Deputy S.Y. Mézec:

I listened to the Minister's answer to the question from Deputy Lewis with great interest because, in my observations, there appear to have been some mild inconsistencies in the wording that is being used on the statements that have been released on this issue by the different Crown Dependency Governments. So just for the sake of clarity, I would like to ask the Minister if, during these consultations with the U.K. Government on the subject of the E.U. referendum, was the specific issue of the voting franchise included in those consultations? That specific issue, the franchise and whether Jersey should be included in it or not and, if it was included ... we know that the Government said, no, that they did not believe it would be appropriate; did the U.K. Government make it clear that if the Government of Jersey had taken a different view and did believe that residents of these Islands should have a vote, that they were prepared to do that and it was purely this government saying no, not the U.K. Government saying no that led to the situation? I am just asking for clarification.

Senator P.M. Bailhache:

I do not think one could say that there was any extensive process of discussion between the United Kingdom Government and the Crown Dependencies on what the voting arrangements should be. The Crown Dependencies were consulted in the sense that the United Kingdom Government said: "This is what we are proposing to do; it is the same thing as we did in 1975. Do you have any observations to make?" For the reasons that I gave to Deputy Lewis, it seemed to the Government that, constitutionally, the correct position was that which had been reached in 1975 and there was no good reason to seek a change.

4.7 Deputy R. Labey:

Following on from the answer the Minister gave to Deputy Wickenden a moment ago, I wonder if there are any particularly promising policy initiatives emanating from his offices in Brussels or London that he would care to share with us today?

Senator P.M. Bailhache:

The policies followed in London and France and Brussels are discrete to the different offices in those particular countries. If I can say in very broad terms, the purpose of representation abroad is to achieve both a protection of Jersey's interests insofar as the foreign country is concerned, in the case of the Brussels Office, in the case of the European Union, and, secondly, to advance Jersey's interests, so far as we can do that, in terms of promoting opportunities for trade and for business exchanges. I am not sure that there are any particular initiatives which I would seek to share with the Assembly at this stage. In London, perhaps this is worth a mention, we have been considering how best to relate to the Jersey diaspora; we have a large number of Jersey citizens, Jersey people, who have left the Island and gone to live in London and other parts of the United Kingdom, and efforts have been made to try to engage with that diaspora in order to encourage, particularly younger people who might have got experience in London which they would not have gained in Jersey, to encourage them to come back and seek employment in Jersey. So that the skills which we pay for by sending young people to university are not wasted and we as a community can benefit from them by persuading these young people that there are good jobs, satisfying jobs, that are available for them in the Island. So that is certainly one initiative which I think is very worthwhile and, with a minimal budget, is being pursued in London.

4.8 Deputy M.R. Higgins:

Could the Minister for External Affairs reassure the House that should the United Kingdom leave the European Union, he will not be coming back to the House seeking independence for Jersey?

Senator P.M. Bailhache:

There are a lot of very tendentious questions in that question, if I may respectfully reply to the Deputy. The ...

The Bailiff:

Minister, you are saved by the bell, 15 minutes is up, but no doubt you would like to take the opportunity of considering whether you would reply by email to Members in due course.

5. Questions to Ministers without notice - The Chief Minister

The Bailiff:

We now come to question time for the Chief Minister. Deputy Southern?

5.1 Deputy G.P. Southern:

Will the Chief Minister withdraw the need for collective responsibility on the debate on P.3 later on today?

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

This is a question which a number of people have asked me, and I think at its core is a fundamental misunderstanding of how collective responsibility works, and that being that the Ministers around the Council of Ministers table agree a course of action and, in this case, they did all agree a course of action, together with the 2 Assistant Ministers in Health, and therefore there is no need to withdraw, or not, collective responsibility. Because all the Ministers have agreed at meetings, together with the 2 Assistant Ministers, that these are extremely difficult issues. There is no ideal site and, therefore in wanting to make a decision, it was only right because of the implications of any single one of those 40-odd sites, that went and consulted the public. We started that engagement process and today we are going to move to a debate about whether one of those shortlisted sites should not have been included in the consultation phase and should only have been included in the engagement phase.

5.2 Deputy K.C. Lewis:

Following a recent States decision regarding the apartments at La Collette, which was brought by Deputy Labey of St. Helier, which was apparently set aside, will the Chief Minister agree to honour and be bound by whatever decision the States Assembly decides today regarding People's Park, P.3?

Senator I.J. Gorst:

Yes.

5.3 Deputy S.M. Wickenden:

On 30th May 2015 we agreed the Strategic Plan 2015 to 2018, as amended. One of the strategic aims in that, 3.1, was to deliver a plan and promote additional jobs and growth in the technology sector. Recently we have seen all of the big digital tenders going to U.K. companies. Are the Chief Minister's Chief Executive Officer and the people responsible for these tenders aware of the Strategic Plan at all and, if they are, why are they ignoring them?

Senator I.J. Gorst:

That is a little bit of an unfair question, but I will answer it anyway. They are not ignoring it and the Deputy knows they are not ignoring it and the Deputy knows that this is about balance. It is really important that we have, and we have already, a great, vibrant tech/digital sector in Jersey. I have given responsibility to the Assistant Minister, Senator Ozouf, for this, because it is going to be absolutely fundamentally important to our economic well-being in the future. Technology is transforming all of our lives and will continue to do so. Only this morning we hear in the United Kingdom coverage of interesting technological advancements in the U.K. around virtual reality. These things are advancing. We are absolutely committed to strengthening and working with our local digital sector yet at the same time we know that we will need to balance that and bring in resources from elsewhere in order to facilitate that growing and strengthening of our local tech sector.

[12:00]

It is always going to be a balance. The Deputy will know that there has been some recent publication about the ... perhaps I have got a wrong answer and somebody is texting me. There is always going to be ...

The Bailiff:

No. There is a system of fines, as you know, in the Assembly if Members have their telephones going off, and when it happens in the public gallery I would certainly like to encourage those whose telephones they are to make a contribution to the Greffier [Laughter] of £10 for interrupting the proceedings of the States.

Deputy S.M. Wickenden:

Can I take on that responsibility and pay for that seeing it is my mother? [Laughter]

The Bailiff:

Deputy, that is every son's dream. [Laughter]

Senator I.J. Gorst:

Can I say I think the Deputy should be granted a reduction for that honourable act? So it is important that we have balance with regard to the Design Authority. We are in a position of being at the point of a preferred supplier or preferred bidder and they are in the process of engaging locally through Digital Jersey and we have yet to see what the outcome of that will be but when Government is issuing contracts in this technology digital sector we have to factor-in to those that we are one of the best opportunities to develop, grow, strengthen our local tech sector and that is what we are absolutely committed to and I think that is what the Deputy was pointing out in the Strategic Plan.

5.4 Deputy M.R. Higgins:

Seeing as the Minister for External Affairs was saved by the bell I will ask the Chief Minister the same question. If the United Kingdom decides to leave the European Economic Community would the Chief Minister support any proposals for Jersey to seek independence from the U.K. and go it alone?

Senator I.J. Gorst:

It is an interesting question that because we start to see this idea of nationhood and sovereignty right at the heart of the debate in the Conservative Party in the United Kingdom, with some Ministers going down one side or the other because they believe that either in or out will strengthen the sovereignty of their national Parliament. We, in the small country that we live in, understand that sovereignty is a very complex issue. We are independent and autonomous for many areas and the Minister for External Relations is absolutely right. Our aim throughout this process has been, and will continue to be, to maintain the freedoms and the relationship with the United Kingdom and the European Union that we currently enjoy and that generations have fought to maintain and that is the position that we take. We understand that there is never a straightforward issue of sovereignty and independence. It is about inter-relationship. It is about building strong relationships, which we have done, through the London Office, through the Brussels Office, with the United Kingdom Government, with the European Union institutions, and the Deputy knows I have visited Brussels 3 times over the last 2 years. That is our policy and that is what we are aiming for. That is what we are continuing to talk about in all of our relationships and that is what the government policy is and it is not a simple narrow question that the Deputy would like to pin it down to.

5.4.1 Deputy M.R. Higgins:

Supplementary. So the answer to the Minister was no, he would not advocate independence even if his Ministers wanted to.

Senator I.J. Gorst:

There is no simple answer, as I have tried to explain. I have explained what the government policy is and I have explained that we will continue to fight our corner to maintain those relationships and the positions that we currently enjoy.

5.5 Deputy J.A. Martin:

I would like to take the Chief Minister all the way back to the first question from Deputy Southern about the collective responsibility on the first item on the hospital sites. So the Minister has said quite clearly: "The collective responsibility is just for the 11 Ministers who are around the table, including himself, and the 2 Assistant Ministers at Health. Everybody else in the House has a free vote." Is that clear? Correct.

Senator I.J. Gorst:

That is correct. I think the Deputy knows that because I am not sure if she was not on the sub-panel of P.P.C. (Privileges and Procedures Committee) where those proposals were thought about, and that is the case every time that there is a vote in this Assembly. The only Assistant Minister that is bound into collective responsibility is the one for whom the department or the piece of legislation comes from.

5.5.1 Deputy J.A. Martin:

Supplementary. How does the collective responsibility bind the Ministers even when it is a Back-Bencher's proposition, not a Council's proposition? We do not know how they would vote or how they voted round the ... were they outvoted round the table? We do not know. Surely this should be an independent vote for everybody. It is a Back-Bencher's proposition.

Senator I.J. Gorst:

It is the position of government policy and the Minister for Health and Social Services and Ministers accepted the case that the process that we should follow was one of engagement and one of consultation and it is that to which Ministers made their decision and the Assistant Ministers supported that decision.

5.6 Deputy L.M.C. Doublet:

Could the Chief Minister update the Assembly on the review into the ... sorry, he is revising the Organisation Stress Policy for States of Jersey employees and which he informed the Assembly in July last year that that work was underway.

Senator I.J. Gorst:

I do not have the detail of that work with me but I will certainly update the Deputy and Members as well.

5.7 The Deputy of St. John:

Is the Chief Minister concerned by the lack of trust that the public have with this current Government and if so what are his plans to improve the situation?

Senator I.J. Gorst:

Of course I am because the connection between Government and public is an extremely important one but this Government has committed and is undertaking some extremely difficult and, in some places, unpopular reforms. One of the reasons that we are where we are today with regard to the hospital is because the Council of Ministers did not wish, and do not wish, to take the view of the public for granted. There are difficult decisions which need to be made. The Minister for Health and Social Services is absolutely committed to trying to deliver and present to the public the very best hospital for the best cost. Members know from seeing the documentation that that is a

complex, difficult decision and it is right to engage with the public and consult the public upon that decision. One of the areas that we may not have handled as well as we might is that engagement, is that consultation, is involving the public in our decision-making processes. Of course having done that now we find ourselves in the situation where a number of people have said what their view is about some of the options before us and we now have to consider whether that is enough members of the public for us to say: “Okay, this is where we find ourselves today. We are going to accept that voice” or whether we need to ask more members of the public and give more time, and we are going to come on to that issue shortly, but it has got to be about engagement. It has got to be about trying to involve the public in our decision-making process perhaps at an earlier stage.

5.8 The Connétable of St. Helier:

I would like to also ask the Minister the question that we did not have time for. Would the Chief Minister assure the States and the public that no public sector staff who have taken either voluntary or redundancy or any other type of severance package have been or will be re-engaged or re-employed on a consultancy or contract basis by the States?

Senator I.J. Gorst:

If someone accepts voluntary redundancy, severance or early retirement they cannot work for the States of Jersey in any capacity for a minimum of 2 years or for the duration of the payback period, whichever is longer. The payback period is based on the number of weeks or months’ worth of payment that they have received as a lump sum otherwise they have to pay back part or all of the payment. There is, of course, one exception. If a staff member sets up a business after leaving they can apply to provide a service when the work is advertised as an open competitive tender opportunity by the States of Jersey.

5.9 Deputy R. Labey:

Would the Chief Minister, as an honourable and decent man, allow the Minister for Education to vote with P.3 as a Deputy of St. Helier and still keep his job?

The Bailiff:

I should say, Chief Minister, I am going to add 2 minutes to question time to deal with the earlier interruption so that Members are not disadvantaged.

Senator I.J. Gorst:

Which question was the interruption? **[Laughter]** The Minister for Education is indeed an honourable man and he is working incredibly hard to give the best educational opportunity for all of the Island’s young people, and I know that because I experience it for myself with my own children on a daily basis. So perhaps the Deputy would forgive me if I do not directly answer his question in this question time but he just wait a few more minutes to be put out of his misery in that regard.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

6. Statement by the Chief Minister regarding the Independent Care Inquiry Budget

The Bailiff:

That brings question time to the Chief Minister to an end and formal question time to an end. There is nothing under J. There is, however, a statement by the Chief Minister regarding the Jersey Independent Care Inquiry and so I call on the Chief Minister for that.

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

I would like to inform Members of a change in the budget for the Independent Jersey Care Inquiry. In accordance with the Inquiry's Memorandum of Understanding and Directions, Francis Oldham Q.C. (Queen's Counsel) wrote to the Treasurer and the Greffier of the States on 3rd February, notifying them of exceptional circumstances which affect the ability of the Inquiry to conclude within the previously agreed budget of £13.7 million. The letter identified 5 unavoidable matters that were likely to increase costs by £1.587 million and were necessary in order to meet the Inquiry's terms of reference. These include: 25 witnesses, who are mainly victims of alleged abuse and who now wish to give their evidence to the Inquiry; matters of concern that have arisen during meetings with stakeholders and which require further investigation; the need to enable a small number of witnesses to respond to criticism prior to concluding the Inquiry; significant document disclosure in November and early December 2015 and additional preparation time by counsel to the Inquiry for final oral submissions in relation to the extensive material received to date. The Inquiry panel still intends to be able to present the final report to this Assembly by the end of December 2016. The Council of Ministers agreed on 10th February 2016 to allocate the remaining contingency to the Inquiry for the reasons stated. These unavoidable matters have knock-on associated costs for States departments in potential legal costs. This means the total spending forecast for the Inquiry will use the full budget and contingency totalling £23 million set by this Assembly on 25th March last year. The Treasurer of the States wrote to the panel on 12th February this year to set out how this would be achieved. The panel replied on 18th February this year confirming that all the additional work required fell within the terms of reference of the Inquiry, that forward spending forecasts will now be provided on a monthly basis to the Treasurer, and that reasonable account has been taken of all known risks to cost control. I will provide copies of these letters to Members today. All costs incurred by the Inquiry and departments will continue to be published each month on the Government website.

The Bailiff:

Fifteen minutes is allowed under Standing Orders for questions to the Chief Minister if there are any.

[12:15]

6.1.1 Deputy M.R. Higgins:

Just if the Chief Minister can clarify a point. He said: "Matters of concern that have arisen during meetings with stakeholders and which require further investigation." Can he explain who the stakeholders are and possibly why there has to be further investigation?

Senator I.J. Gorst:

As the Deputy will realise, they are matters for the Inquiry to deal with. That is the information that the Inquiry chairman has provided to Ministers and I provide today to Members of the Assembly.

6.1.2 The Connétable of St. John:

I feel I need to put myself on record. I strongly oppose this additional finance. Last year I was asked to support the additional finance and I begrudgingly said yes on the basis that that was the full and final sum given and that there would be no more money available. We have to draw a line and we cannot waste this money. What concerns me and what I would like to ask the Chief Minister, what benefit are we going to receive by this additional spending and would it not be better to be spent on the future youth of the Island?

Senator I.J. Gorst:

I understand the Connétable's view but we have to return, I think, in our minds to where we were when the Assembly agreed to set up this Committee of Inquiry and we must always, in our decision-making, have in mind those members of our community who did suffer terrible abuse and have rightly wanted and needed the opportunity to be able to publicly talk about what happened to them so that we, as a community, could understand what they went through and hopefully learn lessons from some of the practices that went on in some of the institutions that previous States Assemblies were responsible for. One of the points that the chairman of the Inquiry made in her letter, which I included in the statement, was that there are 25 further victims who now feel confident enough to speak to the Inquiry. It is a lot of money but it still remains on the current forecasts within the spending envelope that the Assembly approved back in March of last year. Within that envelope, of course, there was a contingency and that is now eating into that contingency and if the spending changes from where we are then it would be over that but currently it remains within the approval provided by this Assembly.

6.1.3 The Deputy of St. John:

The Chief Minister just partly answered one of my questions but with regards to the money coming from the contingency funding previously and the reason why we had some issues was because that contingency had previously been allocated. So my question is, has that money already been allocated by the Council of Ministers and if so what will it affect in terms of taking that money out and paying it towards the Inquiry instead?

Senator I.J. Gorst:

No, my understanding is that that was part of the decision of March 2015, I think it was, that in the amount that we agreed when we agreed that extra funding there was in that amount a contingency of what I think was just over £2 million, which is now being proposed that it will be spent over the course of the Inquiry. So it is not a matter of taking it from some other contingency.

6.1.4 Deputy S.M. Wickenden:

When we were having the last debate about allocating more money last year a number of Back-Benchers and Members asked the Chief Minister to make sure that as most of this money is going to lawyers that the bills will be audited so we can make sure the money is being spent in the most appropriate manner and if it is not that we can claw-back some of this money. Can the Chief Minister tell us how far he has got with identifying possibly somebody or going towards that?

Senator I.J. Gorst:

There have been negotiations with lawyers to look at costs and to reduce their hourly rates again. There was, post our decision in 2015, I am not sure of the exact term whether it is administrator or secretary, who has been reviewing the work and trying to keep the Inquiry within the budget. It is the other issues which have arisen which the Inquiry now believe mean that they are going to spend that extra money, which I detailed in the statement.

6.1.5 Deputy P.D. McLinton of St. Saviour:

Would the Chief Minister agree that it has taken immense courage for these 25 witnesses to come forward? The period of time it has taken them to come forward meant they had to build up enough courage in order to do so and now we have opened this can of worms we cannot close it because of financial constraint. These people must have their day. Would the Chief Minister agree?

Senator I.J. Gorst:

I do agree. I feel like on the one hand and on the other hand it is right that we allocate this further money because the Inquiry have made a case for it. Particularly, I think as the Deputy says, those extra victims who have come forward, 25 of them, who would now feel confident enough to give

their story and tell their story. Of course on the other hand we do want the Inquiry to stick to the timetable that they have set. We have made decisions about allocation of money based upon the information that the Inquiry provided to the Assembly in an open and transparent process. So we do want them to complete the Inquiry in a timely basis because when we look elsewhere in the world we see that some inquiries get ... they finish all their evidence gathering, they finish all their hearings and then they get bogged-down in producing the final report. We do not want that because that is not satisfactory for the victims either so it has got to be a balance of both of those.

6.1.6 Deputy M. Tadier:

Does the Minister acknowledge that these kind of figures, and partly in response to the Constable of St. John, highlights the fact that child abuse is not just costly in human terms to those who suffered the abuse but it costs money and that the healing process and learning process of the wider Jersey society does cost money but it is ultimately worth it? Does he also agree that whatever the recommendations and findings ultimately of the Care Inquiry Jersey needs to introduce a system of proper and better checks and balances and separation of powers so that too much power cannot be concentrated in too few hands in the oversight of public institutions?

Senator I.J. Gorst:

I was with the Deputy and then he sort of lost me when he started talking about separation of power in this regard. I think his earlier comments are absolutely right. It does cost money when things have gone wrong and at the heart of what has gone wrong are vulnerable people who, in some cases, their lives have been ruined and they will never be able to get to a point of living what we in the Assembly might think are normal lives. They will be scarred by what happened to them for the rest of their life and it is right that we hear their story and that when the Inquiry provides its report, of which I have no doubt there will be many recommendations and there will need to be changes in the way that we are providing services and there will be cost implications for those changes as well. We have already been undertaking a number of audits of Children Services. Great work started under the previous Minister getting to grips with the current service and that work is continuing and we know that it is a long, hard journey that we started on. We have allocated an extra £5 million in the current M.T.F.P. for these service changes that we know we have got to try improve and get right into the future.

6.1.7 Deputy M.R. Higgins:

Just briefly. Like the Constable of St. John, I have attended many sessions of the Care Inquiry, listening to the evidence and I also gave evidence. It is a very professional organisation. They are doing it exceptionally well. What I would ask the Chief Minister is: if he could have a look at the cost of the States lawyers who ... and during the sessions I have been there, there are more lawyers from the States than representing anybody else and therefore **[Interruption]** sorry, it is true. I have been attending at the Chief Minister and they have been giving assistance to people who we were previously led to believe were not going to get assistance.

Senator I.J. Gorst:

Was there a question there? I do not know quite ...

Deputy M.R. Higgins:

The question was, will you have a look at the money that is being paid to the States lawyers because ... and I think they should be published so the public can see how much the States lawyers are receiving during this exercise.

Senator I.J. Gorst:

It is public. The information on costs are published on a website and I think it was again the previous Minister that made that important decision that they should be and those costs have been reviewed and rates considered for all lawyers, not just the lawyers working for the Inquiry. The Deputy may be making a point that the lawyers instructed by the States are based in Jersey and therefore you might see them at the Inquiry. What you do not see is the many lawyers which are based in the United Kingdom which are working on the Inquiry on behalf of the Inquiry.

Deputy M.R. Higgins:

With respect ... well, just one comment, Chief Minister. One of the lawyers representing the States is a Q.C. from the United Kingdom.

6.1.8 Deputy M. Tadier:

Regarding the third bullet point, could the Chief Minister give further clarification of what he means when the statement says: "The need to enable a small number of witnesses to respond to criticisms prior to concluding the Inquiry"?

Senator I.J. Gorst:

All of those bullet points were lifted from the chairman to the Inquiry's letter and therefore they are views of the Inquiry and therefore I cannot comment further.

6.1.9 Deputy M. Tadier:

Could the Minister seek to find more information? I was under the impression that there was not going to be what is commonly known as the Maxwellisation process at the end of this and it may well be that bullet point does not refer to that but it would be helpful to know whether those small number of witnesses of people who have already given evidence and need to give further evidence and whether the criticism that has already happened is being given by witnesses always project those criticisms that may come out at the end of the process.

Senator I.J. Gorst:

As I said, those bullet points emanate from the letter that the chairman provided to the Treasurer and to the Greffier of the States so I can simply pass my own view but I cannot say that it is a correct one. My understanding is that the Inquiry had initially in its protocol said that they were not expecting Maxwellisation but now are taking the view that there may need to be some limited Maxwellisation of the report. Members will see, when I provide the copy correspondence to them later today, that the Treasurer of the States on behalf of the Council of Ministers has asked for further clarification on that point.

6.1.10 Deputy M. Tadier:

If there is time still, it seems to me quite critical when we are talking about this, if it is a departure from what was pre-established it surely needs to be across the board. You cannot have certain individuals being afforded the right to reply being paid for ultimately by the States budget and other members, either of the public or the public service, not being able to answer to their criticisms. So I think it is quite imperative, especially when we are handing money over, to know exactly what the final process will be and does the Minister share those concerns?

Senator I.J. Gorst:

As I said, we have to be careful not to interfere with the processes that the Inquiry feel are appropriate. I understand that there has been a change and Members will see from the copy of the Treasurer's letter that Ministers have asked for clarification upon that point, I think probably along the lines that the Deputy might expect.

The Bailiff:

Very well, that brings ...

[12:30]

PUBLIC BUSINESS

7. People's Park: removal from list of sites under consideration for future new hospital (P.3/2016)

Senator A.K.F. Green:

Before we start Public Business can I just bare your indulgence? I have often said to Members that I live in the real world and with that in mind I might be able to help move things along today. While objective assessments have found that the People's Park site offers best value for money, we have decided to accept the Constable's proposition. **[Approbation]** I hope Members will now work with me and with the community with new vigour so that we can find the right place for a modern hospital that ensures safe, affordable healthcare for all Islanders. Thank you. **[Approbation]**

7.1 The Connétable of St. Helier:

If I could just crave the indulgence of the House to thank the Minister for Health and Social Services for accepting the proposition. I did want to make a speech because the first part of my speech I sought to repudiate those members of the public who had impugned his integrity in the past. **[Approbation]** He has a very difficult job to do for the Island in finding the site for the new hospital and I think he is doing it extremely well. Could I also thank States Members who have pledged their support, especially the Constable of St. Brelade and Deputy Rondel, for making that special and telling effort in coming in today. I would like to thank the Council of Ministers, the West of Town Community Association for their sterling efforts in raising awareness, but most of all I would like to thank every member of the community who has sent emails and letters to States Members including one this morning from Australia, which of course has an influence with me. People have been very concerned and I think it is that show of support by the public that has affected States Members and has led to the acceptance of the proposition today. So my thanks to everyone involved. Thank you. I would like to now seek the permission to withdraw the proposition.

The Bailiff:

You do not need permission at this stage, I do not think, so you can withdraw it, Constable. Chief Minister.

7.1.1 Senator I.J. Gorst:

It is a little unorthodox but I think perhaps it is an unorthodox day. Can I place on record my thanks to the Minister for Health and Social Services? He is a man of great integrity and throughout this difficult process he has endeavoured to try and present to the public the difficult options that he faces. He has always wanted, as I believe every Minister does, to provide the best for Jersey and for Jersey's future. He has been committed to trying to provide the best possible hospital for Jersey at the least cost, and it was absolutely right that, as unpalatable as it was, that all those options were presented to the public for decisions. It is fair to say of course that Ministers thought that there might have been a wider consultation in due course than there has now been but Ministers have listened; the Minister for Health and Social Services has listened to the voice of the public, the Minister for Health and Social Services has listened to the concerns of Members of this Assembly, who, even though they were prepared to accept wider consultation, did not want to see ultimately any building on this park because the balance between getting the best hospital at the

best price, the balance of what is the appropriate compromise to make in delivering such a hospital has been difficult, and be under no doubt, it will continue to be difficult to deliver those trade-offs about what the appropriate site for a modern hospital is. But the Minister and the Council of Ministers are absolutely committed to making sure that we continue to push forward to have a decision on a site for a new hospital. Members that have seen the other reviews will know that it is absolutely imperative that a new hospital is delivered. **[Approbation]**

8. Draft Dentistry (Jersey) Law 2015 (Appointed Day) Act 201- (P.2/2016)

The Bailiff:

Just looking at the agenda I am not sure that it makes good sense to start the concessionary bus fares matter at this stage and I wonder whether we might take P.2 - Draft Dentistry (Appointed Day) Act - Minister, if you are by any chance ready for that?

Senator A.K.F. Green:

Yes, I will just go to the back of my file rather quickly. As you say, this is an Appointed Day Act bringing into force the Dentistry Law 2015. Members will, I am sure, recall unanimously adopting the proposition P.89 in September last year which we brought to the States ...

The Bailiff:

But if you are ready to go I will ask the Greffier to read the proposition. **[Laughter]**

Senator A.K.F. Green:

I do get a bit excited sometimes.

The Bailiff:

Very well. I will ask the Greffier to read the proposition.

The Greffier of the States:

Draft Dentistry (Jersey) Law 2015 (Appointed Day) Act 201-. The States, in pursuance of Article 29 of the Dentistry (Jersey) Law 2015, have made the following Act.

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

I will not repeat what I have said because people or Members will be anxious to get to lunch. So I will take what I said before the proposition was read out and I will continue. The new law replaces the existing legislation dating from 1961 which unnecessarily restricted who can practice dentistry in Jersey and consequently prevented skilled and competent members of professions complementary to dentistry from practising locally. It will increase consumer choice, as I said last time, it will increase competition in the dental service market, and it will increase the availability of high quality affordable dental care which I believe has very important public health benefits. It will also give the public an insurance that dental care professionals working in Jersey are qualified, appropriately trained, competent and safe practitioners who work in accordance with current professional standards in dental practice. I would like to remind the Assembly of some of the pressing reasons why we need this new law. Preventing members of the professions complementary to dentistry from practising causes significant challenges particularly for the dental health services. Recruiting and retaining suitable staff is one of those challenges and my own department wishes to employ an orthodontic therapist who cannot lawfully currently work in the Island. This post is crucial to reducing the dental department's waiting list and will clearly bring benefits to the public. Dental hygienists, who for some time have expressed their frustration with local restrictions on their practice, and we all know that over the years some have left the Island

because of this. In the U.K. dental hygienists can work independently of a dental practice and undertake a range of appropriate dental work that our 1961 law forbids. This means that local people do not currently have the opportunity to benefit from the full scope of the practitioner hygienist's full expertise and skills. There are also other important reputational reasons for updating the law and the need to maintain our good standing as a jurisdiction with equivalent standards to our U.K. neighbours, and this was particularly highlighted in the commission's review of professional regulations in 2013, in which the General Dental Council raised concerns about the lack of some regulation of Jersey dental professionals. They suggested that a number of difficulties arose because of gaps and inconsistencies in the regulatory framework that applied in the U.K. and should apply to the Island. The new laws align the regulation of professionals allied to dentistry with equivalent legislation in the U.K. and provides what is essentially a secondary registration scheme. As is the case at present, the registration as a dentist in Jersey will continue to rely on practitioners being registered with the General Council in the U.K. and the same principle will apply to other disciplines; dental technicians, dental nurses, orthodontic therapists, dental therapists, dental hygienists. I think it is important that we remind ourselves that we rely on this arrangement, as do the Isle of Man and Guernsey, because it would not be feasible to create our own general dental equivalent to be responsible for setting up and monitoring the educational and professional standards so we align ourselves on that matter with the U.K. Equally, it would not be desirable for Jersey to be seen as an easy option, a destination for dental care where professionals who are unable to meet the standards in the U.K. or elsewhere in the world can come to Jersey. This law, in conclusion, provides greater access to high quality affordable dental services for the public at large and I ask Members to adopt the Appointed Day Act.

The Bailiff:

Is that proposition seconded? **[Seconded]** Does any Member wish to speak? In those circumstances those Members wishing ... the appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Appointed Day Act in relation to the Dentistry (Jersey) Law 2015 and I ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
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 St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				

Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
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 Bailiff:

I give notice to Members that there has been lodged P.11 - Social Security Tribunal: appointment of Deputy Chairmen and re-appointment of members - that proposition being lodged by the Minister for Social Security.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The States now stand adjourned until 2.15 p.m. this afternoon.

[12:40]

LUNCHEON ADJOURNMENT

[14:17]

9. Concessionary bus fares for the disabled: discussions with LibertyBus (P.140/2015) - as amended

The Bailiff:

So the next item on the Order Paper is P.140/2015 Concessionary bus fares for disabled. I ask the Greffier to read the proposition and read it as amended by the proposer.

The Greffier of the States:

The States are asked to decide whether they are of the opinion (a) to agree that individuals below pensionable age with a disability which prevents them from being able to drive should be entitled to a concessionary bus pass; (b) to request the Minister for Transport and Technical Services to enter into formal discussions with LibertyBus for the provision of concessionary bus passes for those with a prescribed disability which prevents them from being able to drive and to bring forward proposals to the States no later than 30th September 2016, detailing both the cost implications and the criteria which applicants would have to meet in order to access this service.

The Bailiff:

Chief Minister, I asked the Greffier to read it as amended because I understand that the Council of Ministers, from its comments, has accepted the proposition but also I understand, I am told, it accepts the amended proposition; that is correct, is it?

Senator A.K.F. Green:

That is correct, Sir, yes. Obviously the amendment was only lodged last Tuesday and the majority of Ministers were not able to convene to make that decision, but we did so Monday and the Minister for Infrastructure, I understand, emailed all Members last night confirming that we accepted the amendment as well.

9.1 Deputy M. Tadier:

It is really for 2 reasons that my speech will be relatively short today compared to what it might have been. The first is, of course, that I was not expecting necessarily to give this opening speech today, I thought it would happen tomorrow. **[Laughter]** But in the grand scheme of things I am happy for that, that it has been brought forward. The second is that of course it has been accepted. So I think what I will do in this is perhaps give a short summary of why I think this is important and also what I would like to see coming forward from the Minister and his ministerial colleagues in this regard. I think it is good that we have got to a point of general consensus. I know that even in the Budget debate I felt that even though the amendment itself was unsuccessful there were perhaps other reasons for that, rather than it being one of principle. And now I think we have come to the point where the principle has been accepted that disabled people, individuals in our society, if not all of them, because I do accept that it is quite a broad category and there is no ... it is relative as well to the individual, but that is why I have sought to clarify specifically that those individuals who have a disability which prevents them from being able to drive, and that could be on a short-term basis or it could be on a longer-term basis, should be granted a concessionary bus pass. By concessionary, of course, I mean free for them at the point of use. Pretty much the same as we already have for over-65s and some over-60s, the pensionable age in Jersey. So I think that principle has been established, I do not really need to go on then as to why we should do it, why it is the right thing to do; I can bypass that. What I would like to perhaps ask the Minister is give some parameters, and if individuals in this debate feel that they have certain ideas about what we should and should not be doing in this, in terms of the scheme, its parameters, but particularly to do with any future funding, perhaps now is the time to put this on public record. The one thing I would ask to the Minister is that it should not be seen as a back door for taking away other well-established rights and benefits that have been hard earned and given, and by that I think I mean 2 things which I refer to in my amendment. The first is that it should not be an opportunity for the Minister to take away, either wholly or in part, the provision that we give to pensioners for their free bus travel. I think that would be a retrograde step; it is certainly not the intention of this and I would not want him to come back and say: "This project may cost, let us say, £100,000, £150,000 a year and to make those savings we are going to means test the bus pass or we are going to put restrictions on when the over-65s can use the bus, limit them to after 10.00 a.m. in the morning and before 5.00 p.m." *et cetera*. That would be wholly unacceptable. I think there is a very good reason why we have those benefits in society and until the consensus on that changes we should not be looking to change that. The other is to do with the Blue Badge passes that are given out, and I think it is worth talking around this issue because there is a slight, you could say, contradiction in those who may qualify for a Blue Badge pass but then would not necessarily have access to free bus travel. Ultimately, if you cannot drive for whatever reason, and I have been thinking in my rationale about 2 groups of people, but there are of course many others and many other reasons why people may not be able to drive for medical reasons, that is to do with vision. In fact purely by chance I met a constituent yesterday whose daughter suffers from what is classed as tunnel vision. She is an individual who would not be able to drive perhaps for obvious reasons and she is

somebody who could benefit from that. Another group of people are those who might be termed as epileptic, suffering from epilepsy, and I am not an expert in that area but I know that it is very dangerous for those individuals or some of those individuals to get in a car for perhaps obvious reasons, and so they do not. They still have to face the challenges of life, they may have children that they have to get around and we all know that ... I do not know from first-hand experience but I know that children and juggling the demands of the domestic along with the other parts of life can be a challenge at the best of times. If you add on top of that a specific set of circumstances relating to a disability one can only imagine that it is more, much more difficult. So I think those are the 2 areas and the point I was making about the Blue Badge passes is that if you can drive, that is fine, you can get given a Blue Badge pass and that works out for you as an individual much more valuable, if you like, in terms of your parking. I have put the figures in my proposition but we know that it costs 76 pence an hour to park in Jersey, in standard zones. Of course if you are getting a bus to and from work the saving might work out at £1.60 a journey, that is £3.20 a day, and if you multiply that on the week it works out at roughly £16. So it is much more cost-effective in the sense for the Minister for Infrastructure to be able to provide that, and again I am not saying take away the Blue Badge pass. But it may well be that people are given a choice, or, more importantly, when you are using the bus you cannot really be using your Blue Badge so it does free-up parking in town. I think some of the other benefits are that we already know, I think, that LibertyBus is doing a pretty good job in their services. We have seen a rolling out of the bus shelters throughout the Island; we know that they have got some new stock in terms of their buses. I happen to live and be the Deputy for the area which has a good service. We know that there is a good service from the 1 15. The buses are disabled-friendly as far as they can be and if we incentivise more disabled people, whether that is in a wheelchair or not, to use the buses then that will incentivise LibertyBus, I think, to perhaps give more consideration to those individuals who use their services with that bespoke disability. I have said in the comments that I do not really accept the Minister's figures. He has talked about a figure of £500,000 for running this scheme. That is based on his estimates of 1,000 people being eligible. This was before I put the amendment in, so it is likely that my amendment, by narrowing it and targeting it better, should in theory bring in a lower sum of individuals who might be eligible, but even if it were 1,000 it does not really stack up with what we know about the pensioners' scheme. We know that the pensioners' scheme has some 11,000 people who are eligible for that. That has to be taken with a pinch of salt but that is the figure I have been given from the department. Some of those bus passes may have been issued without them necessarily still being in circulation. But it does not seem to stack up that you can have, on the face of it, a tenth of the individuals who might be eligible for a disability concessionary pass and the figure coming in roughly the same as what it would cost for pensioners. So my plea to the Minister is to speak in the first instance to LibertyBus, try and negotiate the best deal that he can. I think we should be asking LibertyBus to provide this free service now to see how it runs for a year, ask them to absorb the costs; after all we are all in it together, we are all trying to save the Island money and we all have to tighten our belts. So see if they could provide this service for a year free of charge, let us see what the figures are. If that turns out to be slightly politically naive, I think you have to at least ask them, find out what the costs are. But we know that the costs cannot be more than £1 per journey; I mean that is what it works out at. If there were 1,000 people, the cost of a bus pass per year is £495 that is without any kind of discount, so the maximum cost this could be, based on 1,000 users, would be £495,000. Again, I do not think we are talking anywhere near that figure because we know that fares get reimbursed on roughly a £1 per journey basis. So, I make those comments to the Minister. If it does end up that we have to raise a sum of money, which I believe to be much lower than the £500,000 that he is talking about, there are a couple of options. The first one, I was gratefully provided with the figures over lunchtime from the Tax Policy Unit; one idea to fund it would be to add 1 pence to fuel duty, that would bring in £452,000 a year in terms of additional funding and I think that £452,000 might be a

very good progressive way of funding this. Certainly as a car driver myself I would have no problem paying an extra penny or even a fraction of a penny on my fuel for the car if I knew it was being targeted to those individuals for whom it was really making a difference; I could not think of much of a better way to spend that extra penny, and it might also act as a slight disincentive but perhaps that is a different argument for a different day. So I do make the proposition. I look forward to hopefully unanimous support but also listening to the valuable comments which will be made both for myself and for the Minister as he brings this in. But I guess to sum up I would like him to introduce this in a timely fashion. I would like him to come back with a figure, something that we can all get behind which is progressive and done sooner rather than later.

The Bailiff:

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

9.1.1 Deputy E.J. Noel:

We are happy to accept this proposition as amended. We had already started the work prior to the Deputy's proposition being lodged. Members will be aware that the project is being undertaken led by the Social Policy Unit in the Chief Minister's Department in conjunction with my colleagues at Social Security and indeed my own department, on developing an Island-wide disability strategy including those of mobility issues.

[14:30]

Therefore, I must admit I was slightly disappointed that Deputy Tadier lodged this proposition the day before he and I met with LibertyBus back on 11th November to discuss the issues and the progress that was being made. I see clearly that the Deputy wants action and so do I, and so do my ministerial colleagues. But the subject is not as simple as the Deputy first suggests. I am pleased that he brought his amendment because it goes some way to recognising that the subject is a complex one and more complex than he originally thought. To make a real difference the focus has to be on the true problem; breaking down the barriers to mobility for all disabled people, not just simply - although it is a welcome gesture - of providing bus passes for those individuals capable of catching the bus irrespective of their actual needs or their means. There is a huge range of disability and every disabled person is an individual with his or her own individual lifestyle. Buses will only suit a certain percentage of those individuals; bus passes are not a silver bullet. If there is going to be a sum of money spent on mobility assistance for disabled people then it is only fair that all people with disabilities should be considered for access to it and not just those capable or wanting to catch a bus. The subject has to be looked at properly. Now we have proper data for which we can make informed decisions, options can be looked at and their merits justified and that is exactly what we are going to be doing over the next few months. What I wish to do is flag-up that the Deputy's approach does not capture the true complexity of the issue; that the approach must be cross-departmental and not just for the Department for Infrastructure to provide mobility support to a group of disabled people. No concessionary scheme is free but funding must not damage the success that we already have seen of our bus service over the last few years. Providing this benefit cannot result in bus cuts elsewhere which may disadvantage the mobility of other vulnerable users. Indeed, any of our services to those with disabilities should not suffer on the introduction of a scheme which is worked out. Thus, working with my ministerial colleagues we will endeavour to find a socially equitable funding source which protects the excellent bus service that we currently have and continuing for that bus service to be improved for all users. These options will be carefully explored and included in the proposals by the Council of Ministers which will be reported back to the States. In short, I am happy to commit, on behalf of the Council of Ministers, to report back to this Assembly by 1st September this year.

Senator A.K.F. Green:

Really, it is firstly to apologise for being a couple of minutes late back but it has been a busy day. But I think I should declare an interest, Sir, and seek guidance from yourself. My son is a severe epileptic and therefore may fall under the scheme. My wife and I provide the care for him. I do not think I need to withdraw but just to state that interest.

The Bailiff:

Interest is noted. You do not need to withdraw. Deputy Kevin Lewis.

9.1.2 Deputy K.C. Lewis:

Likewise, I am a board member of the Jersey Blind Society, now known as EYECAN. There is no pecuniary interest whatsoever but we have about 3,500 members with varying degrees of visual impairment. I welcome the proposition and amendment and I look forward to the Minister's proposals.

The Bailiff:

Does any other Member wish to speak? No? Then I call on Deputy Tadier to reply.

9.1.3 Deputy M. Tadier:

That is the efficiency of ministerial government. If only all propositions were that straightforward. I think just to perhaps thank the Minister and Deputy Lewis who spoke, and thank maybe Members in advance for supporting this, if that is not premature. Let us take the points one by one. I did lodge this proposition the day before we met but of course I had lodged the original proposition as part of the Budget amendments and that is when we had the substantive debate on that which was very close, I think it was 20 votes to 22. That is when I identified funding, I identified £100,000 worth of funding which could have been put towards this, and there was a reason that I lodged this proposition the day before we met with LibertyBus, it was because I wanted to have something on the table to bring to that meeting; I wanted to have some leverage. So that is why it happened and we had spoken previously, the Minister and I, and I think we are coming at it from 2 angles but ultimately trying to solve the same issue. Just to clarify, I by no means said that concessionary bus passes are somehow the silver bullet; I have not said that work on disability strategy and transport related strategy in the context of disability should cease. It is absolutely correct that we do not do enough for disability in our Island full stop. What we should have in place, of course, is a disability discrimination law. We should have a disability strategy now and stop doing these things in a piecemeal fashion because it does not make sense. I suspect the reality is that if I had not kept on holding the Minister's feet to the fire on this it could have been just one of those issues which might have been allowed to drag on or go away because although the work itself was going on, on a disability strategy, there was never any intention, I do not think, to deliver in isolation the bus passes which can be an immediate help now. I said it is not the silver bullet but it is something tangible that we can do now. We essentially control the provision of the bus service in Jersey, it is provided for us but we pay for that. We do not control taxis in Jersey, as much as the Minister might like to be able to do that, but we cannot say to Taxis out there: "We want you to charge £2 for wheelchairs and drive them anywhere in the Island" because they probably would not do it and I suspect it is not financially viable. Unless the Minister has got a magic pot down the back of his pocket while he is still trying to find tens of millions of pounds of saving in his infrastructure budget, then I do not see how this can happen any time soon. So this is about what is achievable on the ground now, it is about what is deliverable but I think it is also about what is right. Ultimately it is about delivering on election promises. If we have made promises to the electorate saying: "People with a disability should have access to a free bus pass, a concessionary bus pass which is free", the Minister's own words, not mine, I just simply happen to agree with them, then we should

be delivering that and we should be delivering it in this term of office not any time later on. I think those are the main arguments and I maintain the proposition as amended.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the proposition of Deputy Tadier on the Concessionary bus fares for the disabled: discussions with LibertyBus as amended. I will then ask the Greffier to open the voting.

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator P.M. Bailhache		
Senator A.K.F. Green		
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 St. John		
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 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. Brée (C)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

[Approbation]

10. Draft Taxation (Implementation) (International Tax Compliance) (United States of America) (Amendment) (Jersey) Regulations 201- (P.160/2015)

The Bailiff:

We now come to the Draft Taxation (Implementation) (International Tax Compliance) (United States of America) (Amendment) (Jersey) Regulations - P.160 - lodged by the Minister for External Relations. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Taxation (Implementation) (International Tax Compliance) (United States of America) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the Taxation (Implementation) (Jersey) Law 2004, have made the following Regulations.

10.1 Senator P.M. Bailhache (The Minister for External Relations):

On 1st December last year the Assembly made the Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Jersey) Regulations 2015 in which *inter alia* provision was made for penalties for non-compliance with those regulations and those penalties relate to the automatic exchange of information with more than 70 other countries. One country, the United States of America, is separate from the implementation of the common reporting standard and in this case - and it happens because chronologically the arrangements with the United States came into force earlier - of the U.S.A. (United States of America) information is provided under the separate set of regulations made in 2014. The penalties under those regulations differ from those in the common reporting standard regulations and it is thought that they should now be aligned. So this amendment to the United States regulations brings into effect, or would bring into effect, penalties which are in line with the common reporting standard regulations. They provide for this and they introduce civil penalties for breaches of regulations rather than fines imposed by courts. Appeal will lie against those civil penalties to a commission of appeal which will be drawn from the commissioners appointed under the Income Tax (Jersey) Law 1961. I move the Regulations.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Le Fondré, does your Scrutiny Panel wish to scrutinise?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Do you wish to move the Regulations *en bloc*, Minister?

Senator P.M. Bailhache:

With your leave I will move the Regulations *en bloc* which I do and will be glad to answer any questions that Members may have.

The Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting the Regulations *en bloc*, kindly show. Those against? The Regulations are adopted. Do you move in Third Reading?

Senator P.M. Bailhache:

I move them in Third Reading.

The Bailiff:

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

11. Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Amendment) (Jersey) Regulations 201- (P.161/2015)

The Bailiff:

We now come to the Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Amendment) (Jersey) Regulations - P.161 - lodged by the Minister for External Relations and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 2 of the Taxation (Implementation) (Jersey) Law 2004, have made the following Regulations.

11.1 Senator P.M. Bailhache (The Minister for External Relations):

This is a parallel amendment to regulations which apply to the rest of the world apart from the United States. The ... sorry, applies to the United Kingdom rather than to the United States. The 2014 regulations to which I referred in introducing the United States regulations also provided for alternative reporting arrangements for “non-doms”, those who are resident but non-domiciled in the United Kingdom. The common reporting standard does not make any specific provision for “res non-doms” and this amendment, the amended regulations will not allow any election in future to apply to the alternative reporting regime that was previously in force. Again, the penalties for non-compliance with the 2014 regulations are to be brought into line with those for the common reporting standard and civil penalties will be introduced which, for breaches of the regulations rather than penalties, fines imposed by a court, and once again appeal will lie from the imposition of any civil penalty to a commission of appeal composed of commissioners appointed under the Income Tax Law of 1961. I move the principles of the Regulations.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Le Fondré, do you wish to scrutinise?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

No, Sir.

The Bailiff:

Minister, do you wish to move them *en bloc*?

Senator P.M. Bailhache:

With your leave I shall move the Regulations in Second Reading *en bloc* and I am happy to answer any questions that Members might have.

The Bailiff:

Does any Member wish to speak? Those in favour of adopting the Regulations *en bloc*, kindly show. Those against? The Regulations are adopted. Do you move them in Third Reading?

Senator P.M. Bailhache:

I move the Regulations in Third Reading.

The Bailiff:

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

12. Draft Financial Regulations (Miscellaneous Provisions No. 3) (Jersey) Law 201-(P.162/2015)

The Bailiff:

We come to the Draft Financial Regulations (Miscellaneous Provisions No. 3) (Jersey) Law P.162, lodged by the Chief Minister and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Financial Regulations (Miscellaneous Provisions No. 3) (Jersey) Law 201-. A Law to amend further the Collective Investment Funds (Jersey) Law 1988, the Banking Business (Jersey) Law 1991, the Insurance Business (Jersey) Law 1996, the Financial Services (Jersey) Law 1998, the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 and the Alternative Investment Funds (Jersey) Regulations 2012. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

[14.45]

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

I would like to ask Senator Ozouf, who has got responsibility for these areas, to act as a rapporteur, please.

12.1 Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):

These are regulations that are what we describe as routine maintenance of legislation that is the basis for regulation by our Financial Services Commission. The Greffier has read out the laws that they seek to amend so I will not repeat that but there are a number of laws. Taken together, the changes provide for, as I said, routine maintenance so that the Financial Services Commission can continue to regulate effectively in discharging their functions to not only protect Jersey but also obviously consider jobs and growth. The compliance is obviously incredibly important. The Island has recently had a review, yet to be published, in relation to money laundering and financing of terrorism and all of these changes have been the subject of a consultation within the industry. I can report that there has been no contrary representations made to the regulations and they are fully supported by the Board of Commissioners and there has been the normal Law Officer's review in relation to human rights and other matters. I move the principles.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Higgins.

12.1.1 Deputy M.R. Higgins:

I would just like to refer Members to one of the written questions today, written question 3 from Deputy Tadier, and I find it rather interesting to see that the Banking Business (Amendment No. 7) (Jersey) Law 2011, the whole of the law has not been brought into provision. I am just wondering how many of these laws we are passing today will also be brought into being in a hurry, and if these laws are that important why they have not been brought into effect.

The Bailiff:

Does any other Member wish to speak? Then I call on Senator Ozouf to reply.

Senator P.F.C. Ozouf:

I am just looking through my written questions.

The Bailiff:

It was the third written question, I understand.

12.1.2 Senator P.F.C. Ozouf:

I do not think it is probably relevant to this Bill. I must say, I confess that I had not read the written question but no doubt the Chief Minister has. I give way to the Chief Minister if he wishes to assist.

The Bailiff:

I think you were replying.

Senator P.F.C. Ozouf:

Was I? I am allowed to give way though, am I not?

The Bailiff:

Not to invite somebody else to speak when you ...

Senator P.F.C. Ozouf:

No, well he has indicated he wants to speak. I saw his light so I thought I would give way.
[Laughter]

Senator I.J. Gorst:

Who is playing games?

The Bailiff:

Come to the rescue, Chief Minister.

Senator I.J. Gorst:

Not at all, and the Deputy will know from reading the answer to the question that he is being a little mischievous. It is a technical answer and the answer also says that we are carrying out a review to be able to provide an update to Members on the position of each particular enactment which is not in force and the reasons why and the progress that will be made in due course. So the Deputy should know that from reading the full answer.

Senator P.F.C. Ozouf:

I am indebted to the Chief Minister for his ... yet again showing why he is the Chief Minister. I had not read the answer but I think the point is made. So there is no matter, that I am aware of, to Deputy Higgins, that any laws that affect important matters to do with the protection and the

matters to do with our financial services industry that are not brought into effect without good reason. So I have nothing further to add and I move the principles.

The Bailiff:

All Members in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Le Fondré, do you wish to scrutinise these Regulations?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

No, Sir.

12.2 Senator P.F.C. Ozouf:

I will take the articles *en bloc*, if I may. They are ... effectively they have got a number of common themes. They give explicit ability to withdraw directions by the commission rather than to vary them. It amends regulatory laws to follow what are now described as “European norms” by excluding persons who are not beneficial owner shares from statutory provisions, they make various different regulations to the funds law which provides for certain abilities to require individuals to produce information, and they are also making various different changes to bring into line arrangements whereby auditors and other reporting professionals may pass relevant information to the commission without contravening their duty to which they may be subject to, such as contractual obligations of confidentiality. There is also a Banking Law amendment which no doubt I will probably have a question from Deputy Higgins about and that is to enable the registration of a licence to be revoked at the request of the bank mid-year through a year rather than the expiration of the registration year. That all seems to me to make perfect sense and I hope Members agree and I move the articles *en bloc* and am happy to answer any further questions.

The Bailiff:

Does any Member wish to speak? Not even with a challenge? Very well. All Members in favour of adopting the Regulations *en bloc*, kindly show. Those against? The Regulations are adopted *en bloc*. Do you move them in Third Reading, Senator?

12.3 Senator P.F.C. Ozouf:

Yes, and if I may take this opportunity of continuing to thank the excellent work of our Financial Services Commission in the obligations that they have, having recently been party to some international discussions about the standing of Jersey and the regard in which we are held. These matters may be housekeeping and maintenance issues but they are all part of strengthening the armoury of what is regarded as one of the world’s leading financial services regulators of which this Assembly provides assistance by passing the legislation in the manner in which we have done. I move the Bill in Third Reading.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the Draft Bill in the Third Reading, kindly show. Those against? The proposition is adopted.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

I give notice to Members that there have been lodged today, by the Minister for Social Security, P.12 - Income Support Medical Appeal Tribunal: appointment of Deputy Chairmen; and P.13 -

Social Security Medical Appeal Tribunal: appointment of Deputy Chairmen. Anyway those 2 propositions are now lodged. Chairman.

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

The proposition for the arrangement of public business is as per the Consolidated Order Paper with the addition of the Social Security propositions that you have just mentioned, projets 11, 12 and 13, should be down for 22nd March. The 8th March is as per the Order Paper and I would suggest that the States would have great difficulty in extending that sitting beyond one day. In fact, I think they would have great difficulty in extending it beyond lunchtime. **[Laughter]**

The Bailiff:

Thank you very much. Then the States now stand adjourned until 9.30 a.m. on 8th March.

ADJOURNMENT

[14:53]