

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 3rd JULY 2007

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

QUESTIONS

1. Written Questions

**1.1 THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY SENATOR
B.E. SHENTON REGARDING 'J' CATEGORY EMPLOYEES:**

Question

Would the Minister provide a list of all 'j' category staff within his department listing job title and place of employment?

Answer

Department for Education, Sport & Culture

J Category employees as at 26th June 2007

PLACE OF EMPLOYMENT	START DATE	JOB TITLE
Bel Royal Primary School	01/01/2001	Deputy Head Bel Royal
d' Auvergne Primary School	01/01/2004	Teacher
d' Hautree House School	01/01/1999	Head d'Hautre House
d' Hautree House School	01/01/2000	Teacher
d' Hautree House School	05/11/2001	Teacher
d'Hautree House School	21/02/2005	Teacher
Education Support Team	06/02/2006	Principal Ed Psychologist & Service Manager
Education Support Team	13/11/2006	Education Psychologist - Vulnerable Children
Education Support Team	01/01/2007	Assessment for Learning Co-ordinator
Grainville Secondary	01/09/2000	SA1 Teacher of Geography
Grainville Secondary	01/09/2001	2 i/c Science
Grainville Secondary	01/09/2002	Head of Humanities
Grainville Secondary	01/01/2004	Headteacher
Grainville Secondary	01/09/2004	Teacher i/c KS4 Curriculum Enrichment
Grainville Secondary	01/09/2004	Teacher of Food Technology
Grainville Secondary	01/09/2005	Teacher of RE & History
Grainville Secondary	24/04/2006	Head of Maths

Grainville Secondary	01/01/2007	Teacher of English
Grainville Secondary	01/01/2007	Teacher of English
Grainville Secondary	16/04/2007	Teacher in Charge of History
Haute Vallee Secondary	01/09/1999	Head of Sp Needs & Learning Development
Haute Vallee Secondary	01/09/2000	Behaviour Support Teacher/Science
Haute Vallee Secondary	01/09/2000	Design & Technology, i/c Textiles
Haute Vallee Secondary	01/09/2000	Examinations Officer/Teacher of Maths
Haute Vallee Secondary	01/09/2000	Head of Design Technology
Haute Vallee Secondary	30/04/2001	Headteacher
Haute Vallee Secondary	01/09/2002	2 i/c Maths
Haute Vallee Secondary	01/09/2002	Head of English
Haute Vallee Secondary	01/09/2002	Teacher of English
Haute Vallee Secondary	01/09/2003	Teacher of French
Haute Vallee Secondary	01/09/2004	Careers, Haute Vallee
Haute Vallee Secondary	01/09/2005	Head of ICT & Business Studies
Haute Vallee Secondary	01/09/2005	Head of Maths
Haute Vallee Secondary	01/09/2005	Teacher of Drama
Haute Vallee Secondary	01/01/2006	Teacher of Maths
Haute Vallee Secondary	01/09/2006	Teacher of ICT
Haute Vallee Secondary	01/01/2007	2nd In Charge of English & Media
Haute Vallee Secondary	16/04/2007	SA1 Head of Humanities Department
Hautlieu Secondary	01/04/1997	Co-ord KS4 Maths
Hautlieu Secondary	01/09/1998	Head of Careers, Teacher of English
Hautlieu Secondary	01/09/2000	Director of Art & Design
Hautlieu Secondary	01/09/2000	Director of Sport
Hautlieu Secondary	01/09/2000	Teacher i/c Psychology, SENCO
Hautlieu Secondary	01/09/2000	Teacher in Charge of Biology
Hautlieu Secondary	01/09/2000	Team Leader Performance Technology
Hautlieu Secondary	04/06/2001	Academic Head of Yr 13, Teache of Maths

Hautlieu Secondary	01/07/2001	Teacher of ICT & Co-ord of ICT
Hautlieu Secondary	01/09/2001	Asst Headteacher,
Hautlieu Secondary	01/09/2002	Academic Head of Yr 11 & Curriculum Co-ord
Hautlieu Secondary	01/09/2002	Teacher of Media
Hautlieu Secondary	01/01/2004	Teacher of Law
Hautlieu Secondary	01/09/2004	Teacher i/c Music
Hautlieu Secondary	01/09/2004	Teacher of Art & Photography
Hautlieu Secondary	01/09/2005	Teacher i/c Philosophy & RE
Hautlieu Secondary	01/09/2005	Teacher of English & Media
Hautlieu Secondary	01/09/2005	Teacher of ICT
Hautlieu Secondary	01/09/2005	Teacher of Law, Physics, History & Maths
Hautlieu Secondary	01/09/2005	Teacher of Music
Hautlieu Secondary	01/09/2005	Teacher of Spanish & French
Highlands	01/09/1997	Head of Care & Health Studies
Highlands	01/11/1997	Principal
Highlands	20/04/1998	Lecturer Build & L U
Highlands	01/01/2000	Head of Faculty-Bus & Leisure
Highlands	01/09/2000	Head of Access Learning HC
Highlands	01/09/2005	Lecturer in Foundation Studies
Instrumental Music Service	01/09/1999	Head Of Strings
Instrumental Music Service	01/09/2000	Teacher of Strings
Instrumental Music Service	01/09/2006	Head of Instrumental Music
Jersey College for Girls	01/09/1997	SA5 Head of Performing Arts
Jersey College for Girls	01/09/1998	Teacher of Maths
Jersey College for Girls	01/09/1999	Teacher of English
Jersey College for Girls	01/09/2000	Asst Headteacher & Learning Development
Jersey College for Girls	01/09/2000	Head of Careers & Teacher of Maths
Jersey College for Girls	01/09/2000	Head of RE/Collective Worship
Jersey College for Girls	01/09/2000	Head of Science, JCG

Jersey College for Girls	01/09/2001	Teacher i/c ICT,
Jersey College for Girls	01/09/2001	Teacher i/c Psychology
Jersey College for Girls	01/09/2001	Teacher of Science
Jersey College for Girls	01/09/2002	Teacher of Science
Jersey College for Girls	01/01/2005	Teacher of Design & Technology
Jersey College for Girls	06/06/2005	Teacher of PE
Jersey College for Girls	01/09/2005	Head of English
Jersey College for Girls	24/04/2006	Teacher of Maths
Jersey College for Girls	01/09/2006	Principal JCG
Jersey College for Girls Prep	01/09/2004	Teacher
Le Rocquier Secondary	01/09/1998	Head of Product Design
Le Rocquier Secondary	01/09/2000	Head of Science
Le Rocquier Secondary	01/09/2000	Teacher of Science, Head of Year
Le Rocquier Secondary	04/09/2000	Head of Modern Foreign Languages
Le Rocquier Secondary	30/04/2001	Head of Maths
Le Rocquier Secondary	30/04/2001	Teacher of Languages & Head of Year
Le Rocquier Secondary	01/09/2001	Curriculum Leader, Eng & Media Studies
Le Rocquier Secondary	01/09/2001	Deputy Le Rocquier
Le Rocquier Secondary	01/09/2001	SA2 Second in Maths
Le Rocquier Secondary	01/09/2001	Teacher of Maths & Head of Year
Le Rocquier Secondary	10/06/2002	Teacher of English
Le Rocquier Secondary	01/09/2002	Teacher of Maths
Le Rocquier Secondary	01/09/2002	Teacher of Modern Foreign Languages
Le Rocquier Secondary	28/06/2003	Head Le Rocquier
Le Rocquier Secondary	01/09/2003	Teacher of Science
Le Rocquier Secondary	01/09/2004	Director of Educational Needs
Le Rocquier Secondary	01/09/2005	SA2 Drama Teacher Subject Leader
Le Rocquier Secondary	01/09/2005	Teacher of Humanities
Le Rocquier Secondary	01/09/2006	Teacher of ICT

Les Quennevais Secondary	01/01/1997	Head of Music
Les Quennevais Secondary	01/01/1998	Head of Science
Les Quennevais Secondary	01/01/1998	Snr Manager/Behaviour
Les Quennevais Secondary	01/09/1998	Head of Yr 11, Teacher of English
Les Quennevais Secondary	01/09/1998	Yead of Yr 8, Teacher of English
Les Quennevais Secondary	01/01/1999	Head of English
Les Quennevais Secondary	01/01/1999	Head of Modern Foreign Languages
Les Quennevais Secondary	01/06/1999	Head of PE
Les Quennevais Secondary	01/09/1999	Head of Art
Les Quennevais Secondary	01/05/2000	2 i/c MFL Dept
Les Quennevais Secondary	01/09/2000	2 i/c Science Dept
Les Quennevais Secondary	01/09/2000	Head of Humanities
Les Quennevais Secondary	30/04/2001	Snr Mang, Teaching & Learning & Access
Les Quennevais Secondary	01/09/2001	2 i/c Maths Dept
Les Quennevais Secondary	01/09/2001	Teacher of English
Les Quennevais Secondary	01/09/2001	Teacher of Music
Les Quennevais Secondary	01/01/2002	Head of Drama
Les Quennevais Secondary	01/09/2002	Teacher of Science
Les Quennevais Secondary	01/09/2003	Teacher of French
Les Quennevais Secondary	01/09/2003	Teacher of PE
Les Quennevais Secondary	01/01/2005	SA4 Director Of ICT
Les Quennevais Secondary	01/01/2005	Teacher of Maths
Les Quennevais Secondary	01/09/2005	SA3 Head of Year 10
Les Quennevais Secondary	01/09/2005	Teacher of Maths
Les Quennevais Secondary	01/01/2006	Teacher of Drama
Library	01/07/2003	Chief Librarian
Mont a L'Abbe School	01/09/2001	Head Mont a l'Abbe
Mont a L'Abbe School	01/09/2002	SA5 Teacher
Mont a L'Abbe School	01/09/2003	SA2 Teacher

Mont a L'Abbe School	29/03/2004	Teacher
Mont a L'Abbe School	01/09/2004	Early Years Co-Ordinator
Mont a L'Abbe School	01/09/2004	ICT Teacher
Mont a L'Abbe School	01/09/2004	Mathematics Co-Ordinator
Mont a L'Abbe School	01/09/2004	Teacher
Mont a L'Abbe School	01/01/2005	Teacher
Mont a L'Abbe School	20/02/2005	Teacher
Mont a L'Abbe School	01/01/2006	Teacher
Rouge Bouillon Primary	01/09/2000	Teacher
Rouge Bouillon Primary	30/04/2001	Teacher
Victoria College	01/09/1997	Head of Design Technology
Victoria College	01/09/1999	Head of Maths,
Victoria College	01/09/1999	Head of Religious Studies & Head of PSHE
Victoria College	01/09/2000	Gifted & Talented Co-ord & Primary Liaison
Victoria College	01/09/2000	Headmaster
Victoria College	01/09/2000	Housemaster of Bruce
Victoria College	01/09/2001	Head of Physics & Electronics
Victoria College	01/09/2001	SA1 Cultural Co-ordinator
Victoria College	01/09/2001	Teacher of English
Victoria College	01/09/2001	Teacher of Maths
Victoria College	01/09/2001	Teacher of Theatre Studies
Victoria College	11/04/2002	Teacher of Maths
Victoria College	01/09/2002	SA2 Housemaster of Dunlop House
Victoria College	01/09/2002	Teacher of PE
Victoria College	01/09/2003	Head of Media Studies
Victoria College	01/09/2004	Director of English & Media Studies
Victoria College	01/09/2005	Director of Sport
Victoria College	01/09/2005	Teacher of English
Victoria College	01/01/2007	Teacher of Biology

Victoria College Prep	01/09/1999	Teacher
Youth	03/09/2001	Area Youth Worker Manager-East
Youth	01/06/2005	Principal Youth Officer
Youth	26/07/2006	Youth Worker Le Squez

1.2 THE MINISTER FOR PLANNING AND ENVIRONMENT BY SENATOR B.E. SHENTON REGARDING EVOLUTION OF THE WATERFRONT:

Question

Would the Minister provide the dates that the following developments received planning approval and the names of the President and Vice-President of the Planning and Environment Committee at that time –

- (a) the Cinema Complex?
- (b) the Harbour Reach Development?
- (c) the Waterfront Hotel?

Answer

I am happy to provide the Senator with the information he seeks.

Cinema Complex

Planning-in-principle permission -16th September 1997.

Detailed permission – 21st June 1999.

For both applications the Committee President was Mr. N.L. Quérée and the Vice-President Mr. A.J. Layzell.

Harbour Reach

Planning-in-principle permission – 12th April 2001.

The Committee President was Mr. N.L. Quérée and the Vice-President Mr. A.J. Layzell.

Detailed permission – 15th July 2003.

The Committee President was Mr. M.F. Dubras and the Vice-President Deputy J.A. Hilton.

Waterfront Hotel

Planning-in-principle permission – 7th July 2000.

The Committee President was Mr. N.L. Quérée and the Vice-President Mr. A.J. Layzell.

Detailed permission – 3rd March 2005.

The Committee President was Senator P.F.C. Ozouf and the Vice-President Mr. J.L. Dorey.

1.3 THE MINISTER FOR TREASURY AND RESOURCES BY THE CONNÉTABLE OF GROUVILLE REGARDING PROCESSES IN PLACE CONCERNING THE SALE OF STATES' PROPERTY:

Question

What processes for the sale of States' property has the Minister put in place following the recommendations made (and accepted by him) in the review of the proposed sale of the former Jersey College for Girls site (S.R.10/2007)?

Answer

The Corporate Services Scrutiny Sub-Panel when reviewing the proposed sale of the former Jersey College for Girls endorsed the recommendations of its adviser, which were accepted by me. I set out the nine recommendations below with my comments on each in italics.

Recommendations

1. The States should review their method of property disposal to establish the correct method appropriate to a specific site.

Property Holdings policy is to decide on the most appropriate method of property disposal on a site specific basis.

2. The States should determine a criteria statement to enable them to consider proposals where a straightforward sale of a property is not possible.

Property Holdings will submit a disposals strategy for approval as part of a Strategic Property Plan to be considered by the States early next year. The strategy will include proposals for managing the disposal of complex and high value properties.

3. Marketing strategies should be considered for any disposal prior to advertising and a decision made as to whether such marketing should be carried out in-house or an external agent/surveyor appointed. *Property Holdings currently applies this policy.*

4. Where informal discussions are carried out prior to any formal marketing, the details of such discussions should be documented and the rationale for choosing the parties approached clearly stated.

Property Holdings currently applies this policy.

5. Where a disposal property requires a development brief the States should provide its Officers with clarity upon priorities relating to planning, economic viability, uses and social issues which may affect the brief.

When determining the most appropriate use for a property that has been identified for disposal, Property Holdings takes full account of all relevant information to inform the development brief. Development briefs are amended in order to reflect changing priorities, an example of which is the Belle Vue site identified in the 2007 Plan.

6. In choosing a purchaser or preferred developer or joint venture partner the States' Officers need clearly defined goals and objectives to enable them to consider fairly each offer/proposal.

Property Holdings' overriding objective is to extract optimum benefit from property assets - this is not restricted to financial benefit. The choice of disposal route, through sale or development, will support this objective.

7. Legal advice should be sought at an early stage so that the choice of a preferred developer can be documented so that both parties have security in proceeding with a scheme.

Should Property Holdings enter into this type of agreement in future, legal advice will be taken at an early stage.

8. Where disposals are for whatever reasons complex and/or likely to take a period of time to reach an outcome independent advice should be obtained at appropriate stages in respect of values.

Property Holdings currently applies this policy.

9. Prior to the choice of any purchaser/preferred developer, due diligence should be carried out on the parties concerned to establish their financial standing and their ability to deliver their proposals. Whilst it is accepted that this may have to be duplicated at a later stage where a scheme such as the one under consideration takes a significant period of time to reach fruition, it is imperative at the outset that the chosen party is the right one from the beginning.

Property Holdings will continue to apply this policy, where appropriate, in particular for transactions which are not simple purchases.

1.4 THE MINISTER FOR HOUSING BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE HOUSING PROPERTY PLAN:

Question 1

At a recent briefing on the Housing Property Plan, the Minister advised members that there were only some 25 applicants on the States rental waiting list for 3-bedroom houses; will he inform members how many tenants have applied for transfer to three-bedroom accommodation for medical or under-housing reasons?

Will he further state how many applicants have been removed from the transfer list for 3-bedrooms for rent arrears or other problems?

Answer

As at 1st June 2007, there were 16 families on the Transfer list waiting for three bedroom accommodation on medical grounds. 6 of those are considered as having an "immediate need" and 10 are considered as having a "moderate need", these are direct recommendations from the Medical Officer of Health. In addition, there were 50 families waiting for three-bedroom accommodation on the grounds of currently being "over crowded".

These figures need to be taken in context with other Transfer list figures. For example, there are 23 families living in three and four-bedroom homes that require one or two-bedroom properties. There are 89 individuals/couples occupying two bedroom properties who need to move to one bedroom units. The stock is being “blocked” as there are not sufficient one bedroom units to cater for the aging population.

The table below shows the breakdown for Transfer applications made since 1st January 2007, that have since been cancelled, and why-

Number	Reason
62	Cancelled at time of application as considered already adequately housed.
11	Cancelled at time of application as applicant had unmanaged rent arrears.
5	Cancelled during the period 1 January 2007 to date as applicant has been housed by a Housing Trust.

Question 2

Will the Minister explain the basis for his assurance that the increase in permanent ‘j’ category numbers is not responsible for the house-price inflation currently witnessed in the 3+ bedroom housing market, and why, therefore, he has recently called for an emergency ministerial debate on the need to build more housing as a result of the Island’s need for increased numbers of ‘j’ categories to feed the objective of 2% economic growth?

What predicted figures for future numbers of ‘j’ category and other immigration does the Minister currently have on which to base future housing demand?

Answer

As noted in the response to Question 1(d) presented on the 27th March 2007 –

“It has never been stated that ‘j’ category purchases have no impact on the housing market, simply that any impact is minimal in light of the fact that 92% of purchases are made by locally qualified individuals. This was clearly stated in a previous response given on the 21st November 2006.”

As also stated in the same response –

“it is simply not plausible, in the context of large increases in local employment and real economic growth for the first time in 5 years, to ascribe the increase in house prices to a small number of essential employees”.

There is no doubt that house prices are an important area, and this is why Minister's meet to consider the position on a frequent basis, hence the meeting on 21st June. It is important however, to put the issue into perspective.

Over the past four years, rises in house prices (13%, since 2003) have been lower than rises in earnings (18%) and inflation (16%) indicating not only a real increase in general purchasing power of Islanders, as earnings growth has outstripped inflation, but also a relative improvement in the affordability of housing in the Island, as earnings outstrip house price growth.

This house price growth must also be put into context with other jurisdictions. Comparing 2007 with 2006, while house prices rose by 3.5% in Jersey, in Guernsey, house prices increased by 5%, and in the United Kingdom by 11%. As such, Jersey has performed well, seeing moderate rises and maintaining overall levels of affordability.

As to the specific issue of three-bedroom houses, while price rises in Quarter 1 2007 were 5.5%, two-bedroom house prices rose by 9% for the same period. On the whole, j employees do not predominate in the two-bedroom sector, and as such, it is telling that inflation has been lower in the property types that j employees seek, not higher.

What the above adds up to is moderate house price growth driven by a favourable economic climate – high employment, rising earnings, moderate inflation, relatively low borrowing costs - not by a small number of j purchasers. This is not to say the affordability of homes is not a serious issue, just that the empirical evidence does not link '(j)'s as a prime or significant cause.

These issues are part of a wider policy agenda being promoted by the Council of Ministers for the future – with shared equity, sheltered housing, the States Property Plan, the Island Plan, the Population Review, the skills strategy and the Economic Growth Plan - all combining to create a sustainable and positive vision for the future. The Migration Advisory Group, which was set up for these very purposes, continues to monitor the situation very closely, balancing economic growth with demand on housing and other resources. The next key data for analysing is the 30th June 2007 Manpower Survey, which will provide sufficient data to predict numbers for this year. The meeting called on the 21st June 2007 was a part of this ongoing monitoring and governance process.

Question 3

Does the Minister not agree that there has nonetheless been a substantial rise in the number of 'j' categories being granted in the last 2 quarters of the last year, and furthermore, does he accept, as the Statistics Department does, that in the finance sector, whereas he quotes the overall figure of 84 per cent locally qualified, in the finance sector in the third quarter of 2006, the numbers were such that 75 per cent of new employees were locally qualified and 25 per cent, a rise in the proportion, came from 'j' categories and non-locally qualified in the finance sector, which was responsible for the largest proportion of expansion of jobs?

Answer

The number of 'j' categories being granted for the private sector has indeed increased, not only in the last six months of 2006 but throughout the last two years with a view to stimulating the Island's economy and particularly to growing high value added sectors. At the

same time, the number of local people in work has increased significantly, while the number of lower skilled non-local employees has remained static, declining as a proportion of the workforce.

All of the figures mentioned in this Question are either directly quoted in, or may be derived from, the publicly available report on the Labour Market at December 2006, published by the Statistics Unit earlier this year (verbatim quotes from the report are shown in italics) -

- *“overall, about 84% of people employed in Jersey in December 2006 were locally qualified (as defined under the Regulation of Undertakings and Development Law)”*;
- locally qualified employees accounted for 86% of all employees in the Finance sector in December 2006, a higher proportion than the average across all other sectors;
- *“the Finance sector accounted for more than half of the total increase in private sector employment, up by 810 on a year previously; locally qualified staff accounted for more than three-quarters of this increase”*.
- j-category staff accounted for 16% of the increase in Finance sector employment in the twelve months to December 2006;
- over the twelve-month periods to December 2005 and June 2006, j-category staff accounted for 58% and 31%, respectively, of the total increases in employment recorded by the Finance sector.

Therefore, whilst the number of j-category employees in the Finance sector has been increasing, the proportion that they represent of the increases in employment seen by the sector has in fact reduced most recently.

Question 4

Will the Minister inform members what proportion of the 200 ‘j’ category staff arriving in 2006 –

- (a) were granted a permanent contract? and
- (b) were in the finance and related sectors?

and will he confirm that these permanent ‘j’ category staff –

- (c) are able to purchase a house in their own name from day one of their employment? And
- (d) will after five years’ residence become “entitled” under the new migration policy and be no longer registered as “licensed” for housing or employment purposes?

Answer

- (a) 40% of j category applications in 2006 were granted without a time limit, equating to 80 employees. A time limit on a j would usually follow on from the fact that it was a fixed term contract, and visa versa.
- (b) As recorded in the published Jersey Labour Market December 2006, “the number of ‘(j)’ category employees in the private sector increased by 160, more than 80% of which were in financial services”
- (c) A ‘j’ category employee is able to purchase a property through a company
- (d) As detailed in the approved Migration Policy, P25/2005, it is proposed that ‘entitlement’ is gained after ten years.

1.5 THE MINISTER FOR SOCIAL SECURITY BY DEPUTY G.P. SOUTHERN REGARDING CODES OF PRACTICE ATTACHED TO THE EMPLOYMENT RELATIONS (JERSEY) LAW 2005:

Question 1

Will the Minister inform members the reasons for the delay in preparing the necessary Codes of Practice under the Employment Relations (Jersey) Law 2007 (adopted by the States on 17th May 2005 and subsequently amended, but not yet in force), given that much of the Law cannot be put into practice without them, and state when members should expect to see the Codes?

Answer

Draft Codes of Practice were prepared and presented to States Members along with the draft Employment Relations (Jersey) Law 200-.The Law was not registered by the Royal Court until January of this year.

A revised draft of the Codes of Practice will shortly be published and I will invite representations from the public and interested parties before approving the Codes of Practice. Members will see the resulting codes later this year when I present them by Order, prior to proposing an Appointed Day for the Law.

Question 2

Will the Minister inform members of the reasons for requiring further time for the presentation of income support plans to the Economic Affairs Scrutiny Panel and to the Assembly following his presentation to the Council of Ministers on 8th June 2007?

Answer

I am not aware that the Economic Affairs Scrutiny Panel was expecting to be presented with the Income Support plans, however I have been working closely with the Income Support Scrutiny Sub-Panel for more than 18 months.

I have not delayed the lodging date for the Income Support Regulations further to briefing the Council of Ministers on 8th June 2007. The intention remains to lodge in the week commencing 9th July 2007.

1.6 THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR REGARDING THE FREEDOM OF INFORMATION LAW:

Question

Would the Chairman outline why the Corporate Scrutiny Panel was seen as the body which was qualified to assess the manpower implications of the proposed Freedom of Information Law? What other alternatives were or are being explored to expedite the process?

Answer

As the Deputy will be aware, considerable work had already been undertaken by the Privileges and Procedures Committee under his presidency to establish the costs of implementing a Freedom of Information Law. P.72/2005 'Freedom of Information: proposed legislation' sets out at sections 19 and 20 the human resource and financial implications that the Committee considered would accrue. In addition, it was not that Committee's intention to introduce publication schemes at the outset, so mitigating further any anticipated costs, and the current Committee maintains this position.

The draft Freedom of Information Law was sent out to consultation in the spring of 2006, and responses were received from many quarters, including the Council of Ministers, the Corporate Management Board and States' departments. On 26th July last year, the Privileges and Procedures Committee noted the recommendation of the Council of Ministers that, as there was uncertainty about the resource implications of introducing a new Law, an independent person should be invited to carry out an audit of the costs involved. The Council of Ministers believed that this proposal offered a sensible way forward and would help to give the States a better understanding of the resource implications. The Council of Ministers asked that the audit would assess the anticipated costs of responding to requests for information, implementing records management systems up to the required standard, and introducing different lead-in times for various provisions of the Law.

The Committee considered a suggestion that an approach be made to the Information Commissioner in the United Kingdom (Mr. Richard Thomas) either to request that his office review the draft Law, or a person nominated by him be approached. The Committee also considered whether it would be more appropriate in the Jersey context to seek assistance from the Corporate Services Scrutiny Panel, which had been established to consider the topics of corporate services, corporate policies and external relations. That Panel's terms of reference include the obligation "to scrutinize draft Laws and draft subordinate enactments which are to be made by the States and consider possible amendments to them, if appropriate". (Standing Orders 131(1)(a) and 132(c) refer).

The Committee considered that the Panel had the necessary local knowledge and was the appropriate body, and therefore decided to ask the Corporate Services Scrutiny Panel if it was prepared to review the draft Law, and in particular to assess the financial implications of introducing the Law, over and above the costs already expended on access to information in accordance with the Code of Practice on Public Access to Official Information. The Committee is mindful that there are costs associated with the proper implementation of the Data Protection (Jersey) Law 2005 and the Public Records (Jersey) Law 2002, which legislation is already on the statute book. It would, of course, be inequitable for the costs of

implementing records management systems to meet the requirements of those Laws to be attributed to the proposed Freedom of Information Law.

The Corporate Services Scrutiny Panel has agreed to carry out the above review. In the light of the undertaking of the Panel to review the matter early in 2008, no alternatives are being explored at this time.

1.7 THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR REGARDING THE OFFICE OF FINANCIAL SERVICES OMBUDSMAN:

Question

Would the Minister advise when he will be presenting a consultation paper ('Green Paper') outlining the various options in respect of establishing an office of Financial Services Ombudsman, has he considered how such an Ombudsman would be funded and if so, would a levy on the industry be an option?

Answer

As the Deputy is aware this is a subject of much recent debate including his own question and my answer only a fortnight ago.

The Chairman of the Consumer Council also, last week, wrote to me on the subject.

It might be helpful to restate some of the background to this:

- Since it was first raised by the Edwards report in 1998, a Financial Services Ombudsman Scheme has been considered in 1999, 2000, 2002, 2004, 2005 and again when the last report was presented on June 6th last year.
- On each and every occasion this matter has been looked at, the conclusion has been the same:
- Whilst everyone accepts having an Ombudsman would be attractive it is uneconomic to set one up in the form typically found in large developed economies. This was the conclusion of my 2006 report.

So where do we go from here?

It is important that Members understand the economics of a levy on industry. I urge Members to revisit the 2006 report (R.51/2006 refers). As I have already mentioned, whilst everyone agrees that having an Ombudsman would on the face of it be attractive, we have to weigh carefully the costs and benefits for the consumer, the finance industry and the Island. In a small economy an industry levy, especially one that is weighted by complaint levels has the possibility of placing a disproportionate burden on operators critical to the local market.

We need to be clear that once an Ombudsman is created it might be very difficult to contain the running costs if complaints were to soar.

In the light of the Deputy's question and having taken soundings with Members, I propose that we set up a roundtable steering group to commission an independent review of this matter, ruling nothing in and ruling nothing out, and seeing the process through to conclusion. I am happy to agree the constitution of this committee with other stakeholders and would aim to have it established along with terms of reference agreed and ready to start work in January 2008.

If we are to look again at this matter we need to allocate the necessary resources to ensure we do it properly and I will be including the required resources in my budget for 2008.

1.8 THE MINISTER FOR PLANNING AND ENVIRONMENT BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING HIS PLANNING POWERS.

Question

Does the Minister consider it desirable that power to grant planning permission be vested in one person, that is, the Minister for Planning and Environment? If not, what does he propose to do about it?

Answer

In my answer to Deputy Le Hérissier's question on the same subject tabled at the last States sitting I outlined some of the checks and balances on my powers. The implementation of Third Party Appeals significantly alters the situation as my decisions can now be appealed both by applicants and relevant objectors.

I regard the present situation with respect to my powers as satisfactory. However if the Privileges and Procedures Committee suggests changes in the way my powers are exercised then that is a matter for its members and for the States as a whole.

In principle vesting planning powers in the Minister is no different from the powers vested in other Ministers. It is for the States to decide if the Minister for Planning and Environment's position warrants special arrangements that are not applicable to other Ministers.

It is relevant to note, as stated in my previous answer, that I am moving towards holding all Ministerial decision meetings in public, when I make application decisions or other decisions relating to individual properties (such as listing). This will include provision for hearing oral representations from those wishing to make them. I intend that these provisions should be in place for my next decision-taking meeting in July.

1.9 THE MINISTER FOR HOME AFFAIRS BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING ENACTMENT OF THE UNLAWFUL PUBLIC ENTERTAINMENT (JERSEY) REGULATIONS 2004.

Question

Is the Minister satisfied that the enactment of the Unlawful Public Entertainment Regulations (Jersey) 2004, is a legally valid exercise of the powers under the Order in Council of 1771?

Answer

Yes.

1.10 THE MINISTER FOR PLANNING AND ENVIRONMENT BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE LOWERING OF THE ROAD AT THE WATERFRONT.

Question

In the light of the assurances given by the Minister on 19th June to reveal '*all the necessary details in relation to the financial package*' pertaining to the lowering of the road at the Waterfront, will he inform members what overall profit levels are anticipated as likely to accrue to the developer and subsequent owners/leaseholders?

Further, will the Minister inform members what consideration, if any, has been given by him and the Treasury and Resources Minister to the return to government in taxation that will result from the Waterfront development under the zero/ten tax initiative, and if none, will he now do so and report back to members before he returns to the States with the 'Hopkins Plan'?

When can members expect to receive the promised paper detailing the '*extraordinary economic benefits*' to be derived from the capital investment in, and running costs of small museums/galleries elsewhere, and how such benefits can be transposed to the proposed national gallery on the waterfront? Can the Minister indicate to members on which ministerial budget he expects such running costs to be included: Education, Sport and Culture or Economic Development (Tourism)?

Answer

I can confirm that the necessary details of the financial package will be made available when the Waterfront proposals are brought to the States for debate. This will include disclosure of the financial return from the scheme to the Waterfront Enterprise Board Limited (WEB). However, the profitability levels to the preferred developer are subject to confidentiality clauses and cannot be disclosed. I regret that I am not in a position to release further information on the financial package at this time, as WEB remain in negotiation with the preferred developer and the commercially sensitive nature of this process must be respected. All I can say is that I will only bring forward to the States proposals that deliver a very significant return to the public through WEB.

All property developments profits arising from Jersey land and property, including those on the Waterfront, will continue to be taxed at 20% under Schedule A of the Income Tax (Jersey) Law and the Comptroller of Income Tax will be assessing all such profits on the relevant developer, whether Jersey resident or non-Jersey resident, corporate or non corporate, when the profits arise. Property development profits arising in Jersey are specifically excluded from the 0 / 10 corporate tax proposals.

Officers in the Economic Development Department are working, in consultation with my officers, to deliver a paper evaluating the evidence regarding the potential economic benefits of small art galleries. This will draw on existing studies of galleries elsewhere to appraise the potential for the realisation of such benefits in association with the proposed National Gallery on the Waterfront. The timetable for production of this paper is still being finalised, but I anticipate that it will be available in early September 2007.

I cannot at this stage confirm how the proposed National Gallery's running costs will be funded. This project is at an early stage and a variety of funding options both for the construction and running costs will be evaluated.

1.11 THE CHIEF MINISTER BY DEPUTY SOUTHERN OF ST. HELIER REGARDING MIGRATION AND POPULATION FIGURES.

Question 1

Further to the answers given in response to Deputy J.A. Martin on 19th June 2007 on the 2006 migration and population figures, will the Chief Minister inform members –

- (a) how many of the 200 heads of households were granted time-unlimited 'j' category licences?
- (b) how many of the 340 dependants were –
 - (i) children?
 - (ii) eligible/likely to take up employment?

Answer

- (a) 40% of 'j' category applications in 2006 were granted without a time limit, equating to 80 employees.
- (b) The number of dependents associated with inward migrant 'j' category employees is not collected directly but is estimated from the age-gender distributions compiled by the last Census, with any potential recent change being monitored by the results of the annual Social Survey. Statistics on both pre-school and school-age children provide an additional complementary cross-analysis to this estimate.

From these complementary approaches it is estimated that there were approximately 340 dependents of inward migrant j-category employees in 2006, and that these broke down into children and working-aged adults as:

- (i) approximately 170 children aged 15 years or under
- (ii) approximately 170 adults of working age (defined as men aged 16-64 years and women aged 16-59 years).

Question 2

Given the Chief Minister's expressed policy to maintain economic growth at 2% per year whilst containing job growth to 1% (500 jobs) –

- (a) can the Chief Minister explain to members why job growth in 2006 amounted to 1,540, or 3%? (*source: Statistics Unit - Jersey Labour Market December 2006*)?
- (b) what measures, if any, are envisaged to contain job growth to within the target of 1% for coming years, and if not does he expect similar figures for 2007? Will

these include measures to increase productivity, and if so, what specific measures will he or his Ministers employ to bring this about?

- (c) what proportion of the increase in total employment in the private sector in 2006 is attributable to the employment of 'j' category and non-qualified staff?
- (d) what measures does the Chief Minister propose to limit the accelerating rate of private sector 'j' category job growth, led by the finance sector, illustrated by the 80% increase over 5 years in Figure 8 of the Jersey Labour Market December 2006 above?

Answer

- (a) Employment growth in 2006, based on the December figures, amounted to 1,540 because of the strong performance of the Jersey economy, favourable international economic environment, and the approach of the Council of Ministers to promoting and facilitating economic growth in accordance with the approved Economic Growth Plan, and the Strategic Plan, 2006 - 2011. This growth was driven by 1,140 local people gaining employment and entering the workforce - accounting for 81% of the private sector employment growth. This is a welcome development, and not something that should be capped in any single year, but rather, something that should be managed within the 1% per annum target over the life of the economic cycle and the life of the Strategic Plan.

The Strategic Plan was agreed in 2004 and was set against the position in 2003. In this context, average growth in the total workforce over the 3-year period, 2003 - 2006, has been 0.44% per year, which is significantly below the 1% target. Such an average measure reflects the accepted economic reality that economic growth is not spread evenly in each and every year, but has a significant cyclical element which must be managed.

- (b) The Regulation of Undertakings and Development Law and the Housing Law continue to be applied to manage economic growth, and in particular to manage migration. The strictness with which these controls are applied is reflected in the figures, with non-local employees making up 13% of the workforce, j employees making up just 3% of the workforce, and local employees making up the vast majority, 84%. In terms of growth in employment in 2006, local people were the beneficiaries, with 81% of job growth coming from local people. These controls will continue to be applied to achieve average employment growth of no more than 1% over the life of the Strategic Plan, until such time as in the near future new migration controls are introduced.

In 2007, the economy is expected to continue to grow at a healthy rate and there will be further growth in job numbers. Any firm estimate, however, must await the publication of the 30th June 2007 manpower results.

It is a clear objective of the Economic Development Department to deliver economic growth through increased productivity, with a maximum average annual growth in the working population of 1%. This is why, amongst other things, the Council of Ministers has placed a high priority on the development of a Skills Executive which, for the first time, will bring together all aspects of the skills agenda under one organisation. Over the coming months this new body which will be charged with developing a series of

measures to maximise the skills of local people to meet the needs of the local economy in the most effective way.

- (c) As recorded in the published Jersey Labour Market December 2006, 11% of employment growth came from j category essential employees, 8% from non-locally qualified persons, and the vast majority, 81% from locally qualified people.
- (d) 'j' employees account for just 3% of the total labour force, and while this may be a 1% increase on 2002, when '(j)'s accounted for 2% of the labour force, it remains a small proportion of the total. It has also taken place at the expense of lower skilled non-local employees who now account for 13% of the workforce, compared to 14% in 2002. Local people continue to account for 84% of the workforce.

These changes reflect improvements in productivity, in finance in particular but other industries also, as general economy activity becomes increasingly skilled, diverse, and of higher value. This is a positive development for the local labour force, who benefit from the skills transferred from this small j category labour force, enabling the Island to better compete in the international market place, as it must. Furthermore, as these skills are transferred to the local labour force, the less will be the need for j category employees in the future - while still securing the skills base the Island must have.

These structural changes – the displacement of lower skilled with higher skilled activities - have taken place within the strict controls applied under the Regulation of Undertakings Law and Housing Law within the context of balancing economic growth against the demand of resources, in particular, housing. These controls will continue to be applied to achieve this balance.

1.12 THE MINISTER FOR HOUSING BY DEPUTY S. PITMAN OF ST. HELIER REGARDING THE BREAKDOWN OF THE DEPARTMENT'S MAINTENANCE BACKLOG.

Question

- (a) Would the Minister provide a breakdown of his Department's £75 million maintenance backlog?
- (b) Would the Minister provide an age profile of those 1,000 'better-off' tenants, identified within the Social Housing Property Plan as paying full-fair rent without abatement or paying at least 90% full-fair rent?
- (c) What consultation has been undertaken by the Department with the 1,000 'better-off' tenants, identified within the Social Housing Property Plan as paying full-fair rent without abatement or paying at least 90% full-fair rent, to enable it to identify the likely uptake of tenants of the proposed Shared Equity Scheme?
- (d) What consultation has been undertaken by the Department with the tenants currently occupying the 800 properties that have been earmarked for sale within the Social Housing Property Plan, to enable it to identify the likely uptake of tenants of the proposed Shared Equity Scheme?

- (e) In view of the fact that the Social Housing Property Plan is to be debated on the 17th July 2007, would the Minister inform Members what discussion has taken place between his Department and those mortgage providers who provide mortgages to the over 50s?

Answer

- (a) The breakdown of refurbishment work per site is as follows -

Site	Number of Dwellings	Anticipated Scope of Works
Ann Court 1	22	Major refurbishment (funds will now be committed to replacement of accommodation to be lost to Town Park scheme)
Ann Court 2	48	Major refurbishment (funds will now be committed to replacement of accommodation to be lost to Town Park scheme)
Bashfords Estate	70	Replace heating systems, install double glazed windows; replace doors; cavity fill the block work; paving to the estate; upgrading mains electricity; clad fascias and replace the rainwater goods; upgrade the communal lighting.
Caesarea Court H/R	52	Demolish & Rebuild, or insulate; upgrade the heating; replace the lifts; replace the drainage; install double glazed windows; replace entrance doors; new roofing; upgrade the external facilities; inspect & upgrade electrics; replace the balconies; upgrade M/E; upgrade the communal storage facilities; repair parking areas; upgrade landscaping.
Clos de Balmain	67	Replace heating systems; replace double glazed windows; replace communal entrance doors; insulate; insulate roofs; upgrade laundry facilities;

		upgrade electrical main cable; repairs to paving and tarmac.
Clos des Sables 163 - 170	8	Replace fascias and Soffits; install double glazed windows; replace communal doors; insulate building; re-cover roofs; upgrade external facilities; upgrade communal lighting; replace water storage; replace rainwater goods; decorate internally.
Clos du Fort Phase 1	48	Replace roofs; upgrade the heating; replace/reline the drains; install double glazed windows; insulate building; install door entry systems; replace entrance doors and curtain walling; replace rain water goods; upgrade flooring at communal areas; upgrade communal lighting.
Clos du Quennevais	16	Replace heating systems; repair drainage; install double glazed windows; replace doors; insulate building; replace roofing; new electric main; new water main; renew landscaping/parking.
Clos du Roncier	83	Replace heating systems; replace drains; install double glazed windows; replace front/back doors; insulate building; clean roofs; augment loft insulation; upgrade electric main; replace rain water goods; landscaping; provide youth facility; de-commission oil system.
Clos Gosset	115	Replace heating system; upgrade drains; install double glazed windows; front & back doors; insulate building; re-cover roofs; augment loft insulation; upgrade mains electricity; replace rain water goods; refurbish internal areas.
Clos St Andre	55	Reline drains; install double glazed windows; re-cover roofs; repair walls and fences; install play area; insulate; fascias & soffits; replace rain water

goods; replace garage doors.

Convent Court HR	82	Demolish & Rebuild. Or insulate; upgrade the heating; replace the lifts; replace the drainage; install double glazed windows; replace entrance doors; new roofing; upgrade the external facilities; inspect & upgrade electrics; replace the balconies; upgrade the communal storage facilities; repair parking areas; upgrade landscaping.
De Quetteville Court H/R	32	Demolish & Rebuild. Or insulate; upgrade the heating; replace the lifts; replace the drainage; install double glazed windows; replace entrance doors; new roofing; upgrade the external facilities; inspect upgrade electrics; replace the balconies; upgrade the communal storage facilities; repair parking areas; upgrade landscaping.
Don Close	6	Inspect drains; replace rear windows and curtain walling; replace entrance doors; insulate cavity and roofs; upgrade communal lighting; decorate communal areas.
Gorey Village	62	Replace heating systems; install double glazed windows; replace front and rear doors; insulate and clean roofs; repair tarmac and paving; upgrade electricity main; insulate; replace fascias rainwater goods; upgrade internal areas.
Grouville Arsenal	18	Replace heating systems; re-cover roofs; install double glazed windows; upgrade mains electricity; insulate; replace fascias & rainwater goods.
Hampshire Gardens	39	Convert bed sits to 1 bed units; upgrade heating; install up to 4 lifts; reline drains; install double glazed windows; renew communal entrance doors; insulate building; erect Decra roofing; upgrade landscaping; upgrade mains electricity; upgrade

water main; upgrade internal communal areas.

Hillside Court	12	Install double glazed windows; replace front doors; insulate cavity and roofs; upgrade external areas.
Hue Court H/R	114	Upgrade heating systems; refurbish lifts; upgrade drainage; install double glazed windows; replace all doors; insulate building; replace & insulate roof; improve play area and decking; upgrade mains electricity; replace water plant and equipment; upgrade internal rain water goods; replace internal flooring; water proofing works to car park.
Jardin des Carreaux	50	Replace heating systems; upgrade drainage; install double glazed windows; replace front and rear doors; upgrade insulation; replace roof and augment insulation; upgrade play area; replace rainwater goods.
Journeaux Court	61	Upgrade heating system; add lifts; upgrade drainage; refurbish entrance doors; insulate buildings; upgrade mains electricity; upgrade mains water; refurbish communal areas; upgrade kitchens and bathrooms.
George V Homes	16	Upgrade heating systems; upgrade the drainage; install double glazed windows; refurbish community area; cavity fill walls; replace roof coverings; augment loft insulation; upgrade external lighting; replace rainwater goods; replace front doors.
La Carriere	12	Upgrade heating; re-line drains; install double glazed windows; upgrade electricity; external cladding; repair roof; rock face stabilization; upgrade plumbing; replace rainwater goods; renew shed areas.

La Collette Flats	119	Insulate; upgrade the heating; replace the lifts; replace the drainage; install new double glazed windows; replace entrance doors; new roofing; upgrade the external facilities; inspect & upgrade electrics; replace the balconies; upgrade the communal storage facilities; repair parking areas; upgrade hard & soft landscaping.
La Grande Piece	38	Upgrade heating system; inspect and repair drains; install double glazed windows; replace entrance doors; cavity fill walls; augment the loft insulation; upgrade mains electricity; upgrade water at pressurized system; replace rain water goods, fascias, soffits etc; upgrade communal lighting.
Le Clos du Martin	16	Replace heating system; install double glazed windows; augment loft insulation; upgrade electrical mains; replace fascias and rain water goods etc; upgrade communal lighting; refurbish metal balcony rails.
Le Geyt Flats 1 - 21	21	Upgrade heating; install new lobby doors; install double glazed windows; refurbish existing timber doors; replace roof; augment loft insulation; upgrade electrical mains; replace rain water goods; lay new communal flooring; insulate the building.
Les Cinq Chenes 1 - 106	106	Replace heating systems; install double glazed windows to flats; remedial works to other windows; replace some front doors; insulate properties; clean off roofs; augment loft insulation; upgrade electrical supply; remove and re-fix rain water goods and cladding; tarmac repairs; works to boundary; play equipment refurbishment; decommission oil pipe line.
Les Maisonnettes	22	Replace heating systems; install double glazed windows; replace entrance doors; cavity fill insulation; replace roof coverings; augment loft insulation; upgrade electrical supply; refurbish communal areas.

Les Vaux	28	Upgrade heating systems; replace drains; install double glazed windows; upgrade door entry systems; refurbish main entry doors; insulate building; augment loft insulation; improve hard landscaping; check electrics; replace rain water goods; upgrade internal communal areas; replace doors with composite doors.
Lewina	2	Upgrade heating systems; install double glazed windows.
Liberation Court	78	Replace entrance doors.
Lord Coutanche Court	38	Insulate cavities; augment loft insulation.
Maesteg House	6	Replace heating systems; install double glazed windows; replace entrance doors; cavity fill; upgrade mains electrics.
Nicholson Close	16	Replace heating systems; install double glazed windows; repairs to external cladding; clean roof tiles; upgrade hard landscaping and play area; upgrade mains electricity; repairs to rain water goods.
Normandy Cottages	9	Replace heating systems; install double glazed windows; replace entrance doors; re-cover roofs; insulate fascias, soffits and rain water goods.
Pillar Gardens	31	Replace heating systems; install double glazed windows; clean off roofs; upgrade parking landscaping and play area; upgrade mains electricity; repairs to rain water goods; replace garage doors.

Pomme d'Or Farm	86	Repair drains; fit door entry systems; fit new doors; insulate building; remedial works to roof coverings; upgrade play area and hard landscaping; upgrade emergency communal lighting; replace rain water goods; insulate fascias gutters etc.; upgrade communal areas.
Pre de Talbot	24	Replace heating systems; recover roof; augment loft insulation; upgrade mains electrics.
Princess Place Flats	12	Replace heating systems; insulate cavity; recover roofs; upgrade mains electricity; replace rain water goods, fascias & soffits.
Princess Place Houses	26	Replace heating; re-cover roofs; augment loft insulation; upgrade mains electrics.
Raleigh Avenue House	8	Replace heating systems; insulate cavity; recover roofs; upgrade mains electricity; replace rain water goods, fascias & soffits.
Rosemount Estate	26	Replace heating systems; re-cover roof; augment loft insulation;
St Georges Estate	20	Replace heating system; re-cover roofs; augment loft insulation; upgrade rain water goods.
St Martins Arsenal	22	Replace heating system; re-cover roofs; augment loft insulation; upgrade mains electrics; replace ceilings and lighting in communal areas.
St Peters Arsenal	21	Replace heating systems; re-cover roofs; augment loft insulation; replace rain water goods.

St Peters School Estate	18	Replace heating systems.
Sutton Court	18	Replace heating systems; install double glazed windows; repairs to external cladding; clean roof tiles; upgrade hard landscaping and play area; upgrade mains electricity; repairs to rain water goods; replace garage doors.
The Cedars	74	Insulate; upgrade the heating; replace the lifts; replace the drainage; install double glazed windows; replace entrance doors; new roofing; upgrade the external facilities; inspect upgrade electrics; replace the balconies; upgrade the communal storage facilities; repair parking areas; upgrade hard landscaping.
Town Mills	18	Replace heating systems; repair/replace drains; re-cover roofs; augment loft insulation; upgrade mains electrics; replace rain water goods.
Vauxhall Gardens	51	Service windows; augment loft insulation; insulate fascias and soffits; replace rain water goods; upgrade communal lighting.
Victoria Cottage Homes	70	Refurbish older blocks to create lifetime homes.
Vincent Court	43	Replace heating systems; survey & repair drains; install double glazed windows; replace entrance doors with composite items; insulate and render external walls; re-cover roofs; augment loft insulation; upgrade mains electrics; renew rain water goods; upgrade internal communal areas.

Wellington Park	55	Replace heating systems; replace front and rear doors; repairs to cladding; re-cover roofs; augment loft insulation; upgrade hard landscaping and play areas; upgrade mains electrics; replace rain water goods, fascias and soffits.
Westmount Park	55	Re-lay drains; insulate cavities; carry out repairs to tarmac and paved areas.
Whiteley Close	21	Replace heating systems; install double glazed windows; carryout repairs to cladding; clean roofs; augment loft insulation; upgrade hard landscaping and play area; upgrade mains electricity; repairs to rain water goods; replace garage doors.
Wilkes Gardens	29	Replace heating systems; clean roofs; augment loft insulation; upgrade mains electrics; replace garage doors.
Woodlands	4	Replace heating systems; install double glazed windows; upgrade communal lighting.

(b) The 1,000 ‘best off tenants’ as at today can be categorised as follows -
152 are 40 years old or under,

404 are aged between 41 and 50,

73 are aged between 51 and 60

371 are aged over 60.

(c) It was not deemed sensible to contact these tenants in advance of a States decision, particularly when this is a 10 year Plan and it is accepted that, over that ten year period, people’s incomes and circumstances will continuously change. However, the information below provides a snap shot of current uptake:-

(d) 236 tenants have already come forward to confirm their interest in purchasing. 142 of these tenants are currently paying full-fair rent without abatement or paying at least 90% full-fair rent. On the basis of declared earnings, the following can also be confirmed:-

Of these 236 -

191 could secure a mortgage of £160,000

175 could secure a mortgage of £211,500.

- (e) The Property Plan does not identify the actual properties being proposed for sale, rather a maximum number of sales on any given Estate. 70 of these properties are at Le Squez and Le Marais and have already been sold or are due to be sold over the coming months. The remaining properties at Le Squez and Le Marais (139) will be newly built during the refurbishment of future Phases on the two Estates. All tenants at Le Squez and Le Marais have been visited on at least one occasion to discuss the redevelopment, those being affected the earliest and who are being decanted at this time, have in most cases been visited three times.

In respect of the other properties outlined in the Plan, the Department has no intention of asking any of the current tenants to move from their home in order for a sale to go ahead. Current tenants, who wish to buy their home, once refurbished but at any time over the 10 year period, will be able to do so until the maximum number of sales on that site is reached. Tenants who wish to buy over that 10 year period who do not currently occupy a property proposed for sale, will have the opportunity to do so as and when properties naturally become void over that 10 year period.

- (f) A number of lending institutions have approached the Department to discuss the proposed Shared Equity Scheme. These meetings have been at the request of the lending institutions to familiarise themselves with the proposals. No reference was made during discussions to particular age groups as sales would be open to tenants of all ages, although it has become clear that a number of the lenders are tailoring their products to older first time buyers and those on lower incomes offering such things as extended repayment periods and 100% mortgages.

1.13 THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY S. PITMAN OF ST. HELIER REGARDING ANTICIPATED LOST REVENUE FROM GAS PLACE CAR PARK WHEN IT IS CONVERTED TO A TOWN PARK.

Question

- (a) Would the Minister advise members how much annual revenue is received from Gas Place car park, (and which will be lost once it is converted to the town park)?
- (b) Would the Minister provide the total cost of the proposed refurbishment of Minden Place car park?

Answer

- (a) It is not possible to give an exact figure of annual revenue from Gas Place car park as it is not possible to establish when someone purchases a book of Paycards or a Season Ticket and in which car park they will use it.

However, based on recent utilisation surveys, it is possible to give a fairly accurate indication of net revenue based on 2006 figures. This would be in the order of £415,400 per annum. This does not include the rental received for the Talman Site, adjacent to Bath Street/David Place.

- (b) There is no intention to refurbish Minden Place car park. When a new car park is constructed to replace Gas Place car park, it will provide both shopper and commuter car parking and allow Minden Place to be demolished as it is no longer effective or efficient as a modern parking facility.

1.14 THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE STUDENT LOAN SCHEME.

Question

Would the Minister, in relation to the student loan scheme, advise members –

- (a) whether there will be a maximum loan amount for the overall period of study, including interest, given that there is a £1,500 maximum per annum?
- (b) whether the terms of the agreement reached with the Banks by the Minister includes reference to interest charged and, if so, whether that includes a fixed or variable rate? Furthermore will the Minister be underwriting loans above a set limit?
- (c) whether loans will be fixed term, or able to be paid back with corresponding reduction in interest?
- (d) how the scheme caters for students who may be declined a loan by banks for whatever reason?

Answer

With regard to the student loan scheme –

- (a) there is no maximum loan amount for the overall period of study;
- (b) the agreement reached with the banks provides for a loan with interest charged at 1% above base. The 1% is a fixed rate, base rate however can change. The Minister will not be underwriting loans above a set limit;
- (c) the repayment period is a fixed term of 5 years commencing one year after graduation. There are provisions however for early repayment which would have the effect of reducing accumulated interest;
- (d) the arrangements made with the banks provide for a loan supported by a States guarantee; the banks therefore will not refuse loans to eligible students;

1.15 THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING A CAP ON MORTGAGE TAX RELIEF.

Question 1

When the Minister set a cap on mortgage tax relief in 2003 for the 2004 budget, the average price of a three bedroom house was £333,000; it is now £381,000 and rising. Will the Minister inform members whether he has under consideration any of the following actions –

- (a) raising the cap in line with inflation, or
- (b) raising it in line with average house price inflation, to around £350,000 or
- (c) leaving the cap where it is, thus generating additional tax revenue, or
- (d) reducing the cap, as occurred in the U.K. during MIRAS (Mortgage Interest Relief At Source) reform?

Will the Minister further indicate what tax revenues might be generated or lost from any of the above actions?

Answer

I have no plans to amend the cap from its current £300,000 limit.

From an economic standpoint there is little reason to consider raising the cap for mortgage interest relief. Firstly, it will have the effect of undermining revenues, much in the same way as a tax cut, and this would not be prudent at a time when the economy is performing very strongly and we are predicting budget deficits in future years. Secondly, at a time when the housing market is clearly tightening, reflecting the strength of our economy, to increase the cap would only serve to add to house price pressures in the Island.

Although the Comptroller of Income Tax has details on the Income Tax Returns delivered to him of the amount of a particular mortgage and the interest payable on it, he does not contain that information on his computer system. So he would have to go through every single personal taxpayer file to determine all those with mortgages on principal private residences and then estimate, through that exercise, the yield from increasing or decreasing the £300,000 cap. That would take a huge amount of effort and resource. As I have no plans to amend the cap, that is not a resource I am prepared to expend, particularly as the Comptroller and his staff are fully occupied doing their normal operational and administrative tax work. However, from next year, 2007 year of assessment, when 20% means 20% is operational, details of the mortgage amount, the £300,000 cap and the total interest paid by individual taxpayers will be placed on the computer system, so the tax yield / cost of such 'cap movements' may very well be available in the future through a new tax modelling programme.

Question 2

Does the Minister consider that property owners in the buy-to-let market enjoy a tax advantage over those buying to occupy under Jersey tax rules and if so, would he consider the introduction of measures to remove such inequities in treatment?

Answer

Where a person acquires land or buildings for the purpose of letting that property on commercial and open market terms, full tax relief is granted for the interest payable on a loan incurred for the purpose of buying that land or property. This relief is available to all Jersey taxpayers, and is the same tax treatment as given to all interest payments incurred for a commercial purpose, including that of real property investment holding. There is no limit on the relief available on borrowing for commercial purposes. This policy ensures that employment, commercial and business activities continue to prosper.

Mortgage interest tax relief for the purchase of a principal private residence is restricted to the interest payable on a mortgage up to the value of £300,000, thereby assisting those in the lower to middle income brackets but denying relief to higher income earners. I do not consider this inequitable, since the circumstances

1.16 THE MINISTER FOR PLANNING AND ENVIRONMENT BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING WIND-TESTS PERFORMED ON THE CASTLE QUAY DEVELOPMENT.

Question

Is the Minister now able to reveal the results of the wind-tests performed on the Castle Quay development?

Answer

I can confirm that the results of this study are now available. A summary of the Wind Tunnel Study has been published within the Environmental Impact Analysis that was undertaken for Castle Quay. This Environmental Impact Analysis was a prerequisite of the application, as required by Supplementary Planning Guidance, and is a public document which constituted part of the formal planning application submission.

I am pleased to provide a summary of some of the main results of this study.

A boundary layer Wind Tunnel Study was carried out by consultants to assess the pedestrian and terrace level wind environment for the Castle Quay Development. The study provides a detailed quantitative assessment of the wind environment at key locations around the proposed development. This is evaluated in terms of the U.K. Industry standard pedestrian comfort and safety criteria. The study assesses the impact of the proposed development relative to the existing site conditions. The study also verified the effectiveness of wind mitigation schemes in order to provide a suitable pedestrian level wind environment for planned pedestrian activities.

Three key conclusions were drawn from the work:-

1. For existing site conditions the pedestrian level wind environment in and around the existing site is generally rated as unsuitable in terms of safety and deemed comfortable, at least in winter, for no more than a level of walking normally associated with business activities.
2. The proposed development has a significant beneficial impact on wind conditions within the site relative to existing site conditions.
3. The proposed development also has a major beneficial impact on conditions during much of Rue de L'Etai and at the south-west side of the Aquasplash Leisure complex.

The wind mitigation scheme has been prepared by the developer and is integrated with the hard and soft landscaping proposals which form part of the landscaping framework for the site.

The main mitigation measures are screens which can either be solid i.e. glazing or walls; or porous, i.e. landscaping and planting, located at key points within the scheme to provide wind deflection. There are a series of folding door shutters at ground floor level where the development has a westerly aspect which will give protection to pedestrians to wind and inclement weather. They are retractable so that in fine weather the 'inside' street becomes part of the outdoor promenade.

These measures need not detract from the appearance of the development. Where 'porous' screening such as planting is appropriate they will contribute positively to the appearance. Plants and trees have been chosen with their context and ability to adapt to the conditions very much in mind. Where solid screens are unavoidable they will be used in a manner which considers their context and visual impact. Glazed screens (which can be decorated) have been used in schemes elsewhere to deliver the same protection to pedestrians whilst considering appearance, context, setting and views.

The approval will stipulate that all mitigation measures which are not currently part of the landscaping scheme will require the approval of the Minister before they can be implemented.

In summary, the construction of Castle Quay should not have an adverse impact upon the current wind level environment around adjoining buildings. Base level information is available for the existing wind levels at Harbour Reach and the proposed development will not adversely impact upon the present wind environment around that building.

My officers will be happy to provide access to the full Report, as described above.

1.17 THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING A MULTI-STOREY CAR PARK PLANNED FOR ANN COURT.

Question

Has the Minister consulted with the residents of numbers 1 and 2 districts of St. Helier regarding plans to demolish Ann Court and replace it with a multi-storey car park, and if not, when will he start the consultation process?

Answer

This proposal is part of the wider EDAW review into regenerating St. Helier and consultation on this is currently being undertaken. I am not anticipating undertaking specific consultation on this single proposal but, if it is progressed, residents will be able to have input in the planning process as normal.

2. Oral Questions

The Bailiff:

We come now to oral questions and the first question is in the name of the Connétable of St. Helier of the Minister for Transport.

2.1 Connétable A.S. Crowcroft of St. Helier of the Minister for Transport regarding the transportation of incinerator ash between the incinerator and La Collette:

Would the Minister give details as to the frequency of the transportation of incinerator ash consignments between the incinerator and La Collette? Whether any account is taken of weather conditions during the operations and what regime is in place to ensure the careful transport of ash between Bellozanne and La Collette, particularly the prevention of “fugitive emissions” at each stage of the process?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport):

The average frequency for incinerator ash transportation from Bellozanne to La Collette is 33 deliveries per week. This frequency varies according to how many incinerator streams are in operation at the Bellozanne plant and the workflow availability of ash transportation lorries. Ash is transported in most weather conditions, however if the wind speed is excessive the operation will be postponed until the wind drops. When incinerator bottom ash exits the incinerator’s water quench bath it is transported to a temporary weathering bay which is an external concrete storage area at Bellozanne with a facility for capturing leachate. From the weathering bay the ash is transported in covered lorries to the lined ash pit at La Collette where it is tipped, covered and eventually sealed with a capping liner. A similar process, although a slightly more intensive one, applies to incinerator fly ash.

2.1.1 The Connétable of St. Helier:

Could I refer the Minister to a report from the Head of Environmental Protection and I quote: “TTS’ (Transport and Technical Services) officers have confirmed that there were difficulties experienced in the operational aspects of the work resulting in the fugitive emissions of ash from the area and likely to have been taken off site.” In the light of what he has just said can he assure the House that this was a one-off occurrence and that ash is not regularly being blown off La Collette into the surrounding areas?

Deputy G.W.J. de Faye:

Yes, Sir, I can give that assurance. Indeed, as soon as there was any indication that ash was being blown from the site, operations ceased immediately. In fact I can go further and inform the House of the result of a Planning Environment investigation into the alleged migration of waste from the La Collette site. It says: “No physical evidence exists to suggest that significant pollution of controlled waters has occurred”; in other words has escaped from the site entirely into the sea, and no evidence is available to suggest that the operator, the Transport and Technical Services Department, has operated in anything less than an environmentally sound manner. I hope that gives reassurance to Members.

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

I am grateful for the Minister’s reassurances this morning. I wonder if he could just clarify one thing? I am glad to hear that the ash is transported in lorries in a covered fashion. During the unloading process, the tipping process, is the ash dry and if so, surely with any wind blowing there is likely to be some loss of ash in that process? What mechanism is used to ensure during the tipping process it is not liable to become airborne?

Deputy G.W.J. de Faye:

It is my understanding, Sir, that normally - and if I may refer in this instance to the slightly more toxic incinerator ash - when emptying the silo at Bellozanne the fly ash is mixed with water until it is similar to a cake mix. This is done to prevent the ash from getting airborne during discharge or transportation. The dampened ash is then channelled into a covered lorry, transported directly to La Collette site, put into a lined ash pit and covered immediately. So I think I can give a fairly clear assurance that the ash is still in a damp condition when it is being unloaded.

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

Could the Minister explain what the reason was behind the ash being stored temporarily outside of the lined pits at La Collette?

Deputy G.W.J. de Faye:

One of the lined pits had basically filled up and the second lined pit was not immediately ready for use. Consequently ash was placed on top of the lined pit, suitably covered and then removed and transferred at the appropriate juncture.

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

What the Minister describes sounds very safe. But what I would like to ask the Minister, can he tell us who polices this and inspects that these practices are carried out in the way he describes and how often these practices are tested?

Deputy G.W.J. de Faye:

There are 2 regulators involved, the Health and Safety Protection Team under Health and Social Services and also the Environment Protection Officer under the Planning and Environment Department. There are also Environment Officers who are experienced in the handling of ash on site and the department itself ensures that approved processes are adhered to. I do want to, while standing, Sir, take this opportunity to assure both Members and the public that there have been an embarrassing number of scare stories emanating from some Members of this House that are entirely unfounded. I understand that even now there are some parents in the Island who are preventing their children from swimming at the Havre des Pas swimming pool on the grounds that it may have been polluted by toxic ash from the La Collette site. This is, I regret to say, patent nonsense. The Havre des Pas swimming pool is entirely safe for anyone to swim in for as long as they wish.

2.1.5 Deputy J.A. Martin:

Sorry, Sir, can I just press the Minister? He did not answer, he told us who does the inspections but he did not tell us how often they are carried out. Could he please inform the House that?

Deputy G.W.J. de Faye:

The approved processes are adhered to regularly by the staff who work on the site. In other words effective monitoring is carried out on a daily basis.

2.1.6 The Connétable of St. Helier:

It is more a point of clarification. In his answer to Deputy Le Claire about the fact that ash was stored in a mound outside the ash pits for a period of time, the Minister said that the ash was suitably covered and yet in the report to which I referred earlier from the Head of Health Protection there is an admission that there were difficulties experienced and there was emission of ash off the site. So I am confused. Is the Minister saying that there was no emission of ash off site or is he saying, in fact is he agreeing with the Environmental Health Department in saying, yes, he accepts there was some fugitive emission off site?

Deputy G.W.J. de Faye:

My understanding is fairly clear on this matter. Ash is deposited, in this case it was deposited on top of the top liner of a pre-existing ash pit and it was then covered with soot. However, to move the ash when the time came to put into a new lined ash pit, clearly you have to dig into the ash and its covering. So during the period between a digger digging into one pit pile and moving it a matter of 50 to 100 metres to another one, then clearly there is a level of exposure

of ash to the elements. In the instance that was referred to, which I believe took place on 18th May, there were some prevailing windy conditions and when it became clear that ash was being blown off site, and that is not suggesting that it was being blown necessarily into the sea, the operations were curtailed. That is essentially the situation. It is not possible to move ash without exposing ash.

2.2 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding actions in response to I.L.O. recommendations relating to the Employment Relations (Jersey) Law 2007:

What actions, if any, does the Minister propose to take in response to the International Labour Organisation's (I.L.O.) recommendations following its upholding of the complaint that the Employment Relations (Jersey) Law 2007 and its associated codes, were in violation of the principles of freedom of association?

Senator P.F. Routier (The Minister for Social Security):

I will be taking advice over the coming weeks and will carefully consider the Committee's comments which have been made in the form of a report, in which the Committee of Freedom of Association requests to be kept informed of developments. Once I have considered that advice I will then be in a position to decide what action, if any, will be required.

2.2.1 Deputy G.P. Southern:

Can the Minister confirm that such actions will include the request by the Committee to pursue its review of the Employment Relations (Jersey) Law and its accompanying codes in full and frank consultations with the employers' and workers' organisations concerned?

Senator P.F. Routier:

I cannot confirm what actions I will be taking but I will obviously take the advice that I am given. The consultation period for the codes of practice will be happening soon and we will obviously be listening to what employers and employers' associations have to say.

2.2.2 Deputy G.P. Southern:

The Minister mentions the word "soon", can he give a timescale in which he will engage in active consultation over the codes of practice and the law on which they are based?

Senator P.F. Routier:

The Deputy is asking a written question in regard to the codes of practice and I refer him to that answer. With regards to the Law, I will take advice from people and decide whether the Law itself needs to be looked at. But the Law has been passed by the States in a freely democratic manner and we should be proud of that Law.

2.2.3 Deputy G.P. Southern:

Notwithstanding the Minister's previous answers, does the Minister not accept that it is, at the least, unfortunate that at this time when we are increasing our international profile we should have been held to account by the ILO (International Labour Organisation) for an employment law which does not respect accepted codes?

Senator P.F. Routier:

Every jurisdiction has the ability to pass laws which they feel are appropriate for their jurisdiction. We have done that and the Transport and General Workers' Union and the Deputy are trying to hype this up to some unreasonable amount. The ILO continues to review laws across the whole of the world. Out of interest, Members may like to know that this is

case 2,473 of which they continue to ask jurisdictions to review their position, and they do so on a request basis, and this is aspirations which they have for jurisdictions to have. Every jurisdiction has the ability to decide a law which is appropriate for themselves.

2.3 Deputy J.A. Martin of the Chief Minister regarding estimate of working population:

Given that at the time of the Strategic Plan 2005/2010, it was estimated that one per cent of the working population equated to approximately 500 jobs, would the Minister advise whether that figure has risen?

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

The first States' Strategic Plan was agreed in 2004 and set against the position in 2003. It was always expected that changes in working population would vary from year to year and the target of one per cent was set as an annual average over the period of the plan. At the time the Strategic Plan was presented to the States, one per cent of the workforce corresponded to an average increase of approximately 500 workers per annum. The Statistics Unit informed me that more precisely one per cent of the workforce at that time was, in fact, 515 workers. From figures presented in the labour market for December 2006 report, published by the Statistics Unit earlier this year, one per cent of the workforce in 2006 corresponded to 525 workers. Over the period from 2003 to 2006 the workforce has increased at an average annual rate of about 0.44 per cent which is below the rate - well below the rate - specified by the Strategic Plan.

2.3.1 Deputy P.V.F. Le Claire:

Would the Chief Minister give an indication as to whether or not the current policy then of allowing up to one per cent is more than adequate and is something that we have been right to set and indeed it is the correct figure that we do not need to exceed in the future?

Senator F.H. Walker:

I see no reason to change the figure at this point as I have made clear, not only today but at other recent sittings. The figure does vary of course over the period of the plan and it was not that long ago that the figure was decreasing, and the average over the 5-year period is what is important. But I see no reason to change the ceiling figure at this juncture.

2.3.2 Deputy G.P. Southern:

Does the Chief Minister not accept that actual growth in the job market amounted to over 1,500 jobs in 2006 or 3 per cent of the market and that he is not, in fact, in control of the economy and job growth but it is racing out of control? In particular, would he state what figures he expects to see in 2007 and 2008? Is it of the order of 3 per cent or one per cent?

Senator F.H. Walker:

I confirm the Deputy's arithmetic, that there was indeed, as has been previously reported, an increase of 1,540 on the previous December which is a 3 per cent rise. But I do not in any way agree with him that the economy is out of control. The whole basis of the Strategic Plan in order to minimise taxation increases, or any form of new taxation, was to achieve economic growth and that is exactly, to the benefit of all Islanders, exactly what we are achieving.

2.3.3 Deputy J.A. Martin:

Yes, I fully understand what the Chief Minister is saying - economic growth. Is he also discussing the growth of the dependents? I am reading here a written question by Deputy Southern from the Chief Minister and it says of the 200 "j" categories that were awarded last

year, and 40 per cent were not time limited so basically permanent, there are 170 children under the age of 15 years. Well, to me, Sir, if that continues would not the Chief Minister agree that he should be in very urgent talks with the Education Minister and maybe other social services, because I do not know if this was planned for in the Strategic Plan?

Senator F.H. Walker:

I go back to my overall point, that the average over the period of the plan is well below target and that is the important figure. Of course the Education Minister is well aware of all the figures as are all Ministers and indeed as are all Members of the States because they have been put very clearly in the public arena.

2.3.4 Deputy G.P. Southern:

For clarification, could the Chief Minister indicate what average he expects to occur over the coming 2 or 3 years?

Senator F.H. Walker:

No, I cannot do that. The States have agreed a target in the Strategic Plan and that will obviously be continuously reviewed as it is and I would remind the Deputy, and indeed the House, that a major report - and it will be the most major report ever published - on population will be presented in September followed by a lengthy period of consultation, followed of course by a States' debate where the House will be able to take the most informed decisions ever possible on the population make up of Jersey. Of course it is not just migrant workers, there are other issues relating to aging population, the need to maintain a percentage of the population who are active and contributing to our tax revenues.

2.4 Deputy J.A. Martin of the Minister for Housing regarding applicants in rental sectors awaiting allocation of 3-bedroom accommodation:

Would the Minister inform Members of the precise number of applicants in both States and private rental sectors currently awaiting the allocation of a 3-bedroom States' rental or Housing Trust property?

Senator T.J. Le Main (The Minister for Housing):

As from June 2007 there were 25 families currently living in the private sector accepted on the States rental waiting list awaiting a 3-bedroom property of which 3 were in group one. As from 1st June 2007 there was a total of 80 families currently living in States' rental accommodation accepted on the department's transfer list for a 3-bedroom property, 19 of those applicants awaiting for 3-bedroom properties have already been made at least one offer. These figures need to be taken in context with other transfer list figures. For example, there are 23 families living in 3 and 4-bedroom homes that require only one or 2-bedroom properties. There are 89 individuals and couples occupying 2-bedroom properties who need to move to one-bedroom units. The stock, Sir, is being blocked completely as there are not sufficient one-bedroom units for us to cater for our aging population. Also, Sir, the issue is 3-bedroom homes are refused on a regular basis in places like Clos de Roncier because either they need refurbishment or they are unsuitable for families because of the lack of amenities such as lack of buses, lack of shops and issues like that. So really the whole issue is the largest problem we have got is releasing and being able to unblock some of these units.

2.4.1 Deputy G.P. Southern:

Is the Minister aware that in certain States' departments there is an appeal going out to current employees as to whether they know of any accommodation whatsoever below a rental of

around £1,000 per month suitable for the accommodation of States' public employee "j" categories in the market because they cannot be found for love nor money?

Senator T.J. Le Main:

That has got nothing to do with the questions I have been asked, Sir. I just wonder where the Deputy is coming from.

The Bailiff:

It is, broadly speaking, related to housing issues, Minister, I think.

Senator T.J. Le Main:

The answer to the question is no, I am unaware of it.

2.5 The Connétable of St. Helier of the Minister for Economic Development regarding powers in relation to purchase of C.I. Traders and implications of sale for retail strategy:

Does the Minister have any powers in relation to the purchase of C.I. Traders by a private equity company and what implications, if any, does the purchase have for the retail strategy?

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

I can confirm that CI Traders does not have a beneficial ownership clause as the company was created prior to the implementation of RUDL (Regulation of Undertakings Development Law) controls including beneficial ownership clauses. Any powers I have in relation to the purchase of CI Traders by a private equity company are limited to a request under Article 6.4 of the Competition Regulatory Authority (Jersey) Law for that body to examine any acquisition. While I am framing an Article 6.4 request on the retail strategy in the context a number of operators, I do not propose to do so in the context of the proposed scheme of arrangement. At the scheme of arrangement that is published on the CI Traders website states that the acquisition is conditional upon, among other approval, receiving JCRA (Jersey Competition Regulatory Authority) approval under the Competition (Jersey) Law. The JCRA has authority to refuse its approval if it concludes that the acquisition would substantially lessen competition in Jersey. As far as the retail strategy is concerned, implications for the retail strategy depend on what the new owners would do. These are not yet known. The retail strategy is a framework document that establishes guidelines for the retail development of the retail sector in Jersey. I remain of the view that consumers would benefit from a third operator and I will continue to keep the retail strategy under review and I restate my commitment to keep St. Helier as the heart of retailing in Jersey.

2.5.1 The Connétable of St. Helier:

I thank the Minister for his answers, but would he comment on the proposed development of a large retail operation both at the Waterfront, which of course is against guidance of the Supplementary Planning Guidance and also the alternative location in the area of the Town Park?

Senator P.F.C. Ozouf:

Well, those would be, I suppose, reasonable questions for my colleague to my right as the Planning Minister. It is he that decides location on planning matters. But the Constable will have also been part of a briefing of the St. Helier taskforce and he will be aware of the nature of the proposals that are developing on the Waterfront. Also he will be aware that the retail strategy does state very clearly that there is not going to be any other new supermarket which is going to dominate over the size of the existing operators in the Island. There is an issue

with the number of operators, there is an issue of the actual quantum of retail space, they are not necessarily the same.

2.5.2 Deputy G.P. Southern:

Two points of clarification if I may? Could the Minister briefly outline to Members what he meant by the beneficial ownership clause under RUDL I believe it was? Secondly, since he mentioned the JCRA potential study of retail on the Island, can he assure Members that the terms of reference given to the JCRA will be at least as rigorous and wide-ranging as those laid out in the report accompanying the request that he do so?

Senator P.F.C. Ozouf:

Well, in respect of the first question the beneficial ownership clause is something that was introduced as a result of the Regulation of Undertakings (Jersey) Law that was brought to this Assembly in the early 1970s. Obviously CI Traders as a company predates the Regulation of Undertakings. It is the case that some RUDL licences do have beneficial ownership clauses in them, in other words, the owners of a business are required to seek approval by the Minister for Economic Development for changes in beneficial ownership under various different criteria. That exists for some companies, it does not exist in relation to CI Traders. In relation to the Article 6.4 request, I am in discussion with the Economic Advisor and my own officials in respect of an Article 6.4 request and it will be on the subject of whether or not the market would benefit from additional operators as opposed to additional floor space. The competition conclusions of competition authorities across the world - Australia, New Zealand, the United Kingdom and elsewhere - say that a market needs 3 operators to have proper competitive dynamism. That is what I am going to ask the JCRA to advise me further on.

2.5.3 Deputy J.A. Martin:

Just a clarification what the Minister said on the Retail Strategy framework. Is he putting it on hold until we discover what is happening to CI Traders because it could be sold off? We may have 3 operators, we may have more than 3 operators, we do not know. The question basically is, is it on hold until we absolutely find out what CI Traders are going to do with the 2 big supermarkets that they have under their remit at the moment?

Senator P.F.C. Ozouf:

The Retail Strategy is not on hold and the Deputy, as a member of the Economic Affairs Scrutiny Panel that has apparently scrutinised this, will be aware that it is a framework document and it was designed in order to prepare myself and the Minister for Planning for applications that would come to us. The Deputy is aware that there have been applications from other supermarket chains, both from the United Kingdom and France, and I have made that public that there were applications for potential new operators in the marketplace. I cannot prevent those applications coming to me. What I do need to ensure is that I am properly equipped with the proper data, with the proper information in order to determine those applications under Regulation of Undertakings. and also that the Planning Minister may be properly informed to make informed decisions concerning planning matters.

2.5.4 Deputy G.P. Southern:

The Minister in one of his answers last session suggested that he was already aware that the JCRA were already in favour of 3 operators at least. In doing so has he not pre-empted the search for evidence that the JCRA might undertake to investigate this matter?

Senator P.F.C. Ozouf:

We will come later to a statement by the Chairman of the Economic Affairs Scrutiny Panel as to whether or not matters are predetermined. I am asking - I cannot tell the JCRA what to do. The JCRA are a properly independent body who will come to their own conclusions. I just draw the Deputy's attentions to the conclusions of other competition authorities across the developed world in terms of competitive dynamism. I would expect that the Competition Authority would carefully analyse the Jersey market and make their conclusions known to us independently. I cannot tell them what to do but I simply restate the issues of the conclusions of other competition authorities across the world.

2.6 Deputy G.P. Southern of the Chief Minister regarding actions following upholding by I.L.O. of complaint about Employment Relations (Jersey) Law 2007:

What actions, if any, does the Chief Minister propose to take to restore any damage to our international reputation caused by the International Labour Organisation's (I.L.O.) upholding of the complaint that the Employment Relations (Jersey) Law 2007 and its associated codes were in violation of the principles of the freedom of association?

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

The comments of the ILO Committee of Freedom of Association were only received last week and are therefore still being considered. However, I believe that the thrust of the question and the reaction of the Transport and General Workers' Union significantly overstates the issue. I do not consider that the current ILO views are detrimental to Jersey's international reputation. The States has set out its commitment to introducing a range of employment legislation which is proportionate to the needs of the Island. This is a positive step forward in terms of labour relations and the rights of individuals and employers. Some of the comments made by the ILO reflect their views on existing legislation in other countries, including the U.K., and we will consider these comments very carefully in the light of what we believe is best practice elsewhere. I believe it is helpful to recognise that it is not unusual for an ILO Committee to make a number of recommendations which the state party, the country concerned, may or may not decide to accept. This is well understood in the international community and that is why I do not consider there has been any damage to our international reputation, nor do I consider that any action is necessary.

2.6.1 Deputy G.P. Southern:

Does the Chief Minister concur with the statement by the ILO to seek to ensure that labour standards are respected in practice as well as in principle in the Island?

Senator F.H. Walker:

I repeat that Jersey will take a decision for Jersey which is proportionate to Jersey and which protects the rights of all concerned.

2.7 Deputy F.J. Hill of St. Martin of H.M. Attorney General regarding legislation relating to the Magistrate's Court not being subject to human rights audit:

Will H.M. Attorney General advise Members of the reasons why the Loi (1864) réglant la Procédure Criminelle, the Criminal Procedure (Connétables and Centeniers) (Jersey) Law 1996 and the Magistrates Court (Miscellaneous Provisions) (Jersey) Law 1949 which all relate to the running of the Magistrate's Court were not subjected to a human rights audit?

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

Following the passage of the Human Rights Law in 2000 the Policy and Resources Committee of the day set up a Human Rights Working Group which looked at the different laws, policies and administration across the States. The decision taken in that group was that

each department would be responsible for reviewing its own legislation and its own administration to ensure that there was a human right's compliant process. That decision, as far as I am aware, although my department was represented on the working group I was not on it myself, was taken on the grounds mostly of cost but also, linked to cost, the time that would be taken to review the entirety of the statute book. That, I understand, are the reasons for the decision that was taken at that time.

2.7.1 The Deputy of St. Martin:

The Attorney General will recall that in March 2003 he met with the former Home Affairs Committee to discuss, among other things, the Rutherford Report including Recommendation 4 regarding the role of Centenier in the Magistrates Court. Did the Attorney General carry out, or his department carry out, any specific audit or prevention audit on legislation pertaining at that time to the running of the courts and the role of the Centeniers?

The Attorney General:

I think the answer to that is no, as far as I recall. The administering responsibility for the courts would be the Court Service. But, having said that, I fully accept that the prosecution should have spotted any major errors if there were any major errors and, of course to that extent, if there are any I would take responsibility for that.

2.7.2 The Deputy of St. Martin:

Could I just ask another supplementary, Sir? The Attorney General in his answer mentioned about one has to look at costs when one considers Human Rights Law. Would it be fair to say that really at the end of the day, if Human Rights Law has to be complied with, it is down to the State to ensure that it has the cost to meet the Law or the requirements of the Law?

The Attorney General:

No, I am sorry, what I think I said was that cost was a feature in the methodology that was adopted for reviewing what needed to be done. I quite agree with the Deputy to the extent that he says that cost is no answer to making sure that your administrative and legal systems are human rights compliant.

2.8 Senator B.E. Shenton of the Minister for Transport and Technical Services regarding control over parking and public parking charges on the Waterfront:

Would the Minister confirm whether his department will have control over the provision of parking and public parking charges on the Waterfront and if not, can he explain how this fits in with the Integrated Travel and Transport Strategy?

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

Yes, Sir, the Transport and Technical Services Department through its car park trading account will have control over those parking facilities within the Waterfront development that the department either owns or leases. It is envisaged that the current Esplanade car park, which from memory holds some 500 cars, will be replaced, but it has not yet been decided whether there will be any additional public car parking in that area.

2.8.1 Senator B.E. Shenton:

When the Minister says that the car parking will be replaced, is he therefore saying that this government will be investing in new parking on the Waterfront? My main concern is that the privatised parking will double the parking charges for the public on the Island and is this the road he is going down?

Deputy G.W.J. de Faye:

Essentially, given some sight of the early plans for the Waterfront development, there will be a large 2- storey underground car park replacing the current Esplanade site with a potential for capacity of at least, on current figures, 1,400 vehicles and possibly more. It is of course potentially open to the Transport and Technical Services Department to use its car park trading account to buy up additional spaces, but obviously there will be a demand from the development itself and its users for private car parking spaces. That particular balance has yet to be determined and at this stage I have no direct say so on private companies who operate their own car parking spaces and are essentially free to charge whatever amount they see fit.

2.9 The Deputy of St. Martin of the Chairman of the Education and Home Affairs Scrutiny Panel regarding advice intended to be sought from H.M. Attorney General:

In a written answer tabled on 19th June 2004, the Education and Home Affairs Scrutiny Panel's Vice-Chairman stated the former Panel had agreed to meet the Attorney General privately but its intention was not to discuss the Cooper opinion. If that was the case, will the Chairman explain what advice it intended to seek from the Attorney General and advise whether the meeting has now taken place?

Deputy D.W. Mezbourian of St. Lawrence (The Chairman of the Education and Home Affairs Scrutiny Panel):

In answer to the second part of the question, a final minuted private and confidential meeting between the Panel and H.M. Attorney General took place on Wednesday, 13th June 2007. As for the first part, the Deputy will be aware that at a private meeting held on 4th June 2007 the Education and Home Affairs Scrutiny Panel gave consideration to meeting with the Attorney General. Following a suggestion from their advisor, Deputy Hill, as Chairman of the Panel at that time, telephoned and spoke to the Attorney General. The Panel subsequently understood from Deputy Hill that the Attorney General had asked for a private and confidential meeting with them. The emphasis of the Panel's meeting of 4th June shifted then. Consideration of the Attorney General's request for a meeting with them took precedence over their own earlier consideration to meet with him. The Panel agreed by a majority to meet with the Attorney General and soon afterwards the Panel meeting of 4th June ended, following Deputy Hill's resignation as Panel Chairman on 6th June, arrangements were confirmed for a formal meeting with the Attorney General. Correspondence for those arrangements established that the meeting would cover procedure and identify whether there were any process issues to consider.

The Bailiff:

Deputy, I am sorry but your time expired now, in fact rather more than time expired. Do you have a supplementary?

2.9.1 The Deputy of St. Martin:

The Chairman will recall that at her request the particular meeting on 4th June was recorded and could I ask will the Chairman confirm that recording does make it clear that the meeting was going to be private, confidential and for States' Members only and there was no mention whatsoever of that particular meeting being minuted or formal? As such, it was unprecedented for that former Panel. Would the Chairman now agree that obviously subsequent to that meeting that they have now had a change of mind and now as a result of that change of mind has now met and had a formal meeting, whereas the other one was to be totally informal and unminuted?

Deputy D.W. Mezbourian:

I do not believe that is correct, Sir.

2.9.2 Senator J.L. Perchard:

Would the Chairman of the Panel agree with me that this is a complete waste of States' time and ask that Deputy Hill, through the Chair, lets it go?

Deputy D.W. Mezbourian:

I am not sure whether a response is needed to that question, Sir.

The Bailiff:

This is question time...

Deputy D.W. Mezbourian:

In that case, Sir, probably, yes. [Laughter]

The Deputy of St. Martin:

Would you allow a supplementary, Sir?

The Bailiff:

Final supplementary.

2.9.3 The Deputy of St. Martin:

I think Deputy Mezbourian and I know full well that at the end of the day they are probably of the misunderstanding about the meeting. I know in my own heart the meeting was to be not minuted and informal. Will the Chairman agree that if she checks the recording that my understanding of the meeting will be accurate?

Deputy D.W. Mezbourian:

I am surprised that the Deputy feels that I would come here this morning not having listened to the recording of the meeting and I distinctly remember when I listened again to that recording that the Panel was unclear from what the Deputy told us as to the reasons that the Attorney General had asked to meet us. However, I also remember distinctly hearing myself question whether it was to be a formal minuted meeting with officers present. As far as I was concerned by asking that question I was making it clear that that would be my understanding of it.

2.10 Connétable D.J. Murphy of Grouville of the Minister for Treasury and Resources regarding valuation of the former Jersey College for Girls site and negotiations for sale:

Would the Minister advise Members of the outcome of the valuation prepared by Donaldsons, a U.K. surveyor, of the former Jersey College for Girls' site and also of any further negotiations with regard to the sale of this site?

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

I suspect that some Members may not be aware of Donaldsons, but this firm is a market leader in the U.K. on advising public bodies on all property matters. It has a Europe-wide operation. It has valued the JCG (Jersey College for Girls) site with the existing planning permission at £2,129,000. This valuation and a similar valuation previously received from Drivers Jonas who have considerable local experience, confirms for me in my intention to pursue negotiations with Grange Developments Ltd with a view to securing a deal which will secure a minimum land price of £1.8 million, plus a share of sales values above a certain

figure, otherwise known as an overage payment. Such overage deals are not uncommon and are being used, for example, in respect of the Waterfront development. I believe that this agreement for JCG will bring a total return to the public in excess of £3 million. I intend in the near future to present a report to the States which sets out the reasons why I intend to proceed with the sale of the JCG site subject to a further assessment of risk. At the same time I intend to make a new Ministerial Decision varying my decision of 16th February as a result of the legal advice I have taken to examine the terms of the development agreements to minimise the risks of entering into an overage agreement and, in particular, to ensure that the £1.8 million base price is at no material risk at all. Sir, the valuation report is a large document and, rather than sending it to Members, it is available to see on request. But I will make a full copy available to the Connétable of Grouville for the benefit of the Scrutiny Panel which he chaired, as well as a summary of the legal advice which I hope to receive shortly in respect of the contractual risks.

2.10.1 The Connétable of Grouville:

Would the Minister please advise me whether in fact he would put this out for tender in order to establish a price? I am not happy at all with £2.1 million.

Senator T.A. Le Sueur:

I have followed to the letter the recommendations of this Scrutiny Panel. They requested that we obtained an independent valuation on certain terms. We adhered to that request, Sir, and I am complying with that formula. I do not intend to take any further action such as the Connétable suggests.

The Bailiff:

Final supplementary, Connétable.

2.10.2 The Connétable of Grouville:

It is well known, Sir, that the actual valuation of a property or asset relies on the price that somebody is willing to pay for it, and I would suggest to the Minister that perhaps he would try a tender process of some type in order to establish the true value.

Senator T.A. Le Sueur:

I suspect that what the Connétable is really saying is he does not like the professional valuation which has arisen. I am afraid, Sir, I have taken the advice and I am going to use it.

2.11 Deputy S. Pitman of St. Helier of the Chief Minister regarding the contracting of a U.K. company to produce Jersey Brand logo:

Would the Chief Minister inform Members why a U.K. company and not a local firm was contracted to produce the Jersey Brand logo?

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

The comprehensive process of identifying a brand development agency - and it was, of course, a brand, not just a logo - for Jersey began with the development of a short list of agencies who met the key criteria of having experience, and who would demonstrate its success in international destination branding. This is a very specialist area of expertise and no local agencies with this experience were identified during the short listing process. As the brand progressively develops, however, a considerable amount of work will be given to local companies.

2.11.1 Deputy S. Pitman:

Could the Chief Minister inform Members how many local agencies were invited to tender for the contract?

Senator F.H. Walker:

Not off the top of my head, but I do not believe that, as I have said in the answer, any local agencies met the basic criteria. But I do reiterate, and this has already been shown to be the case, that there will be a considerable amount of work for local companies as the brand develops. If Members care to take a walk down to the Albert Terminal, they will see the first example of extensive use of the brand, all of which was undertaken by a local company.

2.11.2 Senator B.E. Shenton:

Does this not just sum up everything that is wrong with this Government at the moment in as much as we are bringing more and more U.K. consultants that do not really understand Jersey at all?

Senator F.H. Walker:

I think that was a cheap shot and it is entirely wrong.

2.11.3 Deputy J.A. Martin:

I do not expect the Minister to be able to supply these figures today, but having now attended the logo presentation and been assured many times that the £250,000 was spent more on just the flying “J”... the logo - flying something, Sir. Could the Minister undertake to give us a breakdown exactly how much time this company has spent with local people, and a breakdown of this £250,000, because we keep being told it is more than just the brand. I have now seen the presentation, Sir, but I really would like to see the breakdown in figures on paper.

Senator F.H. Walker:

Yes, Sir, that, of course, is no problem at all. The breakdown was included in the presentation and I will pass on a copy to the Deputy.

2.12 Deputy S. Pitman of the Minister for Housing regarding criteria for the identification of States-owned properties for sale:

In view of the fact that one of the priority issues within the Social Housing Property Plan is to increase ownership among States’ tenants, what criteria was used to identify which States-owned properties will be sold?

Senator T.J. Le Main: (The Minister for Housing):

Can I just say that I am very, very proud of our highly experienced and professional staff who have an in-depth knowledge of the clients and the estates and everything? As for the criteria for selection of homes to be sold, we could not sell one-beds because we do have a huge issue, as I keep explaining to the Assembly - I hope you are listening - about ageing population and the need to adapt our accommodation for those things, so we cannot sell one-beds. So that left the Housing Department with 2 and 3-beds which we could part-sell. The issue is, Sir, that we need to break up the concentrations of social housing, mixing tenures, and the department officers spend a considerable amount of time on numbers and mix and locations and working with tenants’ associations and whatever, and residents, and came up with a definitive list of numbers on specific estates; not particular homes. Now I can just explain, Sir, briefly, and I know Deputy Le Hérisier has been one who has been working very closely with me on this, is the huge density and overpopulation of children at Les Cinq Chênes, for instance. It makes sense, Sir, that we should sell off in that estate, make home

owners of tenants in that estate, and create some new homes on the land adjoining this, now a H3 or H4 site and to break up these concentrations of a huge amount of social homes in one go. It also gives us a great opportunity to work with the residents in future by creating home owners in these estates. It also allows the home owners to get involved with residents' associations. We are having difficulty in many of these issues at the moment.

The Bailiff:

Minister, I am sorry, your time has run out.

Senator T.J. Le Main:

I could go on for an hour on this one, Sir.

The Bailiff:

I know you could, yes [Laughter] but you are not going to.

2.12.1 Deputy S. Pitman:

Could the Minister confirm that none of the properties that have been identified for sale are not the most difficult properties to maintain by his department?

Senator T.J. Le Main:

I did not hear that, I am sorry.

The Bailiff:

Could you repeat it, please, Deputy?

Deputy S. Pitman:

Could the Minister confirm that none of the properties that have been identified for sale are not the most difficult properties to maintain by his department?

Senator T.J. Le Main:

I do not understand that question really, but the issue is that you take places like Clos de Roncier, Sir, which is 83 homes sitting in the middle of the countryside with no buses, no buses after 6.00 p.m. We have a concentration of families there; social housing tenants. We have families that have no cars, no transport, there are no shops for the children to go, no community facilities, and it makes sense that you create some home ownership in these kind of estates where those kind of people that are going to be a homeowner have more opportunity of having a more disposable income to be able to have transport and otherwise. So, it makes commonsense to look at all the issues - the issues about concentration and all that - when determining where we want to sell property. Also, Sir, many tenants are ringing up asking us why their home is not for sale; why they cannot buy from their particular estate. The issue is that at the moment they may be, and the issue is that we rather hope that we are going to give as much opportunity to as many tenants as possible over the next 10 years.

2.12.2 Deputy J.A. Martin:

I am not going to go off the Housing Plan, but twice now the Minister for Housing has mentioned Clos de Roncier stuck out in the middle of nowhere. It may be he has sold it; it may not be, but is it beyond the Minister for Housing and the Minister for Transport to get together and get a bus like the 18 that goes now to Le Squez every 20 minutes to town? Why is this going on? I would like the Minister for Housing to at least undertake this so that the people up there do have a bus and that he is in urgent talks with the Minister for Transport.

Senator T.J. Le Main:

No, I have not spoken to the Minister for Transport, but the issue has been going on for a number of years that we have 83 homes at Clos de Roncier and the issue of laying on buses until 11.00 p.m. or 12.00 p.m. at night for only a few people otherwise is just, patently, absolutely nonsense. The best way out of this, Sir, is to try and create home ownership on that estate which allows those kinds of people to be able to do the things that perhaps some of the lower income families cannot do otherwise.

2.12.3 Deputy G.P. Southern:

Point of clarification, Sir, could the Minister clarify whether there is a serious social problem on this estate, or is it only a matter of a few people, and does he consider that home owners do not need to take a bus?

Senator T.J. Le Main:

The issue is quite clear: there is not a social issue on that estate. What I have been saying, they do have a very good tenants' association run by a Mrs. Annette Brown up there and the issue is, quite clearly, that there is a lack of facilities. There used to be a youth club alongside, which was demolished and built houses upon, and the Parish of St. Clement are always having issues in relation to minor social issues. But the issues are quite clearly when you are going to create homes for rental, particularly for low income families, you need community facilities, you need the shop alongside where people can go daily to get their pint of milk, their paper, their loaf of bread, and other issues like that, and it needs a regular bus service. It would not pay for the bus service to be running for just 83 homes on that issue.

The Bailiff:

Final supplementary. Deputy Huet.

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

Would not the Minister agree that originally when Clos de Roncier was built there were only about 18 houses, so there were no problems then? It is only because of - dare I say - previous planning allowing these extra houses to go up in the countryside, which was not obviously a good idea.

Senator T.J. Le Main:

Well, originally, it was built in 3 phases with some flats following. But, generally, many years ago there was quite a regular bus service. There was a shop down the road by the church. As I say, there was a youth club and the church alongside. It had lots of facilities and now it does not have the facilities, and I have to say that those who are able to afford to buy a home, or a home owner, has more opportunity, through our experience, in being able to ferry their children around than perhaps some of the low income families that do not have that ability to have a car.

2.13 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Transport and Technical Services regarding process for the modification of route structure of scheduled bus service:

Is the Minister satisfied with the process currently used to determine whether to modify the route structure of scheduled bus services?

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

No, Sir, I am not. This Minister is very rarely satisfied, and Deputy Le Hérissier can sit down with my Chief Officer and senior officers at any time of his choosing, and they will tell him exactly the same. I am constantly striving to improve methods, and how we regulate the

buses is one of them. However, what I can say to give some assurance to Members who may now be having a rather gloomy turn of mind at this response is that the way we do things now is infinitely preferable to the way things used to happen before. One of the advantages of the new Connex operation as a service operator relationship is that we have open book policies. I, of course, know precisely what the fares are, because the fares are paid directly to the States via the department and, indeed, we have a much clearer idea - a better idea than ever before in the Island's history - about how our public transport service operations work. So, in general terms, I am pleased with the levels of information that I get. It gives the department a much better oversight of the efficiency of operations, but that is not good enough for me, through the Chair, Deputy, I strive to achieve higher and better results, and year by year, we are getting them.

2.13.1 Deputy R.G. Le Hérisier:

Notwithstanding the excellent services the Minister has introduced and for which we are eternally grateful, would the Minister not acknowledge that there is still a somewhat confused and irrational system? Does he, for example, Sir, sit down at a point in the year with a budget and say: "This route is not making money, I will therefore shift resources elsewhere"? In other words, there is a holistic approach taken - is that how it is done - or does he wake up in the middle of the night and just sort of say: "There are too many people on this route, I must stop"?

Deputy G.W.J. de Faye:

Well, I do both and, regrettably, I do perhaps a little too much waking up in the night with sheer concern and worry about how the efficiency of the public service operation is being carried out. But in reference to the other technique, which is a favoured one, I am about to sit down with my officers to prepare ourselves for the new winter schedules to consider whether K route operations should be continued or discontinued, to look in detail, in fact at the same time, at the efficiency of the school services, which also should come under scrutiny. They are subsidised at twice the level of the main scheduled network at £2 per student per trip. It is an expensive operation; one I intend to look at closely, and I will be taking advantage of the summer break, when I will not be getting one, to look at both [**Members: Oh!**] - thank you for your sympathy - when I will be taking the opportunity to look at all the services. We now have, thanks to the details that were given to us by the Wayfarer computerised fare operations, a much, much clearer picture what routes are performing and which are not.

2.13.2 Deputy J.A. Martin:

Yes, as I did not get an answer of the Housing Minister - and I am sorry if this might add to his very, very long workload - could I get an assurance that the Transport Minister will look at the route that goes now to Le Squez - the 18 - every 20 minutes? Could it not be extended up to Clos de Roncier, maybe making it a 30 minute run? But it is a 6 day a week bus service and could he add that to his list with urgency? Even if these houses are sold, I am told, and this House has been told this morning, we have many people stranded up in this area without any transport.

Deputy G.W.J. de Faye:

I would like to refer the Deputy to the bus timetable for the Summer 2007 period, which displays not only the main schedule summer network, but also the new integrated Island Explorer network and she will see that the new Explorer Green service goes very close to the area she is talking about and, indeed, it is very heavily used and is the highest frequency of Explorer services. I regret - and it is a matter of regret - that I simply do not currently have sufficient funds to seriously extend services across the Island into the evening. I would dearly

like to and, indeed, have conducted experiments that were well publicised in the past to see if we could achieve this. Frankly, it is just not going to happen because there is no more money available in the budget, and the only other serious way that I could probably get money is from an environmental tax and that in itself is looking fairly unlikely in the short-term. So while I am very sympathetic to the Deputy's view, at this stage I simply do not have the available cash.

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

I think the Minister has probably answered that he does not know, because I was going to ask the Minister when he believed he would be able to plug the public perceived gaps for the scheduled bus service. I appreciate it is linked to money, and I just wondered - obviously an environmental tax has been mentioned - does he have any idea of whether we are talking about 2, 3 or 5 years' time?

Deputy G.W.J. de Faye:

Well, frankly speaking, Sir, and this is primarily the experience of my very good colleague the Minister for Planning and Environment who mooted the idea of a tax link to power exhaust emissions. The idea of environmental taxes so far does not appear to have played very well or, as it were, struck a chord with the public. So it seems that we have some way to go, firstly to convince the public that environmental taxes are necessarily a good idea and, secondly, to establish precisely how those extra revenues might operate. This leaves me with a difficulty in that the only way I can now improve services perhaps in directions that it ought to go in, is by putting constraints on existing levels of service elsewhere in the system. That is something I am going to be looking at over the summer period to see, with the entire fleet at my disposal - which includes the school buses - how this might be reorchestrated in order to increase commuter provision at peak times and also to see to what extent we can improve evening services and, indeed, Sunday services, which are also currently, in my view, dismal.

The Bailiff:

One last concise question and answer, please, Deputy Le Hérissier. [Laughter]

2.13.4 Deputy R.G. Le Hérissier:

Could the Minister assure us when he is engaged in this re-evaluation during his one day off in the summer, will he be consulting the public? Will there be a public call for evidence?

Deputy G.W.J. de Faye:

The answer is, bluntly, not necessarily. If I am introducing experimental routes to see how things may or may not work, and we have tested evening routes, we have tested circular routes and, indeed, the current summer Explorer service is a result of successful experiments, there is no requirement on me to consult the public. However, if I am to make permanent changes in the schedules, and I want to issue this comment as an assurance to Members, I am required by law to consult the public. So, I regret, it is 2 answers to the Deputy, Sir: one is yes, I have to, and the other is: not necessarily.

2.14 Deputy K.C. Lewis of St. Saviour of the Minister for Treasury and Resources regarding the acquisition of Le Mont de la Ville, South Hill Battery, St. Helier for development:

Would the Minister advise Members whether he has any plans to acquire Le Mont de la Ville, South Hill Battery, St. Helier, the annex to Fort Regent and an important heritage site for development by the States as luxury flats?

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

No, Sir, I have no plans to acquire this site for development by the State as luxury flats. The site is owned by the Parish of St. Helier, but I cannot speak for the Parish. While I am exploring opportunities to redevelop the publicly-owned South Hill site and, in particular, that part of the site at lower level adjacent to existing States' offices, this land is currently shown as an H4 site in the Island Plan and is currently zoned for Category A housing. The Battery site, which is at a higher level, does not form part of that plan.

2.14.1 Deputy K.C. Lewis:

I am heartened and delighted to hear that reply, Sir. As this is an important Fort, forming as it does a part of Fort Regent and part of Jersey's heritage once holding over 20 cannons overlooking the St. Helier Harbour, this wonderful Fort and park area must be preserved for future generations, does the Minister not agree? **[Laughter]**

Senator T.A. Le Sueur:

That, Sir, is a matter for the Planning Minister and a matter for this House to debate within the Island Plan, Sir. I share the Deputy's sentiments, but that is not for me to decide.

2.14.2 The Connétable of St. Helier:

I share the questioner's pleasure in the Minister's reply. Could the Minister confirm that if any proposal were to be brought forward that would affect the Parish land in the vicinity it would have to go to a Parish Assembly?

Senator T.A. Le Sueur:

I cannot confirm, Sir, what goes to Parish Assembly: that is for the Connétable to decide, but certainly I would happily talk to the Connétable about any developments which might have a common benefit or common difficulties.

2.14.3 Deputy G.W.J. de Faye:

I wonder whether the Minister is of the view of this particular site - so accurately described by Deputy Lewis with its spacious German bunkers and enormous Napoleonic fortifications - might perhaps fit into our extremely successful historic fortification's holiday lettings project. **[Members: Oh!]**

Senator T.A. Le Sueur:

That may well be good use of the site, and I suggest that the Minister consults with the landowner of the Parish of St. Helier to see if that can be developed.

2.15 Deputy R.G. Le Hérissier of the Minister for Education, Sport and Culture regarding a fundamental review of Education, Sport and Culture Department spending:

Would the Minister explain why it is not possible to carry out the recently announced fundamental review of the department's spending using existing States' resources?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

Many things, of course, are possible but the purpose of this review will be to consider the appropriateness of Jersey's current investment in Education. As such it will be important to draw comparisons with other jurisdictions and to consider the relevance and implications of these comparisons in setting future levels of spending on education in Jersey. This work, in my opinion, is best carried out independently as it is vital the review is regarded as unbiased

and independent. However, I anticipate that it may be co-ordinated and monitored by a steering group made up of representatives from appropriate States' departments.

2.15.1 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that with the use of appropriate advisors, for example, that bodies such as a Scrutiny Panel or bodies such as a Comptroller and Auditor General could well make a vital contribution?

Senator M.E. Vibert:

I agree, they may make a vital contribution, Sir, and the Comptroller and Auditor General, at my invitation, is already looking at some of our processes, but I repeat that I believe that such a fundamental review needs to be independent so it can be regarded as totally unbiased.

2.15.2 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that there is a great danger that this exercise is basically an exercise in self-justification of current and future spending levels?

Senator M.E. Vibert:

Yes, Sir, exactly why I want it to be independent.

2.16 Deputy K.C. Lewis of the Minister for Education, Sport and Culture regarding recommissioning of the swimming pool at Fort Regent:

Further to reports that Jersey will bid for the 2015 Island Games, will the Minister be seeking to recommission the swimming pool at Fort Regent?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

No, Sir.

2.16.1 Deputy K.C. Lewis:

Supplementary, Sir? As the Island Games involve many thousands of competitors and supporters, will the Minister be seeking to redevelop and modernise Fort Regent as a place of sporting excellence, and as swimming features quite heavily as it does in Greece at the moment, where will he be seeking to hold the swimming events?

Senator M.E. Vibert:

As regards the swimming events, Les Quennevais swimming pool has proved to be an excellent venue for swimming galas, and would provide an excellent facility for any swimming events in an Island Games. If we were successful in bidding for an Island Games, we would look at all the facilities we required, including Fort Regent's, and see what, if any, improvements need to be made to them.

2.16.2 Senator J.L. Perchard:

I am motivated to ask about the swimming pool at Fort Regent, Sir. Being that the Minister sees no likelihood of recommissioning it by 2015, or for 2015, should the Island be successful in acquiring the Island Games, what does he see as the future for the Fort Regent swimming pool?

Senator M.E. Vibert:

The Fort Regent swimming pool and the area around there is currently the subject of an EDAW study, and I am awaiting their views on it. A number of suggestions have been made in the past. It is difficult to pre-empt the EDAW study but, certainly, it is well timed that a decision was made on the future of the building that housed the now well passed sell-by date

and unusable swimming pool, and that although I think something should go there, I hope it is going to be - and I am sure the Planning Minister will insist - somewhat more aesthetically pleasing than the current building.

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

The Minister says that he hopes to bid for the 2015 Island Games, where does he expect to find the funds for this?

Senator M.E. Vibert:

I expect the States to be wholeheartedly behind hosting such a prestigious event in showing that we are committed to the Island Games. We have over 120 competitors currently competing in Rhodes. I believe the Island Games is one of our premier sporting events, and something the Island should be very proud of. We hosted it very successfully in 1997, and it did the Island a power of good. I would be hoping and wishing and believing the States would get behind any bid for the Island Games in 2015 if it succeeds.

2.16.4 The Connétable of St. Helier:

I note the Minister's comments about the alternative facilities to Fort Regent pool present in the west of the Island. He was silent about the adequacy of the facilities which replaced Fort Regent, that being the leisure pool. Would the Minister, with the benefit of hindsight, give us his views on the adequacy of the leisure pool, and whether the financial package stacked up as well as it was supposed to?

Senator M.E. Vibert:

The Minister brought a proposition to this House about the future of Fort Regent some 9 years ago now, which included a swimming pool in Fort Regent. The House, while supportive, refused to give funds for that redevelopment. Therefore, alternatives by the then Committee, which I was not President of, had to be found and the States decided to develop the Waterfront pool, with a competition pool in. The pool is performing well. It was always understood that there would be difficulties with the pool making its own way and paying for itself. No public swimming pool, to my knowledge, operates without a subsidy. The question is the level of the subsidy. I believe the management at the Waterfront swimming pool are working very hard, because it is in their interest to ensure it is used as much as possible. Of course it has strictures placed on it by the States such as restricting the letting of it for private parties so that the Constable, and others, can use the pool when they wish. This, of course, will adversely affect their income, but they are working hard on it. Unfortunately, a public pool will have to have a subsidy and it is a question of how much that subsidy is. It has been more than was envisaged in the arrangements that were agreed by the States at the time, but the Committee I was a member of - the Sport, Leisure and Recreation Committee - did issue warnings about the level of subsidy.

3. Questions to Ministers without Notice - The Minister for Planning and Environment

The Bailiff:

I think we must move on to questions without notice, bearing in mind the second question period involves the Minister for Education, Sport and Culture. The first question period is of the Minister for Planning and Environment.

3.1 The Connétable of St. Helier:

I wish to ask the Minister for Planning and Environment about his views on the state of the Ramsar site at La Collette. Given the admission by Health Protection that there has been leaching of the ash at La Collette into the sea, does the Minister believe that there are implications for the Ramsar site, and would he further give his view about the possible extension of the La Collette reclamation site into the Ramsar site to accommodate the fill that may be created if its proposals to sink La Route de la Liberation ahead?

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

The report I received yesterday in relation to the allegations that ash has contaminated the area certainly does not support that contention. It appears from my first reading of the report that there is no significant case to answer. As far as the Ramsar site is concerned, the spoil from the sinking of the road and the development of the Hopkins' master plan on the Waterfront, there clearly will be an impact in that you have to put the spoil somewhere if you dig out a 2-storey basement car park. But we need additional car parking, we need a first class Waterfront, and that is a natural consequence. The effect of the spoil will be to reduce the life of La Collette 2. There clearly will be implications in that if you extend to La Collette 3; one of the areas that may be considered is in the Ramsar area, that, very clearly, needs to be negotiated, but it would clearly be better if an alternative location could be found, but I doubt that that will be the case.

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

I wonder if the Minister could indicate whether he has had any discussions with the tourism industry with regard to the amount of build that is envisaged on the Waterfront and the surrounding area. The question was asked of me yesterday, and I would be grateful for an answer.

Senator F.E. Cohen:

I have not had any direct discussions with the tourism industry. I have certainly had a number of private discussions with individuals who own hotels and other tourist-associated investments. I am not quite sure what the Deputy is looking for in the answer, but all I can say is that a wonderful Waterfront, correcting the problems of the past and delivering buildings from which Islanders derive pride, can only be positive for the tourist industry as a whole. I would also add that the delivery of a national gallery is a central part of that aspiration.

3.3 Deputy R.G. Le Hérissier:

Building on that question, would the Minister tell us whether by building on the Waterfront that the quid pro quo of not building on Greenfields is still holding firm?

Senator F.E. Cohen:

One of the advantages of building on the Waterfront is that it enables us to do everything possible to protect the countryside, and the protection of the countryside must be one of our imperatives. Very clearly, there is a significant demand for housing and the more appropriate housing that we can put on the Waterfront within the constraints of reasonable living, et cetera, the better because it reduces the strain elsewhere.

3.4 The Deputy of St. Martin:

At a recent meeting at which the Minister considered a number of planning matters, it appears that some applicants or appellants were granted the right to appear and put forward their case, but others were not. Would the Minister advise Members of his policy in dealing with

appeals, particularly where some appellants are not given the right to appear? If so, does he think that is human right compliant?

Senator F.E. Cohen:

I have recently made the decision that while the Law does not require me to do so that it is appropriate that all my decisions should be taken in public with objectors having the opportunity of addressing the hearing. We are currently in a transitional phase, and the current expectation is by the end of July I will have that entirely in place, and therefore all applicants will be able to address the hearing and all objectors, similarly, will be able to do the same.

3.5 Senator B.E. Shenton:

One of the problems with the Waterfront is it has lacked continuity of presidents of Planning. The cinema complex was passed in detailed permission by Mr. Nigel Quérée; Harbour Reach, Maurice Dubras; and the Waterfront Hotel by Senator Philip Ozouf. In order to provide continuity does the Minister intend to stay as Planning Minister for more than a 3 year term? **[Laughter]**

Senator F.E. Cohen:

Firstly, I would like to correct one point: my predecessor Senator Ozouf was not responsible for the Waterfront Hotel: all he did was to sign off the variations at the end. There was a very long process and he is certainly not responsible for the result. As regards how long I will stay, to some extent that depends on when the Chief Minister gets sick of me, and to some extent it depends on when the House gets sick of me. I certainly would like to stay at Planning as long as possible, but I am well aware that the position of Minister for Planning is a very precarious position and, one mistake, and you are gone. **[Members: Oh!]** One significant mistake. I would also add that I have made it very clear that my career as Minister for Planning and Environment does depend on being successful in relation to the Hopkins' master plan. I believe that if a Minister engages in such a significant project and then fails to get the approval of his colleagues in the States that it is appropriate to go. So I will be doing my best to stay, but I cannot give any guarantees. Thank you.

3.6 The Connétable of St. Helier:

The Minister and I are both well aware of the timetable for the EDAW master plan for St. Helier which has been commissioned by his department. A number of detailed proposals in the EDAW master plan are giving grave concern to members of the public, particularly in St. Helier, and I would appreciate the Minister's personal view on 2 such detailed proposals. One is to drive a road across People's Park towards the bottom of the hill to connect up with Westmount Road, and the other is to make the current section of Parade Road, which is available for parking for people using doctors' and dentists' surgeries, to pedestrianise that road and remove the parking. Does the Minister himself support either of these detailed proposals?

Senator F.E. Cohen:

I have to be a little bit careful here, because this could, of course, lead to an application at a later stage, and I do not want to be seen to be predetermining an application. All I can say is there are certain proposals within EDAW which I think perhaps were jolly good ideas but, with the benefit of the response to the public consultation process, I think that they will not be progressed and 2 of those are the 2 that the Connétable of St. Helier has just mentioned.

3.7 Connétable J.L.S. Gallichan of Trinity:

Two weeks ago the Minister brought in the Water Law. Does he think that this was premature? [Laughter]

Senator F.E. Cohen:

A very interesting question because my wife asked me exactly the same question as we were driving in the rain only the other day. My answer was that I think I was lucky with the weather because I doubt I would have got it through if it was 2 weeks' later.

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

A question in a similar vein: the Minister in recent times has said that he perhaps has too much power. He also now has command of control of the Meteorological Department. Consequently, Sir, I wondered if with such considerable powers he was able to do anything about the current most unseasonable weather?

Senator F.E. Cohen:

I think that is more an appropriate question for the Dean.

3.9 Deputy R.G. Le Hérissier:

I wonder if the Minister could clarify how planning applications are dealt with as regards those that go to himself and those that go to the Planning Applications Panel. Does he make that particular decision and, if so, in terms of those that go to himself, what is the robust appeal procedure in terms of those particular decisions?

Senator F.E. Cohen:

Weekly I sit with my Chief Officer, with the Assistant Minister, and with other officers as relevant. I go through the planning applications and I decide which ones I am particularly interested in. Those are the ones that I call in. They tend to be large commercial developments with which I have a particular interest or, in some cases, they are applications where there could be considered to be some conflict if the matter was dealt with by the Planning Applications Panel. The appeal now, of course, is twofold: from the applicant's perspective an appeal against my decision is to the court, and now from the perspective of an objector, the third party appeal process allows also an appeal to the court, so my decision is not final.

3.10 Senator J.L. Perchard:

How does the Minister propose that the development of a national gallery be funded - and the maintenance of the national gallery - and has he any suggestions on how a viable and serious youth facility on the Waterfront could be funded?

Senator F.E. Cohen:

The national gallery is at an embryonic stage. We have not yet determined the precise way it will be funded, and a number of options will be considered. At the time we bring the matter forward a complete funding package will be presented, both in terms of the capital cost and in terms of the running cost. So I am afraid I do not know any further details at this time. I have already, on a number of occasions, said that I have instructed my department to carry out an audit of the Waterfront from the perspective of youth and families. That audit will be a written document, and it will be circulated to States' Members. One of my priorities is to ensure that the Waterfront is a good place for families and young people to go to 24/7.

3.11 Deputy G.P. Southern:

Returning to the planning appeal process, it has become apparent to me, in following a particular case, that appeals by neighbours are heard in public. Then the final stage is held in private which leaves Members objecting to a particular development feeling somewhat frustrated as to what the decision might be, or why a decision has been made if it goes against them. Does the Minister consider that holding the final decision meeting in public would be a useful move, and is he prepared to amend the relevant regulations or laws to enable that to take place, or is he happy for me to put it on my list of things to make to amend?

Senator F.E. Cohen:

I have already said that I have committed to making all decisions in public. It is a question of working out the mechanism to do so, but my department have assured me that this will be in place by the end of July. Without being specific and referring directly to the development to which the Deputy refers and mentioning its name, I can say that my intervention, I am quite confident, resulted in a far better scheme that is traditionally designed down to the last detail, and I will be holding my position to ensure that it is a first class development. So I think that my intervention and decision was right and proper, and I would make the same decision again.

3.12 The Deputy of St. John:

Could the Minister advise as to exactly when his recently published changes to the requirement to seek planning permission for certain structures will take effect and what, if any, similar changes he has in mind for the future?

Senator F.E. Cohen:

I am not entirely sure I understood the question. The exemptions that I have put in place are already in effect and apply from the date that I published the Order. As far as I am aware, people are taking advantage of the exemptions, in fact, I know of one case.

3.12.1 The Deputy of St. John:

Does he have any other similar changes in mind for the future? The second part of the question.

Senator F.E. Cohen:

Sorry, Sir, I did not answer the second part of the question. I would like to. I struggled to deliver these exemptions. My predecessors had been through a similar process, I think in 2002 or 2004, and the department were reluctant to increase the level of exemption, so I had rather a struggle getting agreement. I would like to exempt more development and to concentrate on the important development to better utilise the resources in the department, but it is a slow process.

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

Could the Minister confirm that in actual fact partial funding has already been committed to youth facilities on the Waterfront, not least by a party which one of the previous questioners is a director of, and would he also commit again to the fact that he will encourage and ensure that youth facilities are an integral part of any development on the Waterfront?

Senator F.E. Cohen:

I am not sure what I am expected to confirm in terms of existing funding and, therefore, I cannot answer that part of the question. All I can say is that part of developing a successful Waterfront, holistically designed with synergistic architecture throughout the remaining areas, requires that it be a suitable place for families to live and young people to have fun and enjoy

themselves. **[Interruption]** That will be the subject of the review I have previously mentioned in answer to an earlier question, and it will be published and made available to the public and to States' Members.

4. Questions to Ministers without Notice - The Minister for Education, Sport and Culture

4.1 Deputy K.C. Lewis:

Further to my earlier question regarding the swimming pool at Fort Regent, Sir, and notwithstanding the restricted covenants that applies vis-à-vis the Waterfront pool which prohibits the States of Jersey from operating a covered pool within a certain radius, and notwithstanding the Minister's reply that we have Les Quennevais pool - I am sure he is aware of the traffic implications of going east and we are trying to cut down on our carbon footprint - does the Minister think that St. Helier will benefit from an Olympic size swimming pool?

Senator M.E. Vibert:

An Olympic size swimming pool, for example, is a 50 metre swimming pool which would be prohibitively expensive and which normally will serve populations of several millions. In fact, there are only a few, and a handful in the whole of the U.K. and Australia and things like that. So I think, although it would be desirable from some swimmers' points of view, from a community point of view it would be very hard to justify the outlay that we would require for an Olympic size swimming pool. In fact, when we last looked into the matter and we talked to some people, and one of the newer 50 metre swimming pools had been built in Australia, the reply was: "Well, 90 per cent of the time we have a boom across the middle dividing it into 2 25 metre pools because people find the 50 metre pool for normal swimming too long" so the Olympic size pool, no. There are a number of swimming pools in St. Helier: there is a Waterfront pool; we also have pools around and about in schools which were used for various things, including Haute Vallée and Langford. I believe, again, we had a survey done and for a swimming pool open for leisure swimming and competition swimming, Jersey is very well catered for.

4.2 Connétable T.J. du Feu of St. Peter:

Would the Minister inform the House of what and why there is a delay on the St. Peter's School development, when can we expect the contract to be awarded, and when the work, indeed, will commence?

Senator M.E. Vibert:

At St. Peter's School, the demolition is now completed; it is currently out to tender. We are also finalising lease arrangements for Field 649 for use by the school. It is a complex situation. We now are interested parties, but a lot of the work is carried out by Property Holdings, but I am pushing for the project to be kept on track so that we can have a new school delivered for St. Peter as soon as possible. But I am pleased to say I visited the temporary school, and the temporary classrooms, and it is operating very well indeed and, in fact, the comments I received most were that the temporary classrooms we put in there were larger and better than the classrooms of the old school which were being developed.

4.3 Deputy G.P. Southern:

Can the Minister confirm that some schools are finding extreme difficulty in finding accommodation at a reasonable level, either to rent or to buy, for teachers coming to the Island to take up posts?

Senator M.E. Vibert:

The housing of new staff coming to the Island - and we try to keep them to a minimum, because we always try to appoint locally if we can - has been an ongoing issue for a number of years. I have not had reported to me particular problems more than usual, but I can understand that at times there will be issues; there will be problems. We try to help out as much as we can but we no longer provide such accommodation and that people have to take their chances in the market. Now, perhaps in the future when we are redeveloping and looking at various ways of housing there may be ways in which we can look to support what are known in the U.K., for example, as key workers' accommodation, but that is something for the future and has to be developed in conjunction with the Minister for Housing. But at present, yes, there is always an issue of people finding suitable accommodation on coming to the Island - not just for teachers, but for anyone - and we try and help as much as we can.

4.4 Senator B.E. Shenton:

The Minister employs 166 "j" category teachers within his department. What action is he taking to try and reduce the dependency on bringing in "j" category labour?

Senator M.E. Vibert:

That is correct. As supplied in written questions the complete list of "j" category staff that we employ - that is 166 out of nearly 1,500 employees, and as I just said in the reply to Deputy Southern - we always advertise and try and fill posts locally if we can. For example, we have not - certainly, in my experience - ever appointed a primary head teacher from outside the Island for at least 10 years, probably considerably longer, but I am talking about my experience of it. We always try to employ locally. One of the things that is always an issue is when there is a shortage of specialist subject teachers, particularly at secondary school level. Certainly, I am sure, everybody would want to ensure that we have sufficient specialist subject teachers to provide the curriculum that we have to provide for the benefit of our young people. This, on occasions, does mean that we have to employ "j" category teachers from outside of the Island because we have no demand and no reply to adverts from the locally qualified specialist teachers in certain subjects.

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

I was under the impression that all property was being transferred from individual departments to Property Holdings. Could I ask the Minister to confirm whether or not the Fort Regent pool has been part of that transfer?

Senator M.E. Vibert:

I can confirm that Education, Sport and Culture is one of the departments that has transferred all its property, including Fort Regent, as agreed by the sort of planning we had to Property Holdings.

4.6 Deputy S.C. Ferguson:

A quick 2-part question: yes or no, Sir. The Minister has made great mention of the review to justify even more expenditure, has this been approved by the Council of Ministers? The Minister stated that he asked the Comptroller and Auditor General to review financial planning and management in his department, is he sure of his facts on this, as this is not my understanding?

Senator M.E. Vibert:

A quick answer to the questions: first of all, to correct the question, the review is not to justify even more expenditure; that is the Deputy's interpretation, wrongly, of the independent review. The independent review is to look at the level of funding for education, compare it with other jurisdictions so as we can judge it against other jurisdictions and how well we are doing in the Island. Yes, the Council of Ministers is aware of my request, and I am in discussions with the Treasury and Resources Minister about how such a review could be carried out. The second part of the question - which I am desperately trying to remember - oh, yes, I believe it is minuted. At a Council of Ministers' meeting I wished, and asked, that the Comptroller and Auditor General carry out a review.

4.7 The Deputy of St. John:

I wonder if the Minister could advise the House as to what, if any, process he has in place that provides a forum for his senior head teachers, particularly in the secondary schools, to discuss policy issues with him. In other words, does he have planned regular meetings with them and, if not, does he think he should?

Senator M.E. Vibert:

We have a Head Teachers' Association; we also have regular meetings within the department - of which I have attended on occasion - of primary head teachers and secondary head teachers. But also we have 2 other bodies: one is the Consultative Council, which I chair and meet regularly, which represents teachers' unions and teachers' associations, and the other one is the Consultative Council which involves head teachers and other teachers, representatives from schools and other parts of the educational establishment, which I meet with regularly, who give advice on all aspects to do with education.

4.8 The Deputy of St. John:

Is the Minister satisfied then that all head teachers are perfectly happy with current policies that his department is putting forward?

Senator M.E. Vibert:

I would be frankly amazed, Sir, if all head teachers were happy with all the policies put forward in my department. I met with a representative of secondary heads and primary heads very recently to discuss the problems caused in schools by the savings that I had to insist on schools making to meet the latest pay increase for 2007, which I very much regretted having to do. I explained to them the difficulties, and part of the reason for wanting an independent review is to convince and to assure everyone that the spending that we are doing in Education is an investment in the future, and we should be looking to increase that investment if we believe it is the right thing to do, and not decrease it because the problems through that will not arise next year or the year after, but 10 to 15 years' time, and we should be looking that far ahead.

4.9 Deputy J.A. Martin:

Families now who are on a low income and are in receipt of a HIE (Health Insurance Exception) card are able to get either a free or a reduced Active card for the whole family. Could the Minister inform the House what protection his department has put in place to make sure this scheme carries on when the new income support scheme takes place?

Senator M.E. Vibert:

It has been my wish, and it is minuted from a long time ago, even when I was President of the then SLR (Sport, Leisure and Recreation) Committee, and then the Education Committee of

which, of course, Deputy Martin was a valued and esteemed member, that it has always been our intention - and still is - to ensure that people who are currently qualified for Active cards through HIE and other social and financial need continue to do so. In fact, I would like to extend it, and I am in consultation with the Social Security Department as to how this can be achieved. It all goes along with trying to keep our population as healthy as possible in ensuring that anyone is not deterred from using our excellent facilities for sport and health through financial deprivation.

4.10 Deputy R.G. Le Hérissier:

With the advent of the Skills Executive, would the Minister tell us whether there is a shift in his budget, places like Highlands and other vocational training areas, from the academic to the vocation?

Senator M.E. Vibert:

We are currently reviewing the funding regime for Highlands; we are in the throes of setting up a Skills Executive, and once that is completed we will have to see whether we need to apply for more funds, or use funds from Economic Development in a different way if they are involved in this issue. I will be dealing with this in conjunction with the Minister for Economic Development. But, certainly, what we want to do is to react to need and the Island's requirements for the future, and that means supporting both the academic side and the skill side.

4.11 Deputy D.W. Mezbourian:

It is a follow on, in a way, from the question asked by Senator Shenton about the employment of "j" category teachers, and I note from the written answer that we have a very high proportion of "j" category teachers employed at secondary schools, my understanding is that we have graduates who want to come back to the Island to work as primary school teachers, and they are unable to find work. How is the Minister addressing the fact that he is employing a very large number of secondary school teachers when our own graduates are unable to find work over here as primary school teachers? When students apply for university grants...

The Bailiff:

Deputy, I am sorry to say that there will be no time for an answer, unless your question comes pretty quickly to an end.

Deputy D.W. Mezbourian:

Sorry, Sir. I will leave it at that, then.

Senator M.E. Vibert:

The Deputy answered her own question. Our vacancies are in specialist subjects in secondary schools, and where we have people waiting, local people waiting for posts, is in primary school and the only way, unfortunately that we would offer to help would be through retraining into specialist subjects in secondary school. Unfortunately, you cannot just appoint a primary school teacher to a specialist secondary school subject.

4.11.1 Deputy D.W. Mezbourian:

Could I have a supplementary, Sir? Why does the department not offer incentives to university students to train as secondary school teachers, rather than primary school teachers?

Senator M.E. Vibert:

We offer incentives for young people to go on to higher education including teacher training in the subjects that they wish to pursue, and the difficulty with something like that is we could have a similar problem in the future the other way round, with too many specialists in certain subjects, if we encourage them too much. People have to make their own decisions. We advise them but it is a free society; they make their own decisions.

The Bailiff:

That concludes the second question period. We come now to Statements on a Matter of Official Responsibility. The first statement is by the Chairman of the Economic Affairs Scrutiny Panel.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. The Chairman of the Economic Affairs Scrutiny Panel regarding Draft Price and Charge Indicators (Jersey) Law 200-

5.1 Deputy G.P. Southern:

The Panel has recently considered the draft Price and Charge Indicators Jersey Law 200-. Despite having the structure of an enabling law which requires regulating to specify the exact price marking requirements, the Panel notes that within this law appears a presumption that the amount of G.S.T. (Goods and Services Tax) will be included within the marked price of goods and not made clear separately. The Panel is aware that this matter has been the subject of much public interest and debate, not least from the Jersey Chamber of Commerce and its individual members, and the Jersey Consumer Council, on behalf of the Island's consumers. The Panel therefore wishes to examine this law and the assumptions behind it and will exercise its powers under Standing Order 72 to have the draft law refer to it if the States agree the principles on 17th July. The Panel will then undertake a review to be completed by the fourth meeting following 17th July 2007, that is 23rd October 2007. It will also lodge amendments, should it consider them to be necessary. The Panel will, as ever, conduct itself in a timely and efficient manner so as not to affect the timing of the introduction of G.S.T. in April 2008.

5.1.1 Senator P.F.C. Ozouf:

Would the Panel Chairman confirm that he was invited to a briefing on this Price Marking Law and he turned down that? In other words, he was given the opportunity of scrutinising it before 17th July. Does he also accept that his decision to invoke the power of referral to the Panel will mean that it is unlikely that we will resolve the issue of inclusive or exclusive pricing prior to the implementation of G.S.T. in April, as any decision must be made before summer break in order to give retailers the certainty that they need to plan for the tax?

Deputy G.P. Southern:

In answer to the Minister's first question, yes, I was aware that I was invited to come and discuss it. I was busy discussing it with my own Panel to see which way forward we were going, and to suggest that scrutiny can be done in a matter of weeks is not my version of Scrutiny, although it may be his. So, that was not possible. If there are, indeed, problems relating to retailers and those doing business then I will certainly engage with them at the earliest possible opportunity to ensure that such inconvenience is minimised, if at all possible.

5.1.2 Senator T.A. Le Sueur:

Has the Chairman taken any soundings to date from representatives of the retail industry as to the timing it might take for them to change their systems in order to implement these

arrangements by April 2008, when the law has to come into place, given that we are unlikely to debate this before something like November of this year?

Deputy G.P. Southern:

I refer the Minister to my previous answer. I will engage.

5.1.3 Senator M.E. Vibert:

I wonder if I could call on the Deputy to explain why, when this was lodged on 5th June, the States are only being informed today of when it is on the agenda to be decided on the debate, why it is only being informed today that this Panel has decided, and whether he feels that by invoking Standing Order 72 that it is using a procedural device to add further delay, because though it is the fourth meeting following 17th July, it does, of course, encompass the whole of the summer break. I just wondered why the Deputy thought it could not be done more quickly, because if it was normally the fourth meeting it would not encompass a summer break and would have to be done in a much shorter timeframe.

Deputy G.P. Southern:

My Panel has been busy with many issues during the last 3 weeks; has had 2 meetings, the second of which considered this particular aspect and decided on it in pretty short order that we were going to have a look at this particular law, and it was done in the swiftest possible timescale.

5.1.4 Senator B.E. Shenton:

Would the Deputy agree that it is important that this Chamber makes the right decision, rather than making a decision in haste?

Deputy G.P. Southern:

Absolutely, I could not agree more.

5.1.5 Senator P.F.C. Ozouf:

Would the Panel Chairman be willing to take soundings within the next 24 to 48 hours on the issue of implementation, and if he can be shown evidence and if he can be informed by retailers that they need the certainty of inclusive versus exclusive pricing before the summer break of the States adjournment, will he consider changing his mind?

Deputy G.P. Southern:

I do not intend to change my mind however, as I said earlier, I will consult as a matter of urgency with retailers.

5.1.6 Senator P.F.C. Ozouf:

Can I press the Chairman? I have a copy of Hansard where, of course, this matter has already been partially discussed by the Assembly under the debate of Article 94. Would he confirm my understanding that in fact his mind has already been made up in terms of exclusive versus inclusive pricing? Would he confirm that he is of the view that there should be exclusive pricing, and would he admit to the Assembly that all this is doing is really wanting to delay the decision, and would he accept that he is denying this Assembly a decision on the issue of inclusive versus exclusive pricing?

Deputy G.P. Southern:

I do not accept the inference in the Minister's statement. I deny that I have already made up my mind in that, everybody in this Chamber, if the Minister will let me answer, has political

opinions, and I am very careful to put my political opinions to one side when I look at evidence and when I examine evidence and when I call witnesses, as part of the Scrutiny Panel. My professionalism in that respect is, I believe, of the highest order.

5.1.7 Deputy P.V.F. Le Claire:

Would the Deputy give us an understanding whether or not he is aware that it has been muted that some of these implementations are so complex that it might fall upon the businesses to charge their systems in excess of 6 figure sums to introduce these taxes, and by delaying this issue, which is, I believe, a political issue, by a Scrutiny process that he suggests where one really is quite already aware as to what the issues are, he is, in effect - although I personally do not believe in it - but he is, I believe, putting in danger the deadline for introducing G.S.T., and thereby will be, if he fails, harming the businesses he claims to represent, by following this route. Will he also let us know what date it was that he was invited to meet with the Minister and when he refused?

Deputy G.P. Southern:

I do not have the date at my fingertips but I will look it up and supply it to the Deputy if he so wishes but no, I do not accept this is a political issue at all. I think it is a matter of serious public concern, which deserves the spotlight of Scrutiny placing on it in the shortest possible timescale.

5.1.8 Senator T.A. Le Sueur:

Would the Chairman reiterate his comments in the final paragraph if he wishes to ensure that G.S.T. is implemented in April 2008 and will he, on that basis, in consulting with retailers, agree to reconsider his timetable if need be in order to ensure that that date of April 2008 can be achieved perhaps by bringing his report back in shorter timeframe than he is presenting suggesting?

Deputy G.P. Southern:

Absolutely. I will endeavour, I will strive, to bring back a report in the shortest possible timescale I possibly can, certainly by 9th April. I doubt that I can do it by the end of September, but I shall try.

5.1.9 Senator P.F.C. Ozouf:

I wish to press the Chairman. I have the copy of Hansard before me, of his remarks on Article 94, and I quote: "I think that if we are going to charge this consumer tax we should hold our hands up and have it clearly indicated at the till, this 3 per cent is being paid." How can the Deputy justify his remarks in going into a Scrutiny review with an open mind with a clear statement of support of exclusive pricing, a clear support of Deputy Breckon's proposition? How can we believe him when he says one thing to this Assembly and I read something from Hansard from another Deputy?

Deputy G.P. Southern:

I have an entire Panel to review the evidence that is put in front of them. If the evidence suggests that my political position is wrong, I will own up to that and put my full weight behind the recommendations that my Panel come out with, if the evidence suggests that. The Minister has difficulty, I think, sometimes, separating his political dogma from what his actions should be. I am perfectly clear that I can do that and that I will do that, because that is the professional way to behave and I intend to do so.

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

Would the Deputy confirm that the members of his Panel have independent views and that the Panel's decision is made democratically based on those independent views?

Deputy G.P. Southern:

Absolutely, and I have got a good team behind me with their independent views and that we thrash things out on the basis of the evidence. That is what we should be doing.

5.1.11 The Deputy of St. Ouen:

Would the Chairman confirm that the introduction of G.S.T. in April 2008 is dependent on the fact that we have an approved and detailed income support scheme in place?

Deputy G.P. Southern:

That, I believe, is true but is not part of the remit of this particular Panel.

The Bailiff:

That completes the period allowed for questioning the Chairman. We come now to a statement to be made by the Chairman of the Economic Scrutiny Panel, a further statement.

6. The Chairman of the Economic Affairs Scrutiny Panel regarding the establishment of a Sub-Panel to investigate money laundering

6.1 Deputy G.P. Southern:

The Economic Affairs Scrutiny Panel has been seeking a suitable topic to investigate in order that it may fulfil its duties in respect of scrutiny of our largest industry, the financial services sector. It has noted with interest the provisions of the draft Money Laundering (Jersey) Order 200-, which has been developed from the Money Laundering (Jersey) Order 1999, in response to new directives from the financial action task force on money laundering. In particular, it is aware of the adoption of a risk-based customer due diligence approach, which has been the subject of some debate. The Panel is aware of the need to rigorously protect the reputation of the Island and its financial services industry. Consequently, the Panel has agreed to form a sub-Panel to conduct a Scrutiny review into aspects of the implementation of this measure and other developments on the preservation of the Island's integrity. The 2003 inspection by the IMF (International Monetary Fund) recommended additional resourcing requirements for the enforcement of the regulatory regime. Therefore, my Panel will undertake an independent assessment of how these requirements have been delivered prior to the forthcoming inspection by the IMF due to take place in the second quarter of 2008. Terms of Reference are currently being drafted and the Panel will make every endeavour to limit the scope of the investigation so that it can report back to the Assembly by the end of January 2008. The sub-Panel will consist of myself, Deputy Ferguson, Deputy Breckon, Connétable Jackson and Deputy Lewis.

6.1.1 Senator J.L. Perchard:

Will the Chairman of the Economic Affairs Scrutiny Panel inform the Assembly if Jersey's arch critic, Mr. Richard Murphy, had any involvement or indeed any input into the drafting of the draft Terms of Reference for this review and, if so, why? Why would the Deputy seek the assistance from someone who so actively tries to destroy our finance industry, the very person who was the primary author of the document from the Tax Justice Network which was a catalogue of lies about Jersey's finance industry?

Deputy G.P. Southern:

May I first of all assure the Members that I do not intend to apply for the post of Environmental Chairman in Scrutiny. I am quite happy to stay as the Chairman of the Economic Affairs Scrutiny Panel. I will repeat that the Terms of Reference are currently being drafted, have not been finalised, and state that, yes, the issues are the subject of intense debate, internationally and nationally, and not least by organisations like Tax Justice Network. They are equally the subject of debate within the industry and the subject of intense focus. It is, I believe, appropriate that we do examine these changes at this moment now in between 2 IMF reports so that we can fulfil our remit within the financial services sector.

6.1.2 Senator J.L. Perchard:

Can I ask for clarification of the question I asked? I asked the Deputy if Mr. Richard Murphy had had any involvement or indeed any input into drafting the draft Terms of Reference of which I have seen a copy. Has Richard Murphy - yes or no - had an interest in assisting the Chairman in drafting the draft Terms of Reference?

Deputy G.P. Southern:

I can frankly say that I have had discussions with the Tax Justice Network on this subject. [Members: Oh!]

Senator J.L. Perchard:

Shame on you.

Deputy G.P. Southern:

And repeat that the issues raised are the focus of both local and international interest.

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

Bearing in mind the fact that Scrutiny prides itself on being the voice of the people and representing the people, could the Chairman confirm to us how many individuals have contacted the Panel and requested that this review be undertaken, or how many individuals representing organisations whose views are well known?

Deputy G.P. Southern:

This review has not been brought about by public demand. It has been brought about by our desire to look at and examine aspects of our major industry. The Economic Affairs Scrutiny Panel cannot, after 18 months, I believe, continue without having examined aspects of our major industry and examine aspects of what are relatively minor industries on the Island.

Deputy I.J. Gorst

So, can I take that as that no individuals have requested this review?

6.1.4 Senator P.F.C. Ozouf:

Just as I as Minister must disclose all correspondence between various different bodies, would the Chairman agree to disclose the correspondence that he has had between Mr. Richard Murphy and himself and his Panel, in respect of drafting the Terms of Reference? Would he also please confirm what were the second and third topics of investigation that he was considering carrying out for financial services, as in the first sentence, he says he has been trying to find suitable topics. What were the other topics which fell short of the first slot?

Deputy G.P. Southern:

The first slot might have included examining Jersey Finance Limited and its funding, but that has been put on the back bench. In terms of releasing documentation, I have no problem with that.

6.1.5 Deputy P.V.F. Le Claire:

My question really follows the last question much along the same lines. What aspects of the International Monetary Fund and the last report were examined by the Scrutiny Panel before they decided to choose this particular line, and why did they choose this particular line?

Deputy G.P. Southern:

The 2003 IMF report made many suggestions, many of which have been acted upon but, in particular, it made recommendations about the level of staffing and resource that were required by the Financial Crimes Unit and we shall examine whether that level of resource was indeed delivered and how effective it has been delivered. As to the reasons why, this is an ongoing consultation by the finance services industry about changes recommended by an international body which have serious repercussions for the way in which we conduct business on the Island, and it is appropriate, and I think the timing is right, so that we can fit this investigation in and report back in time for the forthcoming IMF inspection.

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

Firstly, could the Deputy please confirm the Members of the sub-Panel that he is going to set up?

Deputy G.P. Southern:

For the sake of those who have missed it, the sub-Panel will consist of myself, Deputy Ferguson, Deputy Breckon, Connétable Jackson and Deputy Lewis. So, it is the Economic Affairs Scrutiny Panel with one addition, the distinguished Chairman of PAC (Public Accounts Committee).

6.1.7 Deputy J.A. Hilton:

A follow-up question; it is a question I would have liked to have asked the Deputy previously. From the names that he has given, it would appear that 3 members of both those Panels looking into those issues are either members of the Jersey Democratic Alliance or have had a previous association with that party - Deputy Breckon, Deputy Lewis, and Deputy Southern, so my question is, I would like the Deputy to tell the Assembly and also the public of Jersey, how he is going to produce a completely unbiased and transparent report into these issues.

Deputy K.C. Lewis:

Can I just point out that I am an independent and not a member of any party?

Deputy J.A. Hilton:

Deputy Lewis was a member of the Jersey Democratic Alliance before he stood for election in 2005 and then transferred to the Centre Party.

The Bailiff:

We must allow Deputy Southern to answer the question that has been put.

Deputy G.P. Southern:

I believe that, yes, I am a member of the Jersey Democratic Alliance as, I believe, Deputy Lewis was for a short while before he was elected, and that membership of a political organisation does not preclude anybody in any jurisdiction anywhere from fulfilling the

duties, professional duties, attached to Scrutiny in an independent and rigorous manner, in any way whatsoever, and I stand by that.

6.1.8 Senator F.H. Walker:

I would like to ask the Chairman how, when it is so well known that the Tax Justice Network, not just Mr. Richard Murphy, is dedicated to bringing down Jersey's finance industry, how he can justify appointing him as an allegedly impartial adviser to assist in the drawing up of the Terms of Reference? Who else, Sir, also has advised the Chairman and, indeed perhaps, the Panel on the Terms of Reference and do the Panel have any plans to appoint Mr. Murphy or any other representative of the Tax Justice Network as an advisor during their deliberations? Finally, does the Chairman not think that they are, in effect, trying to pre-empt the IMF and this assessment should be left to the hands of the real experts, who are the IMF? Finally, is it not the case that any review which has any association with Mr. Richard Murphy or Tax Justice Network will lack any credibility whatsoever?

Deputy G.P. Southern:

There is no question of me appointing any advisors at this stage. We are looking for a forensic accountant to assist us with our duties, obviously. I have not appointed Richard Murphy as my advisor. I have had conversations with Richard Murphy and I have **[Interruption]**

The Bailiff:

I think that comment, Senator Perchard, must be withdrawn please.

Senator J.L. Perchard:

I will withdraw that comment.

Deputy G.P. Southern:

Thank you. I intend to rigorously and independently look out for the interests of Jersey in doing Scrutiny, performing Scrutiny, on this vital and important issue. Nor will I be unduly influenced by any pressures or any considerations coming from Tax Justice Network. I will maintain, and I believe I can, a rigorous impartiality and examine the evidence. However, it must be admitted that the issues that we will be looking at involving money laundering are serious ones that the financial services industry itself has under constant supervision and vigilance. It is an important issue and I believe we should and can do this in a proper manner.

Senator F.H. Walker:

The Chairman has not answered my question. I did ask does he or the Panel intend to appoint any representative of Tax Justice Network as an advisor, not whether they have, whether they intend to.

Deputy G.P. Southern:

Well, that is a Panel decision, but it is not my intention at this stage, or nor would it be in the future to appoint any member of Tax Justice Network to be an advisor to that Panel.

The Bailiff:

Very well. That completes the time allowed. I am sorry, Deputy. We have more than extended the period permitted by Standing Orders. We come to a statement to be made by the Comité des Connétables.

7. The Chairman of the Comité des Connétables regarding the Island-wide rates figure

7.1 Connétable K.P. Vibert of St. Ouen:

I rather hope that my statement is less controversial. I wish to inform Members of the cost to ratepayers across the Island of the Island-wide rates for 2007, which has been determined in accordance with the Rates (Jersey) Law 2005. The 2007 Island-wide rates figure is achieved by using the 2006 figure of £9,368,416 increased by the Jersey Retail Price Index for the 12 months to March 2007 of 4.4 per cent, resulting in a sum of £9,780,626. In accordance with the Rates (Apportionment) (Jersey) Regulations 2006, 55 per cent of the annual Island-wide rates figure is to be met for the domestic ratepayer, and 45 per cent of the annual Island-wide rates figure is to be met from the non-domestic ratepayer. Having rounded the figures to 2 decimal points, the resulting rates will be .63 pence per quarter for domestic ratepayers, an increase of 1.6 per cent; and 1.15 pence per quarter for non-domestic ratepayers, an increase of 3.6 per cent. The apparent inequality of the percentage increases in rates is due to the fact that a 3 per cent increase in domestic quarters has been achieved, and only .52 per cent increase in non-domestic quarters. The apportionment of the 55/45 split is of the £9,780,626 which needs to be raised, not determined by the number of quarters.

The Bailiff:

There are no questions for the Chairman of the Comité des Connétables.

PUBLIC BUSINESS

8. Environment Scrutiny Panel: Vote of No Confidence (P.85/2007)

The Bailiff:

We move on to Public Business, and the first item of Public Business is Projet 85, Environment Scrutiny Panel: Vote of No Confidence in the name of Deputy Baudains, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion that they have no confidence in the Environment Scrutiny Panel.

The Bailiff:

Before I open the debate, I wonder if I might respectfully remind Members that there is a very long list of matters for debate under Public Business, and I hope that Members will try to be a succinct as possible in their speeches to the Assembly.

8.1 Deputy G.C.L. Baudains:

Could I endorse your comments there? I have only brought up a couple of sheets of scrap paper with me to note what Members say, so I hope they will be concise and brief. Also, Sir, may I say, I hope I made it clear in my report that this proposition is about the performance and the working practices of the Panel as a whole. It is not about the enthusiasm or commitment of its Chairman, which it has been alleged by some, because I have to say that I have worked with the Chairman for a number of years in various forms of the government, on Committees, et cetera, and the effort and commitment that Deputy Duhamel puts in is without question. Rather, Sir, today we are dealing with the issue of whether that commitment translates into achievement, whether that Panel achieves what we expect it to. Sadly, in my view, it does not, which is why we have this debate before us. Timing, Sir. Firstly, I would like to address the issue of timing. Some Members have asked me why now? Well, Sir, there

are several reasons. Firstly, in retrospect, perhaps this proposition should have been brought some time ago. The Members will recall that Senator Perchard toyed with the idea but did not then carry it through. Then when I resigned from the Panel earlier this year was probably the time to bring the no confidence debate, but I had a feeling it would seem like sour grapes, so I did not do that. Maybe I was wrong not to do so. Then we had the debate to remove the Deputy from the Chairmen's Committee. When that came along, I thought to bring a no confidence proposition around that time could have seemed unfortunate. It would have seemed like kicking somebody when they were down, so again I did not proceed. But to put it off any longer, Sir, than I already have would mean that the matter then would not be addressed until after the summer recess, meaning yet further delay and, in my view, another 2 or 3 months of semi inaction by this Panel. When is the right time to bring a proposition like this? After all, it should come as no surprise to the Chairman. The Panel have had any number of clear the air discussions with him about working practices or lack of them. Then there is the Chairman's assertion 2 weeks ago at the last sitting that his long awaited, very long awaited I have to say, reports are imminent, insinuating there is really no problem. Well, Sir, leaving aside the fact he has been saying they are imminent since June of last year, does that mean we should allow the Panel to continue in its present dysfunctional fashion? I hope not. The issue of reviews; usually, in order to be efficient, Scrutiny Panels and their sub-Committees have several reviews running simultaneously, all at different stages. So, interrupting such a process at any time could be disruptive. However, in the case of the Environment Scrutiny Panel, timing is not an issue, because at present the Panel does not have any work to do; 18 months ago it decided to carry out 3 reviews - planning process, Design of Homes, and an update on the extensive work done by the shadow Scrutiny Panel on Waste Management. The Planning Process, of which I was lead member, was completed last year and published this January. The Design of Homes Review has, in my estimation, gone completely off the rails. As I understand it, and maybe the Chairman can clarify, a report will not be made now in the usual manner, but instead a position paper will be created, which collates the research to date. The waste management update - well, we have seen this morning it has just been published. It is a pity it took this debate to squeeze it out of the Panel. I hope Members will reflect on the time that this small piece of work has taken - 18 months - and I hope Members will ask themselves whether they are prepared to endorse a Panel that works so incredibly slowly. With the planning review done and no new reviews started or contemplated, the Panel now has nothing to do, so if ever there was an appropriate time to make changes, now is it. Just while I am on the Waste Review, Sir, with the document that we had this morning, I have not yet had time to study it - I briefly flipped through the pages - but sadly it is not the waste update we urgently needed but an attempt to address the single issue of recycling. When I referred a moment or 2 ago to the Design of Homes review I stated the situation was, as I understand it - a deliberate choice of words - which highlights another, as I see it, failure of the Panel. This Panel relies chiefly on old updates, vague updates. In the case of the Waste Review, Sir, continual assurances from the Chairman that everything is running smoothly but without evidence to support that. I know from experience that Panel meetings can be more like a chat room than a decision-making process with, at times, little tangible progress. Finding out what the Panel is doing or the progress of a particular review is difficult because information is not freely available from the Panel. It is not even freely available within the Panel. I will not bore Members with detail, and I do not wish to go over the time when I was frustrated on the Panel before my resignation, but no doubt the Chairman will refute my allegations and tell us everything is running smoothly and to schedule. I have to say, Sir, this is not the case, because one has to ask why Panel members found it necessary to ask the Chairman on frequent occasions during the last 12 months when the waste report was going to be published. I note these requests are

continuing under the present constitution. The minutes show only last month the same question was asked yet again, and yet again the same answer was given, as has been for the last year: "Do not panic, it will be ready in a week or 2." The second issue, Sir, is the Chairman going off and meeting all sorts of people and making numerous arrangements, usually without reference to the Panel. This has happened on several occasions. The work with David Mason Architects when the Panel knew nothing about what was going on until he arrived at a Panel meeting one morning. The glass imploding machine - I was not quite sure what relevance that had to the work in hand - but, again, Panel members were not kept fully informed. I did inquire at the time about insurance issues - what was going to happen to the product that was produced, et cetera - and we simply did not, basically, know. Then, the waste research involving the Parish of St. Helier, of which the report we have seen this morning is a product. In my view, the collaboration with St. Helier over the waste trial was a moving target, disorganised. No one really knew the arrangement, progress, risk analysis, or anything. I found that especially disturbing, when one considers that we did have a Consultant employed, and yet Panel members knew nothing whatsoever about the work that he was doing, we presume he was doing some work. Though the Panel had met this particular Consultant on a previous review, on this particular review the Panel never even met him. I do not know what he did, nobody seems to know what he did, I cannot, unless I have missed it, see any reference in the minutes to what he did. Working practices, Sir, third issue. Scrutiny is supposed to hold the Executive to account - that is its purpose. It does this by examining process, policy and decisions. It cannot be effective if a Panel is bogged down in detail, wasting valuable time that could otherwise be more productively spent looking at the bigger picture. I would use as an example, Sir, an occasion when the Panel wished to place an advertisement in the *Evening Post*. I cannot remember the exact number, but I think it was something like 7 drafts this advertisement went through - should it be narrow and tall, or should it be bigger, how much does it cost, we want a cheaper one, what font should we use? It really was getting quite irritating. Surely, the answer is to instruct an officer to place an advertisement in the *Evening Post* and get on with the job. It should take 5 minutes. A Panel should work as a team. In shadow Scrutiny, we had one year to complete our work before we ceased to exist. In shadow Scrutiny we managed 4 reviews - Agri-environment, Trust Port, Water Resources, and Waste Management, and the latter was a monumental piece of work. We did this by delegation using our Panel members to collate information and make decisions. But the present Panel works in a completely different way. While the Chairman does an enormous amount of work himself, the other Panel members are not so fully involved. They appear to exist mainly to legitimise his actions. Then we have a concern about financial rigour. Proper business analysis of reviews, or work-in-hand, are never carried out, resulting in ad-hoc requests to sanction funds, as the Panel goes along. It did get so bad at one time that I found it highly embarrassing when the Greffier, in his position of Accounting Officer, was obliged to come and address us on the matter because we were not performing according to procedure. Then, Members will recall the shambles that occurs on occasion when this Assembly suggests referring something to the Environment Scrutiny Panel. The Panel is not quite sure whether it wants to take it or whether it does not want to take it. It will perhaps be guided by the House. There is no clear decision. Then, of course, there is that occasion of the bizarre interpretation of Standing Orders. I notice with embarrassment, as a previous member of that Panel, none of the other Panels seem to be in such a muddle. The whole purpose of Scrutiny is to collate and publish information, but this one does appear to be more like a secret society. It collects lots of information, loads and loads of it as the minutes of the Panel will show, but it keeps it to itself and, I believe, in so doing it is failing to discharge its duty. I liken it to a black hole; loads of things going in, nothing ever comes out. I am sure the Chairman, Sir, during the last fortnight, has been busy

networking his way around Members, as is his want, telling them the valuable work he has done and how it all is at the brink of fruition. Well, we have seen one report rushed out this morning. He cannot see what all the fuss is about. Well, Sir, if he has, I believe he has missed the point. I hope Members who may have given assurances to him will reflect on those assurances as a result because we have been told that the Chairman has these interesting private chats with Ministers - nothing wrong with that. We know from the minutes that the Ministers of Planning, and Transport and Technical Services have met with the Panel to discuss work planning. Indeed, Sir, the Panel minutes show all sorts of interesting subjects have been discussed but I have to ask, what has it achieved? Well, nothing. Where are the reviews? Where is the collection of evidence? We have a Planning Review. That, in my estimation, desperately needs updating in light of the many changes that have taken place since the completion of the Planning Review at the end of last year. The Shadow Panel Waste Review is likewise in desperate need of updating, because so much has changed since its publication in 2005. Instead, Sir, the present Panel has spent 18 months on a Recycling Review that essentially does little more than analyse the contents of a Jersey dustbin. I do not believe that is efficient working. The Design of Homes Review was originally intended to examine room sizes, because today some rooms are built that are so small standard furniture will not fit. Somebody buys or leases a flat, goes to wherever, buys furniture and finds the wardrobe cannot fit, the bed does not fit, because the showplace that they saw had specially made undersized furniture fitted, and they were not aware of it. It was to look into things like that. It was to look into space about properties - was it sufficient? What about parking, is that adequate? These were the issues that that Design of Homes Review was supposed to look into. But, Sir, there was then a lack of discipline and the review went off in all sorts of interesting directions, dozens of different directions, and completely lost focus. I did fail to see the relevance of some of the trips the Panel made, not forgetting some of the money spent in the process. For instance, Sir, I found the trip to London produced very little of relevance to Jersey. I know some Panel members were excited, for example, about container city. In my mind, nothing more than a heap of welded together shopping containers converted to living accommodation, but I am not sure that is the sort of plans that we should be introducing to Jersey. In the back of my report, Sir, in the appendix, I have listed the extensive area under the Panel's remit, none of which are really being addressed. I have to ask, and I have asked for some time, why the Panel is not looking at an energy policy? Bio fuels are much in the news; Brazil has been using bio fuel for decades. Perhaps that would solve some of our agricultural and environmental concerns simultaneously. Research that is potentially an enormous amount of work, but it is not being considered because, if the minutes are a true reflection of what the Panel has decided, the Panel has decided not to undertake any new reviews at the present time. A review takes time to set up, Sir, for those not involved in Scrutiny. I would advise that there are terms of reference to be determined - we have heard about those this morning. There are specialist advisers to be chosen, if in fact they are needed; and hearings to be organised; it has to be publicised; one has to wait for that information to come in, people will send in written evidence; hearings will be held where those who have written in might be further questioned, or people who simply wish to give oral evidence - it takes time. So, it is therefore usual, Sir, for a Panel to re-examine its priority list of subjects which it might wish to hold reviews on, and choose which subjects it is going to address long before a current review is finished, so that the work can be started so that once one review is finished, the work on the other one is underway. To do otherwise means you have a gap of maybe 2 months, where the Panel is basically doing nothing except deciding the shape and size of the advertisement to go in the *Evening Post*. Now that this Panel has finished its work or virtually abandoned it in the case of the Design of Homes, and with no new reviews initiated, Sir, one can only presume that the Panel intends taking an

extended summer break, which, in my view, is outrageous, given the amount of work waiting to be done. Looking through the Panel's minutes and comparing them with other Panels' work, one is struck immediately by the difference. Other Panels are occupied with analysing the work of those departments falling within their remit. There are reviews going on, 2 or 3 reviews simultaneously, others in the pipeline waiting. Recommendations are made when those reviews are published the research is made available. Not so, Sir, on the Environment Panel. It discusses all sorts of interesting subjects at its fortnightly meetings, often in great detail, but as I said a few moments ago, what does this achieve? Does it inform Members as to whether a Minister's strategy is right or wrong? Does it better inform the public as to what is going on? The answer in both cases is no. An awful lot of effort but no result. I have been particularly disturbed by the, in my view, outrageous delay in updating the Shadow Scrutiny's Waste Report. As I understand it, and you have to be a little bit of a mind reader where this Panel is concerned, the plan was to analyse the contents of Jersey's rubbish bins so we knew what was able to be recycled. From this a calculation would be made as to possible recycling percentages compared with what the department have said is possible. Leading on from that, it will be possible to demonstrate that higher recycling would make a new incinerator of the type preferred by Transport and Technical Services unworkable. Presumably, Sir, the Panel would then expect everybody to stop and start all over again. Well, I have warned for over a year now that such a strategy is completely doomed to failure. The Scrutiny Panel will have let the Island down by not doing its job in a proper and timely manner. The crude replacement incinerator being proposed will be out of date within a year or 2 of being built, as was the one we have now, and like the previous comments made by Deputy Southern, Members will note I have an opinion on this. Members may also care to note that when I have been on Scrutiny in the past, if somebody can prove me wrong, my opinion changes. Also, the view of a Panel is, as Deputy Southern said, the collective view. When you see the evidence, you fall in behind the evidence. I merely thought I would point that out, as Senator Ozouf seems to think that members of Scrutiny are not allowed to have an opinion in this Chamber. The proposed incinerator will possibly be out of date within a year or 2, so instead of trying to be in opposition, the Panel, in my view, should have ensured everyone was well informed about the alternatives, so that everyone could engage in a reasoned debate - members of the public, States' Members alike. As it is, only Members from the previous shadow Scrutiny Panel are fully aware of the viable alternatives. Clearly, what was needed was a presentation for States' Members, and the public too, of the alternatives. That was needed some time ago. Having complained about this for some time, the Panel eventually agreed in January of this year that some of the firms who gave us presentations in 2005 - that is why I say it needs updating, much has happened - some of those firms would be asked to attend and the exhibition planned for March. I am quoting here from the minutes: "would be combined with the launch of the Waste Report." So, the Panel minutes of 25th January tell us that invitations for this exhibition were: "to be sent shortly" and that the Waste Report was in final draft and could be expected imminently - that was 6 months ago. It has only been rushed out today because of the no confidence debate. The assertion by the Chairman then that the report was in final draft was clearly not true, as later minutes demonstrate, and the manufactured delay has scuppered the proposed presentation to Members of alternatives. Indeed, I have not noticed any further reference in the minutes to the proposed presentation, which was to be held last March, 4 months ago - something else that simply has not happened. It has been suggested to me that it may suit some Ministers to have a rather limp, ineffective Scrutiny Panel, it would be in their best interests, because that way they would never be troubled with the prospect of criticism of any kind, and it keeps things nice and quiet. I believe, Sir, my opinion is that such thinking, if in fact it does exist, is misguided. Certainly, it is not shared, I know, by the Minister for Planning. Scrutiny can and should add

value to government. It cannot do that if it is disorganised, lacking focus, and preoccupied with detail in minutiae. Neither does it help if work cannot be done because the Panel is in court. Looking through the minutes of the Panel since I resigned from it, I see that Members now apparently slip in and out of meetings as if it was a coffee shop. It is not a question of somebody arriving late or somebody leaving early. My understanding of the minutes is that it is a coming and going situation most of the time. Twice in a month, business has had to stop through lack of a quorum. That is not conducive to effective working. It also detracts from good government.

Deputy P.V.F. Le Claire:

Could the proposer tell us which month it is that he is referring to please?

Deputy G.C.L. Baudains:

If the member of the Scrutiny Panel would have a little patience, I am just coming to that. Take the Water Resources Law. The Panel agreed at its meeting on 8th March that it would put the draft Water Resources Law on the next agenda, presumably so it could formulate its contribution to the forthcoming debate. The following meeting on 22nd March was adjourned at 10.00 a.m. because it became inquorate. I presume it started at 9.30 a.m. - it does not tell us. So, the Water Resources Law was never discussed. Consequently, apart from a few words by the Chairman during the debate on the Water Resources Law, the Panel made no contribution to the debate. In fact, the most contribution, I believe, came from Deputy Southern, who is not a member of the Panel. In my view, that lets down both the States' Members and the public.

Deputy P.V.F. Le Claire:

Could the proposer point out which month we were inquorate on 2 occasions?

Deputy G.C.L. Baudains:

I have just mentioned that both occasions were in March of this year.

Deputy P.V.F. Le Claire:

And the dates please?

Deputy G.C.L. Baudains:

I will see if I have got a battery for his hearing aid. Perhaps if the Deputy insists, and Members bear with me, I will just go through the minutes. No, I am not going to waste any more time. They are both in March of this year, and I have the minutes with me. I am not going to interrupt my speech to find them. The total lack of business planning is another issue, Sir. I note as recently as last month a telephone meeting was organised to ratify a trip to France. It appears the Chairman had organised it because I can find no reference to it in previous minutes, and the sum of £150 was mentioned. Six days later another telephone meeting was called where the Chairman advised that £1,000 was needed to cover unforeseen costs. This sort of financial chaos cannot be allowed to continue. The trip involved was in relation to the Waste Review. It was about recycling, so that also casts doubt on the Chairman's insistence the previous January that the report was imminent. Here they are in June collecting further information. The work of the Planning and Environment and Transport and Technical Services Departments, which comes under the remit of this Panel, affects almost every member of the public. It is therefore important that the policies and actions of these 2 departments are scrutinised in an effective and professional manner. At present, they are not. The previous cajoling of the Panel to mend its ways has met with no success, Sir. It therefore seems unfortunate to me that there remains only one option - to

replace the Panel with one that is prepared to operate in an efficient and more businesslike fashion. I therefore recommend the proposition to Members.

The Bailiff:

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

8.1.1 Senator F.E. Cohen:

This is quite a difficult issue for me to respond to and to speak on as it involves, effectively, 2 members in whom I have a great deal of respect - Deputy Baudains, who I hold in high esteem, and similarly Deputy Duhamel, who I also hold in high esteem. But I can only speak as I find, based on the relationship that I have developed over the last 18 months with Deputy Duhamel as Chairman of the Scrutiny Panel. I can say that Deputy Duhamel and the Panel have provided some extremely useful suggestions to the department over this 18 month period. When I began I had no political experience and I was not used to conventional scrutiny. Therefore, I suppose that we jointly fell into an unconventional scrutiny process based on mutual understanding and trying to ensure that we furthered the objectives of the department in the best possible way, and particularly in relation to planning where there is a simple imperative - to produce better buildings. Scrutiny came up with some, as I have said, very useful ideas, that significantly improved the workings of the department. They did not make a fuss, they did not ask to wait for a report to be produced and they did not wish to claim the ideas as their ideas. They were concerned merely to improve the process and it was for that reason that, without fuss and without publicity, their ideas were implemented as swiftly as was possible. Over the period, I have developed great respect for the Chairman; he is a very honest person. He has unconventional views often but they are deeply held and they have been held for a long time and he lives his convictions. We meet regularly and I have told him much of what goes on within the department. Never once has he broken a confidence. I have provided him with information that could, if used in a particular way, have been damaging to me and he has never once taken the opportunity of passing this information on to anyone else. I agreed to go on the Panel's trip to Vienna. I make no bones that when I agreed to go I was not convinced that it would be particularly useful. However, I found it to be extremely useful. We viewed eco schemes, we used high-density developments and I learnt that these developments could be used in a relevant way in Jersey, the principles of these developments, in a relevant way in Jersey, in a way that I would never previously have imagined. I would not have had the benefit of that experience had it not been for Deputy Duhamel and for the Panel. I cannot comment on the internal workings of the Panel and my comments therefore are based entirely on my discussions with the Chairman as an individual but as the representative of the Panel. So, in conclusion, I support the Panel, I support the Chairman and I will be voting against this proposition. Thank you, Sir.

8.1.2 Deputy P.V.F. Le Claire:

I think it is probably wise for me to speak now rather than wait until everybody else has had a go because we are coming for lunch break and we need some time, really, to consider what has been said and also a relatively short speech at this time in relation to this. I joined the Panel on 22nd February and the Constable of St. Helier joined the Panel in March. The proposition that has been brought to us today by Deputy Baudains has more to do with the workings of the last Panel than of this Panel. The responsibilities in relation to the issues that we are reviewing are quite lofty and quite heavy when it comes to the taxpayers of this Island, in relation to the waste management and also the design of homes for the future. Both issues of waste and the needs of dealing with waste and also the design of homes and the facility for housing in Jersey are probably next to schooling and medical, at the top of our priorities. In fact, many issues in relation to health and schooling are dependent upon good health from

proper waste facilities and good housing. I have eagerly been awaiting an opportunity to become a member of the Environment Scrutiny Panel and I did ask the Chairman if I could be a member of his Panel when we first set out on this new form of government. It was explained to me that he thought it was better that other members who had not had Scrutiny experience were given an opportunity to become a part of the Panel and that, at that time, he did not feel he was able to invite me on to the Panel but he did say that I was sitting on the bench as first reserve. I have been extremely keen on environmental issues and have met with the Environment Minister in private, as a States' Member, on occasions to discuss issues that have concerned the environment. There may be a lot more to do with personality in this proposition than the actual workings of politics and that is extremely unfortunate. The Panel has met on a number of occasions. I do not see in the minutes or have not experienced where it has become inquorate, on 2 occasions in one month. That is not borne out by what I have witnessed and not what is minuted either. On no occasion did either the proposer or the seconders of this motion approach me or any of the Panel to ask us at what stage the reports were in. So when Deputy Baudains says that he is unable to establish what has happened and he needs to be a mind reader to decide what is going on with the Panel, then obviously that is where he is failing, not us, because there is a process called communication and if one communicates with the member of a Panel or the Chairman, then it is understandable if they communicate back. Nobody has ever asked me, at any time, what was happening. When Deputy Sean Power, who had undertaken the actual fact-finding trips involved with Design of Homes, moved on to new grounds with the Environment Minister, the Committee decided at its next meeting, which is minuted, to appoint a lead member in this important regard. As I was keen to help press forward the business, I volunteered to review the material and, as Deputy Baudains points out, the job of Scrutiny is to review, collate and publish the material so I agreed to review and collate the material and then I agreed to publish it. Because of the secondment of an officer to the telephone masts, that information did not reach me in its entirety until late May, early June at which time I decided, as the lead member, with the Panel that the best way forwards in this regard would be to ask Deputy Power to present his findings from his visits, not mine, his visits to these places, so that we could accumulate a report and lodge that report on 17th July. As with this Waste Strategy Recycling Report that is lodged on Members' desks today, it was the decision that we took before we knew anything about the vote of no confidence and in fact, as I have stated, none of us knew anything about the vote of no confidence except for the Chairman who received a telephone call the night before. Now, how is it possible, I ask Members, to support a vote of no confidence whose premise is based upon a past Panel that is no longer in situ and the workings of a Panel that the member that is proposing this vote of no confidence has no knowledge of? Because, as the lead member for Design of Homes, he certainly did not make any attempt to communicate with me. Had he have done so at any stage I would have more than happily sat down with him and discussed what progress was being made. The Deputy went on to say: "If somebody can prove me wrong, I will change my view." Well, perhaps that he could have been proved wrong was why he did not bother to talk to us. The issues of energy policy; an energy policy has to be produced to be scrutinised. The setting up of the examination of the energy issues has already been discussed at the Panel and an invitation to the Constable of Grouville was extended and received in person and, again, on a later date, to examine the issues of renewable energy. The Panel is already reviewing issues of renewable energy and it was preparing itself to work in that area. It has already conducted reviews in relation to the transport policy and had spent a large portion of its time in relation to the recent environmental tax issues that were recently withdrawn. It is important, Sir, to be right but in fact there is something worse than being wrong and that is being right and not having people believe you. It is the curse of Cassandra who jilted Apollo and his punishment to her was to give her perfect foresight but also with the

curse of never being believed, and there is nothing more painful than seeing the future, knowing what is going to happen and in failing to convince your colleagues and if they are not convinced, Sir, it means you did not communicate properly. Perhaps there is legitimate criticism in the communication of this past Panel and the work that it has been doing and is currently doing. But that needs to be countered. The accumulation of such evidence has to make us rethink the purchasing of a £90 million capital piece of kit down at the La Collette site, has to be backed up by more than just a belief. It has to be backed up by robust evidence. The Zero Waste Trial in St. Helier in district No. 1, which was conducted with my participation, involved 200 homes and instead of achieving a recycling rate of 32 per cent, we demonstrated that we were able to achieve a recycling rate of 54 per cent. 54 per cent of what we are throwing away and burning needs no longer to be burnt. The consequences of burning are, as we know, the production of ash and all that goes with that and the land reclamation that is needed there. The point of communication; the Panel has, before I joined, and since, striven to engage with the public. It was the Panel before me, including Deputy Baudains, who was innovative in going around the Parishes and holding Parish meetings to communicate what it was doing. It set out a stall at Fort Regent; it attended and was enthusiastic with the recent Eco Active launch of the Environment Minister. We have finished the research into the Waste Recycling Review, which has been on Members' desks today, which was promised in our minutes, to be produced by 17th July. We have produced it today to demonstrate that it was ready. It contains a lot of recommendations and a lot of evidence and it is something that I would very much look forward to, as the Panel does. Visiting the Parishes and the schools and politicians to talk about and engage the community on how we can reduce the need for huge capital expenditure by looking at waste in a different way. It is a valuable resource and the work that this Panel has been engaging in is to give evidence to the fact that we need not spend money and we can save money while improving our environment, which is what the Environment Scrutiny Panel is. As I say, Sir, unfortunately I believe that this proposition has more to do with the workings of the past Panel than it has to do with the current Panel. I certainly have not sat around any meeting to discuss font sizes of a *Jersey Evening Post* advertisement. I will remind Members that I joined the Panel on 22nd February and the Constable, in March. We have not been at these issues for 18 months. I am extremely keen to drive forward in these important issues and work with the Ministers respectfully in trying to come up with solutions, as we did try to come up with in relation to the compost site which, when we identified £6 million of land saving, £4 million of capital cost on the sheds and £670,000 a year on operating costs that could be done in the countryside, we thought we were on the right track. These suggestions and these investigations may not necessarily be taken up by Ministers but it is important that they consider them before they dismiss them out of hand. I would ask Members to listen to what the Chairman of the Environment Scrutiny Panel has to say and I would ask Members to also consider whether or not they can support a vote of no confidence in this Panel, given the terms set out for the reasons within the report itself. The reasons for a vote of no confidence should not be something we introduce to the States Assembly willy-nilly. It is an important discussion, a vote of no confidence, it takes up a large portion of time and it also means that any changes that come about because of it have to come about because of it due to the fact that you can agree to meet the rationale and the reasoning behind the vote of no confidence in the first place. Unfortunately, I believe, personally, that a lot of this has boiled down to personality. Deputy Baudains says the work of the Panel is finished. On the contrary, it has just begun. The evidence is in our hands. We need to make sure, now that we can communicate that with the Ministers and the public, and collectively we can start to meet the needs of our future without compromising the needs of the future. I ask Members to seriously

consider whether or not this is a vote of no confidence in the current Panel or whether or not it is a vote of no confidence in the past Panel, which Deputy Baudains was a member of.

LUNCHEON ADJOURNMENT PROPOSED

Deputy R.C. Duhamel of St. Saviour:

Could I propose the lunchtime adjournment because I would like to speak for more than 2 minutes?

The Bailiff:

Does any Member wish to speak briefly? Very well, Senators agree. We will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS (...continued)

Environment Scrutiny Panel: Vote of No Confidence (P.85/2007) (...continued)

The Bailiff:

Does any Member wish to speak in the debate?

8.1.3 Deputy C.J. Scott Warren:

I will not be supporting this vote of no confidence. Firstly, this Panel has 2 new members, only within the last few months, and I do not believe there are members better placed than Deputy Duhamel and the Connétable of St. Helier to chair and be a member of this Panel respectively. The Connétable of St. Helier was President of the Public Services Committee for many years. His knowledge is therefore a huge asset to this Panel. Deputy Duhamel has a science background and knows far more, dare I say, than the average States' Member on the many complex environmental issues that we as a government face. Both these States' Members have promoted and have achieved an excellent increase in recycling and the public has shown it is very willing to become actively involved, and including even me, Sir, with 2 small green boxes in my kitchen. The Connétable of St. Mary brings his knowledge of parochial, rural issues and concerns to this Panel. Deputy Le Claire was an active key member of a Public Services Committee I was on, Sir, in the beginning of my States first term of office. For years Deputy Le Claire has championed environmental issues affecting St. Helier and the neighbouring urban areas. I am not excluding it just to that but particularly he has been interested throughout on environmental matters. I would like, Sir, to clarify that it was Deputy Le Claire who brought a verbal report of ash blowing off site at La Collette to my attention in my capacity, standing in for Senator Stuart Syvret, the Minister for Health, while he is currently indisposed. Sir, I believe it was certainly right for me to ask Health Protection to investigate the question of the handling of ash and it is thanks to Deputy Le Claire that this has happened. Sir, we do know that Deputy Baudains sincerely believes that there is no need for the recently passed Water Resources Law and, with all due respect to Deputy Baudains, Sir, I would suggest that his utter displeasure at the imminent introduction of this Water Resources Law is, in my opinion, a factor in his criticism of this Environment Scrutiny Panel. In other words, Sir, I would go so far as to say I believe this could be at least one major reason why we are here today, debating this proposition. Sir, I will not be supporting this vote of no confidence and I urge Members to reject this proposition and to let this Panel continue with its work. Thank you, Sir.

8.1.4 Deputy S.C. Ferguson:

By way of background, I would remind Members that Scrutiny is just finding its feet. There may be a few growing pains as there are 8 very strong characters on the Chairmen's Committee. It is a new process and it is unlikely that the process and procedures will develop without a few hiccups. It is for this reason that we are currently conducting a review of working practices in Scrutiny. I appreciate Senator Cohen's comments but Scrutiny have a duty to this Assembly as well as bringing Ministers to account a meeting with them. The duty to the Assembly and to the public is to report on policy and the validity of the decisions taken. Scrutiny should provide the information to enable this Assembly to discuss policy intelligently and to enable the public to understand the ramifications of what we are trying to discuss intelligently. If we do not have reports, we are debating blindly. It is not satisfactory. The refutations, that I received by email last night, stated that a meeting was held with the Minister of TTS (Transport and Technical Services) regarding the transport plan. Where is the report for all Members so that we understand what the implications are? You know, we are missing it. We have a considerable volume of work already produced by Scrutiny and it is obvious that Scrutiny has really got stuck into reviewing policy, pointing out the inconsistencies and producing reports. These reports, I would add, are of a very high quality and they are produced within very tight time constraints. I would remind Members yet again that Scrutiny is the business of evaluating the quality of decision-making of the Council of Ministers and producing timely reports, which ensure that there are informed debates on policy. Scrutiny is not there to propose alternative policy. It might force a rethink if the quality of evidence supporting policy is substandard and it is certainly not there to provide opposition. In other words, Scrutiny is there to make sure that the decisions of this Assembly are well thought out, thoroughly debated and represent the best possible approach for the Island. The environment is perhaps one of the most significant issues facing this Assembly and we need timely and objective reports to enable us to make informed decisions and it is for this reason that I am supporting this vote of no confidence.

8.1.5 Deputy J.J. Huet:

When the new system of Ministerial government was being developed it was, obviously from the start, that for the Council of Ministers to be able to succeed and to be able to gain the approval from this Assembly, for major policies, an effective form of peer review or Scrutiny, as we know it, has got to be essential. Now we did, Sir, enter a period of Shadow Scrutiny, which we are all aware of, which was the time for all Members to understand their responsibilities and their respective roles and to develop an effective system of Scrutiny to serve both this Assembly and the Island. It is true that some of the Shadow Scrutiny Panels found it difficult to strike the right balance between critical review of policy and clear opposition to proposals being put forward by then the Committee Presidents. Sir, that was when we should have all learnt very valuable lessons during that period then. When the Ministerial government did start, I myself was really hopeful that the Environment Scrutiny Panel would look objectively at the Transport and Technical Services, our Business Plan, and pick up on any new areas for review. The Transport and Technical Services Minister has a wide - we all know that from the back of this here - has a wide range of responsibilities and there are many opportunities for the Environment Scrutiny Panel to get involved at the early stages of policy development so that we could all work together with them and not in opposition. Unfortunately, Sir, the Environment Scrutiny Panel decided to go back over old ground and review, yet again, the Waste Strategy. That was in early 2006 and we are still awaiting their views and final report. It is not exactly a great performance, Sir, I do not think. We then had the Environment Scrutiny Panel teaming up with non-scrutiny members carrying out their own review and I mention 2; the Compost Review by Deputy Le Claire and the

Parish of St. Helier Zero Waste Trial headed up by the Connétable of St. Helier. These 2 reviews, Sir, were mainly carried out without any dialogue with the Transport and Technical Minister or our department and officers. The position became so unclear that the Minister ended up inviting the Scrutiny Panel to our meeting, in an attempt to try and enter into some form of meaningful discussion. On 16th July 2006, the Waste Strategy Steering Group invited the Environment Scrutiny Panel to its meeting to discuss progress on their review of the Waste Strategy and, in particular, to hear from Deputy Duhamel on his research into the 3 alternative technologies he was investigating. On that day, Sir, Deputy Duhamel attended on his own. No Panel. An advisor said the rest of the Panel would not be attending; only him. During the discussion it was evident that the Deputy was not in a position to provide any form of report and he agreed - this is it - he agreed to put it on his list of priorities and bring it to the top. Well, Sir, I am not sure how long his list was and what he meant by "bring it to the top" but it was not until 23rd October 2006 that we received from Deputy Duhamel a single sheet of paper that, frankly, said nothing new whatsoever. It was merely a repeat of what had been considered in the past from previous reports prepared by the department and its advisors. When Deputy Le Claire was developing his composting report, in conjunction with the Environment Scrutiny Panel, again the Waste Strategy Steering Group had to invite him to attend our meeting. It was an attempt to understand how their work would help in progressing the overall objective of providing the Island with a new, modern, enclosed compost facility to deal with the Island's green waste. Had we progressed that, Sir, the compost plant, as this Assembly originally agreed, back in July 2005, this summer would have seen the new enclosed compost plant in operation and the smell problems for the Havre des Pas residents would be a thing of the past. But no, Sir, where are we today? No compost plant and no likelihood of getting one for some time yet. The strange thing is, Sir, that, following Deputy Le Claire's report on compost, we have been out to see what other land is available and appear to be coming down to a list of sites that is very similar to those reviewed many times before. Sir, in fact, every time the issue of compost locations rears its head we appear to go off on a wild goose chase and come back to where we started off. Not very good progress. Sir, I have to say I want Scrutiny, and I know our officers do, and I know our department does. We want it to work, to be effective, to provide the role of being the Minister's critical friend. But, Sir, I am afraid that this Panel has not developed itself into that role. The Minister attended a Scrutiny Panel to discuss the department's 2007 Business Plan to ensure that they were aware of the range of policies being developed by the department. For example, the Travel and Transport Plan, the Liquid Waste Strategy, to name but 2, in an attempt to engage them at an early stage. Sir, unfortunately, despite our efforts we do not appear to have made any progress and I feel, Sir, that the time is now right for a new approach, a new team at Environment Scrutiny, so that we can work together for the good of this Assembly and the Island. As I said at the beginning of my speech, Sir, I will be supporting Deputy Baudains. Thank you very much.

Deputy C.J. Scott Warren:

Could I point out that 2 of the people who have signed this proposition are not in this Chamber? In fact, I believe I am right in saying that one of them has not been here for virtually all of the debate so far and I find that very odd that it is signed by people that cannot even be here to attend.

The Bailiff:

I do not know if Deputy Duhamel wishes to speak? Otherwise I am going to call upon Deputy Baudains to respond.

8.1.6 Deputy R.C. Duhamel:

Deputy Baudains said that he was saddened to be bringing this report because I was so much of a friend. I am saddened that he feels that, as a friend, he has to be putting in the knife and turning it. Most of the comments that we have heard today, Sir...

The Bailiff:

Deputy, may I just interject to say that I must say that I thought that Deputy Baudains was scrupulously careful to say that this was not a personal matter, that he was bringing his vote of no confidence in the Panel itself?

Deputy R.C. Duhamel:

If that is how friends behave, Sir, I would take your advice.

The Bailiff:

That is what the Deputy said. I think it is important to bear that in mind.

Deputy R.C. Duhamel:

Most of the comments we have heard here this morning and this afternoon, Sir, do not make the case and the case for this debate is that the Deputy of St. Clement has no confidence in the Committee, as constituted since March and February, when he came off. A number of Members have told the House, quite rightly, that there appears to be... well, the majority of evidence, if we can call it evidence, is really based on comments of the Deputy's time on the Committee when it is fair and it is true to say that we did not see eye to eye on every single issue, as you would expect for any Panel. But to go a stage further, Sir, and to bring forward the debate which I see as effectively trying to sabotage the efforts of Scrutiny is to do something which I think undermines the whole purpose. The comments of the last speaker, Sir, are not only wrong but they are misleading the House. The Environmental Panel has attempted and has engaged with the Transport and Technical Services officers and, indeed, the Minister on many occasions and, indeed, it is fundamentally wrong, Sir and any person who has taken the time to read our minutes, speak to our officers, speak to any members on the Panel, will be able to see quite clearly that we have been to the department, as I said, on many occasions, the last of which was to discuss the Integrated Travel and Transport Plan, strategy, policy, call it what you will, which is yet to come to this House. One of the difficulties we have with the Ministerial government at the moment is that there is a fault line, as has been reported in the media, running down the... well, not necessarily down the middle of the Chamber but certainly in between the Council of Ministers and those Members who are not or do not have any Executive responsibility. I do think that Scrutiny should be promulgated in the form of a critical friend and apparently it would appear that that is upsetting a number of Members. In discussing the Integrated Travel and Transport Plan and not doing a full review because the Panel at the time had undertaken to do 3 very long reviews and we did not have the administrative staff or indeed the wherewithal to carry out more than 3 large reviews at the same time, decided that the best course of action was to talk to the Minister and to set out our comments. I remember the meeting quite clearly and, at the end of it, the Minister, contrary to what we are told by Deputy Huet, was quite complimentary in what we had put forward. The Constable from St. Mary was there and will vouch, as indeed do the minutes and the other papers, supporting papers, that the things that we put forward, in order to value add, to assist in the policy making function for the Integrated Travel and Transport Plan, the Minister turned around and he thanked us warmly, I must admit, for our efforts and comments and, when I asked what would happen to those comments, suggested very strongly that they would be integrated into the new Integrated Travel and Transport Plan before it comes back to this Chamber and waits for our support or not, as the case may be. Likewise, representations were made by myself and Deputy Le Claire on the composting

report. Members must realise that when we started off the Environmental Scrutiny Panel we had a number of headstrong members, as indeed under the previous system, and the way of dealing with business in order to allow the more headstrong among us to have a chunk of the action, so to speak, and to deliver whatever they were able to deliver in a manageable format, it was decided, and it is minuted in the minutes, that we would go for 3 very large reviews. In hindsight, Sir, this has not been the working management style or practice that indeed a number of the other Scrutiny Panels have worked under, but nevertheless this was something that had worked in the shadow phase of Scrutiny and indeed Deputy Baudains makes reference to its success. It was thoroughly thrashed out and we all agreed, around the table, that 3 long reviews would be undertaken. Now, it is the nature of Scrutiny, Sir, that we do not have a working definition as such and it is interesting to note also that within the annual report that was produced for this House by the Privileges and Procedures Committee on 24th April 2007, itemising the 'state of the nation', if you like, for the previous year, in 2006, has a number of paragraphs which were appended to my forward because I was then still the President of the Chairmen's Committee, that while a section of the report looks at performance indicators, both of quantitative and qualitative status, it is worth nothing, this quote from a centre of public scrutiny discussion paper entitled "The NAO and Parliamentary Scrutiny: New Audit for the New Times" which asserts that: "Scrutiny gives the public the capacity to know what the government is doing. What the public want from Scrutiny arrangements varies over time. Perhaps reflecting changing levels of trust and citizens' concerns also change. Not surprisingly therefore, there is no single agreed way to provide Scrutiny that is timely, relevant and cost effective. Nations evolve their own Scrutiny mechanisms and these both differ from each other and change over time. However, although we cannot assess Scrutiny arrangements against some absolute standard, we can assess them against their own intended outcomes." This, Sir, strikes at the heart, I think, of why we find ourselves in this Chamber this afternoon discussing a vote of confidence. We have heard from the new President of the Chairmen's Committee tell us that she thinks that policy is not the main draft of what we should be looking at. There is no definition, exactly, of what Scrutiny is. Section 4.2 of the Working Practices of the Annual Report went on to say that, apart from regular meetings of the Panels, a majority of which are held in public, and we have followed that through from day one, the fact that the public do not always attend is neither here nor there. Our doors are not bolted and Members may come along and listen quite freely and openly to what is being discussed, within reason. Just to recognise that Panels are free to develop their individual working practices in order to carry out their Scrutiny function. This was part of the review that we did for the first year and if Members do not agree with the things that we put in then perhaps we should be bringing forward not a vote of confidence in the Environment and Scrutiny Panel but a vote of confidence in Scrutiny as a whole. It goes on, on page 32, to say that research has been undertaken into other jurisdictions regarding their means of measuring the success of Scrutiny functions. Now, we are told time and time again by Deputy Baudains that we have not been timely and we have not been efficient. As I said earlier, Sir, a number of Panels have decided to do short reviews. There are short reviews; there are medium term reviews; there are long reviews. Our Panel, rightly or wrongly, and I think rightly in this case, decided that it wished to embark on 3 long reviews. If it is the intention of this House, by voting for a vote of no confidence, that no such long reviews should be undertaken, because they inevitably will take a long time to do, then I think we do Scrutiny and this House and the Island Government a huge disservice. In the annual report going on for the Environment Scrutiny Panel, we stated that, under Waste Management Review, the States debated 4 separate projects connected with the Waste Management Review during 2006. People have to realise that the environment is a constantly changing field and this is one of the difficulties. When does Scrutiny get in and when does Scrutiny get out of a

particular review? It is a political judgment in as much as an administrative judgment and the 2 have to be in balance. Although the Environment Panel did not present the projects before, that were separately debated in this House, on waste management issues, nevertheless the work in these areas that was undertaken did enable the Panel to make a significant contribution to the debate and how States' Members viewed the issues. Now, we are being told here, Sir, that we did not do anything. We have done, in that context. We had issues over composting down at La Collette, we had issues over other issues but on every occasion we have done work behind the scenes and otherwise and our comments have been made known. The Parish of St. Helier ran a Zero Waste Trial and Members will be able to read in our report, which has been brought to the House after an enormous amount of work from the officers, and I thank them for the help in bringing forward what we said we were going to do on 14th June. But we have been told by Deputy Baudains that we only brought this report because he had lodged a proposition. That is clearly false. If Members read the minutes, and I am not sure that he has or indeed many other Members have, but if you read the minutes, it does clearly state on 14th June that one of the decisions taken, one of these few decisions apparently that we do take, was that the reports would be written as soon as possible and delivered to the House by 17th July and indeed, Sir, I made my comments known to the House when we were discussing the ordering of business. What has happened in between is that we have had to bring forward those reports but the body of the work has been undertaken and done and Members will be able to judge at a later stage when these reports are discussed in the right place. The Waste Management Review was not intended to be a 5 minute job. Had it been intended to be a 5 minute job then the report would quite clearly have been written in an earlier timeframe. The department and the Panel, and I must admit the Members who are signing this proposition, were at least, in part, members of the Panel and agreed that we would make moves to assess, by way of terms of reference as far as we were able to, with the parish of St. Helier to try and determine whether or not there was any public interest in assisting with recycling larger quantities of the Island's waste. In order for a report of that undertaking to carry any weight, it had to run for a particular period of time. It was not a 5 minute piece of work, it had to be organised by the Parish authorities. The difficulties that always appear with any scheme that is being undertaken had to be ironed out before we were in a position to be able to add weight or accept the weight of the results that were coming out from the report. The report was written up in March this year. But I digress a little. I am just coming back to the major point; at the end of 2006 we stated in our report that the report for this review, the Waste Management Review, is due during the first quarter of 2007. We also said, under the Planning Process Review, there was no date of the delivery of that particular report because it was not finished. Some comments have been made as to the commitment of members to the Environmental Scrutiny Panel and I would just ask Members to listen to one or 2 points about the attendance record of Deputy Baudains. I could go on and mention the attendance records of everybody but I do not want to bore you too much. If we followed from meeting number 25, we had apologies from Deputy Baudains, meeting number 26, apologies from Deputy Baudains, 27, 28 and 29, Deputy Baudains attended. Meeting 30, Deputy Baudains was absent; meeting 31 Deputy Baudains was present; meeting 32, Deputy Baudains was absent; 33 present; 34, 35, 37, 39 absent. Now, this is at a time when we were hoping that Deputy Baudains, as the lead member, would be bringing forward the final report for his Planning Process Review, of which he was a lead member. Myself and the Constable of St. Mary, on the other hand, have attended virtually all meetings. I have attended all the meetings, as one would expect, as chair of the Panel and the Constable of St. Mary is very, very close behind. So it is fundamentally wrong, Sir, for any Member of this House to stand up and try to paint a picture which is clearly false. I will give another instance which annoys me intensely; we have been told by Deputy Baudains that the new Panel, as constituted in

March, has been inquorate on 2 occasions but the import of that statement is that this is symptomatic of the Panel being inquorate on many occasions because people do not wish to be busying themselves doing the work. The 2 meetings that the notion of being inquorate came up was on 22nd February and that was a very short meeting. 22nd February, that was to discuss 3 items and, as frequently happens with some meetings, at the end of the... I beg your pardon, I do not wish to mislead the House, it was 22nd March, sorry, with the new Committee and the 2 new members. On 22nd March the meeting was from 9.30 a.m. to 10.00 a.m. During that time we tabled 4 items. The meeting would have gone on to discuss one or 2 items but, for whatever reasons, as sometimes happens from time to time, a number of members had to leave. But the bulk of the work was achieved in the half hour period. Now, what is the import of the message coming from the Deputy of St. Clement, or what I am telling you now? It is how you read it, how it is told and I feel sorry for a number of Members who have not wanted to or had the time to go through our minutes and check out all the statements laboriously, as you would do, in any Scrutiny issue, to check out whether or not what is being said can be matched up by proper evidence. That is the way we do our job and it just has not been done. On the second occasion, Sir, and perhaps we are to blame, we should have picked up on the language skills of the officers who were taking the minutes and queried them when the minutes came back but I do not really like being in a position where we amend minutes. It should not be done, it is supposed to be an independent function. On 22nd February, the second time that the Committee or the Panel were inquorate, we met at 9.30 a.m. At 1.50 p.m. it was recorded the Panel became inquorate. But the number of items done between 9.30 a.m. and 1.50 p.m. was the bulk of the day's work so what is the implication? Are we being negligent? Are people showing a lack of commitment towards the work? No, I do not think so, Sir, and it is wrong for any Member of this House to try and imply that that is the sense of the meeting. I had some comments from Deputy Power. Deputy Power, as we all know, is on the APF (Assemblée Parlementaire de la Francophonie) (International Assembly of French-Speaking Parliamentarians) conference in Gabon but he was particularly disturbed at being roped in, if you like, to the comments that Deputy Baudains was making and he sent a note to me suggesting that if I have the opportunity would I be kind enough to put right, in his absence, a couple of the points because he was quite clearly upset that he could not be here to tell the House himself. He says he would like to comment on the proposition and some erroneous impressions that are being given in proposition P.85. It was always agreed - this is Deputy Power talking or writing: "It was always an agreement between myself and the Chairman of the Environment Panel that when I had concluded SR12 the review into P.6, the Housing Property Plan, that I would help to conclude Design of Homes while outside the Panel, but nonetheless assisting in a positive way. I offered to use my access to the Planning Department and I have the approval of the Planning Minister and the Assistant Planning Minister in this wish to complete Design of Homes." Second point: "I would like to say that the Design of Homes Review is a focused review [we have had assertions from Deputy Baudains that it is not] and it is my privilege to be asked to assist the Environmental Panel to complete it in July." So we are being told that there was a completion date, which is slightly different to what Deputy Baudains is telling the House: "I am also happy to confirm to the Assembly that the Chairman of the Environment Panel has agreed that I will be the link between the Panel and the Planning Department. There was only one occasion, at the Café Des Artiste that I met other Panel members without Deputy Duhamel. That was as much to do with the discussion on the unwillingness of the other members of the Panel, including Deputy Duhamel, Deputy Baudains and Deputy Le Hérissier to support my wish to circulate an electronic questionnaire on behalf of the Design of Homes Review. The plan was to use the internet systems for the larger employees and financial and accounting institutions for this and then to circulate a paper questionnaire to

targeted postcodes. The inference in the proposition is wrong; that there were many other meetings. That is not so. Two visits - to London and Vienna - were planned and carried out by the Design of Homes Review in consultation with a local well-known and respected architect. It is my understanding that the trips were planned and executed professionally and that there was nothing wrong with the funding of these trips. There were some last minute alterations to the plan that had a cost implication. Some members dropped out when the Panel had hired a driver and mini bus and we were unable to change to a car. I asked for and received a copy of the draft waste review and read it.” This House is told by Deputy Baudains that, at his suggestion, bearing in mind that the previous waste review documents were fairly weighty, particularly with technical issues which are not everybody’s cup of tea, that he had suggested that everybody nevertheless read it, that we all declined. Deputy Power states that he asked for and received a copy of the draft waste review and read it. “Deputy Baudains is wrong to state that all the members of the Panel declined to read it. That discussion never took place. Deputy Baudains should remember that I led a discussion last November on the replacement of the Avonmouth incinerator with another plant and quoted the fact that the Royal Navy had also elected for that particular plant in Portsmouth. I circulated photocopies of the profiles of the incinerators and they had an uncanny resemblance to the new proposed EFW (Energy-From-Waste) plants at Jersey. Of course there were differences on the Environment Panel, as everybody would expect. That is the nature of the business. We do not sit there and just tick boxes and agree with each other. There has to be robust debate. There is sometimes disagreement, there is sometimes support. It goes backwards and forwards. That is the nature of the beast. I was refused the go-ahead on 3 occasions, to circulate a questionnaire on the Design of Homes Review. However, for the most part, the Panel met and all Panel meetings were conducted in a good natured and professional way.” So, not cosy chats, not sitting there not deciding or doing anything, just having cups of tea. “I am a 100 per cent confident that design ideas seen in the U.K. and Austria will be incorporated into Jersey housing in the not too distant future. These areas will include the re-use of commercial office buildings for residential purposes, co-operative and community housing projects, sheltered housing designs, specifically an exciting scheme for Belle Vue, sustainable housing, carbon neutral design and zero energy developments.” All things, Sir, that both I and Deputy Power went to visit in London and in Vienna: “I am saddened to see that Deputy Baudains has brought this proposition to the Assembly and had I been there, I would have voted against it.” Sir, I think this sums up that this is an active Member who for, not for the reasons that are being stated, wanted to jump ship because the ship was about to go down, decided that perhaps there were other areas that he would like to get involved in but, nevertheless has retained strong links with the existing members of the Panel and indeed is still working with them to finish the reports that we said were going to be finished by 17th July. On other matters, Sir, I think Deputy Scott Warren has mentioned that maybe the bee in the bonnet of Deputy Baudains is that he has not had his own way on the water. That might well be the case. But nevertheless contrary to what we are being told that I did nothing, I said nothing, no other members did anything, again read the minutes. There have been countless instances where the Panel over the last 18 months have discussed water issues. Indeed in the report to this House on our first year’s work we stated under Other Matters: “Panel members have worked on deep groundwater involving research with French authorities and divining of streams between Jersey and France. The Panel decided that this work was a follow up to a review done during the shadow period with Scrutiny and will not initiate a further review.” I am told, Sir, that I keep on bringing things back and back and reopening them. Deputy Huet just said this is the style of management that we bring to the department. On the water issue it is, in fact, Deputy Baudains who has been so insistent on bringing back the discussions on this review. It is wrong to say that it has not been looked at.

We have looked at it because I like to have open meetings where if people have got an issue and they feel that there is merit in discussing it then they should have the opportunity to discuss it. We have to open up our books to everybody. It is not fair to come down on one side or another or to say: "Sorry, I am going to frustrate any attempts to discuss this." So I think for the first year, contrary to the picture that has been painted, we did a lot. The retiring chairman of the Shadow Public Accounts Committee, Mr. Tim Dunningham, also said in his final report that the role of Scrutiny is not the role of opposition. They should focus on ensuring that the policy has been properly formulated, all alternatives properly addressed and valid reasons given for why particular courses of action have been followed. That is what we do, that is what we are doing, that is what we will hope to continue to do. The Committee should be addressing the quality of the decision-making rather than the decision itself. In his view, he states it is vital that the Scrutiny Panels do not become the opposition to the government. It could be said, Sir, that my demise as president of the Chairmen's Committee is heightened by this move for a vote of confidence in a Panel that I chair and as the saying goes "No smoke without fire". I think that there are differences of opinion among all scrutineers as to what Scrutiny is. As I said earlier, Sir, the jury is still out. If this House wishes to have a formulaic approach to scrutineering or to Scrutiny work and we have to produce so many reports every year and so many pages, looking at so many things, then fine. But I do not think it will be the type of scrutiny that we all envisaged when we backed this particular form of government. We have to allow the individual flares and thought processes of all members on each individual Scrutiny Panel to be brought to the fore, to do the best job, to assist in the decision-making process. To try and put everything into a little box or to constrain it by straightjacketing methods I think is going to run the risk of only seeking to promote the type of oppositional comments that are beginning to be noticed by the public, and to fall in line with suggestions that there is a fault line running down the centre of this House. Scrutiny is there to be a critical friend and being a critical friend it must not be too fettered, it must be able to talk to the friend on any occasion it sees fit about whatever it wishes to discuss. By engaging with the public it has to be mentioned, Sir - in passing I think this is worthwhile - there have been good examples of good practice with Panels taking their meetings out into the community at Parish Halls. Not all Panels. We started the practice and attended various exhibitions such as the Lifestyle Exhibition held at Fort Regent; not all Panels - the Environment Scrutiny Panel. There were also joint Scrutiny meetings held specifically to consider the Strategic Plan and that was while I was President of the Chairmen's Committee. So all these initiatives really I think have been coming predominantly from the Environmental Scrutiny Panel. That is blowing our trumpet a little bit. I do not really like to blow the trumpet and maybe that is part of the problem. Looking at the record and going back to the comments I made about the size of the work undertaken, at the end of 2006 we had comments particularly from the Chief Minister that some Panels had not produced anything. They had been sitting there for 12 months doing nothing, twiddling their thumbs. The method of judging whether or not they had done anything was to count up the number of reports that had been submitted. Not to attend the Panel meetings, to tot up the number of times things had been discussed, the number of minutes doing things, the number of meetings held or whatever but just on the number of reports. The President of the Chairmen's Committee mentioned that this is our big yardstick for determining how effective Scrutiny is. I do not think it is. It is one dimensional. It is only one way of looking at things. But, nevertheless, if we look at what we did last year, at the end of 2006, other than the 191 full meetings of each Panel, of which Environment was 33 - we are on a par with everybody else - the number of reports issued under the SR series was 7. I mean is it 7 big reports, 7 little reports, 7 medium reports, 7 what? Seven reports. So if you look at it and say: "Gosh, shocking." Environment: none, Corporate Services: 4, Economic Panel: 2, Social Affairs

Panel: 1 - 7 reports done. So you say: "Well that is shocking because that means obviously that Environment Scrutiny Panel has done nothing." But we had a whole load of sticks in the fires, we had indicated in the report. Anybody reading the rest of the report would know what we have been doing. Anybody reading the report if they had any concerns could have come and banged on our door and said: "Hey, what have you done, what are you doing, what are you going to do?" That has not happened. So you read as to what the reports are and you note that there is a huge variation. It is not just a report. It is a big report, a little report or whatever. You have to have some measurement to gauge how much work goes into whatever it is you are looking at. So Age of Consent for Corporate Services who did 4; that was a short one and it came out of Members of the House wanting something to be done in order to assist in the debate. Financial Framework for the Strategic Plan, that was a sub-Panel work; G.S.T. (Interim), Review of the Zero/Ten Design Proposal (Interim), Review of the Zero/Ten Tax Design Proposals (Ongoing) and Overseas Aid but the last 2 are carried over into 2007. So of the 4, 2 of them were interim reports. So it means that there is still work going on. Why is there still work going on? Because they are difficult issues to be getting into. We have heard just this morning comments about what is happening on finance fronts and whether or not the Economic Development Scrutiny Panel should be getting into talking about money laundering issues or whatever. Really, really, big meaty issues; things that cannot be done in 5 minutes. Going back though, Sir: Corporate Services; of the 4 and they did the best - hats off to them - 2 of them were interim reports. We could have done the same thing. Had I realised that people were going to be judging us or wanting to judge us on number of reports I could have issued 3 reports and called them all interim reports and carried on this year. Then everybody would be saying: "Well, what a wonderful Panel that is. We have got 3 interim reports." Then what happens? Conditions change in between and the work that is perhaps undertaken, something else breaks out as has happened in our particular area because it is very, very fast moving perhaps unlike other Scrutiny Panels. We would have had to have gone back and said: "Well, although we said this 2 months ago or whatever, we are not quite ready to do something else. Here we go again. We better put that one on the back burner. Things have changed. Shelve that one and come forward with our new interim report because we are still not ready." Then we have a whole succession. It is absolutely ridiculous. As I said before, Sir, we are not applying a proper qualitative analysis - and those are the jargonistic words - of the work that is being undertaken. Some jobs will take a long time to do. The reason they are going to take a long time to do is because they are fundamentally important to this House and the Island. The time taken to deliver them is not the issue. It is whether or not having delivered we have added to the process, as mentioned by the Planning Minister, and assisted in the policy formulation period or whether or not we have held the department and the Minister to account if things are found to be thought about in a finished off fashion. Social Affairs, exactly the same thing. I mean they did one better than us. Yes, they had Income Support (Interim). Do I make my point, Sir? I think we have done an awful amount of work, an enormous amount of work. People would realise if they took the opportunity to bang on our door and talk to us. We can show them what we have been doing. I have almost finished. We had comments from Deputy Baudains that this was not a report on Waste Recycling. I just ask the Deputy to remind himself, as indeed other Members of the House, of our terms of reference. They can be found in the first couple of pages in our Scrutiny Report No. 13 placed on Members' desks today. It is all about Waste Recycling. It is not about incinerators or replacements. It may well be indirectly, but those were not the terms of reference. Deputy Baudains and Deputy Le Hérisier who have signed this motion agreed at the outset so they should know. I do not think the case is made, Sir. I am hoping that Members will bear my comments in mind. If we want quick reports and a formulaic approach, fine. Get rid of the Environment Scrutiny Panel, right, and put another set of people in. But I think what is going

to happen if we move in that direction is that we will effectively be telling this House and the Island that we do not want to allow Scrutiny to take place except in a particular way, according to a set plan. I think we will stifle all the good work and thinking that goes on behind the scenes. I will not be supporting this proposition [Laughter]. Two last comments, they are right up to date. This morning Deputy Southern: "Scrutiny cannot be done in a matter of weeks." Absolutely right, it cannot be. If it takes a number of months, fine. Judge on the reports at the end of the day and do the thing properly. We have one from Senator Shenton: "It is better to make the right decision slowly than to make the wrong decision in haste." I think those 2 things must be thought about before we come to vote. Thank you, Sir.

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

When I saw this I thought that Scrutiny is in danger of imploding upon itself. This vote of no confidence should not be allowed to succeed. These Panel members have put in an awful lot of work into this whole project and others. The Constable of St. Helier's contribution has been massive in organising his whole Parish to carry out a trial recycling effort. That has been of considerable use data-wise for the Panel, I am sure. We have heard that there have been several changes to Panel members, a Scrutiny Officer loaned out to other Panels when urgently required by other Panels, and an element of staff illness. So, frankly, considering the circumstances against which the Panel has operated, it has done well to produce the report that is on our desk today. The Waste Strategy is one of the biggest projects for this government. It is absolutely right that the Environment Scrutiny Panel carries out a comprehensive review of the Strategy and the waste recycling is an important element of it. This government is to spend £80 million on an incinerator and will probably have to move fuel tanks at La Collette to facilitate it. The whole project cost could be £100 million or so, dependent on the actions that are taken in the future. Are we going to blindly proceed without reviewing the future tonnage of waste to be processed and whether in light of a growing tendency across Europe to recycle 50 to 60 per cent of waste that we should not factor that into our assessment of future needs? We must look at our waste recycling. We must look at the future contribution it will make and the future tonnage that will be required if we can increase our recycling effort in line with other European countries. This is one of the most important reports produced by Scrutiny to date. As such it deserves the time that it has taken to produce. Every Member should read this report because it has massive implications and could save the Island millions of pounds. Earlier in the debate Deputy Ferguson said that Scrutiny's job was to review government decisions and not propose alternative policies. Well, I disagree with that. I think if Scrutiny feels that Government is taking the wrong decision, it should point it out. It should quite clearly demonstrate that it feels differently to Ministers who may be proceeding along a path that is the wrong path. So I ask the States to support the existing Panel because there remains much work to be done related to the Panel's conclusions. Deputy Duhamel and his team should be allowed to progress it forward, not Deputy Baudains and some other team. I am voting for Deputy Duhamel's team.

8.1.8 Deputy G.W.J. de Faye:

Some time ago I invited the Environment Scrutiny Panel to Transport and Technical Services office at South Hill to discuss their views of the Integrated Travel and Transport Plan. Indeed despite the fact that Deputy Duhamel himself had some rather odd opinions about the usefulness of bus services, I did indeed warmly thank the Panel for their opinions. But the prime reason I thanked them warmly because I hardly ever see them. This was one of the rare occasions where I met with my officers with the Scrutiny Panel. I do not have an axe to grind with Deputy Duhamel as Chairman. Indeed I recently sent him an email saying that I personally have admiration for his diligent levels of research and also his wide-ranging knowledge of his brief. Indeed I also wish to indicate deference to the Constable of St. Mary

who I think is an entirely reputable member of this Panel and, indeed, someone I would describe as a critical friend. But the Chairman of the Panel has also got to take responsibility for his team as a whole. I could be blunt and say that since I have seen some members resign, I have not been impressed with the new additions. Deputy Le Claire earlier said this should not be to do with personalities and it should not. But it does become a bit of a problem when Panel members use their position on an Environmental Scrutiny Panel such as this to exercise their own personal political agendas. I do not believe that is the genuine purpose of Scrutiny. Deputy Le Claire also said Scrutiny is about saving money. I do wish it was and I will come to that detail later on. But as I said, I do regard the Constable of St. Mary very much as an innocent bystander in the proceedings of the last 18 months or so. **[Laughter]** He has been a critical friend. As for the other Panellists, frankly, if the relationship between the United States Cavalry and Apache Indians can be described as critical friends then that is what my experience has been. My department has been subjected to a series of cunningly devised ambushes on a number of occasions, almost all entirely aimed at undermining States approved policy on the Solid Waste Strategy. Again a role that I do not believe Scrutiny should be engaged in. This does come down to personalities, regrettably. The Constable of St. Helier - it has been pointed out by Deputy Scott Warren - is a former president of Public Services. I do wish that he would remember that word "former" because it seems he still thinks he is President of Public Services which creates great embarrassment for me. I have had to watch the Constable of St. Helier make announcements on my behalf. Apparently when he proposed the sale of toilets next to Green Street car park my department was going to replace those toilets by installing some new ones in the multi-storey car park alongside. Well, that is the first I or my department had heard of it. So I cannot say I was overjoyed at having announcements made on my behalf about policies that did not exist. But then you might say: "Well, the Constable is a master of spin." Indeed he is. The Constable is a gentleman, the Assembly will recall, who decided to dig up the cobblestones in Hilgrove Street because the Waterworks Company wished to lay some pipes. It was only halfway through the project when we discovered from the Waterworks Company that they were only laying down the pipes because the Constable of St. Helier had told them he was going to dig up the street. That really is a masterful piece of spin. But spin unfortunately does move into areas of ambush and undermining States' policy. Both Deputy Duhamel and the Constable of St. Helier have worked very seriously together on the so-called Zero Waste Strategy which, to correct Deputy Troy of St. Brelade, was not supplying to the whole of St. Helier. It was tested out in Havre des Pas. My department only recently finished clearing up the mess. It was another case of spin. There was no Zero Waste and even the figures that are being claimed are entirely distorted because food composting was included as recycling whereas in this Island we do not recycle food compost. It goes and gets burnt in the incinerator. They claim 80 per cent participation. My own department suggests figures of 70 per cent. In fact it is what my department's officers who are experts in recycling call the 70/70 effect. You tend to get 70 per cent of the population participating but they do not participate on a 100 per cent basis. They only manage to recycle 70 per cent of household domestic waste. But it is more spin, all aimed at undermining the Transport and Technical Services Department, my political reputation and States approved policy. So much for critical friend. Deputy Le Claire, we know, spent many months pursuing his composting agenda. At my request Deputy Duhamel offered to help him out. My department again fell over backwards to wait and delay the issue of green waste composting. As my Assistant Minister ably pointed out a few minutes ago, if we had not been subject to these delays and my determination to try and assist Scrutiny we would have been completing the enclosed green waste composting plant at La Collette, probably ready to be operational this summer. As it is we are not even off the starting blocks in terms of planning applications, let alone laying the first concrete. Is this saving us money?

No, it has been costing us a fortune. Costing us a fortune in civil service time, documentation, fact finding, officer time and also, let us not forget, the price of enclosed vessel composting systems does not go down over time, it goes up. I have recently had to endure 2 weeks of frankly utterly irresponsible media statements by Deputy Le Claire and the Constable of St. Helier on the subject of toxic waste at La Collette which was again pursued at question time today. The facts are now emerging following investigations, not just by one department but by 2 and my department as well. So that is 3 departments we have had on the case which originally came from the suggestion of a member of the public who still remains anonymous. It has now emerged that although some ash blew off site, there was no significant problem whatsoever. Nevertheless, that did not prevent Deputy Le Claire doing a television interview where he raised concerns about the safety of children swimming in the Havre des Pas swimming pool. I am sorry but this is not responsible. I think one of the difficulties that I have had with Deputy Le Claire over a considerable period of time is that he appears incapable of separating the political agenda that relates to his own local constituents and that of the interests of the public of the Island at large. I believe that both he and the Constable of St. Helier owe a higher responsibility in the way that they handle these types of media statement. What we have witnessed in the last 2 weeks is bluntly scaremongering and alarmist. I would have to dump hundreds of tonnes of ash into the Havre des Pas swimming pool itself and people paddling in the mud would have to ingest it by swallowing it to make it dangerous to swim in the Havre des Pas swimming pool. The fact of the matter is, as I said this morning, there is no significant pollution threat. Never was. The amount of department, officer and public time and money that has been spent to reveal that there was no problem is an embarrassment.

Deputy C.J. Scott Warren:

On a point of clarification, I would like to say that I received an email from the member of Health Protection who investigated the claim brought to me by Deputy Paul Le Claire and was told by a member of TTS that ash at La Collette due to the weather conditions had blown off site to sea. I believe that did warrant an investigation. I am not commenting on the media, Sir, but I certainly think we have to be clear here that the investigation was necessary. Thank you.

Deputy G.W.J. de Faye:

Three investigations were conducted. No significant outcome of any note. Deputy Duhamel, very much a solo player, as we have heard from the Minister for Planning Environment, has regular weekly meetings. I was also offered regular meetings but I declined them because Deputy Power, who sadly is not here but speaks both through Deputy Duhamel and myself [**Laughter**], said he was very concerned that the Chairman of the Scrutiny Panel used his one-to-one meetings in order to disseminate information as he saw fit. So I did say to Deputy Duhamel: "I am happy to have regular meetings but it is with the Panel not you." That is the deal. We do not have regular meetings. Deputy Duhamel is a former member of Environment, Planning and Public Services. Indeed has a reputation for pushing the issue of alternative technologies as opposed to incineration and Energy-From-Waste projects. That I believe is well known. We have covered the ground on many occasions when the Committee - we are probably talking 5, 6 or even 7 years now - where the Committee delayed taking a decision on commissioning an incinerator because alternative technologies needed to be investigated. That matter was wrapped up essentially in the Solid Waste Strategy approved by the States and also in ensuing meetings of the Waste Strategy Steering Group and meetings we have had with Scrutiny over the last 18 months. But a number of key individuals insist on pursuing this nirvana of higher recycling targets alternative technologies which is simply not going to happen. I have warned the House of the consequences of continued delay; that the

prices of equipment will escalate. I can tell Members today that as a result of the continuing delays and also as a result of development in Guernsey over the past few years, we have lost a tenderer - one of the main tenderers - and regrettably I suspect probably the tenderer that would have turned out to have been the favoured option of the rolling grate system that looked extremely robust, was designed for medium-sized French towns, to a company used to making this sort of equipment that we needed in the production capacity that Jersey required - gone, off my list.

Deputy P.N. Troy:

Can the Minister clarify what he means by “gone”? Gone out of business, gone to another country?

Deputy G.W.J. de Faye:

What I mean, Deputy Troy, is that this tenderer is absolutely fed up of waiting for us to make our minds up about when we want to buy his equipment. That is what I mean by gone. He has gone to seek business elsewhere which he thinks is likely to prove more reliable. While it was interesting that Deputy Duhamel did give us a fairly clear insight into why reports take so long to produce, I am finally pleased to see this Waste Recycling report. I have to say, having looked through it, it brings no surprises. It does not really inform me - I do not think my department either - over anything we do not really already know. It reiterates generally the inaccuracies that come out of the so-called Zero Waste Strategy. It is full of assertions and it is full of things that are just plainly inaccurate and wrong. I will refer just briefly to one element where it talks about the opportunities for recycling tyres by turning them into artificial reefs. This is one area where Deputy Duhamel’s diligent research has failed him because right off the coast of California right now is an enormous multi-million pound operation designed to pick up all the tyres that were chucked out in the sea because they created a ghastly, barren, infertile, void in the ocean floor. A grim story of what can go horribly wrong if you dump things in the wrong place. So that is the sort of research we have got. It is more spin. It is yet more spin designed to indicate that we should pack up any ideas of having an efficient incinerator. That somehow we are going to reduce the amount of waste disposal that occurs on this Island even though the amount of waste in Jersey went up by 6 per cent last year and looks as though it is going to be increasing due to consumer demand. At the end of the day, all I see is personal agendas filtering through a Scrutiny Panel against the interests of this Island. One of the worst features about what is not contained in this report and others and the general approach is that where facts do not fit, we will either fiddle with them or we will just ignore them completely. What I have in my hand here is a photocopy of a letter from Jersey Royal Limited, ostensibly the biggest landowner in the Island. It is from the Technical Director and it is addressed to Deputy Paul Le Claire. It is dated 1st October 2006. It is precisely the time when Deputy Le Claire in conjunction with Deputy Duhamel were finalising their composting report. It is in fact 5 pages long and in it it contains confidential supermarket protocols from all the main players in the United Kingdom indicating very precise detail what green compost they would allow on fields that would take products to their markets, what compost containing food waste and what levels of sewerage sludge or compost containing sewerage sludge they would accept on fields for which products would be grown to be sold in their supermarkets. Not one word of this appeared in the report even though it was evidence given to the Scrutiny Panel members involved or at least evidence given to 2 gentlemen who are now Scrutiny Panel members. The report was presented on 10th October. Indeed I have here a response to Deputy Le Claire’s working party on composting presented by my own department. Why was there not a single word from this letter in that report, because if any Member read this you would understand that this letter blows that report out of the water? It says - and I am sure Members will all recall the

level of enthusiasm that this Scrutiny Panel has for combining food waste composting with green waste - in the penultimate paragraph: "From the evidence that I have seen to date, I believe that should the States proceed with building an energy-from-waste incinerator keeping food waste in the general waste stream, i.e. the stream that goes into the incinerator, would be beneficial." I do not know whether this Assembly thinks they have been misled in any way but I simply say I really have difficulty working with this Scrutiny Panel and I do not want to carry on working with them much longer.

Deputy P.V.F. Le Claire:

On a point of information and also for clarification to Members...

The Bailiff:

Not a second speech, Deputy.

Deputy P.V.F. Le Claire:

Not a second speech, Sir. Not a second speech.

The Bailiff:

Is there a point of clarification or a point of...

8.1.9 Deputy P.V.F. Le Claire:

There has been a serious allegation by the Minister that I might perhaps have deliberately misled the House, Sir, in not revealing information that he has at his disposal that he has brought up today that predates this debate, Sir. All I would ask is that if the Minister would kindly communicate with me as to what it is he is holding, I will look back upon my records and then report to the House in due course.

Deputy G.W.J. de Faye:

I would be delighted to be of assistance. This is a letter from Jersey Royal Potato Marketing Limited, dated 1st October 2006, addressed to Deputy Paul Le Claire, 18 Garden Lane, St. Helier. I am sure he has a copy of it.

8.1.10 Deputy J.A. Martin:

It is always a pleasure to follow the Transport Minister especially when he talks about personal attacks. He has gone through the list of the Panel members. He will not talk to Deputy Duhamel on his own for whatever reason where the Minister for Planning and Environment seems to feel that some chats with or without the Panel were helpful. He has had to endure over the past 3 weeks some very strong criticism and scared people at Havre des Pas because Deputy Le Claire as part of his job as Deputy for the area had to take serious concerns that were voiced to him by the public to Health. I think he did his job well. Thirdly, another member of the Environment Panel - not personal - the Constable of St. Helier has embarrassed the Transport Minister over some toilets at Green Street and even outfoxed him in a Parish Lane and got it pedestrianised. But none of this was personal of course. We are now today talking about confidence in the Environment Panel. I did have a lot of thought over this. I could not support Deputy Duhamel as President of the Chairmen's Committee. But as we are - and we have heard a lot about Scrutiny being in a new place, cannot work with this person, cannot work with that person - I thought we had a very productive meeting between the Chairmen's Panel and the Chief Minister last Friday where I wish that everybody in this House will realise we need some strong protocols put in place. The system must work. The system will be here a lot longer than we will be as States' Members. For this one reason I will not probably be supporting... in fact I have not heard anything yet that will make me

support this vote of no confidence. I think both sides of the House, the Ministers... when I say “both sides” I do not mean to be oppositional in any way, confrontational, whatever. I know that there are policies that we as Scrutiny are asked to either in the development stage or once the policy is presented in States. It may take 8 weeks. We have been promised one in 8 weeks or just a little bit longer or you may have to work on one like I have done, Income Support, over 2 years. It may be my fault. Maybe the Minister keeps moving the goalposts. I am not blaming the Minister. The Minister is under a lot of pressure to get the system completely right. My Panel has worked with him, having some good informal chats, minuted, and lots of things have been taken on board. But as Deputy Duhamel rightly points out, we will not have a final report out and the system will not be in place until at least 2 years after we started scrutinising it. I fully accept that. There are horses for courses. Deputy Duhamel talks about when do you need to know when you get in and get out of a review? Again it cannot be set in stone. Why I feel that this Environment Panel is a new Panel, it may be not doing the... I will put it more clearly. It may not be saying what some of the Ministers want it to say. They may be going over old ground. But I really do feel and I will criticise the 3... I mean I have not heard from the 3 Members and I have not heard from the proposer who is going to take on the job. It is either step up or shut up as far as I am concerned. One of the proposers has been in this House, Sir, for the whole of this debate for a maximum of 10 minutes. He has gone again now. I do not know if he is going to speak. Senator Norman, I am talking about. I am sorry, Sir, I had to name him because Senator Cohen is sitting in front of him or would be sitting in front of him if he was in the House and he cannot see behind his back unfortunately. If Deputy Duhamel could, he would have probably seen the knives out a long time ago. But anyway, Sir, I really feel that we do have a new Panel. I have spoken privately to Deputy Duhamel. Whether he takes what I say on board or not, I do feel that his faith in human nature is - I probably cannot think of the word - probably too naïve I would say because he tells me that he has had good working relationships with the Minister for Transport and Technical Services. He has taken lots of issues on board even with the Transport Strategy. But according to the Minister these conversations never took place or they were so off-the-wall they were not even up for consideration. So I really have not got a lot more to say. As I say, I do not feel that it is the time or place where Scrutiny should be uprooting again. We are already committed. I am committed, I am not moving Panels. We have already heard from Deputy Southern who did sign the vote of no confidence. He is certainly not moving Panels. I do not think he probably could even work on another Committee given that he is Chair of one. So, as I say, I need to know who is going to do the job, who has got the credentials to understand half of this - especially environmental issues - because I absolutely would like anyone to prove better credentials than Deputy Duhamel in this House. He may need a bit of training in business management or Panel management but his Panel does not seem to have a problem with him at all, except possibly the poor Constable of St. Mary who has been an innocent bystander for the last 18 months. I know the Constable of St. Mary very well and worked with him, Sir, on the Health Committee. By no means, Sir, is the Constable of St. Mary ever going to be an innocent bystander. **[Laughter]** So, Sir, I think this is preconceived. There may even be an element... I do not know how far down this water argument goes. Deep water I am presuming, very deep or deeper. I do not know the real reasons why the other 3 people - and I hope they will all speak in the debate - have signed this vote of no confidence. I maybe mentioned it in passing to one of them and did not really get what I would call a straightforward answer, Sir. I think the answer was one would suppose that Deputy Baudains wants to be the Chair of the Environment Panel. My question then was: “And who wants to sit on that Environment Panel if Deputy Baudains is the Chair?” Nobody seems to know. The Scrutiny process, we have all admitted, even the President of the Chairmen’s Committee and the Chief Officer, is still in its infancy. We need to get this

right. We need to stop arguing among ourselves. I am afraid though that once we do get some protocols in place that Deputy Duhamel will have to follow them, along with the other Scrutiny members. It is not about the length of reports. It is about procedures that will be here and, as I say, be suitable for not confrontational, not oppositional but would help this run as a government. So with that, Sir, I certainly have now made up my mind. I have talked myself into it. I am definitely not going to support the vote of no Confidence.

8.1.11 Deputy G.P. Southern:

It is always a great pleasure to speak after my partner in crime, Deputy Martin, [Laughter] especially when we disagree. I suppose the starting point for me is the question that Deputy Duhamel asked earlier. He said what form of Scrutiny do we want? He seemed to imply that his was a different variety of Scrutiny and that if we did not have his version on environmental affairs then we would get some sort of preformed mass; a rigid system whereby everybody has got to obey some sort of line and that that flexibility was absolutely essential. But I think we do have to consider what is going on here. Now it seems to me that I am fiercely proud of what Scrutiny can and is, I believe, in the main largely already delivering, can deliver and is delivering. I see 2 major criticisms coming out. No, I can expand that a bit, 3 major criticisms coming out: (1) that it is a waste of time. It is just introducing delay. It is going nowhere; (2) and this is one we often hear from the Chief Minister, that it is about producing alternative policy and setting up models in opposition to accepted policy; (3) that individuals are pursuing their own political agenda. I have already had that thrown at me this morning - surprise, surprise - because I touched on a sensitive nerve. When I look at those 3 criticisms, I look around. I could defend my actions, I believe, quite firmly against those accusations. I believe several other chairmen can do likewise and be proud of what their Panels are producing. I am afraid when I look at the Environmental Panel I cannot have that same faith. Alternative policy? I think it sticks. No end product, not going anywhere? I think that sticks. Individuals pursuing their own agendas? I am afraid, yes, I think all 3 stick to that Panel. We are told that we have got a new Panel. Of course the vote of no confidence is in a Panel that has been reformed - we have new membership, newly keen to get on with things - and that the defects that Deputy Baudains is talking about belonged to the old Panel in some way and that has now been sorted with resignations and a variety of movements. But one has to ask oneself what is the common thread? The common thread is the Chairman of that Panel. I have no wish to go into personality in any way whatsoever. There is no doubt that Deputy Duhamel is very intelligent and his level of deep understanding of environmental matters surpasses many. He would make an excellent witness to the Scrutiny Panel. Unfortunately I do not believe he possesses the skills that are required to lead a Scrutiny Panel. It is about leadership. In producing a decent end product out of a Panel, one needs to be able to lead, one needs to be able to set timetables, one needs to be able to set objectives, one needs to be able to drive people through so that there is an end product. Sadly, that has been missing from this Panel. Although Deputy Duhamel has said: "Of course it is not about counting the number of reports produced. That is a silly way to measure end product." However, it is the single quantitative element that we can assess. We have to look over 18 months at the record. Corporate Services has managed to produce 8 reports; some of them interim but interim reports on a big topic. Somehow Deputy Duhamel says: "Well, that is obviously a mistake." But, no, that is organisation. That is drive. That is timely. That is producing an interim which helps debate in this area while still accepting that we will go on and we may go on till - I do not know if Deputy Ryan knows when the end of G.S.T. is going to come.

Deputy P.J.D. Ryan:

Something to do with cows coming home.

Deputy G.P. Southern:

Cows will come home eventually, yes. But 8 end products, useful in many ways to the debate and contributing and joining and adding value. My own Panel managed to produce 5 in that time. Again some of them interim, some of them major, but driven through and at least a product got out at the end, some of which are still ongoing. It is rather more difficult to look at Social Affairs because it has now broken off into 2 separate entities but I make it that Social Affairs in its various forms over the past 18 months has produced of the order of 6 reports. I cannot speak for their quality in all cases but I believe many of them were substantial pieces of work and good pieces of work and useful for political debate. What have we had from Environment? We have only had 2 reports in total. I am sorry but that is not good enough. The planning process was produced after 14 months of work by dint of a serious sustained effort by 2 members, Deputy Baudains and Deputy Le Hérissier, getting together with the officer and making sure that they got something done and out on their own bat as it were. The single report that we have seen has been produced after 18 months work. Now I have not had time - I do not believe anybody can have - to examine that in depth, to assess its quality, but I would hazard a guess that like Corporate Affairs and their G.S.T. which they knew when they took it on might be a big report, they could and should have produced some element of that as an interim report over some aspects of the environment to help focus our thinking, the public's thinking, on those issues. That would have been good management. That would have shown an awareness of objectives, an awareness of timetable, an awareness of some sort of leadership and drive that is necessary. Sadly, I feel that I can no longer have faith in the leadership supplied by Deputy Duhamel to the Environment Panel. I am of the opinion that, in fact, anyone other than him, I believe, could probably do a better job in terms of delivering some end product; end product that is sadly overdue. I believe we should give a new face the opportunity to do that in the next 15 months.

8.1.12 The Connétable of Grouville:

This will be very short. As a fellow scrutineer I am extremely happy with Deputy Duhamel's intelligence, his work rate and his general attitude to Scrutiny. But I have to say that I will support him on this providing I get a promise he will just be a little bit quicker in the future. The only problem we have is slowness. I have no problem with the rest of his work. I am content.

8.1.13 Deputy R.G. Le Hérissier:

Just a few words. I was waiting for one or 2 other people to speak. Although I do see the sincerity of what the Constable of Grouville is saying, I cannot agree with the general tenor of his words. First of all, Sir, I would pay tribute to the depth of knowledge of Deputy Duhamel but of course there is always a problem. Those of us who have got enthusiastic about things or who have got very involved in issues in life often find that because you are the most expert person in a knowledge sense about an issue that often makes you very unfit to be the leader of an issue. I think that point has to be borne in mind. There is no guarantee, Sir, that while you may be a good leader of an environmental pressure group that is quite a different job to being the leader of a Scrutiny group. My concerns, Sir, in regard to this Panel and Deputy Le Claire may have a very good point that are we judging the old or the new. I can well see why he and in comments I heard from the Constable at lunchtime who belaboured me with a certain point, I can well see they might feel somewhat aggrieved. But I do not think the issue will go away despite their sincerity and their undoubted feeling of grievance that they are being put under undue pressure and I well see where they are coming from. There is a major issue of workload organisation, as Deputy Southern said, Sir. To take one example, there was continual pressure to get the reports out and there was continual debate. I remember, Sir, being persuaded against my better wishes in one debate by the Constable of St. Mary when

we were discussing overseas trips for about the fiftieth time I think. There was another major ding-dong going on about overseas trips. He made a very good case for them and I was persuaded. But the great caveat had to be, yes, by all means have them but please tie them up to reports and publication of the reports so that Members can see the route down which we are going and that they do not see us as engaging in some kind of meandering path, having a lot of fun, having a lot of lateral thoughts, having a lot of odd thoughts and that all of a sudden in one great panic putting them all together. That was always the point. I had no problem with that. The second thing is, Sir, budgetary. I really think while it is terribly boring and tedious and so forth, we on Scrutiny are often complaining, as is the PAC, about the looseness of budget discipline in the system. I do think we have to show an example. We did have various issues there. The third point I would make, Sir, is while I take Deputy Duhamel's point, and it is exciting to have people who do think laterally, who take another view and so forth, methinks he doth speak partly and in the nicest possible way out of both sides of his mouth. On the one hand, Sir, he cannot be trying to develop friendly relationships and at the same times saying: "Well, I am going to be some kind of pressure group to ensure that at the end of the day we will get our way." You have really got to go ultimately where the evidence takes you. If you are dealing with evidence, even though this is a much overworked term and the whole process is much overworked and we have put, in a sense, too much emphasis on evidence, believe it or not, I think, Sir, you have to follow that evidence and you have to be prepared to say: "We got it wrong." You cannot be seen, rightly or wrongly, as harbouring secret thoughts about: "At the end of the day, I do not want an incinerator and I am going to use every trick in the book [in the nicest possible way because we are all in the pressure business] to make sure that that does not happen. I really think you have got to make up your mind when you are on a Scrutiny Panel. Yes, we all bring biases and prejudices - that is a given - but you have got to park them as far as you can, and make sure you are not running a pressure group. That, Sir, was the increasingly uneasy feeling that I got, that we were part of it. I enjoyed the issues; I thought it was immensely interesting; it was an immensely fast-moving thing. Another point, I do not think you can say it is fast moving, therefore, we cannot pin down reports. I really think at some point in time you have to say: "Look, we have got to influence the Assembly, and the only way we can do it, other than all the lobbying that goes on at the side, is by bringing good, hard-argued, or well-evidenced reports insofar as you can to the Assembly, and hoping they will change their mind." Those, Sir, I think are major strategic issues. I do not want to get into the issue of who attended what meeting when, and who the school monitor saw as the best attendee in the meetings and so forth because, clearly, I was not in the roll of attendance honour. So, I presume I am due to have the demolition job, or was due to have the demolition job. I do not want to get into that, Sir, as to who most pleased the attendance monitor. I think the bigger issue, Sir, was that despite the excellent work, the unbelievable dedication - in fact, we may well argue, quite frankly, over-dedication - of the Chairman, who was so involved in the issues, and is so dedicated, that the Panel was losing leadership and direction, and it was failing to influence policy. That, to me, Sir, has to be the biggest issue of all.

8.1.14 Connétable K.A. Le Brun of St. Mary:

It is now the turn of the poor old Constable of St. Mary to have a say, as I was informed, and thank Deputy de Faye, hopefully, that he did mean the words he said because Deputy de Faye does come out with quite a few expressions from time to time and I think the broadness of his cheeks says it all at times. Therefore, I would take everything that he says with a slight pinch of salt as well. But nevertheless having, as you are all most probably aware, sat, and have been all the time, on the Environment Scrutiny Panel in the past and the present as well... I meant to mention just before I spoke how I do think it is very, very disappointing in the

House. We are just about quorate, and this afternoon I have not encountered more than 4 Senators having been in their seats for all afternoon at varying times. Senator Le Main, I know you have been here most of the time, but I do feel it is rather disappointing that you can only have an average of 3 or 4 all afternoon. I do feel that it does say a lot, more than likely, than my speech would even say. So, as I said, I have been with both of the Panels right from the beginning. Having not served on the shadow Scrutiny at all, or for a small while, when I first came on to this Panel I was a very new member, a completely new member, and did seek advice from especially 2 of the elder members as such. Well, 3, I suppose. I must not forget Deputy Le Hérissier, but more so from Deputy Baudains and Deputy Duhamel, because they had been in shadow Scrutiny, had been there, done it. It was a very active Scrutiny Panel on the waste one. They also did the water resources as well. But I think the Chairman at the present time is vastly different to the previous Chairman that was on the shadow Scrutiny. They had a set amount of time to do it in; there were about 6 or 7 of them, I think, on that Panel. It was quite a large Panel and they were all, as mentioned on this particular Panel, which I found, very headstrong in their way as well. So was this Panel, I found. They were headstrong members and I did have difficulty in reconciling with all of them at the same time. I do say "at the same time" because, unfortunately, I did find from time to time - and I raised the issue - that it did seem to me there were times when we were running on low fuel, shall we say, with not too many full members. Although one does not want to be personal, as I say, I did find that from time to time it was a struggle to get on with it. Also, I did find, although we were not doing an exact scrutiny on it at the time, that invariably, Deputy Baudains did keep swinging us towards France in his boat with the Water Resources Law and such like. I felt that by the time we got into the nitty-gritty of the meetings, we had travelled to France 2 or 3 times, and we did not really get down to the business as much as we should have done. If I have a criticism of the Chairman, it is that I do not think he was strong enough on us getting forward with that, because it then revolved all around the water issue debate, which seemed to go on for an awful long time. That, I would feel, is the only main criticism I had, but then that was because there were some headstrong people there as well who tended to turn it around to their advantage the majority of the time. It is a difficult one, is Scrutiny, as everybody has been saying, and this is a debate that has been going on, and will go on. I have said many times, and to lots of people, that we as the Environment one have got 2 very, very difficult Ministries to scrutinise, because it is the Planning and it is the Transport and Technical Services, which is the Waste Review, and then also the Transport, and so on. Because, literally - I would say literally every week - things are evolving all the time. It does not stand still. There is not one subject that to any great extent you can say: "Right, that is it, let us do it, let us cut it off." Every week, there is new technology coming on. As well, they did fantastic work on the original Scrutiny Panel on the Environment previously. We are even looking back at 2005; that is 2 years ago now. My goodness me, a lot of things have changed in that time, worldwide, U.K., and I know you come a lot closer for the recycling and the waste and the composting and such like. It is an enormous time since then, 2 years, and I have found the difficulty is that it has been continually evolving all the time. Continually evolving, in that as soon as we deal with it, then something else comes up. What would have been new and innovative a couple of years ago is now merely going to be mainstream. This has been the problem I have found on this Committee, is to have a cut-off date, have a cut-off time. I have been saying it for quite a while now, and I would like to think some of the older members would have said that as well. I have said: "Come on, we have to make a cut-off time." But I can appreciate how it has been evolving and every time, something else arises. Even the existing members, the past members and the present members, just as we see we have hit the end of the road, or the end of the waste pile, something else crops up. So: "We have got to include this; it is a necessity" and it is only because it is new innovation, new

trials, that have come on. This has been my problem; I have found sitting on this Committee that this is what has happened. This is where I have found a difficulty as well, as has been mentioned, that Deputy Baudains has been looking back on what was said: "Well, this should have happened, that should have happened." He even said that perhaps he should not have resigned; he should have stayed on and driven the thing forward as well. Well, why did he not do that? It is easy in retrospect to say so, but he should have then stayed on. They should have stayed on if they felt so strongly about it, Mr. Chairman, and done it at that time. He has given us his reasons for delaying and delaying and delaying, but why did he not do it at that time? That was the time to do it, and I feel that at this moment in time it is nearly too late. We have had the report out, which we have had. It is not an interim one, it is a full one. We could have had an interim, but why bring it about now? Also, from Deputy de Faye, who is having an enormous dig at the 2 new members on what has happened most recently over the last 2 weeks. I wonder what he would have said if he were to have made his speech 3 weeks ago. It would have been vastly different to what he has made today, I would have thought. He would not have been able to come to terms, or been more confrontational, were there 2 new members at the time. So, that is what has evolved again and, now, this is something else that has come about. I reiterate, it is what I have been saying all along, that every week there is something new, there is something evolving. I wonder now what is going to happen to all the recycling in the Island, because he has said today: "We are still going to burn everything." Virtually, that is what he said: "We are still going to have the incineration; we are still going to continue with that." The message going out to everybody, why are we going to do the recycling? We have got to aim for a higher amount. Whether he admits it or not, within St. Helier they did aim, and they got a high one.

Deputy G.W.J. de Faye:

If the Constable would kindly give way, I certainly would not want the impression to go out that we are going to do any less recycling. My target of 32 per cent still stands that I hope to achieve in 2 years time or so. Frankly, I have to achieve it because if I do not, I will need to build a bigger incinerator. The size of the incinerator and the amount of tonnage it is designed to handle is based on the premise that we will be recycling a minimum amount year on year. I hope you understand, Connétable, we have to recycle otherwise my incinerator plans are not big enough.

Deputy C.J. Scott Warren:

On a point of order, Sir, this House has not yet made the final decision on what type of energy-from-waste plant, and that is not coming over in this debate.

The Connétable of St. Mary:

That is the point I was going to make as well, because it has only been decided that it was going to be down at La Collette, whatever it is going to be. It is something decided, that it is an energy-from-plant waste, but we do not know exactly what size. This is the point I was making where I might have slightly given the wrong impression, or thought that we will not do any more recycling. We might still have to incinerate, but whatever the incineration would be, would be far, far less than what is, as far as I gather, still proposed for the future because there is no reason why we cannot improve the recycling plant. We could, within the Island, recycle a lot more through the parishes and through myself, because I have been asked that, and we say we cannot do this yet because we have got no money to put in recycling things, to progress, to move forward. But then, on the other hand, surely that is the investment, that we know that if we can recycle more things from the incineration, we would have to do less. I still, though, maintain that you are going to have more coming on-stream because if we recycle more surely that is going to take up all that slack and we will not need the size of the

incinerator that has been suggested, that you suggested 2 years ago, 3 years ago, or thereabouts. With a shake of the head and a slight grin, with those cheeks puffing out again I am sure you will find that we will, it is really our intention of doing it. However, that is a by the by; that is another issue. I think, nevertheless, that it has been a very difficult one. One learns all the time as one goes on and, as I say, I have had many thoughts about this, about what has been happening since the proposition came forward. It is very difficult, and it is because of the evolving all the time of these 2 particular ones, and this is why I reiterate time and time again. I certainly, obviously, would feel that I am going to not support. Because of the fact that I have been on the both of them, I know the situation, I know what it is like. I do feel, Deputy Baudains, that it is a lot too late in the day to bring this forward. It is not putting out good messages regarding Scrutiny if we do not have the backing, or there is not the backing from Scrutiny. As I say, Scrutiny works in all different ways. I am not going to be saying any more at this moment in time. It would be very interesting to see, when the decision is asked, how many Senators come rushing in, and which way they will vote, as well. That, I would feel, would say more, possibly, than anything else.

8.1.15 Senator B.E. Shenton:

I thought I had better speak, just to point out that I am one of the Senators in this Chamber, together with Senator Routier and Senator Perchard. I find this whole debate to be rather surreal, to be honest with you. We have got a proposition brought by someone that many would consider to be not a team player, criticising someone for not being a team player. I worked for a very short period with Deputy Baudains on the Telecom Privatisation review. Unfortunately, Deputy Baudains resigned from the Panel, saying he could not work with me after I published his attendance figures in the States. As a result, I believe that Deputy Baudains is not working on any Scrutiny Panel whatsoever at the moment. I am going to be fairly brief. I do not think it is a sin to be a Chairman of a Scrutiny Panel and work with the Minister, as Deputy Duhamel has done, as Senator Cohen has pointed out. He is not one of the Members that are publicity hungry. He will liaise closely with the Ministers, and I think his idea of Scrutiny is perhaps different from other people's ideas of Scrutiny. I honestly believe Scrutiny must work much closer with the Ministers, and I have said on numerous occasions that I would like to see Assistant Ministers get involved in the Scrutiny process. I cannot remember Deputy Baudains ever asking either written or oral questions in this Chamber with regard to what Deputy Duhamel is doing in Environment. The first I have heard of his dissatisfaction is through this vote of no confidence. It is hardly a way to work. I do worry about the message that we send to the outside world, and that the respect that we desire as politicians is not being achieved at the moment. I will finish this very short speech with a little story that someone told me the other day. They said that if a tree fell on top of a politician, you may not hear the tree fall and you may not hear the politician scream, but you would certainly hear the applause.

8.1.16 The Connétable of St. Helier:

When I joined the Environment Scrutiny Panel, I did so with some misgivings. It did have a reputation. In fact, at one of the first meetings I attended, I looked around my colleagues and I said to them most earnestly: "Listen, this is all very well, but we must finish a report." I have to say, I am delighted that the Panel agreed with me and the deadline was set for the major report. It was advanced 2 weeks so that it could be ready for today, for obvious reasons. I must say that does seem to me to present a problem of logic to the proposer of the no confidence motion, given that the main plank of his argument is that the Panel has not produced its major report on waste. That has now been done, so is a vote of no confidence merely to punish the Committee for taking so long to produce it, I wonder. But, I must say, I do at times have questions in my mind about why bother to write reports at all? Because the

Environment Scrutiny Panel presented a report to Members electronically last night, and on their desks this morning, dealing with what little evidence there is in Deputy Baudains' proposition, and not one Member has referred to it. So, that makes the members of the Panel, I think, feel a little concerned. They have submitted a major report today, and a minor one, which has comments on the proposition, and nobody seems to have commented on the reports. The reports that we submitted on Deputy Baudains' proposition challenged him in many areas. There were not many areas of his report, but all the areas we could we challenged. Just to take one little example, he said that Deputy Duhamel gave him no help at all on the Water Resources Law. I went back to Hansard and discovered that Deputy Duhamel had, perhaps predictably, spoken at some length; 1,706 words, which I thought was quite enough. The proposition is full of misleading statements, suggestions that even the new Panel members have no real interest in the environment, a suggestion which I do take issue with. I felt that more Members would have taken issue with that there is a lack of an evidence-based report for bringing down this Committee, given that it has now produced its major report that it has been working on for some time. Some of Deputy Baudains' other remarks in his opening speech also suggested to me that he had not read the report, the comments, that is. He was very critical. This, I suppose was a blessing in some ways, that most of his attack was on the Chairman and not upon the membership, so one can be grateful for that, I suppose. But he described the Panel's business very dismissively. He said it is more of a chat room than a decision making process. Later on, Deputy Southern, I think it was, also criticised the leadership style of Deputy Duhamel. I happen to have in my possession the second newsletter of a new publication called Parish Matters, which is delivered free, unlike some publications, to everyone in St. Helier. In an article there, it talks about Scrutiny and it says: "It is unfortunate that Deputy Duhamel, who was trying to create a team environment in which elected representatives would work together to pursue the best future for the people of Jersey, faced such opposition, but we waited for the next move of the new Scrutiny Panel." I happen to agree with that. I have only been on the Committee for a few months, but I do not have a problem with Deputy Duhamel's leadership style. It is inclusive; he does not race through meetings the way I do; he does not force members to a quick decision, he allows people to explore their views. I am sure he has got the message from the Assembly today that he needs to be a bit quicker in getting reports out. I do not think that has been lost on him, and it certainly has not been lost on the Committee. Deputy Baudains then brought a rather marvellous rabbit out of his hat because, realising that his main argument had been foiled, that is by the production of the report, he said: "Aha, the Committee now has no work to do, so let us bring them down." Now, I am sure Members will agree that that is a somewhat specious argument, although one has to admire his cunning. I refer Members to the minutes of a recent meeting when the Panel considered at length the new, and I must say long-awaited, integrated Transport Plan from TTS. The meeting came up with 14 issues that they were concerned about in the Minister's proposals for Transport, and at the end of that it is minuted that the Panel regretted that it was currently committed to 2 reviews, and it was not in a position to launch a third review at this time. It agreed, however, to undertake a review of the plan during the third quarter of 2007. So, it is entirely wrong for Deputy Baudains to say that the Committee does not know where it is going next. If the Assembly today returns the Environment Panel, it is going to launch a thorough review of that Transport Plan. So, I would suggest that the argument he used is without merit. I am now going to turn to some of the other comments that have been made, and it has been slightly frustrating. One has been sitting here waiting for all that evidence, particularly from Scrutiny, as to why this particular Panel should now fall, and it has really been scraping the bottom of the barrel. Deputy Ferguson - and we expected some pretty serious support for the proposal from her - said that the duty of the Scrutiny is to report to this Assembly. Well, I think we

agree with that, and a lot has been made during this debate of how many reports each Panel has produced, but it is more than just reports. One of the misgivings I had, as I say, about joining the Panel was this enormous phone book of minutes that duly arrived in my office. Looking through the digest of the minutes, and looking through some of the minutes - I have not had a chance to read it all yet, I have only been on the Panel for a few months - what was very clear was this Panel has done, and continues to do, an enormous amount of work. It is not just a matter of producing reports with nice, glossy covers; it is about advising Ministers on matters of policy. It is about meeting officers, it is about meeting members of the public, it is about meeting people who think they are experts in certain fields and listening to their views. A great deal of work has gone on, and I would suggest that any Member who has not read through at least some of that phone directory of business should not be saying this Committee has not done enough business to justify it staying in office. Deputy Ferguson also suggested that the Committee was not capable of objective reports. Well, it is a bit premature to say that, because no one has had the chance yet to examine the major report that has just been put out. But it does raise the question, in my mind, that given that Deputy Baudains has already admitted in his proposition that he does not support the incinerator, how can electing him as the next chairman of this particular Panel achieve an objective view about that? Deputy Huet also spoke in support of the proposition. She was concerned about the composting review that took place, and I think it is unfortunate that some Members have criticised Deputy Le Claire, who was not at the time a member of Scrutiny, but he effectively embarked on a, sort of, one-man Scrutiny Panel and single-handedly produced an extremely long report on the alternatives to a central composting facility. Now, the outcome of that report has yet to be seen and considered and debated by the States, but I think it is significant that a scrutiny, if we can call the report that, has challenged an accepted notion that the whole Island can continue to dump its green waste in St. Helier. That was the challenge that that report has suggested. The Assistant Minister then turned to Transport and said no progress has been made on that front either, and I have already referred to the minutes, and the meeting, and the advice that the Scrutiny Panel has given to the Minister. I should think the Minister, and his Assistant Minister, should be rather pleased that Environment did not publish an interim report on the Transport Plan because, judging by the minutes, it would have been extremely critical. It might have been a critical friend, but it would have been very critical indeed. I think that the Minister and Assistant Minister should be pleased that the Panel gave early input, or early in the sense that the Minister shows no sign of bringing forward the policy yet, into the formulation of the Transport Plan. We hope and expect that the Minister of TTS will bring forward a policy which reflects that input from the Panel. Deputy de Faye then spoke a rather interesting speech, and I suspect it may have done Deputy Baudains' case more harm than good. Quite how embarking on a personal attack on one of the newest members of the Panel can help bring the Panel down, I am not sure. I do not really know whether, Sir, now is the time to explain why I had concerns about the toilets in Green Street car park. It is clearly not relevant to the debate, nor is the condition of the road surface in Hilgrove Street. The Deputy did, however, make his first ever public comment on the Zero Waste strategy, and I think that is a point I will bring up. Because, clearly, one of the arguments produced by Scrutiny in their comments is that the delay in the report was partly due to the Zero Waste Trial being conducted by the Parish of St. Helier. I have to put my hand up and say that trial took longer to produce its report for Scrutiny than it should have done. So, in a way, even though I was not on Scrutiny at the time, I must take some responsibility for not getting those findings to the Panel in better time. But the fact is that report was published in March, and I have brought sufficient copies for most Members in the Chamber here. I have done so because I think, in a quite extraordinary way - and this goes back to the comment I made earlier about writing reports - we have not had one single

comment on the Zero Waste report. It was published in March, and we have not had a single response from the Minister, not until today, nor the Assistant Minister, nor, indeed, from any Member of the House. I do find that depressing in some ways, but maybe my comment will inspire the Minister to bring forward a considered view of it. The Minister clearly regarded the Zero Waste review not as an important part of Scrutiny's work and, of course, the decision to do it was taken, among others, by Deputy Baudains when he was on the Panel. So, I am not, in a sense, responsible for the decision that was taken on it, and I am not going to debate it at any length. This is, after all, not a debate about incineration, is it? However, I think it is important that the Panel did wait until March to get its findings. No response was ever received by the Panel on the Zero Waste report, and it has duly included that as a major plank in the report. I hope Members, if they have not had time to read the Zero Waste report, will at least read Scrutiny's report, because it does contain the major part of the Zero Waste findings in it. Now, the rest of Deputy de Faye's speech was, as I say, taken up with comments which, I must say, Sir, I felt sailed fairly close to the wind when it comes to imputing improper motives to Members. He did, for example, say that Deputy Le Claire and myself are prompted by personal agendas against the interests of the Island. I must say, Sir, I find that is extremely close to the wind, and perhaps he should have been brought up for saying it. But, in any case, I am not going to dwell on his comments. The Minister said at the end that he does not wish to work with the present Panel. Well, that is perhaps one good reason for rejecting the no confidence vote. Do we, after all, want all of our Ministers to have Scrutiny Panels that they agree with? Deputy Southern, one of the 3 Members who signed this vote, spoke next. He drew attention away - I suppose I was quite pleased, in a way - from the more recent members and back to the Chairman. That was refreshing, I thought. He essentially said that Deputy Duhamel lacked the leadership necessary to lead a Scrutiny Panel. All I can say, Sir, is I have enormous respect for the way Deputy Duhamel leads us. It is not the way I lead Committees, and I am glad it is not, because if all Committees were led in the same way, the world would be a boring place and politics a lot less interesting than it is. Equally, Deputy Le Hérisier disappointed me. He did not provide the evidence that I urged him to do when I saw him at lunch. He says that there is a budgeting problem, various issues, he said, and I thought: "Well, where are the issues of budgeting?" The only budgeting issue I have had with the Scrutiny Panel is would it pay the Parish of St. Helier what it promised us by way of a grant for the zero waste? It duly did, albeit one that was substantially reduced because we did not spend very much money. He said that the attendance should not be mentioned. Well, I have to say Deputy Duhamel only mentioned attendance because Deputy Baudains did in his report, suggesting that there was a very poor level of attendance. So, Sir, I am not going to comment on any of the other speakers, such as we have had. I do just want to say, Sir, that this is quite a personal thing. When a Member brings a vote of no confidence in a group of elected members, he or she needs to think very carefully before they do it. They need to make sure, for example, that those who sign that paper are going to be in the debate for the whole debate. Because it does not look very good, and it has been referred to already, when a majority of the Members who signed the paper are simply not bothered to listen to the arguments. Equally, I would hope that those Members who have not been in the Assembly for this debate are not going to jump in when we get to the vote, and all vote the Committee down. I think if you are going to vote the Committee out of office, you should at least be there for the debate to hear the arguments. As far as my personal role on the Panel, I have, as I say, only been there for a few meetings. It has been suggested in a private email I have seen from a certain Deputy, who shall remain nameless, that I am trying to pursue the path of an eco-warrior recently. All I would say is that Members need to remember who amended the Strategic Plan last summer to bring the environment to the head of the agenda of the States. I suggest it was not that Deputy; it was me. So, I would urge Members to accept that this

proposition, which has taken up almost a whole day of this Chamber, has not been an edifying spectacle. I must say, personally, I have broad shoulders. I have had personal attacks made against me by Members before in this House, and I am sure I will again, and I am pretty much used to it. I do not think it does them any credit when they do it, and I do not think it does their arguments any credit, and I would urge Members to reject the proposition

8.1.17 The Deputy of St. Mary:

I speak as someone who is still torn as to how I will vote about this. This is a motion which again brings Scrutiny into the spotlight, and again, not for the reasons that I would want. It is unfortunate, but perhaps we have to accept that as Scrutiny develops there will be growing pains. I only hope that its adolescence is short. This is a motion concerning a Panel and its working practices. It is not a motion dealing with personalities or individuals. For that reason, I am not going to criticise, or even praise, the Members. I believe that would not be relevant to the proposition. Individually, the members of the Panel may have all the characteristics necessary to be effective scrutineers, but the question today is simply, do they function together as a team capable of carrying out an effective scrutiny of 2 large and varied ministries? In short, is the whole greater than, or even equal to, the sum of its parts? One thing I certainly know is that I would not necessarily criticise any Panel for taking a long time to produce a report, as I know from experience that sometimes it is necessary to take that long time to gather all the evidence so that you can be sure that when the report is produced, it is robust and it is valuable. As has already been well pointed out today, some topics are bigger than others. So, when I read the report accompanying this proposition, I decided to research the Panel's history myself to see what justification, if any, there was. In order to illustrate what I found, I would like to refer to the report that we received today. Of course, it is a very big report and I cannot claim in the time that we have had that I have given it a thorough reading, but I have read it as well as I can. The question is, if this Panel was to fall today, how could I deal with any queries that I might have resulting from this? The report seems to be largely a drawing together of information, a lot of it already available in the public domain. So, there must be new work, there must be new evidence. How do I gather it? How do I look at it? From the website? I could not find any hearings to do with this report. Neither could I find any submissions. I looked through all the minutes. The minutes deal mainly with planning the operation, visits, et cetera, and receiving all updates in all of the reports. There is absolutely nothing wrong with that, but there must surely be more. Where can the public find the content, find the basis for this review? Scrutiny is holding the executive to account in public. The public must have an insight into the processes involved. Scrutiny has to be as transparent as the government it analyses. There seems to be a tendency, and I will admit that this started in the early days, before the current Panel, for informal meetings. I say informal, not private - private meetings are necessary at different stages of reports - informal meetings with no officers present. I would just like to get some assurance from the chairman, when he has a second bite, perhaps, at this debate, that, in fact, the working practices of the Panel have evolved along with the Panel so that there is a more robust recording of developments. Finally, and briefly, I would also say that we have in this debate spent a long time looking back at what the Panel has and has not done. I would like to ask the current Chairman, and also the proposer, what they would plan for the future, if they could give me some indication as to that. We have had an indication from the Constable of St. Helier about the analysis of the Integrated Travel and Transport Plan. What other work would either of these gentlemen do in future? We have heard that the current Panel's work has really drawn to a conclusion, apart from, perhaps, Design for Homes. What will their future work programme be? I would really like to hear this, so that I can have some assistance, Sir, in making up my mind. Thank you.

8.1.18 Senator L. Norman:

During his speech, which I did listen to very carefully, Deputy Duhamel asked: “What is wanted? Do we want quick reports or do we want long-term, thorough reports?” I think that is probably the wrong question because what we want, what we need, are timely reports. What we need are meaningful reports. I suggest that what appeared on our desks this morning was neither of those. We needed this report months ago when we debated the resiting of the incinerator. I was quite interested to hear the Minister today calling it the incinerator, and not an energy-from-waste plant, so I am not quite sure what has happened to that. But we needed it then. We needed it when we discussed the composting site but, at that time, the Scrutiny Panel was silent and it was left to Deputy Le Claire back then to do a tremendous amount of work single-handedly, with some support, and produce a work that should have been produced by the Scrutiny Panel. But, as I said, we also needed this report, which came today, to say something meaningful and after 18 months I think we have the right to expect it to say something meaningful. But what have we got? I will just turn to the executive summary. The main recommendation after all of these pages, says: “The Scrutiny Panel strongly recommends that TTS takes the opportunity to review the estimates of both waste arising, and recycling rates for the period of the strategy.” Well, that was worth waiting 18 months for, was it not? But it goes on to say: “The Panel believes that the residual waste arising estimated in 2005 for the next 25 years was seriously overstated and that recycling rates are seriously underestimated.” “The Panel believes.” Now, as I understand it, Scrutiny Panels are not there to take leaps of faith. They are there to provide evidence, and they need to provide the evidence that this is the case, not simply to say after 18 months they believe that to be the case. But, in truth, and in reality, it is my view that it is unlikely to make any difference whether we support this proposition today or not. Indeed, over the last 18 months we have seen plenty of Scrutiny Reports, not many from this Panel, but from the others. Some have been good, some have been not so good, and others have been a bit like the one we have got this morning. But one thing they all have in common is they have had no, or very little, impact on policy making and decision-making. On that basis, this Panel has failed, perhaps through no fault of their own, because I know them to be honourable and dedicated Members, as other speakers have said today, but undoubtedly, they have failed. So, I say, give someone else a chance. Give someone else a chance to see if Scrutiny can have the impact it has failed to have so far because, certainly, this Panel is not going to achieve that.

The Bailiff

If no other Member wishes to speak, Standing Orders allow the Chairman of the Panel in whom a vote of no confidence is moved to speak for a second time. Do you wish to address the Assembly, Deputy Duhamel?

8.1.19 Deputy R.C. Duhamel:

Yes, Sir, briefly. The last speaker, Senator Norman, said: “Timely and meaningful, everything in its right time.” The Panel believe that this was the right time for bringing forward the report, and that is why they worked to the timetable that has delivered it on our desks today. States’ Members must realise that there is a further set of debates to be had in this House in order to determine the bigger question, as to what is the end-treatment facility plant that the Island might need, or would wish to acquire, in order to deal with its waste management for the next 25 years. Senator Norman thinks that we might have needed that report months ago in order to discuss composting. Yes, possibly, but not all of it, maybe part of it, and perhaps, if anything comes out of today which could be positive, it might be that large reports should be broken up into smaller pieces to make them more digestible for States’ Members and the public. But he goes further, to say that he does not like the style in which the report has been written. We are not really here today to discuss the report that has landed

on our desks and, indeed, it would be unfair to expect Members to have read it fully or to have gone over and looked at the evidence that is appended in the footnotes and the appendices at the back of the document. We took the decision, rightly, I think, that rather than overload Members' desks with a very large tome, that the previous strategy report into waste management came forward with, and to have it unread, the better way was to have the cut-down version in English, or closer to how people think or would like to debate things. Then, to give Members an opportunity, as they are completely and utterly available, to go to the department and, once the information has been posted up on to the website, to look at all the background documents from which the Panel have derived their key findings and the recommendations. It is, perhaps, unfortunate that we put 'belief'. But we believe, not because it is simple, blind faith, or a leap of faith, as suggested by Senator Norman, we believe because we have done a substantial body of work based on evidence, which is freely available, as I said before, to Members to ascertain and to judge whether we have got it right or wrong. There will be further talks on this particular issue. This is our document in order to show the public what we have been doing over the last period of months. The Deputy of St. Mary asked one particular question. She wanted to know what would myself or Deputy Baudains plan for the future, and we have heard from the Constable of St. Helier that the amount of work that is available to be done has not dried up overnight because one report or 2 reports have been finished. The other issues that have been pencilled in, again at various meetings, there is an Energy Strategy coming forward to the House. There is draft documentation that is coming out on those particular issues, and we have got even bigger issues on how the Island acts in terms of energy usage or wastage, to be looked at. Other communities are moving into tidal mills and streams. There is a whole host of work that the Environment Scrutiny Panel quite rightly would wish to get into, not because it is the mainstream of Strategy, or the strategic aims, of this House. Likewise, we have already been told that the Integrated Travel and Transport Plan, when it is produced to this House, will need to be properly looked at. We have not seen a copy as yet. Although we have been told that our 14 comments, and others, have been reworked into the new document, we have not seen the document as yet so the jury is still out as to what needs to happen on that one. The third area, and we could go on - there are hundreds of areas, but of necessity you cannot do all of them - Environmental Taxes. Earlier in the year, we were told that there was going to be a V.R.D. (Vehicle Registration Duty) replacement and an Emissions Tax. The public quite rightly jumped up and down and said that was not exactly what they wanted or understood by environmental taxes. We made our comments known at the time and that has gone back into the Council administrative system and will be presumably seeing the light of day in a new version. So, there are 3 broad areas that will occupy the thoughts and minds of all the members of the team on the Environment Scrutiny Panel, should we get an opportunity to continue in the work. Quickly, 2 other comments. Deputy Southern and Deputy Le Hérissier, both signatories on the vote of confidence paper, have criticised my leadership. This is not an issue over leadership. Had it been, it should have been worded in the terms: this is a vote of confidence in the leadership of the chairman of the Panel. It has not been put forward like that; it has been put forward in the Panel as a whole. The Panel as a whole, unfortunately, has changed in the membership and really, Members should be judging whether or not, by bringing on to the Panel the 2 new members, the Constable of St. Helier and indeed, Deputy Le Claire from St. Helier, whether or not in the short space of time since they have been active members of the Panel, whether things have gone to the worse, stayed the same, or got better. I certainly, Sir, have enjoyed working with those Members and the Constable of St. Mary over the period of time, and I think we have done the job, and we are capable of continuing to do the job. It is down to Members to decide. I think, personally, that most of the comments that have been put forward by way of evidence in order to try and justify this

vote of confidence have not been substantiated. I think that, at the end of the day, I would urge Members to give their approval for the Environment Panel to continue in the work that needs to be done, and quite clearly can be done by myself and my team. Over and above that, Sir, it is up to Members, and I shall ask for the appel when we get to the right place.

8.1.20 Deputy G.C.L. Baudains:

There is quite some ground to cover, but I will be as brief as I can. Senator Cohen, I think, inadvertently hit the nail on the head when he opened with the debate, because this has been going through what many Members have referred to this afternoon, highlighted, I think, by the Minister and Assistant Minister of Transport and Technical Services, that it is the working practices of this Panel which are the problem. The working practices seem to revolve around the Chairman of the Panel going off to see various people and having extremely deep and meaningful chats with them, but it does not get minuted anywhere, and no progress is discernible. As the Deputy of St. Mary has just recently said, you can look on the internet, but you will not find a record of the chats that the Chairman has had with the Minister for Planning. Likewise, there are no reports. What should happen is that the Minister should come to the Panel and give evidence, which is then recorded, but that does not happen. As I say, I think in that regard, the Minister for Planning may inadvertently have found the clue to this problem. I must correct one or 2 misapprehensions. Deputy Le Claire twice made the assertion that this proposition is driven by personality. It absolutely is not. I thought my report made it perfectly clear that, in fact, it is quite difficult for me to bring this proposition because of my regard for the Chairman. We have very similar views on environmental issues and all sorts of things. I regard him as a friend, but the trouble is I do not believe the Panel is performing. So, I believe it is my duty to bring this matter to the Assembly. It is quite difficult for me to do so. It is absolutely not about personality. He also suggested that I was bringing a vote of no confidence in the previous Panel, the one of which I was a member. But, of course, really, it is the same Panel. It has merely been a revolving membership. The whole point is, perhaps I did not do it well enough, but what I was trying to outline in my opening speech was the fact that there were problems with the Panel in its early days, and I was comparing those problems with the problems that exist today. They have continued. The problems did not stop when Deputy Le Hérisier, Deputy Power and myself left; they have continued. So, as another Member has said, there is a common denominator to this. Also, the Deputy queried - I did not want to interrupt my speech for too long, I was fumbling through the minutes of the Panel at the time - but when I suggested that the Panel had been inquorate twice in a month; the dates were 22nd February and 22nd March. I am concerned about some of the other comments you made, but I will not dwell on these. Deputy Scott Warren will not support the proposition, and claimed that Connétable of St. Helier is a valued member of the Panel. I do not want to go too deeply into that; I will touch upon that in a moment. I thank Deputy Ferguson for her support. Where are the reports? Where is the review of policy? This is precisely the issue, and the timeliness of the reports. This is an issue that some people I do not think have fully understood. The argument is not about the fact that this report has taken 18 months to get here, and now it is here, well, it does not really matter. It is not about the production of this report. It is about the fact that it has taken 18 months to get here and when we do get it, we find it is virtually worthless. The Chairman tells us it is a large piece of work. In fact, it is only an update of the previous waste report. It is one small aspect of it, the recycling, whereas under shadow Scrutiny, we did the entire waste management as one of 4 subjects that we did in one year. This report was promised to the members of the Scrutiny Panel last June 2006. We were then told: "Do not worry; you will have it by December at the very latest." Then I find in the minutes of the Panel, that is in January of this year, that it will be with Members by March. That was 4 months ago. If it were not for my proposition, we

would still be waiting for it at the end of the year. I thank Deputy Huet for her comments that basically reinforced what Deputy de Faye was to say later, that, in fact, there is unfortunately the complete lack of a working relationship between the Scrutiny Panel and Transport and Technical Services. Now, this is very sad because the Scrutiny Panel has 2 areas to look at, Planning and Environment and Transport and Technical Services. Now, we find that the Chairman has an excellent working relationship with the Minister. That is good, but the Panel as a whole does not, which is not good. It appears that a similar situation exists with Transport and Technical Services, except the working relationship between the Chairman and the Minister is missing as well. I really cannot see how one can progress anything, or hold the Minister to account, with a working practice of that nature. Deputy Duhamel spoke, obviously at length, as one might expect, and referred to a fault line between Council and Scrutiny. When he said that I had to wonder, well, whose fault is that? It does seem to me that the blame must lie, at least to some extent, with the Environment Scrutiny Panel because, as other Members have said this afternoon, it has, at times, been almost an opposition. I believe it was, again, the Minister for Transport and Technical Services that highlighted the ambushing that he was faced with as opposed to a straightforward business dealing that I think most of us would recognise. The Chairman of the Panel has claimed in his first speech that his working practices were reasonable. I have to ask whether one and a half reports in 18 months is reasonable and timely. Because, as I just said a few moments ago, the recycling report that has landed on our desks this morning is not a large review, and from what I have had time to read of it, it is quite thin; it is quite shallow. Others have referred to the fact that it is really bringing together information that is already available. It could have been done, surely, in 2 or 3 weeks. Now, he reminded us of a comment he made at the last meeting, at our last sitting, where the water report would be with the House by 17th July, and they brought it forward. Well, bless me, and I say it was due to be with us in June of last year. I really do not call that bringing it forward; I think it is rather putting it back quite a bit. He then went on to relate my attendance at Panel meetings. Well, I have to say that it is true I missed a number of Panel meetings, but he knows full well that the reason for my early absence was because I was the sole carer for somebody. That event came to an end on 26th June last year but after that, towards the end of the year, as Deputy Le Hérissier will confirm, I became so disillusioned with the Panel, I really was too frustrated to attend meetings. The Panel knew I wanted to resign, but I did not resign because to do so at that time would have jeopardised the production of the Planning Review report. So, I merely attended those meetings where my presence was necessary in order to get that report finished. After that, I left. I was just so frustrated with the working practices. He then went on to refer to comments that apparently have been relayed to him by Deputy Power. I have to say they are in complete contrast to the comments that Deputy Power relayed to me. So, I will say no more, as he is not here to tell us which version is the correct one. I am afraid the Chairman has, possibly inadvertently, misled Members with reference to the Water Resources Law. I can only rely on the Panel minutes where, to me, it is quite clear that on 8th March the Panel decided to discuss the issue at the following meeting. It was to be put on the agenda, but it never appeared; it was never done. Now, I presume that the purpose of that was in order for the Panel to prepare itself for the forthcoming debate, which was soon after. But, of course, the following meeting was the meeting that was inquorate at 10.00 a.m. and did not continue. I think there were 3 items of business that were noted, and one other, so there was not any substantial business, but if the Panel was only quorate for half an hour, then I presume that the water debate was on the agenda and they never got around to it. Certainly, it never occurred again in the minutes. To pick up on comments that the Constable of St. Mary made, I do not agree that the water issue took a great deal of time. It is simply not true that it took up a great deal of time, or delayed us with anything on the Panel. Our time discussing that subject on

the Panel probably amounted to no more than an hour in the year; we did not discuss it at great length. In fact, Deputy Duhamel was on the water working party and would have spoken more at Panel meetings about it than I did. Deputy Troy congratulated the Deputy of St. Helier. Perhaps he did not realise he was congratulating him for his Parish work, because he was not on the Panel at that time. So, I am not quite sure of the relevance of that to this particular debate. Deputy de Faye, whom I obviously have already referred to on a couple of occasions, said that he hardly ever sees the Panel. Well, I think that is disgraceful. I know in the minutes he has been to see the Panel, and fairly recently at that. But the theme which is running through here, and the one I am focusing on, is regardless of how often he does or does not see the Panel, there is no result. It may be that they have a nice chat and decide that perhaps we should have bicycles with smaller wheels and the buses should drive faster or something. It is all taken on board, but there is no research into it; there is no written document that anybody can refer to; there is no substance to it. It is merely: "Well, then, old chap, see you again in a couple of weeks' time." That, in my mind, is not how Scrutiny works. It is no good to anybody that it might assist the Minister slightly to know what other people are thinking about his policies; it certainly does not help the members of the public. They do not know what is going on. As I have said in my report, when you go through the Panel's minutes you find an enormous amount of work has been done, but no result; there is no tangible result or benefit from it. Unless you create a report, the sort of reports we are used to, or even a document which puts material together, how is anybody to know what, if anything, has been done? I notice that Deputy de Faye concluded his speech by saying that he has difficulty working with the Scrutiny Panel and does not want to work with them much longer. Also, I am concerned by the fact that, from the comments he has made about the composting and the Energy-From-Waste plant, or incinerator, whatever we want to call it, the costs have gone up. In fact, he assures us that the Panel's tardiness has cost the Island a considerable sum of money. I am concerned if that is the case, because timeliness is clearly of the issue if that is, in fact, true. Moving on to Deputy Martin, I listened with intent, but could not find any real substance, I am afraid, relating to the proposition, but maybe I missed something. There was a general sort of endorsement of the Deputy as a Deputy, but not as a Chairman of the Panel, and there is a difference. I think there are a number of things which people are congratulating, and rightly congratulating, the Deputy for having done, but those are matters which he has done as a private Member, not as a Chairman of the Panel, and there is a difference. Deputy Southern asked us whether Scrutiny is introducing delay. Well, again, if it is, that is unsatisfactory. It is bound at times to create some delay, but that delay must be worth it. There must be value added as a result of that delay. If, at the end of the delay, we ended up where we were in the first place, then that delay has cost us money and not been worthwhile. Deputy Southern asked whether Panels were guilty of forwarding alternative policies following individual agendas, and he was of the opinion that this Panel is doing both. Again, he is the speaker who referred to what is the common thread, that there were problems with the so-called old Panel. Has it all now been sorted with the new membership? No, it carries on. What is the common thread? Very capable person that he is, perhaps he is not the right person to lead this Panel. I went on to suggest that Corporate Services have done 8 reports in 18 months, when the Environment Panel has done 2, and, as I say, there is a question about the value of the one that landed on our desks this morning. He no longer has any confidence in the Deputy as a leader of this Panel. I thank the Constable of Grouville for his brevity, and likewise, Deputy Le Hérisier is never somebody to speak at great length when one word will do instead of several more. He outlined the issues, and I fear he might have outlined the issues so briefly that people really did not manage to get hold of them. Budget discipline, several issues. Of course, we are aware of the issues, but he did not outline them. As I have said before, and alluded to in my report, the problem is that the

discipline is not according to the principles which Scrutiny is supposed to follow. The proper way of doing things is to start out with a business plan, such as you can. How long is this review likely to take? How much is it going to cost? Are we going to need to employ consultants? How much will they cost? To get at least some idea of the funding required for this particular review. Whereas, what happens, somebody goes off and has a chat and thinks it will be a good idea to look into this. The Panel finds out about it later, and then you get a phone call or an email: "We need to spend a couple of thousand pounds; could you sanction it?" "Oh, yes, well, we better do that, then." "Oh, and I forgot, there is another £400 for this." "Oh, well, we will have to do that as well." You really cannot continue like that. This is not one-off; this does happen. It has happened again just last month. I have already referred to the Constable of St. Mary, with his reference to the Water Resources taking too much time. It hardly took any time on the Panel at all. Senator Shenton asked why did I not ask some questions of Deputy Duhamel. Well, clearly, he does not pay attention, because I did so at the last sitting. The Constable of St. Helier completely, or perhaps carefully, missed the point. It is not about the report being published; it is about taking 18 months to produce what is essentially a minor report, as I have said before, that we were promised a year ago. It was minuted in January that it was going to be released in March and it has only been released today because of my proposition. He alleged that I said Deputy Duhamel did not help at all in the water debate. Well, I did not say that, and I am afraid it is another example of the Constable's spin, referred to earlier by Deputy de Faye. I must say, I am getting tired - it seems to be a problem in this Assembly - of innuendo creeping in and then assuming that people use it as fact. But then again, perhaps the Constable could be excused for such things because he hardly ever attends Panel meetings, keeping up the practice he began years ago.

The Connétable of St. Helier:

Point of order, could the Deputy withdraw that remark? It is not borne out by the minutes whatsoever.

Deputy G.C.L. Baudains:

I really did not want to have to do this, but on 1st March, the Constable left after item 2. On 8th March, he left after item 3. He was here for the entire meeting of 26th April. On 10th March, he left after item 3 and was back for item 10, and on 24th March, he left after item 8. I do not think that is a terribly good attendance, Sir. When I was on the Legislation Committee, Sir, I think the records will show his attendance was extremely poor.

The Connétable of St. Helier:

The Deputy said I hardly ever attended meetings. I do not think that is borne out by what he read out of the minutes.

Deputy G.C.L. Baudains:

Anyway, Sir, again, he accused me of not supporting an incinerator. Well, I am not sure, but I think he was in the Chamber when I made my speech this morning. Again, I did not say that. I said: "of the type preferred." It is another example, Sir, of the Constable twisting what was said. He truly is a master of spin; in fact, if ever we go over to nuclear power he may be able to help us with the centrifuges. I thank Deputy Gallichan for bringing us back to the proposition after the personal assassinations, which I regret that I had to respond to. Does the Panel perform as a team? Well, I think that is the thousand dollar question. "Reports must be robust, not necessarily done quickly." Yes, we agree with that. Now, she tells us that she has read the waste report that we received today - and some of us have only had the chance just to glance through it - and advises that it is simply a drawing together of existing work. Could not find any hearings or submissions for the report on the internet; read the minutes, but

where is the work behind the report? This is what I have been saying all the time; there is no substance to it. It is one person sitting down, writing his ideas. Where is the evidence? It is not done in the normal format. Scrutiny has a way of working which may be tedious, but until somebody designs a better way, I think we should stay with it. Where you put out your terms of reference, you invite evidence from members of the public, both written and oral evidence, and then you collate that evidence. It may not support the view that you started out with, which is exactly what I said this morning about my own particular views on certain things. I remember speaking to Senator Ozouf some time ago about the Water Resources Law, when we were on shadow Scrutiny, and he accused me of being totally opposed to the Law. I can remember to this day my reply. I said: "You show me the evidence which supports it and you will get my 100 per cent support. If somebody can prove to me I am wrong, I am wrong, and I will change." You have to work on evidence. There is no evidence in this report. It is not done to the normal format. The Deputy also asked what would either myself or the present Chairman do in the future. Well, how long have we got? There is an urgent need to, firstly, open a working relationship with Transport and Technical Services, with the Minister, and there clearly needs to be an understanding about waste, urgently. This report we have is not it. One has to immediately see if something can be salvaged from this; because I believe today's report is virtually worthless in that regard. There is also so much more to be done. So much has changed since the Shadow Scrutiny report of 2005. The incinerator, or Energy-From-Waste plant, is going to be in a different location than it was in 2005. There are all sorts of issues which have changed. They need to be looked at and looked at quickly. If I had my way, they would be looked at during the summer recess, and, hopefully, it would not be time to write a report in the normal sense, but at least some position paper would be prepared for Members in early September. Because we have 2 choices; either forget about it, or forget about the incinerator. Now, you cannot do the latter, so unless somebody moves terribly quickly, what has happened through this 18-month delay is we have let the public down. We have not thoroughly examined all the alternatives. The Minister probably thinks he has, and there is a difference of opinion with the Panel. Those differences of opinion need to be sorted out, and you do not do that by not talking. The planning review, which was finished and published, I think in January, an awful lot of things have changed since then. There have been new policies introduced, new working practices. A fresh look at that should not take terribly long. There should be somewhere lurking in the archives of this Panel a prioritisation list, because at any one time there are about 20 or 30 subjects, all worthwhile subjects, which people have suggested we might look into. Now, you cannot look at everything all at once. Some things will be overtaken by events, so it is not worth doing them; others, it is premature. You have to choose which one you are going to do. I do not see anything in the minutes that has been reprioritised in the last year. That list needs to be immediately reprioritised, and I would suggest something like an energy policy would be high on the list, because our Members urgently need a better understanding of those issues when things like environmental taxes come along.

The Deputy of St. John:

Is this a speech for the candidacy of the chairmanship of the Panel, or is it a summing up? It seems to be going on for an awfully long time, Sir. Is this a speech for the candidacy of the post, or is this about the no confidence vote? I am getting rather confused here, Sir.

Deputy G.C.L. Baudains:

I could recommend patience to the Deputy, Sir, because I had one more word to say before I came back to where I was, which was Transport, and I did say how long do you want? I was asked what I would do, and I have just finished saying what I would do. We then come on to Senator Norman, and he used the words that Deputy Duhamel used earlier: "Do we want

quick reports, or long-term, thorough reports?” I think, again, somebody who has hit the nail on the head, Senator Norman suggested that what we need are timely reports, and meaningful reports, and went on to suggest, in his view, that the one we received this morning was neither. After 18 months, he said we had the right to expect something meaningful, and the recommendations were not worth waiting for, and that the Panels are there to provide evidence, not after 18 months to ask us to believe in what they have said. Sir, I think I have covered all issues; the fact that the Panel is not functioning efficiently, and all sorts of material discussed at meetings, very interesting, but ultimately useless. Without publishing reviews and research, people are not better informed. The States’ Members do not have the information they need to make decisions, and the public are not aware of what we are up to. The inner workings of the Panel, lack of financial competence, as I have said, a Panel should start out with a business plan. This one does not. The Panel does not start out with everybody understanding the issues. The Chairman leads, but then the Panel learns of progress, drip by drip, on information, requests for funding, all that sort of thing. In fact, Deputy Lewis reminded me a couple of days ago, I am surprised that when he and I left, and Deputy Powers soon after, that warning bells did not ring. But, as I have said before, it is interesting to note that even with a change of membership the problems have continued. Clearly, as other Members have indicated, there is a leadership issue. The Chairman of the Panel is, as we all know, extremely committed, extremely intelligent, and extremely knowledgeable. There is probably nobody in the Island who knows more about waste than he does, but that is not the purpose. The purpose is to lead the Panel so that it produces good work. I think I recall one Member saying that he would make an excellent giver of evidence to a Panel, but not necessarily a good leader. So, unless Members want to endorse a Panel lacking financial and organisational competence, and failing on 2 important fronts, and holding the executive to account in making Members and the public better informed, then they really must support this proposition. I asked for the appel, Sir.

The Bailiff:

Very well, I ask any Member in the precinct who wishes to vote to return to his or her seat. The vote is for or against the proposition of Deputy Baudains, and I asked the Greffier to open the voting.

POUR: 20	CONTRE: 27	ABSTAIN: 2
Senator L. Norman	Senator W. Kinnard	Senator M.E. Vibert
Senator F.H. Walker	Senator P.F. Routier	Senator T.J. Le Main
Senator T.A. Le Sueur	Senator B.E. Shenton	
Senator P.F.C. Ozouf	Senator F.E. Cohen	
Connétable of St. Clement	Senator J.L. Perchard	
Connétable of Trinity	Connétable of St. Ouen	
Connétable of St. Brelade	Connétable of St. Mary	
Deputy A. Breckon (S)	Connétable of St. Peter	

Deputy J.J. Huet (H)	Connétable of St. Helier	
Deputy G.C.L. Baudains (C)	Connétable of St. Lawrence	
Deputy R.G. Le Hérissier (S)	Connétable of Grouville	
Deputy G.P. Southern (H)	Connétable of St. Martin	
Deputy S.C. Ferguson (B)	Deputy R.C. Duhamel (S)	
Deputy of St. Ouen	Deputy of St. Martin	
Deputy of St. Peter	Deputy P.N. Troy (B)	
Deputy J.A. Hilton (H)	Deputy C.J. Scott Warren (S)	
Deputy G.W.J. de Faye (H)	Deputy J.B. Fox (H)	
Deputy D.W. Mezbourian (L)	Deputy J.A. Martin (H)	
Deputy I.J. Gorst (C)	Deputy P.J.D. Ryan (H)	
Deputy of St. Mary	Deputy of Grouville	
	Deputy P.V.F. Le Claire (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy S. Pitman (H)	
	Deputy A.J.D. Maclean (H)	
	Deputy K.C. Lewis (S)	
	Deputy of St. John	

The Bailiff:

Now, I am sure that Members would not wish to engage or start on a long debate, but it has been suggested to me that it might be possible to dispose of P.65/2007, former school premises, Clearview Street, St. Helier.

Senator M.E. Vibert:

I thought it might be useful before we left today to decide on Public Business for the future. I think it would be good for people maybe to make arrangements if we are going to make alternatives, either 10th July, or whatever.

The Bailiff:

The President of the Privileges and Procedures Committee is suggesting to me that it might be better to deal with that tomorrow, if Members are content to have overnight to think about these matters.

9. Former School Premises, Clearview Street, St. Helier: sale to Scott Gibaut Homes (P.65/2007)

The Bailiff:

Do Members agree to take P.65/2007? I will ask The Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion (a) to approve the sale of a freehold interest in P.65/2007 Former School Premises, Clearview Street, St. Helier as shown on drawing number 1206/07/104 from the public of the Island to the Scott Gibaut Homes Trust for a nominal sum of £10 for the purpose of developing the site to provide an independent assisted living housing scheme and (b) to authorise the Attorney General and the Greffier of the States to pass, as appropriate, on behalf of the public, such contract as may be necessary in connection with the said property and any interest therein.

Senator T.A. Le Sueur:

I will ask the Assistant Minister, Deputy Le Fondré, if he would like to act as Rapporteur for this item, please.

9.1 Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

If the Assembly approves this proposition today, it would be giving the all clear in order to enable a very worthy cause to proceed. The Scott Gibaut Trust was named in memory of a young man who died from a brain injury at 15, and the Trust has been formed by Headway and Scope specifically to provide a purpose-built facility to provide affordable accommodation to brain injury survivors and sufferers of cerebral palsy. It will enable such individuals to have a degree of independent living, but with an appropriate degree of support. Members will have seen that the plans have been put up in here and in the Members' room. The Trustees are of repute and are acting in an honorary capacity. The Trust has been supported by a variety of Committees in the past, and the initial principal of the site being used by the trust was agreed by the States in 2003. As with other sales of this nature, legal provisions will be contained within the conveyance to protect the long-term interests of the public. I am not going to talk any longer, Members will be pleased to know. I hope that Members will agree with me, it is a cause worthy of our support, and I make the proposition.

The Bailiff:

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

9.1.1 Deputy C.J. Scott Warren:

I just simply want to say, on behalf of Health and Social Services, I welcome this proposition and it has total support.

9.1.2 Deputy S.C. Ferguson:

I would just like to ask the Assistant Minister how long it is going to take to prepare the contract and how does that compare with the length of time for the contract for Warren Farm?

9.1.3 Deputy G.W.J. de Faye:

I would like to congratulate the rapporteur on what I think is an excellent idea. But the query I would like to raise with him and the Ministry for Treasury and Resources is how they differentiate between this very worthy project and the intentions to establish a community and youth centre at Le Rocquier School, where for some inexplicable reason, in the light of the projet before us now, the Ministry seems to want to insist on a commercial sale, or a commercial leasing, when, on the other hand, it is quite happy to give away properties for £10? I cannot help but feel that there is some difficulty of basic principle inside the Ministry in how it disposes of its properties.

9.1.4 The Connétable of St. Helier:

The Deputy took the words right out of my mouth, but I do salute the initiative, and I welcome the work of Headway and the Scott Gibaut Trust in bringing forward this very valuable use. Thank you.

9.1.5 Senator T.A. Le Sueur:

Just to briefly respond to Deputy de Faye, although it is not particularly germane, this property is very much like any other residential property being occupied for social housing purposes, and just as we have done with many other housing trusts in the past, and hopefully will do in the future, where there are objectives of this nature, they have been extended States' policy for such an operation to be done on a cost covering exercise. In other words, the Trust is expected to break even, not to benefit at the public's expense.

The Bailiff:

I call upon the rapporteur to reply.

9.1.6 Deputy J.A.N. Le Fondré:

I think the only one I have left to reply to is probably Deputy Ferguson. I welcome the comments from the Connétable of St. Helier, and the Minister has replied already to Deputy de Faye. I think I share the Deputy's concerns, and I will inform her as soon as I am able to have the information. On that note, I hope the Members will support the proposition.

The Bailiff:

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

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

10. Senator P.F.C. Ozouf:

May I formally lodge P.88/2007, which is found on Members' desks, the Jersey Financial Services Commission appointment of Commissioner? May I just get in under the wire for debate in 2 weeks' time? I look hopefully to the Chairman of the PPC.

The Bailiff:

Very well, P.88/2007 is lodged.

Senator L. Norman:

I propose the adjournment, Sir.

Deputy G.W.J. de Faye:

One more very minor item. Members will know at the end of business they might have been looking forward to debating P.82/2007, Draft Mains Road Classification. I would like the permission of the Assembly to defer that item, Sir, and perhaps I could then leave it to the President of Privileges and Procedures to find a suitable date to bring it up again.

The Bailiff:

Very well, I am sure Members will be content to allow P.82/2007 to be deferred. Very well, if Members agree, we will adjourn until 9.30 a.m. tomorrow morning.

ADJOURNMENT