

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 26th FEBRUARY 2008

QUESTIONS.....	7
1. Written Questions	7
1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HOUSING QUALIFICATIONS:.....	7
1.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION REGARDING ATTENDANCE AT C.P.A. EVENTS:.....	8
1.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TARGETS FOR PUBLIC SECTOR WAGE INCREASES:.....	15
1.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF GROWING THE ECONOMY BY INCREASING THE NUMBER OF WORKERS IN THE FINANCIAL SERVICES SECTOR:	16
1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DEMAND FOR 3 BEDROOM HOUSES:.....	17
1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE EMPLOYMENT RELATIONS (JERSEY) LAW 2007:	17
1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE ‘JERSEY HOMEBUY’ SCHEME:	18
1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING INCREASING SUPPLY IN THE HOUSING MARKET:.....	19
1.9. DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE ‘JERSEY HOMEBUY’ SCHEME:.....	22
1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING WILL TABLE AN ANSWER TO A REGARDING HOUSING MAINTENANCE:	23
1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INDEX LINKING OF PENSIONS:.....	24
1.12 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE ‘WHAT IS SCRUTINY?’ CONFERENCE:	25
1.13 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING CHANNEL ISLANDER STATUS:	25
1.14 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE JERSEY LAW COMMISSION’S REPORT ON THE JERSEY LAW OF CHARITIES:	26
1.15 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF PRESCRIPTIONS FROM PHARMACIES:	

1.16	DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF PRESCRIPTIONS AT THE GENERAL HOSPITAL:	27
2.	Oral Questions.....	27
2.1	Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding breaches of the minimum wage legislation:	28
	Senator P.F. Routier (The Minister for Social Security):	28
2.1.1	Deputy G.P. Southern:.....	28
2.1.2	Deputy G.P. Southern:.....	28
2.1.3	Deputy P.V.F. Le Claire of St. Helier:	29
2.1.4	Deputy G.P. Southern:.....	29
2.2	Connétable A.S. Crowcroft of St. Helier of the Minister for Home Affairs regarding the possible introduction of compulsory rear seat belt legislation:.....	29
	Senator W. Kinnard (The Minister for Home Affairs):.....	29
2.2.1	The Connétable of St. Helier:.....	29
2.2.2	The Connétable of St. Helier:.....	29
2.3	Deputy P.V.F. Le Claire of the Minister for Treasury and Resources regarding the potential purchase of confidential client details by foreign Governments to identify tax evasion:	30
	Senator T.A. Le Sueur (The Minister for Treasury and Resources):	30
2.3.1	Deputy R.G. Le Hérisier of St. Saviour:	30
2.3.2	Deputy R.G. Le Hérisier:	30
2.3.3	Deputy G.P. Southern:.....	31
2.4	The Connétable of St. Helier of the Minister for Education, Sport and Culture regarding the range of day time activities provided by his Department for children over the age of 12 during the school holidays:	31
	Senator M.E. Vibert (The Minister for Education, Sport and Culture):.....	31
2.4.1	The Connétable of St. Helier:.....	32
2.4.2	The Connétable of St. Helier:.....	32
2.4.3	Deputy F.J. Hill of St. Martin:	32
2.4.4	The Deputy of St. Martin:.....	32
2.4.5	The Deputy of St. Martin:.....	32
2.4.6	Deputy R.G. Le Hérisier:	33
2.4.7	Deputy R.G. Le Hérisier:	33
2.4.8	Deputy R.G. Le Hérisier:	33
2.4.9	Deputy J.A. Martin of St. Helier:	33
2.4.10	Deputy J.A. Martin:	33
2.4.11	The Connétable of St. Helier:.....	34
2.5	Deputy R.G. Le Hérisier of the Minister for Planning and Environment regarding the operation of Island Plan Policy C16 on agricultural sheds:.....	34
	Senator F.E. Cohen (The Minister for Planning and Environment):.....	34
2.5.1	Deputy R.G. Le Hérisier:	34
2.5.2	Deputy G.P. Southern:.....	35
2.5.3	Deputy R.G. Le Hérisier:	35
2.6	Connétable D.J. Murphy of Grouville of the Minister for Economic Development regarding the cost of a forthcoming briefing at the Radisson Hotel:	35
	Senator P.F.C. Ozouf (The Minister for Economic Development):.....	35
2.6.1	The Connétable of Grouville:.....	35
2.6.2	Deputy G.P. Southern:.....	36
2.7	The Deputy of St. Martin of the Minister for Home Affairs regarding an update of the review of the Rehabilitation of Offenders Law:.....	36

Senator W. Kinnard (The Minister for Home Affairs):	36
2.7.1 The Deputy of St. Martin:	37
2.7.2 Deputy R.G. Le Hérisier:	37
2.7.3 The Deputy of St. Martin:	37
2.7.4 Deputy R.G. Le Hérisier:	38
2.8 Deputy K.C. Lewis of St. Saviour of the Minister for Education, Sport and Culture regarding the future use of the former Fort Regent swimming pool:.....	38
Senator M.E. Vibert (The Minister for Education, Sport and Culture):.....	38
2.8.1 Deputy K.C. Lewis:	38
2.8.2 Deputy R.C. Duhamel of St. Saviour:	39
2.8.3 Deputy D.W. Mezbourian of St. Lawrence:	39
2.8.4 Deputy K.C. Lewis:	39
2.8.5 Deputy D.W. Mezbourian:.....	39
2.9 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the number of students, whose first language was not English, currently being taught in the Island's primary and secondary schools:	40
Senator M.E. Vibert (The Minister for Education, Sport and Culture):.....	40
2.9.1 Deputy G.P. Southern:.....	40
2.9.2 Deputy G.P. Southern:.....	40
2.9.3 Deputy G.C.L. Baudains of St. Clement:	40
2.9.4 Deputy I.J. Gorst of St. Clement:	41
2.9.5 Deputy S.C. Ferguson of St. Brelade:	41
2.9.6 Deputy G.P. Southern:.....	41
2.9.7 Deputy S.C. Ferguson:.....	42
2.10 Deputy R.G. Le Hérisier of the Minister for Economic Development regarding the affect of high postal charges on small internet businesses or voluntary groups:.....	42
Senator P.F.C. Ozouf (The Minister for Economic Development):.....	42
2.10.1 Deputy R.G. Le Hérisier:	42
2.11 Deputy K.C. Lewis of the Minister for Home Affairs regarding the banning of so-called legal drugs Spice and Salvia:	43
Senator W. Kinnard (The Minister for Home Affairs):.....	43
2.11.1 The Deputy of St. Martin:	43
2.11.2 Deputy K.C. Lewis:	43
2.11.3 Deputy C.J. Scott Warren of St. Saviour:.....	44
2.11.4 Deputy J.A. Martin:	44
2.12 The Deputy of St. Martin of the Minister for Housing regarding the purchase of residential property for speculative purposes:.....	44
Senator T.J. Le Main (The Minister for Housing):	44
2.12.1 The Deputy of St. Martin:	45
2.12.2 Deputy G.P. Southern:	45
2.12.3 Deputy G.P. Southern:	45
2.12.4 Deputy A.D. Lewis of St. John:.....	45
2.12.5 Deputy C.J. Scott Warren:.....	46
2.12.6 Deputy P.V.F. Le Claire:.....	46
2.12.7 Deputy J.J. Huet of St. Helier:.....	47
2.12.8 Deputy S.C. Ferguson:	47
2.12.9 Deputy S.C. Ferguson:	47
2.12.10 Deputy S.C. Ferguson:.....	47
2.12.11 Deputy C.J. Scott Warren:	48
2.12.12 Deputy P.V.F. Le Claire:	48
2.12.13 Deputy G.P. Southern:	48
2.12.14 Deputy G.P. Southern:.....	49

2.12.15	Deputy P.V.F. Le Claire:	49
2.12.16	Deputy S.C. Ferguson:	49
2.12.17	Deputy C.J. Scott Warren:	49
2.12.18	Deputy P.V.F. Le Claire:	50

3. Questions to Ministers Without Notice - The Minister for Health and Social Services50

3.1	Deputy R.G. Le Hérisier:	50
	Senator B.E. Shenton (The Minister for Health and Social Services):	50
3.1.1	Deputy R.G. Le Hérisier:	51
3.2	Deputy J.A. Hilton of St. Helier:	51
3.2.1	Deputy J.A. Hilton:	51
3.3	Deputy G.P. Southern:	51
3.4	Deputy S.C. Ferguson:	52
3.4.1	Deputy S.C. Ferguson:	52
3.5	Deputy J.J. Huet:	52
3.6	The Deputy of St. Martin:	53
3.7	Deputy C.J. Scott Warren:	53
3.8	Deputy J.A. Martin:	53
3.9	Deputy D.W. Mezbourian:	53

4. Questions to Ministers Without Notice - The Chief Minister.....54

4.1	Deputy J.J. Huet:	54
	Senator F.H. Walker (The Chief Minister):	54
4.1.1	Deputy J.J. Huet:	54
4.2	The Connétable of St. Helier:	55
4.2.1	The Connétable of St. Helier:	55
4.3	Deputy R.G. Le Hérisier:	55
4.4	Deputy S.C. Ferguson:	55
4.4.1	Deputy S.C. Ferguson:	56
4.5	The Deputy of St. John:	56
4.6	Deputy S. Pitman of St. Helier:	56
4.7	Deputy G.P. Southern:	57
4.8	The Connétable of St. Helier:	57
4.9	Deputy P.V.F. Le Claire:	57
4.10	Deputy P.N. Troy of St. Brelade:	57
4.11	Deputy R.C. Duhamel:	57
4.12	Deputy G.P. Southern:	58
4.12.1	Deputy G.P. Southern:	58

STATEMENTS ON A MATTER OF FINANCIAL RESPONSIBILITY58

5. Statement by the Chief Minister regarding the police investigation into historic child abuse in the Island.....58

5.1	Senator F.H. Walker (The Chief Minister):	59
5.1.1	Deputy P.N. Troy:	60
5.1.2	Senator S. Syvret:	60
5.1.3	Deputy J.J. Huet:	60
5.1.4	Senator S. Syvret:	61
5.1.5	The Very Reverend R.F. Key, B.A., The Dean of Jersey:	61
5.1.6	The Deputy of St. Martin:	62
5.1.7	Deputy P.N. Troy:	62

Senator P.F.C. Ozouf:	62
5.1.8 Deputy R.G. Le Hérissier:	63
5.1.9 The Connétable of St. Helier:.....	63
5.1.10 Deputy P.V.F. Le Claire:.....	63
5.1.11 The Connétable of Grouville:.....	64
5.1.12 Mr. W.J. Bailhache Q.C., H.M. Attorney General:	64
PUBLIC BUSINESS	64
6. Draft Public Elections (Amendment No. 3) (Jersey) Law 200- (P.2/2008).....	64
6.1 Deputy G.P. Southern:.....	65
6.1.1 Senator P.F.C. Ozouf:.....	67
6.1.2 The Connétable of St. Helier:.....	68
6.1.3 The Deputy of St. Martin:.....	69
6.1.4 Deputy G.W.J. de Faye of St. Helier:.....	69
LUNCHEON ADJOURNMENT PROPOSED	70
The Deputy Bailiff:.....	70
LUNCHEON ADJOURNMENT.....	70
The Deputy Bailiff:.....	70
6.1.5 Connétable K.P. Vibert of St. Ouen:	71
6.1.6 Deputy J. Gallichan of St. Mary:.....	71
6.1.7 Deputy C.J. Scott Warren:	72
6.1.8 Deputy G.P. Southern:.....	73
The Deputy Bailiff:.....	74
7. Re-use and Recycling facilities: capital and revenue funding (P.7/2008).....	75
7.1 Deputy J.B. Fox of St. Helier:.....	75
Senator F.E. Cohen:	77
7.1.1 Senator T.A. Le Sueur:.....	77
7.1.2 Deputy G.W.J. de Faye:.....	77
7.1.3 Deputy R.C. Duhamel:	79
7.1.4 Deputy J.J. Huet:	80
7.1.5 Deputy C.J. Scott Warren:	82
7.1.6 Connétable M.K. Jackson of St. Brelade:.....	82
7.1.7 Deputy P.V.F. Le Claire:	82
7.1.8 Deputy J.G. Reed of St. Ouen:.....	84
7.1.9 Deputy J.B. Fox:.....	85
The Deputy Bailiff:.....	86
8. Waterfront Skateboard and Youth and Community Centre (P.8/2008).....	86
The Deputy Bailiff:.....	86
8.1 Deputy J.B. Fox:.....	87
Senator F.E. Cohen:	89
8.1.1 The Connétable of St. Brelade:	89
8.1.2 Senator P.F. Routier:	90
8.1.3 Deputy K.C. Lewis:	90
8.1.4 Deputy R.C. Duhamel:	90
8.1.5 Deputy S.C. Ferguson:.....	91
8.1.6 Deputy S. Power of St. Brelade:	91
8.1.7 Senator B.E. Shenton:.....	92

8.1.8 Deputy A.J.H. Maclean of St. Helier:.....	93
8.1.9 Connétable S.A. Yates of St. Martin:	95
8.1.10 Senator L. Norman:.....	96
8.1.11 Deputy J.A. Martin:	97
8.1.12 Deputy G.W.J. de Faye:	98
8.1.13 Deputy G.P. Southern:	100
8.1.14 The Connétable of St. Helier:	101
8.1.15 Deputy C.J. Scott Warren:.....	101
8.1.16 Deputy I.J. Gorst:.....	102

ADJOURNMENT PROPOSED.....103

Senator F.H. Walker:	103
The Deputy Bailiff:.....	103

ADJOURNMENT.....103

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

QUESTIONS

1. Written Questions

1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HOUSING QUALIFICATIONS:

Question

1. What documentation does a qualified islander need to be given from the Housing Department to be able to prove that they have their housing qualifications?

Answer

The Population Office provides an individual with written confirmation of their housing qualifications in the form of a letter, once they have adequately proved an appropriate period of residence.

When that individual subsequently enters into a transaction to purchase or lease property, a consent or exemption, depending on the means by which that individual qualified, will be granted by the Population Office following joint application by the purchaser and vendor, or the lessee and leaser. These consents or exemptions, of course, will only be approved once the appropriate housing qualifications are evidenced to the appropriate files.

Question

2. How many people have qualified for housing purposes in the last 3 years in each of the different categories?

Answer

A variety of detailed provisions exist around obtaining housing qualifications, with the most common routes being an aggregated period of 10 years residence for persons born locally; 10 years residence for persons who arrived in the Island as minors (aggregated or continuous depending on the status of the parents); or 12 years continuous residence for someone born outside the Island. Over the last 3 years, the following numbers of people in each category have qualified under these routes –

	10 years residence, locally born	10 years, person who arrived as a minor	12/13/14 years, non locally born
2005 (14 years, non locally born)	422	94	411
2006 (13 years, non locally born)	540	105	606

2007 (12 years, non locally born)	483	105	792
--	-----	-----	-----

For this purpose, the above commentary excludes those who purchase or lease a property having obtained housing qualifications other than through a period of residence, specifically this relates to those who can transact as essential employees (“j’s”) or as wealthy migrants (“k’s”) or through hardship provision (“g’s”). There are 1,700 “j’s” in the Island, and only a handful, less than 10 in each case, of “k’s” and “g’s” are granted each year.

The above analysis obviously does not account for people who leave the Island, or who die, and as such, is **not** reflective of net changes in the numbers of qualified people in the Island.

Question

- Will the Minister agree to update members on a 6 monthly basis as to the numbers in each category?

Answer

The States is updated on the numbers of people qualifying as and when it is proposed to change the qualification period. In recent years, this has meant statistics have been provided on an annual basis. It seems sufficient and reasonable to continue this practise of reporting on an annual basis, and this will be done, irrespective of whether or not it is proposed that the qualification period change.

1.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION REGARDING ATTENDANCE AT C.P.A. EVENTS:

Question

- Would the Chairman advise members how many delegations from Jersey have attended Commonwealth Parliamentary Association (CPA) conferences and seminars in the past 6 years?
- Who attended as delegates, where did they attend and what did attendance at these events cost?

Answer

- & 2. The table below shows all CPA conferences and seminars attended by delegations from Jersey since 2002 together with the associated costs. It may firstly though be helpful to set out details of the arrangements that are in place for attendance at the various annual events.

In general Jersey delegations attend 3 separate types of CPA events as follows –

British Islands and Mediterranean Regional conference

The Annual Regional Conference brings together delegates from the 13 branches of the British Islands and Mediterranean Region (Alderney, Cyprus, Falkland Islands, Gibraltar, Guernsey, Isle of Man, Jersey, Malta, Northern Ireland, St. Helena, Scotland, United

Kingdom, Wales). The conference is hosted by one of the regional branches each year and was last hosted by Jersey in 2005. Under the Regional Constitution Jersey is entitled to send 4 members and a secretary to each Regional conference. The funding arrangements for the Regional conference are that delegations pay their own travel costs to the conference location but all accommodation and other costs are then met by the host branch. The Jersey Branch provides members with a £15 a day expenses allowance to meet minor incidental costs such as meals during the journey, laundry and any meals that are not covered as part of the conference programme (no other expenses claims from delegates are permitted).

Small Countries and Commonwealth Parliamentary (Plenary) conferences

These two conferences take place in a different Commonwealth country each year. The two day Small Countries conference brings together parliamentarians from jurisdictions with a population of less than 500,000 and this conference is followed by the Plenary conference which brings together some 600 delegates from all Commonwealth countries. Jersey is entitled to send three members and a secretary to the conferences. The funding arrangements are different from the Regional conference as the CPA Secretariat refunds the full cost of travel to the conference location (by the cheapest economy fare) and the host branch meets all accommodation and other costs on arrival. The Jersey Branch only therefore has to pay for the £15 per day expenses allowance although, on occasions, it is necessary to pay for one additional night's accommodation if delegates arrive in advance of the official arrival day (as delegates must travel in Economy Class the Jersey Branch will allow members to arrive one day early on long haul flights).

Seminars

One annual seminar is organised by the CPA Secretariat in conjunction with a different host branch each year. These seminars bring together a small number of parliamentarians from across the Commonwealth for an intense programme of discussions on various issues relating to the parliamentary process. Jersey has been fortunate in obtaining a place on many of the seminars in recent years. Normally one member is selected per seminar and the funding arrangements are similar to those for the Regional conference. Jersey must meet all travel costs to the seminar location but, on arrival, all costs are met by the host branch. The £15 per day expenses allowance is paid to any member attending from Jersey. A number of seminars are also organised at Westminster by the United Kingdom CPA Branch and a number of members from Jersey have attended these in recent years. The funding arrangements are the same as for the seminars organised by the CPA Secretariat.

Events attended since 2002

Event and Date	Attendees	Total Cost
Regional Conference – Cardiff 8 – 12 April 2002	Deputy I.S. Nicolls Senator C.G.P. Lakeman Deputy C.J. Scott Warren Miss C.M. Newcombe	£1,496

Small Countries/Plenary – Namibia 3 – 14 September 2002	Senator T.J. Le Main Deputy I.S. Nicolls Deputy C.J. Scott Warren Mr. M.N. de la Haye	£1,185
Seminar – Wilton Park, West Sussex 9 – 13 June 2003	Deputy R.G. Le Herissier	£136
Regional Conference – London 15 – 20 June 2003	Senator F.H. Walker Senator J.A. Le Maistre Deputy S.C. Ferguson Deputy G. Grime Mrs. A.H. Harris	£1,175
Seminar – Cook Islands 16 – 23 August 2003	Senator P.F.C. Ozouf	£2,563
Small Countries/Plenary – Bangladesh 4 – 12 October 2003	Deputy R.G. Le Herissier Deputy J.J. Huet Deputy F.J. Hill Mrs. A.H. Harris	£1,682
Regional Conference – Falklands 14 – 21 February 2004	Senator J.A. Le Maistre Deputy J.B. Fox Deputy M. Taylor Mr. M.N. de la Haye	£5,724

Seminar, Malaysia 23 – 30 May 2004	Deputy C.J. Scott Warren	£1,010
Small Countries/Plenary – Canada 30 August – 9 September 2004	Senator M.E. Vibert Senator P.F. Routier Connétable D.F. Gray Mr. M.N. de la Haye	£2,206
Regional Conference – Jersey 12 – 17 June 2005	Senator F.H. Walker Connétable D.J. Murphy Deputy J.G. Reed Deputy C.F. Labey	(see Note)
Small Countries/Plenary – Fiji 2 – 10 September 2005	Deputy M.F. Dubras The Bailiff Senator P.F.C. Ozouf Mrs. A.H. Harris	£2,261
Seminar – Malta 31 October – 4 November 2005	Senator P.F. Routier <i>Mr. M.N. de la Haye (for CPA HQ)</i>	£850
Seminar – Westminster 6 – 17 March 2006	Deputy A. Breckon	£266
Regional Conference – Malta	Deputy R.G. Le Herissier Senator J.L. Perchard Connétable A.S. Crowcroft	£2,136

	Deputy D.W. Mezbourian Mr. D. Filippini	
Seminar – Westminster 7 – 19 May 2006	Connétable D.F. Gray	£347
Seminar – Turks and Caicos 28 May – 3 June 2006	Deputy S.C. Ferguson	£1,035
Small Countries/Plenary – Nigeria 3 to 10 September 2006	Senator T.J. Le Main Connétable D.J. Murphy Deputy J.B. Fox Mr. M.N. de la Haye	£1,342
Seminar – Westminster 6 to 8 November 2006	Deputy S. Pitman	£209
Mid-year Executive Committee Cyprus 16 – 21 April 2007	Mr. M.N. de la Haye (observer re. arrangements for 2008 meeting)	£40
Regional Conference – Belfast 13 – 17 May 2007	Deputy S.C. Ferguson Deputy C.J. Scott Warren Deputy K.C. Lewis Deputy S. Power Mrs. A.H. Harris	£1,753
Small Countries/Plenary – India 22 – 30 September 2007	Deputy R.G. Le Herissier Deputy J.G. Reed	£1,927

	Deputy J. Gallichan Mrs. A.H. Harris	
Seminar – Canada 21 – 27 October 2007	Deputy G.P. Southern Deputy A.E. Pryke	£1,604
Seminar – Edinburgh 28 October – 3 November 2007	Deputy J.A. Martin	£269

Notes.

- i) Former Senator J.A. Le Maistre was a Regional Representative on the CPA International Executive Committee between the end of 2002 and September 2005. In this capacity, in addition to the Regional conferences shown above, he also attended the Bangladesh, Canada and Fiji Plenary conferences during this period and 3 mid-year Executive Committee meetings held in Uganda, Australia and the Isle of Man. The expenses of Regional Representatives attending these meetings are met by the CPA Secretariat and are not the responsibility of the Branch.
- ii) The Regional Conference was held in Jersey in 2005 and, as explained above, Jersey, as host branch, had to meet all the accommodation and other expenses for the delegates who attended. The cost to the Jersey Branch was £47,262.

Question

3. How are selections of delegates made under current rules and, what was the recent application of those rules in this regard by the Executive Committee?

Answer

3. The Executive Committee of the Jersey Branch is keen to encourage as many members of the States as possible to participate in CPA activities. At the beginning of each year all members are invited to express an interest in attending the various events which the Branch has been notified about and the Executive Committee then meets to make a choice of delegates. At this meeting a complete list of all the various conferences and seminars that members have previously attended is available. Members of the Committee who have expressed an interest in attending an event leave the meeting during the selection of delegates for that event.

The Branch will usually select one experienced member to lead the delegation. The Branch regards Regional conferences as an excellent ‘starting point’ for participation in CPA events and, as there are four places available, will always try, if possible, to choose two delegates who have not previously attended a CPA conference. Because of the nature of the Small Countries and Plenary conferences the Executive Committee considers that, if possible, it is preferable to send three members who already have some experience of CPA events. In relation to seminars, the Branch considers that these are also ideally suited to newer

members of the Assembly and the Committee will often choose from applicants who have never previously attended any CPA events.

When the selection of delegates is made the conference topics are not always known but, occasionally, this information is available and it is then possible to select one or more delegates who have a particular interest in the subject. For example the Branch was notified this year that the theme of the Regional Conference is 'the Environment' and the Chairman of the Environment Scrutiny Panel who had expressed an interest was a logical choice to join the delegation.

I should point out that there are almost always more applicants than there are places available and, for this reason, some members will always be unsuccessful. This may be particularly true if members limit their interest to only one event where they may be competing against 15 or more of their colleagues for only three or four places. The Branch will also be conscious, when making selections, of applications from members who express continued interest in CPA matters over a period of time rather than simply expressing a 'one off' interest in a particular conference destination.

I am satisfied that the recent selection of delegates for 2008 as set out below met the Committee's usual criteria.

Question

4. What CPA events will Jersey delegations be attending in 2008, what are the themes of these events and which delegates have been selected to attend?
5. What is the anticipated cost of attending the 2008 conferences and how will these costs be met?

Answer

4. & 5. To date Jersey has received three invitations to attend CPA events in 2008. These are as follows –

Westminster Seminar organised by the UK Branch – 3rd to 14th March 2008. Deputy K.C. Lewis will attend this seminar. This annual seminar is an intense learning experience on a wide range of parliamentary practices and procedures. The total cost to the Jersey Branch will be the cost of a return air fare to London (£96.80 return), travel to central London (£28.80 return) and the £15 per day expenses allowance (£180).

Regional Conference in Gibraltar – 11th to 15th May 2008

Senator Ozouf, the Connétable of St. Martin and Deputies Duhamel and Le Claire will attend this year's Regional Conference accompanied by the Hon. Secretary, Michael de la Haye. The overall theme for the conference is 'the Environment'. No firm bookings have been made for the conference yet but the costs to the Jersey Branch will be the return air fares to Gibraltar and the £15 per day expenses allowance.

Small Countries and Plenary conferences in Malaysia – 3rd to 10th August 2008

Senators Vibert and Perchard and the Deputy of St. Martin will attend this conference accompanied by the Hon. Secretary, Michael de la Haye who will also attend the Society of Clerks conference which is always held in parallel with the CPA Annual Conference. No details of the conference topics have been received yet. The figures given in answer to

questions 1 and 2 above show that the average total cost to the Jersey Branch of attending these annual conferences over the last six years has been approximately £1,767 and it is probable that the 2008 cost will be similar.

All direct costs associated with attendance are met from the annual grant from the States referred to in answer 6 below.

Jersey has applied for one place on the 2008 CPA Seminar which is being held in Ottawa in June. The Branch will hear in April whether or not its application for a place has been successful.

Question

6. Are the accounts of the Jersey Branch available for inspection and, if so, where can they be inspected and who is entitled to view them?

Answer

6. The Jersey Branch receives an annual grant from the States that is shown as part of the States Assembly estimates in the Annual Business Plan. In recent years the amount of the grant has been fixed at £40,000 per year. A substantial proportion of this grant goes towards Jersey's annual subscription to the Association which this year amounted to £26,629. This subscription is Jersey's contribution to the Association's work across the Commonwealth which, in addition to the conferences and seminars shown above, includes post-election seminars as well as training and general assistance for parliamentarians, particularly in developing countries, to help them improve and enhance democratic structures. Membership also enables the Jersey Branch to access the research facilities provided by the CPA Secretariat.

Detailed accounts of the manner in which the annual grant is spent are kept by the States Greffe under the supervision of the Treasurer of the States in his capacity as Honorary Treasurer of the Jersey Branch. Annual accounts are circulated to members and considered at the Jersey Branch's AGM each year. The accounts are not confidential and can be made available to anyone who wishes to inspect them through the Honorary Secretary, Mr. Michael de la Haye, at the States Greffe.

1.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TARGETS FOR PUBLIC SECTOR WAGE INCREASES:

Question

1. Will the Minister inform members what budget limit he proposes to set as Annual Business Plan targets for public sector pay awards for 2009?

Answer

The Annual Business Plan has not yet been finalised by Ministers, and in any case I cannot reveal the exact provision for pay awards as this would prejudice negotiations, but I can confirm that it does not allow for the effect of GST on the RPI.

Question

2. Given that the full impact of GST will be reflected in the March 2009 figures, are the proposed limits to be based on RPI, RPI(X) or the new index CPI and, if there is a proposed change from current practice, will he state why?

Answer

The purpose of GST is to raise additional tax revenues to meet the shortfall caused by the move to the 0/10% corporate tax rate.

If the States raises the money through GST and then pays it back to staff through increased pay awards, the money will have gone full circle and the States will still have a shortfall to meet which will require a further rise in taxes. Worse still, if the cost of GST is then added to private sector pay awards, following a lead given by the States, this will result in private sector employers having to increase their prices, leading in turn to claims for higher pay awards and hence risking an inflationary spiral, which would only be broken by the Island becoming uncompetitive and entering a recession. Clearly this can not be allowed to happen so public and private sector employers must strenuously resist claims for pay awards that include GST. The new RPI (Y) index enables a more precise measure of the underlying change in consumer prices, in a way that excludes the effects of mortgage interest payments and of indirect taxes such as impots and GST. Accordingly RPI (Y) should be the basis for pay awards in 2009 and thereafter.

Question

3. Does the setting of a target constitute a policy of wage restraint which has not received specific approval from the Assembly and, if so, will he bring the matter to the States for debate?

Answer

The 2009 Business Plan expenditure proposals will include the provision for pay awards excluding any allowance for GST, which the States can either approve or amend as it sees fit.

1.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF GROWING THE ECONOMY BY INCREASING THE NUMBER OF WORKERS IN THE FINANCIAL SERVICES SECTOR:

Question

Would the Chief Minister inform members whether he accepts the comments of OXERA on page 19 of the report entitled 'What is the impact of Jersey's ageing population' that growing the economy by increasing the proportion of workers in the financial services sector to its maximum of around 40% is inadvisable since "*the resulting economy would be very one-sided, and given the current reliance of the sector on temporary residents to satisfy its skill mix needs, it is likely that such an economy would not provide a good match for the labour skills and desires of the current and future permanent residents.*" and, if not, would he explain why?

Answer:

I do accept the comments that OXERA made. There is no doubt that increasing the proportion of workers in the financial services sector from 25% of the working population as it stands today, to

the theoretical maximum of about 40% over time would result in our economy becoming very one-sided.

The report goes on to suggest, however, that there may be scope for some additional increase in the proportion of the working population employed in the financial services sector.

The Imagine Jersey 2035 consultation outlines the effects of a smaller 5% shift in the working population into the financial services industry as a part of the 'growing the economy option'. This option also includes consideration of making the economy more productive and encouraging more people of working age to join the workforce.

This approach is entirely consistent with the points that OXERA have made.

1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DEMAND FOR 3 BEDROOM HOUSES:

Question

In light of the figures given in his written answer on 12th February 2008 which showed an average monthly demand over the past year for 106 three bedroom social rental homes, would the Minister state whether or not he has assured the Minister for Planning and Environment, as stated by that Minister, that there is no demand for such accommodation?

Answer

The current demand for three bedroom homes can be met from within existing resources and from completions planned for 2008, namely Field 40, St Clement (10 x three bed homes) and Field 690a, St Martin (19 x three bed homes). The current need is at a historically low level. Now is the time to turn our attention to giving States Tenants the opportunity to purchase their home.

The greatest demand overall continues to be for one bedroom accommodation. The provision of such homes will enable 3 bedroom properties to be "recycled".

I work closely with the Minister for Planning and Environment. The demand for homes will be monitored through a number of means, including of course the 'Housing Needs Survey'. 'Planning For Homes' produced in collaboration with colleagues at Planning will continue to inform on the current and future provision of homes.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE EMPLOYMENT RELATIONS (JERSEY) LAW 2007:

Question

1. Further to his written answer of 12th February 2008 would the Minister state whether he is aware of any other jurisdictions which have employment legislation equivalent to paragraph 38 of Code 2 and Article 5(3) of the Employment Relations Law, which make provision regarding States employees and secondary action such as define certain actions as secondary even though all workers are employed by a single body namely the States Employment Board?

Answer

The Minister is not aware of a direct parallel, noting that other comparable jurisdictions generally do not have a single body as the sole employer of all public sector employees. The provisions were drafted to meet Jersey's particular circumstances.

Question

2. Notwithstanding his written answer to part 6 of the above questions, would the Minister confirm that he is responsible for putting the codes of conduct attached to the Employment Relations Law into effective practice and, if so, will the Minister inform members what action, through JACS or the States Employment Board or otherwise, he will take to ensure that appropriate minimum service agreements are established in all areas deemed to be essential services covered by Articles 31 to 35 of Code 2 and, if none, will he explain why?

Answer

The Minister confirms that following a widespread, extended consultation process that he brought forward the Codes of Practice to accompany the Employment Relations Law and made an Order bringing them into effect. The Deputy will no doubt recall that he proposed a rescindment to that Order which the States rejected.

Guidelines and regular training sessions giving practical advice about the Law and the codes of practice are available from the Jersey Advisory and Conciliation Service (JACS). JACS is also available to help employers and trade unions to negotiate agreements, adopting an appropriate role depending on the needs of the parties; offering alternative dispute resolution procedures such as conciliation and mediation.

It is a matter for employers, not the Minister, to seek to negotiate minimum service level agreements with trade unions within the terms of the relevant Code of Practice.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE 'JERSEY HOMEBUY' SCHEME:

Question

1. In answer to a written question on 12th February 2008 the Minister stated that "*Adopting the Jersey Homebuy scheme proposed enables those people who cannot afford to acquire first-time buyer homes at the market rate to purchase their own home. In the absence of such a scheme, they will have to rent property in the local market which would include the social rented sector*", implying that the proposed "Jersey Homebuy" scheme would be open to those who would normally be in the social rental sector. Would the Minister state whether or not this is indeed the case?

Answer

The Minister for Housing and I are proposing that Jersey Homebuy dwellings would be available to qualifying first time buyers through a system of financial means testing known as a 'gateway'. That will include some of those in the social rented sector. This would be managed by the Housing Department in a similar way to its existing waiting list for States rental accommodation.

2. Will the Minister give realistic estimates of how much money will be released over the longer term into the provision of additional housing from the 35% of the resale price of the “Jersey Homebuy” houses and state when it is anticipated that such sums will be realised?

Answer

If the purchaser sells a property that has been purchased under the Jersey Homebuy scheme, the sale will have to be to a first time buyer who would then pay 100% of the prevailing first time buyer value. The seller would take away 65% of the sale proceeds and the other 35% would be retained by a not-for-profit body. The retained money would be re-invested into affordable housing provision to be ascertained at the time. However it is unlikely that significant sums would materialise for many years as the generation of funds depends entirely on the home owners deciding when, or if, they wish to sell.

It is not possible to say how much money will be realised from the resale of Jersey Homebuy properties or at what point that money will be realised simply because we do not know when the buyer will sell that house on.

1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING INCREASING SUPPLY IN THE HOUSING MARKET:

Question

Would the Minister accept that the current housing problems, with significant increases in house prices, can only be solved by an overall increase in supply in all sectors of the market, that is, both rental and for purchase?

Answer

Recent figures relating to increases in purchasing and renting property in Jersey present a very mixed picture. The table below from the recent Jersey House Price Index details the price performance from the first quarter of 2002. Prices are the mean prices (£,000) for individual property types.

Period	Flats		Houses		
	<u>1-bed</u>	<u>2-bed</u>	<u>2-bed</u>	<u>3-bed</u>	<u>4-bed</u>
2002 Q1	166	213	265	332	416
Q2	160	268	268	314	432
Q3	160	259	284	332	474
Q4	137	242	300	333	459
2003 Q1	156	216	285	328	380
Q2	150	222	278	333	461
Q3	145	213	270	328	510

Q4	173	237	266	345	454
2004 Q1	166	219	257	351	448
Q2	169	256	258	340	526
Q3	153	230	266	347	446
Q4	152	236	274	343	489
2005 Q1	121	224	264	364	458
Q2	161	236	284	346	477
Q3	164	250	298	366	467
Q4	161	229	284	348	484
2006 Q1	163	259	303	375	486
Q2	176	243	278	364	492
Q3	168	259	315	398	509
Q4	169	262	296	388	485
2007 Q1	170	235	326	402	496
Q2	181	236	316	417	554
Q3	182	259	366	449	596
Q4	185	262	354	470	626

Thus it can be seen that over the past five years the change in the average price of houses has been notably different to that of flats:

- the average price of a 3-bedroom house has risen by about a third (33%) comparing calendar year 2002 with 2007. Furthermore, the most recent annual rate of increase for this property type has been greater than seen previously during the period. Other sizes of house have also seen considerable increases in average price, with both 2- and 4-bedroom houses up by around a quarter (22% and 28%, respectively) comparing 2002 with 2007, and have also experienced higher annual rates of increase most recently than seen previously;
- in contrast, flats have seen lower rates of increase, overall and most recently: 1-bedroom flats have increased in average price by about 15% comparing 2002 with 2007, whilst 2-bedroom flats have seen little change over the period, the average price in 2007 being only 1% greater than that in 2002.

The picture in the private sector rental market is summarised in the table below, extracted from the same report..

Period	Flats	Houses	Jersey Private Sector Rental Index
2002 Q1	100.0	100.0	100.0
Q2	99.9	96.1	98.4
Q3	102.3	95.4	99.6
Q4	98.3	99.1	98.6
2003 Q1	101.6	100.6	101.2
Q2	104.1	105.2	104.5
Q3	104.1	104.0	104.0
Q4	105.5	98.8	102.8
2004 Q1	103.2	103.3	103.2
Q2	104.6	100.7	103.1
Q3	107.6	105.7	106.9
Q4	102.6	102.2	102.4
2005 Q1	103.3	102.0	102.8
Q2	106.3	104.8	105.7
Q3	108.1	107.6	107.9
Q4	104.6	107.1	105.6
2006 Q1	106.5	105.6	106.2
Q2	108.2	106.0	107.4
Q3	109.2	101.5	106.2
Q4	107.2	100.7	104.7
2007 Q1	108.8	103.0	106.6
Q2	116.3	110.5	114.0
Q3	120.1	124.4	121.8
Q4	116.6	119.8	117.9

Overall, private sector rents for houses and flats have risen similarly over the five-year period: houses by 17%, comparing calendar 2002 with 2007, and flats by 15%.

Recently States Members were supplied with details of the number of homes the Planning Department has recently approved. These figures revealed that the Department approved at least 833 new homes during 2007. This is a much higher figure than in recent years.

The Housing Needs Survey, due for publication in the next few weeks, will provide an up to date analysis of the demand for homes. This will form one of the key inputs for the Island Plan Review to ensure that proposals are brought forward to the States to adequately match supply to demand in all sectors of the housing market in the coming years.

1.9. DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE ‘JERSEY HOMEBUY’ SCHEME:

Question

1. In a written answer on 12th February 2008 the Minister for Planning and Environment stated that *“The Minister for Housing will operate the gateway. The gateway will assess applicants and will categorise applicants as being eligible or not for Jersey Homebuy. Financial limits have not yet been set and the results of this consultation and the recent Housing Needs Survey are awaited in order that these maximum income levels can be established.”* Will the Minister inform members what role the Housing Needs Survey will play in setting the boundaries for the “gateway”?

Answer

The Housing Needs Survey will be the most up to date evidence of the need, aspiration and financial ability to purchase for a significant part of the population of Jersey and will clearly have an important role in the setting of the boundaries for the “gateway”.

Question

2. Is the Minister yet able to set out for members the proposed income boundaries between those who will fall into the categories being proposed through the “gateway” of those –
 - i) unable to buy at all, and eligible for social rental housing;
 - ii) who do not qualify for the above, but are unable to buy on the open first time buyer market and qualify for “Jersey Homebuy”; and
 - iii) who are able to enter the first time buyer market unaided;

for the following categories –

Single persons;

Married couples;

Married couples with children;

and, if not, when does he anticipate that precise figures will be agreed?

Answer

No. It seems prudent to await the response to this consultative document and certainly the results of the Housing Needs Survey before the details of these income boundaries are established. The results of the Housing Needs Survey are due out in March. There will undoubtedly be a need for further analysis for the purpose of establishing the “gateway” but I expect to be in a position to release confirmation of the proposed income boundaries as soon as possible thereafter.

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING WILL TABLE AN ANSWER TO A REGARDING HOUSING MAINTENANCE:

Question

1. In view of the fact that Table 6.2 of the Jersey Annual Social Survey (JASS) indicates that less than 60% of users rate the housing maintenance service as 'Very Good' or 'Good' is the Minister satisfied that this finding is an accurate reflection of the service provided?

Answer

The Housing Department carries out regular Customer Satisfaction Surveys, the most recent of which in respect of the Maintenance service was carried out in August 2007 and was a random sampling of those customers who had received maintenance work during the preceding 6 months. This confirmed a 98% satisfaction level. The JASS is a useful survey and I am not at all discouraged by the responses.

Question

2. Would the Minister provide details of the sums allocated to, and spent on, repair and maintenance, in both emergency and routine categories, in each of the past 8 years? What sums does the Minister plan to allocate in the forthcoming Annual Business Plan 2009?

Answer

The current accounting system only dates back to 2003 and analysis of data prior to this has significant resource implications. Therefore table below illustrates the expenditure on planned and responsive maintenance since 2003 and the anticipated spend in 2008 and 2009.

	2003	2004	2005	2006	2007	2008	2009
Planned Maintenance	2,139	1,683	2,319	2,198	2,504	2,746	2,886
Response Repairs	1,394	1,324	1,271	1,556	1,657	1,808	1,870
TOTAL	3,533	3,007	3,410	3,754	4,161	4,554	4,756

Question

3. Does the Minister intend to take any steps to improve the rating shown in the JASS and, if so, would he specify what these steps will be and the timescale envisaged? Does the Minister intend to take any steps to increase the monitoring of the quality of work undertaken by outsourced repair and maintenance contractors?

Answer

Significant work has already gone into improving the service and this will continue. This will include the vigorous pursuit of value for money as demonstrated by the adoption of fixed price repair schedules, seeking opportunities to make staff available for increased

quality control and empowering the end customer ‘our tenants’ to certify their satisfaction with the quality of work before the contractor gets paid.

Question

4. Will the Minister undertake to lift any ban on repair work for those tenants who are in rental arrears to ensure that States properties do not suffer further unnecessary deterioration?

Answer

It is only those tenants in unmanaged arrears, that is to say those who refuse to engage in a repayment plan, who will not receive a routine maintenance service. However, capital improvements, planned maintenance (such as external decorations or heating system servicing), repairs of a wind and watertight nature or those with a significant Health & Safety aspect will always be carried out regardless of rent arrears.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INDEX LINKING OF PENSIONS:

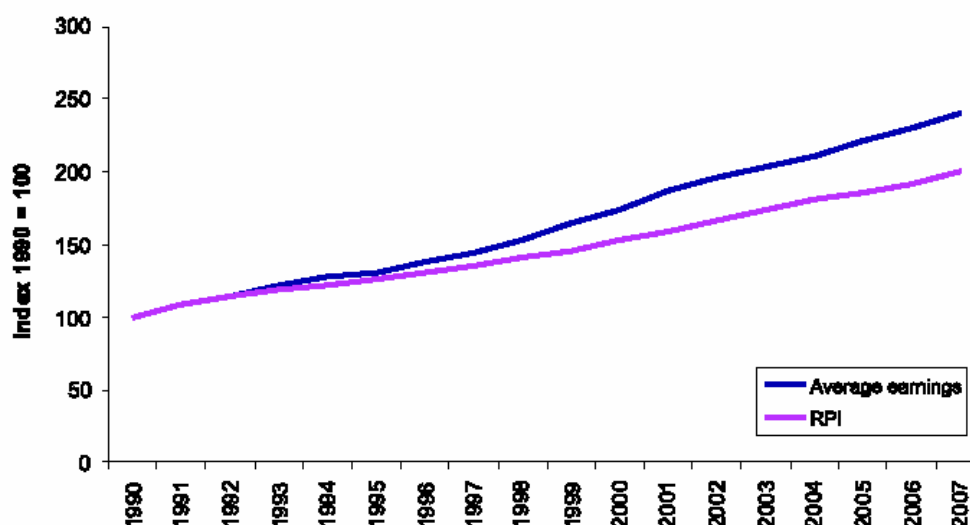
Question

1. Does the Minister have any plans to amend the current statutory provisions linking increases in pensions to the Average Earnings Index and will he undertake to review the position if the Average Earnings Index falls behind the Retail Prices Index, to ensure that pensioners are not made worse off relative to RPI, or RPI (pensioner), in 2008 or 2009?

Answer

There are no plans to alter the statutory provisions set out at Article 13 of the Social Security (Jersey) Law 1974 which provides for the automatic uprating of all contributory benefits by the Jersey Earnings Index annually. Since 1990, the Average Earnings Index has increased at an average annual rate about 1 percentage point greater than that of the RPI. The graph below plots the two indices since 1990.

Figure 3.4: Index of Average Earnings and the RPI



Source, Jersey Economic Digest 2007

The members will be aware that the UK government, as part of their pension reform programme, have introduced the Pensions Act 2007 which includes a commitment to link the annual increases in state pension with earnings rather than prices, as has been the case in Jersey for many years. The UK government hope to achieve this by 2012.

From time to time, the increase in RPI is above that of average earnings – this has happened 4 times in the last 17 years. These occasional anomalies do not detract from the general principle that contributory benefits should be linked to wages, and that this automatic link has been of great benefit to pensioners since it was introduced.

Question

2. What are the Minister's intentions with regard to other benefits which unlike pensions are not linked to the Average Earnings Index?

Answer

Members will be aware that under the Income Support (Jersey) Law 2007 an annual review of rates has to be carried out. In reviewing these rates statutory provision provides that regard shall be given to changes in the cost of living and in the general standards of living of the community together with other factors that the Minister considers relevant. The component rates in Income Support are set under Regulations and the Minister will provide full details to the Assembly of the basis for any amendments to rates when the Minister brings forward a proposition on the annual review.

1.12 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE 'WHAT IS SCRUTINY?' CONFERENCE:

Question

Would the Chairman state the fee paid to the facilitator for the recent "What is Scrutiny?" seminar?

Answer

The fee paid to the facilitator for the conference was £5,000. This included all personal preparation, telephone meetings with the States Greffe, and attendance on 5th and 6th February 2008. All members who were present would agree that the facilitator was very well briefed on the issues facing scrutiny in Jersey, as well as those facing the Island which are listed in the Strategic Plan, and it was clear that he had read and digested numerous key documents prior to his arrival.

1.13 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING CHANNEL ISLANDER STATUS:

Question

During the research undertaken in connection with the preparation of R.9/2008 entitled 'Status of Channel Islanders in the European Union' did the Chief Minister's Department receive any evidence of Islanders whose applications for work permits had been refused as a result of the Channel Islander status stamp in their passport?

Answer

During the preparation of the Report on the status of Channel Islanders in the European Union, the Chief Minister's Department collated evidence from a variety of sources, including letters in the correspondence column of the local newspaper and advice from the Passport and Immigration Department on the number of individuals potentially affected. Information was also obtained on the procedures to apply for a work permit from an EU member state and the opportunities for Channel Islanders to study in the EU.

The Report stated:

"In recent times there has been correspondence in the media, including letters pages of the Jersey Evening Post, from members of the public regarding the position of Channel Islanders in the EU. These letters indicate a level of concern about the issue and indicate a feeling that the arrangements are in some ways unfair or discriminatory against Channel Islanders.

For the individuals affected, the existing arrangements can be the cause of concern and distress."

The purpose of the report, whilst recognising those real concerns, was to explain how this position has come about, to discuss the policy options and to identify the assistance that would be provided to Channel Islanders who are affected.

It was therefore not necessary to carry out a wider public consultation exercise or seek further views from those affected, as it was already recognised that the status of Channel Islanders seeking to work in the European Union is a problem causing some concern.

1.14 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE JERSEY LAW COMMISSION'S REPORT ON THE JERSEY LAW OF CHARITIES:

Question

Would the Chief Minister outline the progress to date, if any, with reviewing and implementing the proposals contained in the Jersey Law Commission Consultation Paper 7(B) entitled 'The Jersey Law of Charities'?

Answer

The process by which the Jersey Law Commission ("JLC") makes recommendations for legislative reform is that the JLC first issues a consultation paper. After responses to the consultation paper have been received, the JLC conducts further research and does additional work as necessary before producing a topic report, which contains the JLC's considered recommendations on the basis of the responses to the consultation.

The JLC has not as yet produced a topic report on the Jersey Law of Charities. Once this report is produced we will review the proposals contained in it.

However, the Island's AML/CFT Strategy Group has considered the JLC Consultation Paper 7(B). This was on 8 January 2007 with specific regard to the need to comply with Special Recommendation VIII ("SR VIII") of the Financial Action Task-Force. The Strategy Group noted that the JLC's proposed timeframe for addressing issues raised by SR VIII was inadequate to ensure compliance with this standard before the IMF assessment in October 2008. It is well known that obtaining a positive rating by the IMF is critical to sustaining Jersey's finance industry.

Accordingly, the Strategy Group put forward an approach contained in their Consultation Paper No 1 of 2008, 'Registration and Monitoring of Non-Profit Organisations' which deals specifically with compliance with SR VIII.

1.15 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE COST OF PRESCRIPTIONS FROM PHARMACIES:

Question

Would the Minister advise members of the average cost to his Department and/or the Health Insurance Fund for each prescription dispensed by a pharmacy (excluding the cost of the medicines)?

Answer

The fees paid for dispensing a prescription are set out in the Health Insurance (Pharmaceutical benefit (General Provisions) Order. From 1 October 2007, a standard dispensing fee of £2.85 is paid for every item dispensed. Various other sundry fees are paid, depending on whether the item is, for example, prepared by the pharmacist or is a controlled drug under the Misuse of Drugs legislation and details entered in a register. These sundry fees equate to an average £0.05 per item. Therefore the average cost to the Health Insurance Fund for the dispensing of a prescription item is £2.90.

1.16 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF PRESCRIPTIONS AT THE GENERAL HOSPITAL:

Question

Would the Minister advise members of the average cost of dispensing a prescription (excluding the cost of the medicines) to outpatients at the General Hospital?

Answer

The average cost of dispensing a prescription to outpatients at the General Hospital was £2.30 in the year 2007. This figure has been arrived at by dividing the total number of outpatient prescriptions (129,575) by the estimated employment costs of the relevant staff (£298,583).

2. Oral Questions

2.1 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding breaches of the minimum wage legislation:

What explanation can the Minister offer for the finding on page 10 of the *Jersey Annual Social Survey* that around 600 workers reported that they earned less than the minimum wage and what steps, if any, will the Minister take to investigate this finding and to ensure that any breach on this scale of the minimum wage legislation is dealt with and eliminated?

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

The Deputy appears to be reaching conclusions which really shows that his understanding of the survey results are a bit lacking. The survey results do not state that 600 workers reported that they earned less than the minimum wage. A very small number, less than 20, of the employed people who responded to the survey reported that they earned less than the minimum wage. Among those 20 there are self-employed people who are not subject to the minimum wage regulations, there are individuals with disabilities who are engaged in therapeutic work schemes, there are trainees and apprentices who have a lower minimum wage. There are also workers in the tourism and agricultural industries who receive board and lodging allowances as part of their wage. It may also include some individuals who have reported their net wages instead of their gross wages. In saying all that, there are no doubt some people who should be being paid the minimum wage and who are not. The department regularly surveys business for infractions of both social security and employment legislation, including any new businesses within 6 months of them setting up. The department also targets those industries where employees are commonly lower paid. This proactive work is ongoing.

2.1.1 Deputy G.P. Southern:

I thank the Minister for his answer. However, it does show that he does not understand the nature of numbers because scaling-up 20 in the survey does produce a number of 600. Nonetheless, his explanation contains some of the areas where people might report receiving less than the minimum wage. Is the Minister prepared to take any steps to investigate in any specific way how many of the population of employees are in fact receiving less than the minimum wage?

Senator P.F. Routier:

With regard to the scaling-up of the numbers, the Statistics Unit have verified to me that it is very unreliable to scale up 20 to the number of 600. They have made it very clear to me it is a very risky thing to try and do that. Saying all that, the department does have a compliance unit which does check that minimum wages are being paid. In fact, last year 51 businesses in the hospitality industry were surveyed and 22 minimum wage infractions were identified and those people are now being paid the minimum wage.

2.1.2 Deputy G.P. Southern:

Is the Minister not somewhat surprised, and indeed should be shocked, by the fact that 20-something out of 50 inspections revealed infractions of the minimum wage regulations? That is a very high proportion. What is he going to do to make sure that breaches of minimum wage legislation are not ongoing?

Senator P.F. Routier:

There were 51 businesses which have large numbers of employees, the hospitality industry which has large numbers of employees, and from that there were 22 individuals who were receiving lower than minimum wage. It goes to show that we are making sure that our compliance team does follow-up on things and are making sure that people are being paid the minimum wage. I would ask anybody who feels that they are not being paid the minimum wage to use the services of J.A.C.S. (Jersey Advisory and Conciliation Service). They have in many circumstances assisted people to ensure that they do receive the minimum wage. That is the correct way of ensuring that people do receive the minimum wage.

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

It has been reported to me by a number of people that over the Christmas period when they were hired on a temporary basis that they did not receive any form of contract as required by law from their employers. Would the Minister not agree that it is important that employers issue employees with contracts and would it not be perhaps advantageous to take an opportunity to ensure that employers are aware of this and that in those contracts the minimum wage stipulation is laid out and the reason for their pay is clearly set so that anybody who is receiving less than what they believe they should be would be able to complain under those circumstances?

Senator P.F. Routier:

I agree entirely with the Deputy and the employment legislation provides for all those circumstances he made.

2.1.4 Deputy G.P. Southern:

The Minister informed us that 22 persons working in 51 companies were found to be paid less than the minimum wage. Will he inform the House how many companies this involved and whether any of those companies were prosecuted?

Senator P.F. Routier:

I do not have the details of how many companies were involved. What I can say is that only 5 cases went to the tribunal and they were resolved at the tribunal stage.

2.2 Connétable A.S. Crowcroft of St. Helier of the Minister for Home Affairs regarding the possible introduction of compulsory rear seat belt legislation:

Did the Minister or the former Home Affairs Committee approve in principle the introduction of compulsory rear seatbelt legislation and, if so, on what date was the decision made and what action, if any, was taken?

Senator W. Kinnard (The Minister for Home Affairs):

The old Defence Committee reviewed seatbelt legislation on several occasions between February 1994 and April 1999. On 3rd November 2005 the then Home Affairs Committee, with reference to appropriate safe forms of child restraint in vehicles for children over 3 years, noted European directives and agreed in principle that a review should be undertaken concerning current legislation governing the wearing of seatbelts and to consider amending the then current Motor Vehicles (Wearing of Seatbelts by Children) (Jersey) Order 1998 with a view to incorporating changes from the European directive. At that time there was no decision on introducing compulsory wearing of rear seatbelts by the Home Affairs Committee.

2.2.1 The Connétable of St. Helier:

Could the Minister advise us whether that view of the former Committee was conveyed to the then Public Services Department with any recommendations that D.V.S. (Driver and Vehicle Standards Department) should carry out the appropriate review?

Senator W. Kinnard:

I can say that the Home Affairs responsibility for seatbelt legislation was transferred to Transport and Technical Services (T.T.S.) in May 2006 and the legislation, I believe, is now included in T.T.S.'s 2007 Business Plan. I understand that a report and recommendations have now been completed and approved by T.T.S.'s management for their Minister's consideration.

2.2.2 The Connétable of St. Helier:

I thank the Minister for her helpful remarks but that still means that a delay of nearly 2 years has taken place since the transfer of responsibility from her department to that of the Transport and

Technical Services Minister. Does she think it is satisfactory that the Island has waited for 2 years before this matter has been properly progressed?

Senator W. Kinnard:

No, Sir.

2.3 Deputy P.V.F. Le Claire of the Minister for Treasury and Resources regarding the potential purchase of confidential client details by foreign Governments to identify tax evasion:

The recent purchase of confidential client details by the German Government to identify tax evasion in Liechtenstein has raised a number of issues internationally. What is the position in Jersey in this regard, please?

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

Unlike Liechtenstein, Jersey is fully committed to the principles of the O.E.C.D. (Organisation for Economic Co-operation and Development) on transparency and information exchange. That is why we have signed a tax information exchange agreement with the United States of America and with the Netherlands and we are very close to signing an agreement with Germany. When that agreement is signed there will be an accompanying political declaration in which Germany will welcome Jersey as a member of the community of nations committed to co-operation and information exchange on tax matters and assuring Jersey that it will be fully and equally treated as such by the German authorities. Germany also recognises Jersey's commitment to a good neighbour policy, reflected *inter alia* in the signing by Jersey of an agreement on the taxation of savings income with Germany and other E.U. (European Union) member states. As with other E.U. countries, we have agreed a programme of deducting income tax at source from interest earned by German residents from bank deposits made in Jersey and remitting the bulk of that tax to the German authorities. The Council of Ministers is convinced that our approach to these tax agreements is in the best long-term interests of the Island.

Deputy P.V.F. Le Claire:

I thank the Minister.

2.3.1 Deputy R.G. Le Hérissier of St. Saviour:

The British Government is pursuing a more aggressive policy towards non-domiciled residents and part of that policy is to pursue funds into offshore sectors, if necessary, that are being decanted from Britain. How up to speed is the Minister and his Ministry in keeping an eye on this development and what steps are they taking to co-operate with the Government?

Senator T.A. Le Sueur:

In relation to non-domicility, yesterday I sent a letter to representatives of Her Majesty's Treasury setting out Jersey's response to the consultation they are doing on non-domiciles and expressing our concern about certain matters relating to the Island's activities. Other than that, I would point out that Jersey does have an existing double-taxation agreement with the United Kingdom, of limited scope, which does allow for some transfer of information in certain circumstances.

2.3.2 Deputy R.G. Le Hérissier:

So the Minister can then reassure the House that there need be no fear on the part of the Island authorities in terms of action taken by the U.K. (United Kingdom) authorities in this regard, that everything is well and that there will be no hounding of the Island authorities?

Senator T.A. Le Sueur:

I do not think there will be any hounding of the Island authorities but certainly any U.K. taxpayer who does not comply with the U.K. tax legislation can expect the wrath of the Inland Revenue to descend upon them and we will do what we need to do to co-operate with the Revenue should that occur.

2.3.3 Deputy G.P. Southern:

Does the Minister not agree that signs of such aggressive action on the part of the German Government bode very badly for the prospects of our own taxation in terms of the E.U. Code of Business Taxation?

Senator T.A. Le Sueur:

No, not at all because, as I said in my introduction, the approach of Liechtenstein is far different from the approach of Jersey which has been one of co-operation and acceptance of transparency and information exchange. That is not the case of Liechtenstein, which may be why Germany took the action it did. They have no cause to take similar action in respect of Jersey which has already demonstrated its willingness to co-operate.

2.4 The Connétable of St. Helier of the Minister for Education, Sport and Culture regarding the range of day time activities provided by his Department for children over the age of 12 during the school holidays:

Would the Minister explain what daytime activities for children over the age of 12 during school holidays, half terms and public holidays are provided by his department and is he satisfied that he is currently making sufficient provision?

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

My department provides activities available to children over the age of 12 during school holidays in a variety of ways. The Youth Service, although it mainly works during term-time weekday evenings, offers a range of provisions targeting young people aged 12 to 18 years. It does, however, offer a range of other opportunities such as Island residential activities, off-Island trips, outdoor activities and various specialist programmes offering specific activities during school holidays. As well as these specialist events, the Youth Service recognises the desire for all the youth projects to be open for more hours throughout the year and to extend their opening hours into school holidays, half terms and weekends where possible. With this in mind the Youth Service has increased the amount of sessional youth workers' face-to-face hours during the last few years from 156 per week in 2005 to 260 per week currently and the Youth Service hope to increase this even more in 2008, especially for additional projects being offered in the school holidays. In addition to this increase in the core face-to-face hours offered by the Youth Service, there have been a number of significant new partnerships with Parishes developed during the last year which have led to additional opening hours of youth projects. I am extremely grateful for this support from the Parishes. It certainly makes a significant difference to what the Youth Service can offer young people. Also the Sport and Leisure Division of E.S.C. (Education, Sport and Culture) works with sports' governing bodies to co-ordinate and advertise a comprehensive range of sports activities for young people during school holidays. These activities are for children from 6 years and above. Activity clubs, formerly known as play schemes, are organised for 6 to 11 year-old children. In 2007 a club was set up for those over 12 years old. This only had 3 young people signed up so the club was merged with another group. Also, since 2006 my department has employed a community development officer with funding from Building a Safer Society. In 2007 15 different projects were delivered at 20 different venues across the Island; over 11,200 from 8 to 18 years old attended these programmes during term time and the holidays. I believe my department is providing excellent opportunities in this area.

2.4.1 The Connétable of St. Helier:

I thank the Minister for his answer, although it was somewhat vague. Could he perhaps tell me, either now or circulate the detail, and just to help him could he tell me what specific daytime activities were made available for the over 12s during the recently finished half term?

Senator M.E. Vibert:

In answer to an oral question I thought I was trying to be as concise as possible with giving the actual information. If the Constable wants to know what was on offer at any specific time, if he would like to submit that to me in writing, as a written question, or at any time by just contacting me we will look into it and provide it but I cannot give him off the cuff what all the activities were that we offered at any one time. For example, the summer activity holiday programme for 2007 is a booklet here which, as Members can see, contains an enormous amount of information - an enormous amount - over 100 different courses and activities on offer. So I do not think that I can give the detail the Constable wants. I think he was vague in his question. If he wanted to know what happened last half term he should have asked me.

2.4.2 The Connétable of St. Helier:

I take the Minister's point but I did just ask him a specific question about half term. I would be grateful if he could furnish me with the answer to that question.

Senator M.E. Vibert:

Certainly, Sir.

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

It is pleasing to see that so much work is being done by the Education, Sport and Culture Department. Is the Minister able to give us a breakdown, or even an overall figure, of the number of people taking part as a percentage of those who do not take part?

Senator M.E. Vibert:

Sorry, Sir, I did find that question slightly vague. What age group, what period, which activities? Then perhaps I can answer it.

2.4.4 The Deputy of St. Martin:

I will make it quite simple. The Minister has told us we have got a number of activities. Is it possible to give us a breakdown of the numbers that are going compared with those who are not going? Obviously we have got several hundreds of children who are of that age group. How many go and what percentage of that do not go?

Senator M.E. Vibert:

That would require considerable work on our part. It could be done. There are also a number of other groups, Scouts, other activities. There are a whole load of activities and, of course, parents do have some responsibility in this regard and most parents make sure they know what their children are doing in holidays and half terms and make arrangements for them.

2.4.5 The Deputy of St. Martin:

Could I just make it easy? Would the Minister say that these courses are very well attended and they are to be encouraged for others to come along?

Senator M.E. Vibert:

I get the gist of the question now. Yes, most of the courses are very well attended; sometimes we have to put on extra areas where we can in some areas because they are so well attended. However, as I said, when we have offered some of our activity courses for over 12 year-olds, some of them have been very poorly taken up. Others, depending on the activity, have been well taken up.

2.4.6 Deputy R.G. Le Hérissier:

Are we to infer from the Minister's reply that there is going to be more youth club provision during school holidays?

Senator M.E. Vibert:

Yes, Sir.

2.4.7 Deputy R.G. Le Hérissier:

Can the Minister outline the nature of that provision?

Senator M.E. Vibert:

Yes, youth clubs will be open more often during school holidays. **[Laughter]**

2.4.8 Deputy R.G. Le Hérissier:

Can we stop the game playing? How much money and what percentage increase in opening will occur?

Senator M.E. Vibert:

I hope the Deputy was listening when I gave my first answer where I talked about the sessional hours and the increase in them and working with the Parishes. Each individual youth project has its own plans and is developing them and we will, as and when possible, increase where we can. I cannot give him percentages for each youth club but, as I said, we are going to open more as and when we can, with budget restraints and with support from the Parishes, in the school holidays as well as in school time.

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

I am glad the Minister mentioned budget constraints. Would he not admit that Education do seem to look at the play schemes as up to 11s - over 12s are not normally permitted - and this normally goes on a sliding scale of the income of the parent or parents, which he also mentioned flippantly that most parents will make provision for their children in school holidays? Some single, low income parents have a very hard time knowing where their children are. My question is the activity book that the Minister just kindly showed the House, could he inform us if any of these are subsidised to low income parents? If not, can he please hurry and make sure that these are all inclusive and not barred through income, which I think at the moment is the case.

Senator M.E. Vibert:

The Deputy is mistaken, which I am very surprised at as she used to be a member of the E.S.C. Committee, because we have a system in place whereby if we are approached by anyone who wants their children and for financial reasons cannot access any of these activities we make every effort to ensure that they can access them.

2.4.10 Deputy J.A. Martin:

Sorry, Sir, the Minister accuses me of not knowing. He just said if they are approached by anyone who cannot possibly afford for maybe one or 2 or 3 of their over 12 year-old children they will look into the case. We need a States policy. We do not want people having to go to the Education Minister or one of his departments if they think this is available. Will the Minister put a proper policy in place for over 12s and people on low incomes? It is not rocket science. I can show him some stuff I have just brought back from the U.K., very similar to Active Card. It is called Aspire and they do it for children over the age of 10 and it is for all different areas of income - unemployed, low incomes, single parents. Not rocket science.

Senator M.E. Vibert:

I accept it is not rocket science and we do offer and try to help out with those in need. I am obviously constrained by budget provisions and if the Deputy wants to propose an increase in my budget I will obviously welcome it but I do not remember her doing that. We, with the Active Card, were really looking - and I have been in correspondence with the Deputy - at trying to offer more activities linked with what the Active Card offers for those between 12 and 16. As I said before, when we have offered activities for over 12s in many cases they have been very poorly looked up and taken up. A lot of over 12s, with their parents, make their own activities and we have had poor take-up. Some we have had good take-up but we do try to help, we do offer, and within the constraints that I have got I try to make sure that nobody is denied access to our programmes because of financial reasons.

2.4.11 The Connétable of St. Helier:

The Minister has spoken about increased opening of youth clubs during the times of year that I referred to in my question. He has also referred to budget constraints. Is it not the case that the Minister will not be increasing youth club provision unless the Parishes provide the funding?

Senator M.E. Vibert:

No, Sir. I am very pleased that the majority of the Parishes, including St. Helier, work with us in partnership and I thought the Constable understood that. The partnership is that we put money in and they put money in and, despite budget constraints, over the past 3 years I have substantially increased the Youth Service budget.

2.5 Deputy R.G. Le Hérissier of the Minister for Planning and Environment regarding the operation of Island Plan Policy C16 on agricultural sheds:

Would the Minister inform Members whether he is satisfied that Island Plan Policy C16 on agricultural sheds is operating appropriately to minimise the building of such sheds and, if not, does he have any plans to amend it?

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

The Island Plan policies relating to the agricultural sheds need revising. In the last few years, due to changes in the agricultural industry, the industry's requirements have changed. Today there is a demand for very large agricultural sheds in order to facilitate efficient, modern-day farming methods. Many of the agricultural sheds built in recent decades are smaller than is required by the large operators and thus we have a mismatch. Furthermore, from an agricultural perspective many small sheds are effectively redundant and thus their owners are looking for an alternative use. Indeed, many have been granted changes of use in recent years. On the other hand, the large operators need large sheds for their businesses to prosper, and indeed both large Royal Jersey exporters have recently been granted consent to build new sheds to further this very important local industry. We are exploring novel ways to deal with this mismatch and this will be fed into the Island Plan review process.

2.5.1 Deputy R.G. Le Hérissier:

Two points. Would the Minister confirm that the policy of trying to get agricultural operators to utilise existing sheds has in fact collapsed? Secondly, would he confirm that the Island Plan review, particularly in regard to such sheds, has now slowed-up because of the departure of the person handling that review?

Senator F.E. Cohen:

Firstly with regard to encouraging the use of existing sheds, no, the policy has not collapsed but, as I have explained, there is a mismatch. You cannot push somebody into a 5,000 square foot shed if they want a 30,000 square foot shed. So there is a mismatch; I am working on that. I have got

some novel solutions but I would rather reserve details of those for the time being. The Island Plan review has not slowed-up at all. In fact, the pace is accelerating at the moment and I am very conscious of the expectations of Members in relation to the Island Plan review process and hope to satisfy them.

2.5.2 Deputy G.P. Southern:

Will the Minister give more information about his novel solutions?

Senator F.E. Cohen:

I would be happy to give the Deputy more details privately but I do not think it would be appropriate at this moment to make those public. They have not been fully examined yet. Thank you.

2.5.3 Deputy R.G. Le Hérisier:

I wonder in terms of the agricultural shed aspect of the Island Plan, could the Minister confirm that a new co-ordinator of that plan review will be in place, thus enabling that full review to continue?

Senator F.E. Cohen:

I can confirm that the co-ordination of the Island Plan review is in hand. The new Chief Officer has the matter under control and I can assure Members that there will be no delay and no reduction in the quality of the output of the Island Plan review.

2.6 Connétable D.J. Murphy of Grouville of the Minister for Economic Development regarding the cost of a forthcoming briefing at the Radisson Hotel:

Would the Minister inform the Assembly how much the proposed briefing on 4th March 2008 at the Radisson Hotel is estimated to cost and whether any other venues were considered?"

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

The Radisson is providing the room at no cost. Alternative venues frequently used by the States were considered. However, all of these would involve charges for the room as well as catering. On catering costs, I can inform Members that the cost of 2 coffee breaks will be £3.50 per head and that a sandwich lunch will be provided at £5 per head. I am sure that Members would agree that that is at least as competitive as other venues. I would say that this is an important briefing. We are holding it to ensure that all Members are fully informed of the economic challenges facing Jersey. It is being held in the interests of transparency and I very much hope that this will not be, as some people have said, a debate of 5 hours by PowerPoint. It is rather for Members to have an opportunity to scrutinise Economic Development on the important challenges ahead and I encourage all Members to come along if they can.

2.6.1 The Connétable of Grouville:

I would like to commend the Minister for having negotiated such a one-off deal. I am sure that does not happen very often. However, I would encourage him to look for value for taxpayers' money when dealing with these rather minor problems. Would he agree?

Senator P.F.C. Ozouf:

Absolutely, and being the Minister responsible for tourism ensures that perhaps we do have the opportunity of showing Members some venues such as the Radisson which are new. It is being provided at zero cost. If there are other briefings and if there are other important tourism venues which have invested substantial amounts of money then I will encourage those venues to provide it free of charge for Members in order that we can have the double opportunity of having a convivial

opportunity for discussions but also for Members to see important investment in our tourist economy.

2.6.2 Deputy G.P. Southern:

Does the Minister not agree that the proliferation of such briefings could be replaced by the simple expedient of sending round paper times 52?

Senator P.F.C. Ozouf:

I will be providing a written briefing for Members before but can I just remind the Deputy, who is after all responsible for scrutinising Economic Development, my Business Plan over the next 12 months consists of company law amendments, trust law amendments, proposals for a new public partnership initiative for tourism, airport and harbour new strategies, gambling reform, financial services development (India and China), raising the skills level of Jersey, Regulation of Undertakings decisions, competition policy, utility regulations, inflation strategy and so on. There will be written briefings but surely he would agree with me that the economy matters. Raising economic growth maintains and enhances the standard of living of Jersey people and it is a matter for all Members to hold us to account on what our business plans are. I would have thought the economy matters and is worthwhile having half a day's discussion and debate by Members.

The Deputy Bailiff:

I think we are drifting a little from the initial question.

Deputy G.P. Southern:

The answer to my question that paper is cheaper than briefings ...?

Senator P.F.C. Ozouf:

The Chairman of the Economic Affairs Scrutiny Panel will well know. I doubt whether perhaps he has even read the Economic Affairs Business Plan. If he wants paper he can have it in abundance but there is nothing that is better than the opportunity for face-to-face discussions among Members and I would have thought he would have welcomed that.

2.7 The Deputy of St. Martin of the Minister for Home Affairs regarding an update of the review of the Rehabilitation of Offenders Law:

Would the Minister give Members an update of the review of the Rehabilitation of Offenders (Jersey) Law and state whether it is proposed to bring any amendments in respect of how previous convictions are treated?

Senator W. Kinnard (The Minister for Home Affairs):

I can confirm that, as I previously informed Members, there may be a need to amend the Rehabilitation of Offenders (Jersey) Law in the light of the U.K. Government's Safeguarding of Vulnerable Groups Act 2006 which will be brought into effect at the end of 2008. However, it may not be an amendment to the Rehabilitation of Offenders (Jersey) Law after all which is required in order to change the way in which previous convictions are treated. This is because the existing Data Protection (Jersey) Law 2005 and the equivalent English Act of 1998 contain articles which are yet to be brought into force but which would prevent the practice of employees being required by employers to disclose both spent and unspent convictions, known as enforced subject access. The ability to bring into force this element of the legislation is dependent on there being a basic form of disclosure which complies with the Rehabilitation of Offenders Law. Such a disclosure would only contain and reveal, where appropriate, unspent convictions. Disclosure Scotland has now confirmed that basic disclosure requests from Jersey residents and employers will now be serviced. The Data Commissioner is actively working towards implementing now the specific

article of the Data Protection (Jersey) Law on the basis that basic disclosures are now available. So at last there will be some movement on this problem which has exercised myself and particular Members for some time.

2.7.1 The Deputy of St. Martin:

I have not got the answer. I did ask if we could have an update of it and are we likely to get it in some near future. Is the Minister able to tell me who is part of the interdepartmental group which is led by Home Affairs, how often that group meets, and are the minutes available for Members to see?

Senator W. Kinnard:

I can answer part of that but not all of it without notice. The membership of the working group is the Home Affairs Chief Officer, a Director of Nursing from Health and Social Services, the senior Human Resources Manager from Education, the Executive Officer of Home Affairs, the Police Information Compliance and Security Manager, and a member of the Law Officers' Department.

2.7.2 Deputy R.G. Le Hérissier:

Would the Minister not concede that despite her enormously technical answer this has been an incredibly disappointing Act whose purpose has not been achieved? Would she not further accept that by referring to people like Disclosure Scotland it is taking away from the fact that within this very Island there are people asking for full requirements in terms of offences against the very spirit of this Law, e.g. applicants for Licensing Assembly licences?

Senator W. Kinnard:

Obviously it is quite a complicated Act in that Members will be aware that there are a number of exceptions. I would agree that I have been very disappointed that the spirit of this Law has not been able to be implemented. I was the person who brought this matter to the States so I have been very committed to the whole ethos behind the Rehabilitation of Offenders (Jersey) Law. It has been a very complicated and, I have to say, tragically longwinded process in order to get to where we are today but, as I say, I am pleased to say that at last I do believe that there is movement and that this process through Disclosure Scotland is now available for local residents so that they will not be forced into a position where they have to unnecessarily reveal unspent convictions. I think that is a huge improvement and I am really glad that it is a movement forward, but clearly there is still yet more work to be done in order to ensure that we have complete compliance with the way in which the Law works in the Island.

2.7.3 The Deputy of St. Martin:

I am grateful for the Minister's reply but I think most members of the public are asking when are the results of this review going to be carried out. Will the Minister not accept the fact that the Safeguarding of Vulnerable Groups Act of 2006 is really to do with tightening-up provisions to ensure that those people who have convictions with young people in particular are strengthened? It has nothing whatsoever to do with the Rehabilitation of Offenders (Jersey) Law. What people are asking for is clarity so that when someone has a spent conviction they are not obliged to reveal it.

Senator W. Kinnard:

The problem is the question itself conflated the 2 issues of the Rehabilitation of Offenders (Jersey) Law and the issue of past convictions along with this issue of the Safeguarding of Vulnerable Persons Act. The whole point of the review - the main focus - was on the introduction of the provisions to ensure that we can comply with the Safeguarding of Vulnerable Groups Act-style provisions within the Island to ensure that our children and vulnerable people are kept safe. Alongside of that I have always seen that the Rehabilitation of Offenders (Jersey) Law is the other side to that particular coin. I think I have explained in my answer that the way of dealing with the concerns that Members have had about the Rehabilitation of Offenders side of things is most

appropriately dealt with, it looks now, through the Data Protection (Jersey) Law and through, as I say, the very helpful work of Disclosure Scotland on our behalf. As to the report on the review of the Law in Jersey so that we can meet the provisions similar to those of the Safeguarding of Vulnerable Groups Act, that is ongoing work so that we can ensure that we are not a back door to inappropriate persons coming to the Island when that Act comes into force in the United Kingdom in 2008. That is a piece of work that is constantly under review and will continue to be under review in the Island. There is no end date to that review because it is a matter in the protection of children and vulnerable people that we must keep abreast of at all times and keep constantly under review.

2.7.4 Deputy R.G. Le Hérisier:

Would the Minister confirm that she is prepared to prepare for this House a report identifying when spent means spent? Secondly, and I know she herself fought valiantly so that the finance industry did not have the ability to go fishing, for example, unless under restricted conditions, will she produce a report outlining where people are being asked for previous convictions by agencies like the Licensing Assembly, the Honorary Police or whoever, thereby undermining the Law? Will she give us a report on that so we can see how many holes there are in this Law?

Senator W. Kinnard:

I can give a report on how the Law is supposed to work in practice. The problem is that certain employers have not been abiding by the practice of the Law and this is one of the reasons why we have to change the Data Protection (Jersey) Law. I am aware of some cases that have come to me but they are a mere handful. It is the principle that I think we are concerned with. In answer to the direct question, I am more than happy to provide Members with an update with as much information as I possibly can on both those areas which are of concern, which I think are the issues around the group working on the safeguarding of vulnerable groups plus also, on the other side, the rehabilitation of offenders. I am more than happy to prepare that and will get on with it as soon as I can.

2.8 Deputy K.C. Lewis of St. Saviour of the Minister for Education, Sport and Culture regarding the future use of the former Fort Regent swimming pool:

As the former Fort Regent swimming pool has been empty for over 5 years, what plans does the Minister have for this building?

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

Fort Regent pool closed at the end of 2003 in line with a States approved agreement relating to the establishment of the waterfront pool. As part of the work being undertaken by EDAW, the consultants working on the regeneration of the east of Albert Town area, a task group has been established to look at Fort Regent, including the old swimming pool building. The group has produced a development brief for Fort Regent setting out a broad development strategy to guide developers considering potential options for the site. I understand that the group will seek expressions of interest from potential developers during 2008.

2.8.1 Deputy K.C. Lewis:

I thank the Minister for his reply. I enjoyed Fort Regent as a young man, putting a costume under my arm and going up on the cable car, but being a fort it was designed to keep people out. When the cable car was done away with it did exactly that. However, many thousands of people do make the effort to get to Fort Regent and I congratulate them on that. Will the Minister be undertaking to provide the long awaited scenic lift from Snow Hill to Fort Regent?

Senator M.E. Vibert:

The Minister would love to provide the long awaited scenic lift to Fort Regent. In fact, this Assembly approved plans for the redevelopment of Fort Regent in 1996. Unfortunately since then no funds have been made available to redevelop the fort which is why the current EDAW group are looking at it and seeing if, while retaining the sport and leisure element there, other uses can be made which would enable the redevelopment of the fort, including some way of getting customers and people who want to visit the fort up there much quicker. There has been a problem since the cable cars ceased operation, because they had passed their useful life in 1991, I believe, and we have never really fully overcome that for the casual visitor.

2.8.2 Deputy R.C. Duhamel of St. Saviour:

Will the development brief be made available to States Members?

Senator M.E. Vibert:

As far as I am concerned it can be. I think it is a public document produced by EDAW. It certainly was discussed at a meeting which all States Members attended and so on and I have a copy here. As far as I know there is nothing secret about it. It is going out to potential developers. It talks about the history of Fort Regent, the constraints at the site, *et cetera*, and asks for developers to express interests, if they have any, in what can be done with it.

2.8.3 Deputy D.W. Mezbourian of St. Lawrence:

Education, Sport and Culture produced a conservation statement for Fort Regent in September 2006 in which it states that the site is of considerable significance for its educational value, stating that it provides an excellent focus for a range of historical studies. Will the Minister explain whether, following publication of this statement, this is being progressed by his department?

Senator M.E. Vibert:

It would be wonderful if we could develop the fort in that way and that was included in part of the plans that we had for the fort. The historical significance of the site is included in the development brief which takes cognisance of Andrew Gribb's report that we commissioned on Fort Regent.

2.8.4 Deputy K.C. Lewis:

If and when the Island Games return to Jersey, do I presume that they will be using Les Quennevais pool?

Senator M.E. Vibert:

At present Les Quennevais pool is used for the major galas in the Island very successfully and if - and I hope when, not if - the Island Games return to the Island then we will be looking to see how we can enhance Les Quennevais pool with perhaps the provision of extra seating and so on to host the Island Games. The Island Games swimming has been hosted in much smaller pools than Les Quennevais. It is an excellent pool for the swimming; its spectator facilities are somewhat limited, but if people remember, and certainly Deputy Lewis will remember when he went up to Fort Regent, we had loads of spectator space with about 3 people in it most of the time.

2.8.5 Deputy D.W. Mezbourian:

I am afraid I did not understand the answer that the Minister gave to me a moment ago. My question was quite simple: is the site being used at all for its educational value regarding historical studies by local students?

Senator M.E. Vibert:

Not specifically because it has not been developed in a way that would enable that to happen easily and safely with some of the outside areas. Some students do study Fort Regent and look at it but it is not used specifically at present, although part of the plans was for a conservation trail explaining

the history and the development of the fort and its importance. If that was developed I am sure it could be incorporated into our educational curriculum in that way.

Deputy D.W. Mezbourian:

Thank you. That response made more sense to me than the first one.

2.9 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the number of students, whose first language was not English, currently being taught in the Island's primary and secondary schools:

Will the Minister state what overall numbers of students whose first language is not English are currently being taught in the Island's primary and secondary schools, state how these students are distributed between the schools and explain what provisions are in place in which schools to ensure that these students are adequately catered for?

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

A complex, multipart question but I will try and get it all in, in the time you will allow me. There are 178 pupils receiving support currently from the English as an Additional Language team; 121 of these are pupils who have arrived in Jersey since September 2007, the remainder are in their second year of support. The breakdown of such pupils in secondary schools is as follows: Les Quennevais 4; Grainville 13; Le Rocquier 14; Haute Valleé 25. In primary schools: Rouge Bouillon 37; Springfield 15; Samares 9; First Tower 9; Janvrin 8; Plat Douet 7. Can I say those figures were correct as at 22nd January. The remaining pupils are spread across the rest of the primary schools. The specialist support provided for these pupils include the E.A.L. (English as an Additional Language) team which consists of 6 staff, 2 specialist teachers and 4 specialist teaching assistants, 2 of these teaching assistants speaking Portuguese and one Polish. The team supports the pupils in all primary and secondary schools. In addition, there are 5 teachers funded by the Portuguese Government under an accord signed with Jersey who work with pupils in both primary and secondary schools. These accord teachers also run Portuguese language and culture classes after school hours. Currently 246 primary age pupils and 308 secondary pupils access these extracurricular classes.

2.9.1 Deputy G.P. Southern:

Could the Minister indicate whether any additional funding is supplied in any of these schools, especially Haute Valleé where it sounds like they have got a class full?

Senator M.E. Vibert:

We look at and provide funding as and when necessary. Of course the schools with the greater number of pupils will have greater attention from the E.A.L. team, which in itself is a form of funding.

2.9.2 Deputy G.P. Southern:

Can the Minister please answer the question: is additional funding currently being provided?

Senator M.E. Vibert:

I answered the question. I said we provide funding as and when necessary and the E.A.L. team, which is funded by E.S.C., is used, according to needs of the number of pupils. The Deputy has put a detailed oral question. If he wants to know how much funding is put into each of the secondary schools please write to me and I will provide it. I look forward to the day when the Deputy says something complimentary about the excellent services we offer instead of nitpicking all the time.

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

Could the Minister explain how his department deals with the dilemma of a mixed class where there are a few pupils whose first language is not English? If the class travels at the speed of the rest of the class they will clearly be left behind but if the class travels at the speed of those people who do not have English as their first language clearly the other people in the class will be held back.

Senator M.E. Vibert:

I invite the Deputy to visit our schools and attend classes. I think he is equating how he was taught to maybe how children are taught today. It is quite different. We teach in different ways. Pupils are in groups, small groups in classes, they work at their own pace and are helped by the teacher, and where we have pupils who are struggling that is where the E.A.L. team come in as well and teaching assistants will help individuals or small groups. We tend to work in that way. It is very different now and I invite any States Member - and I know the Scrutiny Panel have seen it - to look at the work we do, such as critical skills, in our schools and how we develop in our schools. I think we are working very hard to ensure that no one is held back in any way because of any constraint such as language.

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

I just wanted to ask a simple question about those pupils where English is not their first language. Are they all congregated into one class or are they spread across the year group and how is the policy implemented on that front?

Senator M.E. Vibert:

It varies. It depends on their age, it depends whether the primary school, for example, has a one form or 2-form entry. If it is one form, obviously at a certain age they are all in one class. In secondary school it will depend how the school decides to deal with it in that way and for different subjects they will be in different groups and so on. I am sorry I cannot be clearer than that but it is down to the individual school, whether it is primary one form or 2-form entry, and also with secondary. Although some people may have difficulty with English being not their first language, they may be very good at maths, for example, and be in a different group for maths as to other subjects.

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

Does that effectively mean that if you are setting up different groups that you are streaming the children? I can see problems if you have bright children in a class being kept back.

Senator M.E. Vibert:

I thought I made it clear in a previous answer that we do not keep back children. We try to develop each child to their potential, and again I urge the Deputy to visit schools. In fact I urge her as the Deputy of St. Brelade to visit Les Quennevais School, an excellent example of how this is dealt with in the classroom, and I am sure she will be very impressed by what she sees.

2.9.6 Deputy G.P. Southern:

At the risk of appearing nitpicking, can the Minister confirm that while students of primary age are relatively straightforward to deal with because they pick up language quickly, students left in secondary schools without additional resource will struggle? Can he confirm or deny whether Les Quennevais were stopped from having an intensive course down at St. Brelade's College for their English as a Second Language students in the recent past?

Senator M.E. Vibert:

I can certainly confirm that it is general knowledge that it is much harder for secondary age children to pick up English as a second language than it is for primary school children. I will look

into the comment that the Deputy has made. I have no knowledge of Les Quennevais and the issue he mentioned but I will look into it and revert to him.

2.9.7 Deputy S.C. Ferguson:

Surely, following on from Deputy Southern's question, one day a week to learn the language of the school you are in, as opposed to an intensive course, is not preferable. It is preferable to have an intensive 6-week course. I think if the Minister looks into this he will find out that this is the case.

Senator M.E. Vibert:

I certainly will look into it, Sir. We adopt and take on best educational practice and if the Deputy can point me in the direction of the research that shows this, I will willingly look into it, Sir.

2.10 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding the affect of high postal charges on small internet businesses or voluntary groups:

What steps, if any, has the Minister taken to ensure small internet businesses or voluntary groups are not disadvantaged by high postal charges?

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

The Postal Services Law 2004 established the Jersey Competition Regulatory Authority (J.C.R.A.) as the authority responsible for the regulation of the postal sector in Jersey. The Law came fully in force on 1st July 2006 and allows the J.C.R.A. to determine within certain limits the maximum level of charges that Jersey Post may apply for postal services. I am advised that in 2007 the J.C.R.A. did undertake a review of Jersey Post's costs and concluded a 3-year price control for the period 2008-2010 and for all core postal services. These services include standard letters comprising local, U.K. and international mail and other services such as direct mail, recorded and special deliveries, business reply, redirections and post office box facilities. The users of such services are predominantly private individuals and small and medium-size businesses and charitable organisations. The effect of the price control is an effective freeze on prices for 2008 while allowing only modest increases of R.P.I. (Retail Price Index) minus 1.8 per cent for the years 2009 and 2010. With respect to bulk and fulfilment services, which are mainly used by large business mailers and internet-based services, the J.C.R.A. concluded that these services are currently subject to sufficient competitive pressures from other jurisdictions and, therefore, determined that price controls were not appropriate at this time. However, the notice issued to Jersey Post in November 2007 stated that the J.C.R.A. would keep a watchful eye on Jersey Post prices for bulk and fulfilment services and if there is any evidence of market failure, such as Jersey Post excessive charging, the J.C.R.A. may consider applying a price control to them in future. I will certainly discuss this issue at one of my forthcoming briefings with the Chairman and Executive Director of the J.C.R.A.

2.10.1 Deputy R.G. Le Hérissier:

Notwithstanding the very healthy appearance of the Minister after his Indian trip, unlike members of the recent C.P.A. (Commonwealth Parliamentary Association) delegation, I would like to ask him, Sir, would he not accept that the steamroller of the bulk customers has totally squeezed out the small customers and, in fact, there has been a "smoke and mirror" tactic employed where, for example, minimum weights have been increased, thereby increasing, for example, minimum charges, and that various special concessions like small packet rate and printed paper rate have all been removed, thereby exposing the small group to an almost impossible situation?

Senator P.F.C. Ozouf:

In relation to the Minister's healthy appearance, unfortunately the Indian trip had nothing to do with it as we were far too busy boosting economic matters for Jersey and I doubt whether we even

saw the sun. That is due to just a long weekend skiing, thank you, Sir. I do not agree at all with what the Deputy has to say in respect of postal charges. If he wants to have a discussion with the J.C.R.A. about some of these issues - and this is not the first time that he has raised them - can I suggest that we sit down together with the J.C.R.A. and address these concerns that he has? Because certainly there is a lot of work that the J.C.R.A. has done in respect of all the areas of Jersey Post and I think the Deputy, rather than asking me questions, we have separated out the responsibilities of regulation, shareholder, *et cetera*, to an expert body, and it is really to that authority that he should be addressing his questions, but I am happy to facilitate a discussion if he wishes.

2.11 Deputy K.C. Lewis of the Minister for Home Affairs regarding the banning of so-called legal drugs Spice and Salvia:

Will the Minister be seeking to ban the so-called legal drugs Spice and Salvia?

Senator W. Kinnard (The Minister for Home Affairs):

The drugs Salvia and Spice consist of a group of drugs known as legal highs that are sold legally, though not to people under the age of 18. Firstly, it should be noted that any drug, whether legal or illegal, that affects perception and concentration can impair a person's ability to drive and the police can arrest anyone thought to be unfit through drink or drugs. Secondly, I am advised by Drug and Alcohol Services that at present there is scant evidence of widespread use in Jersey of legal highs such as Spice. Thus, at this stage I do not intend to ban Spice and Salvia but instead to continue to keep the matter under close review while we monitor the nature and extent of any health or social consequences and to support the current advice from Drug and Alcohol Services, which is to avoid using legal highs while there is little known about their effects. Expert guidance from Jersey's Advisory Council on the misuse of drugs would be sought before making any changes to the Misuse of Drugs Law.

2.11.1 The Deputy of St. Martin:

Can I ask the Minister, has she any evidence to indicate there is any wide-scale concern about the use of these 2 legal drugs at the moment?

Senator W. Kinnard:

There is not widespread concern, as I mentioned, of widespread use within the Island. In Guernsey they too have looked at this matter and they did express concerns about 12 to 15 months ago. Their Medical Officer of Health was concerned that there might be widespread use within Guernsey. However, the initial interest seems to have waned among users in Guernsey and has plateaued-off in the last 3 to 4 months. So I can confirm there is a media release of this month that Guernsey also is just intending to maintain a watching brief in the way that we are.

2.11.2 Deputy K.C. Lewis:

This Salvia is known as one of the most powerful hallucinatory agents known to man. Salvia Divinorum has intense psychedelic properties comparable to L.S.D. (lysergic acid diethylamide). The substance targets receptors in brain cells that affect consciousness and perception of reality that can bring on illnesses such as depression and schizophrenia. Last year, Sir, we raised the age for purchasing tobacco products to 18. Is it not, therefore, ludicrous that children of any age can buy this harmful product? Does the Minister not agree?

Senator W. Kinnard:

As I have said, it is reported by some that Salvia and other like drugs do have a hallucinogenic effect and can perhaps lead to some unpredictable behaviour, but there are others who say that they have no ill effects other than a headache. There is really no definitive research on this matter and

that is why we would take, as I say, both the advice of Drug and Alcohol Services and also of the Advisory Council on Misuse of Drugs. It is an interesting question that the Deputy raises as to whether we should perhaps raise the selling of such drugs to 18 years of age, and I think it is something that I think is worth considering, so I will consider it. Thank you, Sir.

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

While we are talking on this subject, I would like to ask the Minister if she is also concerned about the misuse of prescription drugs, which I understand is a huge problem in America.

Senator W. Kinnard:

Yes, Sir, I am obviously concerned about the misuse of any drugs and clearly there is concern about the misuse of prescription drugs. Tragically, of course, I think it was just last year we had the tragic deaths of those who were able to get hold of an otherwise prescription drug, Fentanyl, and use it with absolutely terrible consequences. So that is a concern and I know it is a concern that the Drug and Alcohol Services have to address from time to time. I do not believe that the misuse problem is as bad here as it is perhaps in other places like the United States, but clearly it is a matter that we must always keep a watch upon and ensure that we are one step ahead where we possibly can be of what we consider that the next drug likely to be misused is likely to be.

2.11.4 Deputy J.A. Martin:

Yes, could I just ask for clarification from the Minister for myself and my colleague next to me. I am sure we heard the Minister say in her first answer to the oral question that these drugs were only sold now to people of the age of 18 and in her subsequent answer she said it is worth looking into that these are not. Now, is it under 18 or over 18?

Senator W. Kinnard:

I am told that they are sold only legally to those that are not under the age of 18, but I am not clear of the mechanism under which that is codified, if you like, and it is something that I am prepared to look into to ensure that we have that tied-up.

2.12 The Deputy of St. Martin of the Minister for Housing regarding the purchase of residential property for speculative purposes:

Given the concern being expressed regarding the purchase of residential property for speculative purposes, would the Minister give an undertaking to Members to lodge without delay the necessary amendments to the Housing Law so that all residential properties may only be purchased and occupied by residentially qualified persons?

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

No amendments will be brought forward to the Housing Law. Such amendments are not required because there is no substantial problem to fix. The price of flats in the House Price Index have been broadly static over recent years and it is very difficult to believe that somehow share transfer flats are behaving radically different as to price. While I cannot give complete and accurate statistics on share transfer transactions as no consent to purchase shares is required under the Housing Law, the Population Office at my instruction have been reviewing some specific share transfer developments and they have identified that no more than 16 per cent of the share transfer flats in these specified major developments were sold to non-locally qualified residents. As to changes in the Housing Law, as I say, the Housing Law does not require consent when purchasing shares and I do not see how it could be amended to do so. In particular, how could it possibly intervene in the case of existing developments and flats? What I have done is to ask for a review of the current policies with a view to tightening-up procedures and adopting a presumption against share transfer flats on new developments in future. We are currently reviewing this and will be

seeking legal advice as part of those proposed changes, if any. This will be reported to the Migration Advisory Group and I am also happy to report back to the Chamber on this issue. I would stress, however, that this is simply a review to consider the possibility of tightening current policies. I simply do not accept that any significant problem exists in relation to overseas investors and the price of share transfer flats.

2.12.1 The Deputy of St. Martin:

I am sure that the fact that it is 16 per cent of the houses that are being sold to non-residents will be of no comfort to those people who are looking to buy property. That is basically 16 per cent of the property going to people who are not residentially qualified to buy them or to own and occupy them. Will the Minister give some indication as to when this review will be made available to Members?

Senator T.J. Le Main:

Let me just say, Sir, that you must remember that the non-qualified in the 16 per cent include many Jersey residents who are patiently waiting to reach their 12 years' residential qualification so they can buy in advance of receiving their 12 years. We have quite a bit of evidence that this is the case. It is not all outsiders. When I quote the 16 per cent, Sir, I quote that it is 16 per cent which includes, as I say, many permanent residents in Jersey who are patiently waiting for the qualifying period. At the moment I cannot give a definite issue on the review, but the review is in place and officers are working on providing facts and figures for the Migration Advisory Group to consider.

2.12.2 Deputy G.P. Southern:

As part of his review, what steps will the Minister take to find out who owns these share transfer flats?

Senator T.J. Le Main:

Amazingly, I kept perhaps advising the House that this was not possible in the past, but upon investigation now my department have looked at - I do not know how they do it - the company shares and who owns the shares and we have some firm evidence now on, in fact, the ownership of the shares, if they are locally qualified or otherwise. We have some indicative figures on various developments which have taken place in the last few years under share transfer of who owns them or not and we have and can in future advise the Assembly on that, of course, with data protection legislation in mind.

2.12.3 Deputy G.P. Southern:

When will the Minister bring these figures to the House?

Senator T.J. Le Main:

As I said before, I cannot give that time now. We are very, very seriously short-staffed in the department at the moment. We have one on long-term maternity leave, and with only a very small department, the Population Office, I cannot give that assurance. We will do it as soon as we are able.

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

Does the Housing Minister agree that the type of property investment that the Deputy is referring to is of great benefit to the Island by providing much needed rental accommodation in the private sector which would otherwise have to be provided by the public sector?

Senator T.J. Le Main:

In 1999 when I took over the presidency of the Housing Committee then, there were 2 places to let in the *Evening Post* available for the public. There was a dire shortage. Had we not had some of this inward investment, as spoken by the Deputy of St. John, then this Island would be in a dire

state for rental accommodation. The investment in residential property either by some inward investment and/or by many local people who are investing in residential property is much welcomed as reducing the demand for rental properties and has provided much needed rental property at affordable prices.

2.12.5 Deputy C.J. Scott Warren:

Does the Minister believe it is morally acceptable for essential (j) category employees to be able to immediately purchase property when there is now going to be a delay in reducing the period for achieving residency qualifications for the non-qualified sector from 12 years to 11 years?

Senator T.J. Le Main:

The Deputy will know that (j) cats. - particularly in the public sector - have always been able to buy with a mechanism that the employer or the States of Jersey always were able to purchase through a company. The issue is quite clear, Sir, that the (j) cat., whether they purchase or whether they rent in the private sector, is tied to the (j) licence. If at any time the (j) cat. leaves the employment of the employer, then they have to vacate the accommodation whether they have purchased it or not. If you want the expertise and the valuable input of these highly qualified individuals - which do not always include, as everybody seems to think, Sir, the finance industry but also nurses and educationalists - then you have to give them some sort of incentive as essential workers to come to the Island. I think the system at the current time works very well and all the people that have come to Jersey to work are welcome with open arms and we thank them very much for the huge contribution they give to our Island.

2.12.6 Deputy P.V.F. Le Claire:

I am saddened to hear that the department is undermanned at the moment because I was going to ask a question of the resources of the department. Perhaps if the Minister does not have these resources, perhaps the relevant Scrutiny Committee - whoever that is - will look into this. Would the Housing Minister agree that now that there is a requirement for share transfer properties - 60 per cent of all transactions - to be registered in the Royal Court through stamp duty applied to those, that it would be of value for this Assembly to know the numbers and the types of those transactions registered in the Royal Court on a regular basis?

Senator T.J. Le Main:

Yes, Sir, that is going to be possible with the proposition brought forward by the Deputy of St. Martin where in future all transactions, including share transfer, will be liable for stamp duty. So that information will be freely available. Now, I cannot speak for the Treasury and Resources Minister ...

Deputy P.V.F. Le Claire:

May I ask the Minister to give way for a second, Sir? I understood that we recently passed the legislation required that now requires share transfer property ...? **[Aside]** I was firmly of the belief that the States had passed the legislation.

Senator T.J. Le Main:

Yes, that is correct. The Treasury Minister has accepted the principle of share transfer being liable for stamp duty. Now, I am not sure but I understand from the Treasury Minister that this will come into effect this year some time and I am not sure when. If the Treasury Minister was in the Assembly I am sure he will advise.

The Deputy Bailiff:

If I can help, I am advised by the Greffier that the States has approved the principle but the detailed legislation is still to come to the Assembly and is coming very shortly.

The Deputy of St. Martin:

Thank you very much for that clarification. P.185, which is down for debate next session, in 2 weeks' time.

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

I do not think I am dreaming, but would the Minister not agree that when one looks at the *Evening Post* to rent now for apartments or flats that the prices appear to have dropped for rents since we have had so many share transfer, which we did not have a few years back?

Senator T.J. Le Main:

Yes, Sir, that is absolutely correct and, in fact, one might not get the view when you look at some of the rents requested or asked for in the *J.E.P.* (*Jersey Evening Post*) but most of the accommodation in the *J.E.P.* is relatively new, modern accommodation. But I know that there is quite a considerable amount of second quality, old accommodation in the marketplace that has very much lower rent fixtures. I know that there is much accommodation that is not being let at the moment because of the very much available high quality availability in the marketplace.

2.12.8 Deputy S.C. Ferguson:

Is the Minister not aware that the company returns at the J.F.S.C. (Jersey Financial Services Commission) list all the shareholders? It is not rocket science and it should not take that long to find out the balance between local purchasers and offshore purchasers. I would suspect that most of the local purchasers are, in fact, buying in their own name. Does the Minister not realise this is a relatively simple operation?

Senator T.J. Le Main:

The Minister realises very well and he understands what rocket science means, **[Laughter]** but let me say that we do have a bit of a difficulty in my department at the moment with staffing. We have a long-term maternity, we have another one on long-term leave and we are only a very small department of half a dozen employees. Currently there is a slight delay and I do apologise to the Assembly and to outsiders. There is a current delay in processing applications at the moment, which is not the normal issue, but I am well aware that one could do all this work. As I have explained in my answer previously, we do have now some information on what was highlighted by the Deputy of St. Brelade, but it is manpower. Some of these issues do take a while to resolve if the manpower is not available.

2.12.9 Deputy S.C. Ferguson:

I am a little at a loss. Has this work only just commenced? When did this work commence?

Senator T.J. Le Main:

It is only in the last month or so that I asked my department to try to seek further information because there was some unwarranted concerns or misunderstandings by one or 2 Members of this Assembly who did not understand the share transfer issue and thought it was a major problem. I have asked my department to please further investigate to look into the ownership of shares and who they are as highlighted by the Deputy. I answered this in my previous question. We have now highlighted on specific developments that 16 per cent are non-qualified. I have to say, Sir, that it is a time-consuming role and I do understand, as I say, what rocket science is.

2.12.10 Deputy S.C. Ferguson:

This system has been running for the last goodness knows how many years at the J.F.S.C. Why has the Minister only just decided to do this work?

Senator T.J. Le Main:

The Minister has not decided, because I was getting quite fed up listening to people making wild allegations that there were huge problems and the market was being distorted, so I asked my department whether they could investigate further and try to produce extra information to allay the fears of one or 2 Members who saw the purchase of share transfers as highlighted by Deputy Le Claire of 60 per cent. Remember about 5 or 6 years ago all transactions in flats were 100 per cent, but since the States approved a flying freehold system, now we have flying freehold. But years ago it was all 100 per cent share transfer, so I am going to try to assist those Members who are confused about the difficulties or otherwise that they perceive in the marketplace. There are no difficulties and, in fact, I welcome some investment in residential accommodation for the people of this Island. Thank you very much.

2.12.11 Deputy C.J. Scott Warren:

Does the Minister agree that there should no longer be sales of flats by share transfer *en bloc* to an individual buyer, a U.K. investor?

Senator T.J. Le Main:

There is no evidence; there have been no blocks of flats sold to outside investments. The only properties that have been bought by pension fund providers and all those issues have been large commercial blocks in this Island that have been invested. You will have read recently about Les Quennevais Parade that was sold to a U.K. company, which included some residential accommodation, but as far as blocks of residential accommodation, there are none. There are none that have been bought by major blocks. But I have to say also, Sir, I had a serious chat with the owner of a large development company in Jersey this last week who has had adverts running in the U.K. advertising for investment in residential accommodation by share transfer in Jersey, and they have promised me that they are going to stop doing that. They are going to take it off the internet. I have it in writing they will take it off the internet and they say that the issue was that some of those internet adverts have been running for several years now and they will be stopping that forthwith.

2.12.12 Deputy P.V.F. Le Claire:

I think I am not the only Member who found some of those statements on those websites rather appalling given our current situation with housing in Jersey. Members might argue about whether or not share transfers are good for the rental market, but nobody can argue the fact that home ownership is low in Jersey and the price of homes is extremely expensive. We need to improve the access of homes to those that live here, not just on a rental basis but on a home ownership basis. Will the Minister undertake to investigate this area further, even though he has limited resources, and work with the Scrutiny Department? It is 60 per cent of the market and there is nothing in law - or is there - that would stop a group of share transfer properties occurring tomorrow in the residential market.

Senator T.J. Le Main:

Members will understand and know that I support 100 per cent home ownership in this Island, and it has been low at about 53 per cent for a long time. It has risen now by an extra 10 per cent over the last 12 to 18 months since initiatives have been put in place. But I do understand where the Deputy is coming from, where some people perceive a difficulty in being able to aspire to home ownership, but at the end of the day there has to be a balance met. At the present time, with new initiatives that are being proposed by the Minister for Planning and Environment and with the Island Plan coming online in the next 3 or 4 years, I believe that there will be major opportunities in those initiatives for people to become home owners. The Deputy only has to realise that the Property Plan allows for 800 home owners within the Property Plan, but there is a need for investment in rental properties for local qualified people who otherwise would be in dire trouble.

2.12.13 Deputy G.P. Southern:

Will the Minister come to the House with concrete evidence to support the statements he just made that only commercial property has been bought **en bloc** by U.K. companies?

Senator T.J. Le Main:

Well, it is very easy to find out. The issue is that large blocks of residential property have not been sold outside the Island. Some percentages in them: I can think of one block where 25 per cent have been sold to non-qualified, 13 per cent on another one, 5 per cent on another one, 8 per cent on another one, but generally there have been no whole blocks of apartments that have been constructed in the last 10 years or so that have been sold outside the Island or to outsiders.

2.12.14 Deputy G.P. Southern:

If I may, Sir, will the Minister bring the evidence to the House, yes or no?

Senator T.J. Le Main:

I will decide that later, Sir. [Laughter]

2.12.15 Deputy P.V.F. Le Claire:

Could I ask the Minister to answer my question, which is there anything in law prohibiting that occurring today or tomorrow where a group of properties that are in residential could be purchased through share transfer? Because I do not believe - unless I am told otherwise - that there is anything in law prohibiting that from occurring.

Senator T.J. Le Main:

No, absolutely right, there is nothing stopping a company purchasing a block of residential apartments under share transfer in the current legislation, and that has been the case for the last 100 years.

2.12.16 Deputy S.C. Ferguson:

The Minister has said earlier in his answers that his department has not been able to do the work on reviewing the share registers as published in public by the J.F.S.C. If his department has not had time to do the work, how does he know that the figures, the percentages that he has blithely given us this morning, are correct?

Senator T.J. Le Main:

Are you treating me any different this morning, because I seem to be the sucker with 15 minutes' question time, Sir. [Laughter]

The Deputy Bailiff:

The penalty, Senator, of being last in the list when we have time to spare on a matter which ...

Senator T.J. Le Main:

I am very happy to answer the question from the Deputy of St. Brelade, who I like very much. [Laughter] But I can say that the evidence that I have given this morning on the 16 per cent relates to around 7 or 8 recent developments that have taken place since the flying freehold came and some share transfer. So it is only the recent developments that we have really concentrated our minds to give a view on the figures.

2.12.17 Deputy C.J. Scott Warren:

I would just like to ask again the question to urge the Minister to check regarding residential blocks of flats being sold *en bloc* to one U.K. investor because I have been told this on good authority by somebody in the business.

Senator T.J. Le Main:

Yes, Sir, I am very happy to do that. In fact, there was a letter in the *Evening Post* 2 or 3 weeks ago from a gentleman living in St. Helier who made all these wild allegations and I responded - though I do not very often in the media - asking him to give me the evidence that these blocks of apartments are being sold to outsiders. I still have not had a response. We get all these wild allegations and if the lady Deputy would like to ask the gentleman who gave her that information to give me the information I will investigate, but we have no evidence at the moment that blocks of apartments wholly are being sold to outsiders. I will check and I will come back.

2.12.18 Deputy P.V.F. Le Claire:

Round 1. **[Laughter]** What help, if any, is the Minister getting from the Scrutiny Committees in helping to ascertain this information? Because obviously if they are stretched as a department running the operations, *et cetera*, and trying to find new areas of homes and new facilities for homes, normally that would be assisted by the Scrutiny Committees themselves assisting in this background research. What help is he getting from Scrutiny?

Senator T.J. Le Main:

I do not need any help from Scrutiny. I am very able to manage my department with my highly experienced officers. If the Scrutiny Panels would like to ask me or invite me to meet with them at any time, as we did yesterday, I am very, very willing and I am a very great supporter of Scrutiny if it scrutinises properly.

The Deputy Bailiff:

The time has come to release the Minister. **[Laughter]** Yes, Deputy, do you have a final question or not?

The Deputy of St. Martin:

No, Sir, it has been gruelling.

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

The Deputy Bailiff:

Very well, we come on then to Questions to Ministers Without Notice, and the first period is to the Minister for Health and Social Services. Are there any questions of the Minister?

3.1 Deputy R.G. Le Hérisier:

Traditionally, the health budget has been very much orientated towards the hospital and its various services. Would the Minister tell us in a concrete sense what he is doing about diverting more resources into both adult and children's social services?

Senator B.E. Shenton (The Minister for Health and Social Services):

I thank the Deputy for the question. Obviously I have not been that long in the job, but the attention paid to Social Services and Children's Services since myself and Senator Perchard took office has been quite intense. It has unearthed quite a number of areas where we have found deficiencies and the need for more funding. The Children's Service or Social Services budget is currently around £21 million and there is an awful lot of work to be done. The more I get into the job, the more surprised I am at the amount of work that needs to be done. Part of it is because of a lack of investment in the past, but also part of it is because of the changing way that we look after people and we look after the needs of people with regard to more facilities for carers, more investment into the disabled, more investment into the Children's Service. With regard to the Children's Service, it would be wrong of me to pre-empt the Andrew Williamson report which is due out in a number of weeks, but certainly we will be looking at Social Services and we will be

looking at adult respite and adult care with great detail because they are areas which are high priority for both myself and for Senator Perchard.

3.1.1 Deputy R.G. Le Hérissier:

Would the Minister acknowledge that while not driven by the same sense perhaps of crisis and urgency that it would be advisable if he were to set up a group or an individual with immense credibility to look at services like adult mental health services which are staffed by excellent people but are, benchmarked against other services, very poorly resourced?

Senator B.E. Shenton:

Yes, I think it is fair to say that the services we do provide, we do provide to a very high standard, but it is an area that can be expanded upon. I am all for working with the resources within the States Assembly. For example, Deputy Scott Warren still works with the Health Department on Safer Routes to School and so on. I have spoken to Senator Le Main about input into the ageing population with his connections with Age Concern and his interests in that area. Certainly, the idea of setting up a sort of sub-branch to look at adult mental health services is a very good idea and I will take it further.

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

Can the Minister explain why he believes his department's decision to switch from full-time day care to sessional part-time service provision benefits the carers and parents of adults with learning difficulties?

Senator B.E. Shenton:

Again, this is an area that I have inherited rather than put in place myself. Perhaps if the Deputy could have a more comprehensive chat with me after this debate, we could try and find out exactly where she is coming from with regard to this question. It is obvious that the service must have some failings for her to ask the question in the manner that she has asked the question, and I would be delighted to talk to her and find out what they are.

3.2.1 Deputy J.A. Hilton:

The point I was trying to make was that Le Geyt Centre offered day-care provision to adults with learning difficulties and it is only in the recent past that they have changed to sessional part-time service. Obviously that has a knock-on effect for those parents and carers of adults with learning difficulties in that they then have to cater for the time that care is now not provided for their offspring.

Senator B.E. Shenton:

I was aware that we had changed the sessional part-time, but I was unaware that it was causing problems so I will be delighted to speak to the Deputy on that.

3.3 Deputy G.P. Southern:

Can the Minister examine his budget and find a better use for £15 million proposed to be raised towards a building and infrastructure of a national art gallery?

Senator B.E. Shenton:

Personally, I am not a big fan of the idea of an art gallery. One thing, with my Health and Social Services hat on, I will say that the provision of a town park is of vital importance to the residents of that area of the town. Under the New Directions Strategy we are looking at people undertaking a healthier lifestyle and I think it is very important that they have the facilities available on their doorstep to partake in more healthy activities. I believe that a millennium town park - and this is my personal opinion - is far more important than a national gallery.

3.4 Deputy S.C. Ferguson:

When the Minister took office, I gave him and his Assistant Minister a copy of the complete organisational structure of the hospital and some of the out-departments, from whence comes the legendary 9 levels of management structure. Will the Minister tell us what action he has taken with this and what he intends to do?

Senator B.E. Shenton:

We have reviewed the management structure of the hospital and it is an ongoing process. I believe when I looked at Deputy Ferguson's charts that they were, in my opinion, slightly flawed because of the way it worked down management levels. Because you have different grades does not mean you have different management structures. I think probably the best bet, because we have done work on this, is if I invite Deputy Ferguson for a meeting with both myself, Senator Perchard and our Chief Officer and we sit down and go through and show how we have made some changes and show the way that we are moving forward. But from a personal point of view, I am fairly content ... well, I am content that from a management structure viewpoint the hospital and Health and Social Services is not overburdened with middle management or top management staff.

3.4.1 Deputy S.C. Ferguson:

Perhaps the Minister is not aware - maybe he will tell us if he was aware - that, in fact, most of the charts in those 14 pages of organisational structure were, in fact, checked with the heads of department before I finalised them.

Senator B.E. Shenton:

I think the problem lies in what you have described as layers of management. I think within a banking organisation you would have perhaps the board at the top and then the senior management and then you would have the staff and you could show that as 3 layers, but then similarly you could show it as the chairman, the board members, the management in order and then go down the staff, the supervisor, who is above who, all the way down. So it depends how you look at management structures. The management structure is fairly flat and I think if the Deputy does pay a visit to Health and go through the structure she will find that there are not too many layers. I very much doubt there is anyone that has to go through 9 different departments to get to the top.

3.5 Deputy J.J. Huet:

This relates very much to what Deputy Ferguson was saying. I was in hospital just before Christmas and I have to say the care was excellent, but the common complaint seemed to be that there seemed to be as many managers as there were nurses. I would be very interested to know - maybe we could put this to lie one way or the other - what the nurses to management are on the figures. One other thing I would like to say is - it is not quite the same thing - while I was there the common complaint on the wards was the standard of the food. I would ask him if he could kindly look into it. It was not that good. Thank you very much.

Senator B.E. Shenton:

The comment on the food is news to me. In the time I have been Minister for Health and Social Services I have not had one complaint about the food.

Senator T.J. Le Main:

The Deputy is used to having steak. **[Laughter]**

Senator B.E. Shenton:

With regard to the number of managers and number of nurses, it depends how you look at it. If you look at the number of nurses and then the number of managers relevant to that nursing body, you get a different picture to the number of nurses and the number of managers within the whole of Health and Social Services as an organisation. I think you have to drill down and look at the

number of nurses and the number of nurse managers. Certainly, I can let the Deputy have that information.

3.6 The Deputy of St. Martin:

The Minister will recall that Kathy Bull made a number of recommendations in respect of the Children's Service. Will the Minister inform the House whether all the recommendations have been implemented and, if not, what recommendations have not been implemented and why?

Senator B.E. Shenton:

All the recommendations of the Kathy Bull report were not implemented and some of the recommendations in hindsight would appear to have been flawed. The Andrew Williamson report will be looking at the Kathy Bull report, looking at where we are and how we implemented the recommendations. The Andrew Williamson report will be an opportunity for us to put everything in place in the correct manner. Some parts of the Kathy Bull report, although well meaning, when it came down to it did not work particularly well and these areas we need to address.

3.7 Deputy C.J. Scott Warren:

On a question that has been well aired so far, I would like to say that it was always my understanding that Jersey has a lower percentage of management to staff than the N.H.S. (National Health Service) hospitals, and I really want to ask the Minister if he agrees with that statement and, if not, if he would come back to confirm that that is correct?

Senator B.E. Shenton:

I believe that is the case, but I am always a bit wary about statistics and using statistics because the N.H.S. is such a massive organisation that it can skew things one way or the other. But I can certainly let the Deputy have those statistics if she so wishes.

3.8 Deputy J.A. Martin:

I am sorry to hear that the Minister thinks that there were many flaws in the Kathy Bull report and the Williamson report will be the panacea for all our problems, because as far as I can understand it is going to be a report that is going to take about 6 months and gather evidence, where Kathy Bull came over to the Island and worked for a very, very long time, Sir. My question to the Minister is a basic question following on from the Deputy of St. Martin's. On the children's homes issue, the Kathy Bull report said much more money must be put into professional foster carers and one of the homes should be shut down immediately. It was not naming one of the homes, Sir, as being bad; it was the way care was received and the age range between children of 6 and 15 being under the same roof. Now, is this one of the recommendations that the Minister is now telling us is wrong, or is it because, Sir, being Social Services' poor relation, new initiatives, the money has not been put into professional foster carers? The question directly is how many foster carers have we now recruited called professional foster carers, and how many children are still occupying both of our children's homes, that one already should have been shut down?

Senator B.E. Shenton:

We currently have 73 children under our care, of which 27 are in residential care and 46 are in foster care. We operate 9 homes. The largest home takes 9 residents. We are looking to close at least one of the homes over the next 6 months. The way to care for children these days is much more towards a family environment rather than an institutionalised care home. The other aspect should be the fact that the smaller the care home, the more personal the service and the attention. So the days of the large care home are long gone and this is a recommendation that we are implementing and it is a recommendation that will be implemented over the next few months.

3.9 Deputy D.W. Mezbourian:

There is evidence that children almost regularly go missing from one of these care homes. I wonder whether the Minister will explain how that is being addressed.

Senator B.E. Shenton:

This is an area that is of deep concern for both myself and for Senator Perchard. In fact, Senator Perchard had a chat with the Attorney General about it yesterday. When you have a child in your care, if they are not under a remand order they are at liberty to move wherever they should wish to move. If they are 15 or 16, they may prefer to go back to a family friend - a friend, a parent, a girlfriend or boyfriend - for the night, rather than stay in the residential home. We can put them into a secure unit if they abscond on a regular basis and we believe them to be in a dangerous situation to themselves. Senator Perchard and myself both feel that if a child is in your care, they are in your care and you should be aware of where they are at all times. It is a very important issue and it is something that is giving us a lot of concern and it is something that needs to be addressed. One of the advantages of moving people towards foster care is that their tendency to abscond is greatly reduced. The problem tends to lie more with children in residential care than it does with those children that have been moved into a family environment. This is why again the acceleration towards foster care and away from residential and institutional care is very, very important. To be honest with you, the political guidance to achieve this has not been there in the past, but it is something that needs to be accelerated and we have to make up for the fact that there seems to be no political ... no endeavour, but it did not seem to be high on the priority list to achieve this. In fact, from a political level, we do feel that Social Services perhaps was a little bit neglected in the past. **[Approbation]** This is something that we intend to put right and we intend to put right very quickly.

The Deputy Bailiff:

I am afraid that that means that time has now expired for questions to the Minister, so we come now to questions to the Chief Minister.

4. Questions to Ministers Without Notice - The Chief Minister

4.1 Deputy J.J. Huet:

Would the Chief Minister confirm that the Waterfront Enterprise Board (W.E.B.) is a company and it is solely-owned by the States of Jersey for the public of Jersey and controlled by a board consisting of a majority of States Members; in other words, this Chamber is in control? I have a supplementary to come, Sir, after that question.

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

I do confirm that the Waterfront Enterprise Board is entirely owned by the public through the States. I also confirm that it is operated by a board. Clearly, the directors have responsibilities according to the Companies Law which they must adhere to. States Members have responsibilities and rights as the shareholder.

4.1.1 Deputy J.J. Huet:

The second question is would the Chief Minister also confirm that if W.E.B. was taken over by the Jersey Enterprise Board, which will be known as J.E.B., the company again will be solely-owned by the States of Jersey for the public of Jersey but will be controlled by a board with a minority of States Members? In other words, this Chamber will not be in control of the decisions of the Jersey Enterprise Board?

Senator F.H. Walker:

No, Sir. J.E.B. will, of course, be 100 per cent publicly owned in exactly the same way as is W.E.B. The constitution of the board is a matter for this House.

Senator P.F.C. Ozouf:

On a point of order, Deputy Huet is a director of W.E.B. Should she not have properly declared that? I am not saying it is improper; just for the avoidance of doubt, for transparency purposes, she should declare the fact that she is a director.

Deputy J.J. Huet:

I apologise, Sir, I thought everybody realised I was on W.E.B.

4.2 The Connétable of St. Helier:

I realise the Chief Minister has had a lot on his plate in recent days, but could he confirm that he has received from me a chronology dating back to November 2005 documenting the Parish of St. Helier's efforts to get a residents' parking scheme up and running in Cheapside, St. Helier? Would he agree with me that this is long overdue and will he reassure me that as soon as time permits he will do his best to influence the Minister for Transport and Technical Services to accommodate the Parish's wish to carry out this very important quality of life improvement?

Senator F.H. Walker:

I have been a long-standing advocate of residents' parking schemes in St. Helier and I am bitterly disappointed at the inability of whoever is responsible to deliver them. I have not yet read the information passed on to me by the Constable of St. Helier but I will, of course, do so. I do not believe it gets us too far to start allocating blame, but in my view the Parish of St. Helier could and should themselves have done a great deal more to implement more parking zones of this nature throughout the town.

4.2.1 The Connétable of St. Helier:

Will the Chief Minister remind the House when I last approached him for support in trying to influence the Minister for Transport and Technical Services to enable the Parish to progress its schemes, which have been on the drawing board for so long?

Senator F.H. Walker:

I cannot recall the exact date, but I can also tell the House that I have been approached by the Minister for Transport and Technical Services who has frustrations at the inability of the Parish to deliver. Really, what we need, as in other things, is for the Minister and the Constable to sit down with a shared determination, stop arguing and get on and deliver these schemes.

4.3 Deputy R.G. Le Hérisier:

Given the Minister's comments in written answers that there was not a survey carried out of people who might be aggrieved by the stamp in the passport issue, would he acknowledge that there are an increasing number of complaints that people with these stamps, when they are moving outside of the European Union or when they are entering America, immigration officers are now drawing attention to these stamps and drawing some quite adverse conclusions as to these stamps?

Senator F.H. Walker:

I am not aware of any individual cases, but in any event I acknowledged in my written answer that this is an area of concern. But I maintain the point and I hope one day the Deputy will grasp it, that to try and change this, the consequences of trying to change it would be much more serious not just for the people with the stamp in their passport, but for Jersey people generally.

4.4 Deputy S.C. Ferguson:

If it is the case that W.E.B. and the proposed J.E.B. are owned by the States, then can the Minister really say that the National Gallery is free to the taxpayer? If donations are from private sources - purely private sources - then perhaps, but if they are from the percentage for art then they are not. The extra paid by developers will be priced into the property. Does the Chief Minister not agree

that his Minister of Education was perhaps being somewhat naïve in this context in his assertion in the *J.E.P.* that the National Gallery will be free?

Senator F.H. Walker:

Some of the debates about the National Gallery just astonish me, although by now nothing should astonish me. There are no firm plans at this stage to fund the National Gallery. If and when there are, then they will be brought forward and they will obviously be subject to the scrutiny of Members and others.

4.4.1 Deputy S.C. Ferguson:

Perhaps the Chief Minister could answer this for me. The proposed National Gallery, it is proposed that it will be put on a site which is a reclaimed site. All reclamation in the Island has been paid for by the taxpayer; therefore, how can we say that it is free?

Senator F.H. Walker:

I do not know which particular site the Deputy is referring to. The last site I saw was the Weighbridge, and if that is reclaimed land then it was reclaimed many, many, many years ago. You could make the same comment about all the other private sector buildings that have been erected on that land over decades now, if not centuries. I would say again there are no firm proposals at this stage, no planning consent has been given to the best of my knowledge, no planning consent has been sought, so we should avoid red herrings and chasing different theories at this juncture and wait to see if anything hard and fast does emerge.

4.5 The Deputy of St. John:

Could I first begin by congratulating the Chief Minister on the superb way he has dealt with the media frenzy in the last couple of days. Will he be taking exception with the B.B.C. (British Broadcasting Corporation) over the technique that Jeremy Paxman used last night - the very biased technique he used - in interviewing the Chief Minister last night? Will he be taking this up with the B.B.C.?

Senator F.H. Walker:

Prior to the Newsnight interview, I have already taken up concerns with the B.B.C. that cameras were running when I was not told that that would be the case, and that breaches one of the basic ethics of the B.B.C. as I understand it. I have not yet decided whether I will be taking another complaint forward on the facts that Mr. Paxman totally misquoted me with his opening question and then refused to accept my answers to those questions. Whether or not I do that is a matter for some consideration. I fear that if I do I will make little progress in any event, but that is not necessarily a reason for not doing so.

4.6 Deputy S. Pitman of St. Helier:

Given the seriousness of the investigations into Haut de la Garenne and following the investigations, will the Chief Minister put it to his Council that the building Haut de la Garenne should be demolished.

Senator F.H. Walker:

It is far too early to be asking or certainly answering such questions. What we all have to focus on now is fully supporting the police, our prosecuting authorities and the courts and our social services in doing everything that is necessary (a) to protect children today and (b) to ensure that we bring anyone who is responsible for the alleged heinous crimes to book and prosecute them rigorously and as speedily as possible. We inevitably will turn to the future uses of Haut de la Garenne at a somewhat later date. For the moment it is a criminal investigation site and there is nothing that we can do on that site - quite correctly - at this juncture in any event.

4.7 Deputy G.P. Southern:

Does the Chief Minister regret using the words “shafting the international reputation of the Island” on television?

Senator F.H. Walker:

As I have just said, I was unaware because I was not told - against the code as I understand it of the B.B.C. - that the cameras were working. But no, I do not regret what I said. What I said to Senator Syvret was - and I excuse the language but it was, I thought, a private conversation: “You are seeking to shaft Jersey internationally.” I maintain that comment and the evidence of the last few days, particularly, I understand, this morning, fully endorses my view.

4.8 The Connétable of St. Helier:

Does the Chief Minister have a communication strategy for dealing with the current problem and if so when is he going to start using it?

Senator F.H. Walker:

I do not believe that question even deserves the dignity of an answer. If the Constable cannot see how we have met the onslaught from the national media over the last 24 hours, then he must be both blind and deaf.

4.9 Deputy P.V.F. Le Claire:

Will the Chief Minister be attending this evening the service at Gouray Church that the Dean has so wisely made available for States Members and members of the public to express our prayers and our wishes for peace and the healing that is required in this Island.

Senator F.H. Walker:

Yes, Sir. I hope as many Members of the House and as many Islanders will attend the service as possible. I guess my only fear at the moment from reports I am getting is that it will be massively over-subscribed. But that in itself has to be a tremendous indication of the way normal Jersey people will be reacting, have reacted and are reacting to this horrific turn of events in our midst and, Sir, can I say I warmly congratulate and thank the Dean for arranging the service so quickly and at such short notice?

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

None of us in this Government condone child abuse but I would ask the Chief Minister is he confident that cases of child abuse are historic, going back a great number of years, and that current childcare services are of a very high standard ensuring that young people are not in any danger of abuse at present.

Senator F.H. Walker:

Can I best answer that by making my statement, as planned, after this question and answer period?

The Deputy Bailiff:

Yes, if Deputy Troy wishes to re-ask the question then, he can do so.

4.11 Deputy R.C. Duhamel:

Does the Chief Minister have any intention in bringing to this House the strategic master plan for the east of La Collette?

The Deputy Bailiff:

For East of La Collette, did you say, Deputy?

Deputy R.C. Duhamel:

Yes, Sir, in due course, when such plans are fully developed. Sir, can I press the Minister? Is the Minister able to put any more meat on the bones, so to speak, and give a date as to when this document will be available for the House?

Senator F.H. Walker:

No, Sir, I am not at this stage. This is work in progress, planning under development, as it were, but I do confirm that it will come to the House at the appropriate time when the plans are finalised and recommendations can be made.

4.12 Deputy G.P. Southern:

What steps will the Chief Minister take to ensure that young people are better informed about the widest range of options available for catering for the ageing society than were the people who took part in the presentation on 19th January?

Senator F.H. Walker:

I have to say that in all the consultation process no other major options have been suggested. If, however, the Deputy has other major options in mind, then I would be grateful if he would let me know and we will seek to incorporate them in the Imagine Jersey youth event.

4.12.1 Deputy G.P. Southern:

The Minister has not answered the question. The 4 options presented on 19th January, only one was fully examined; the others were not. Will he give further information for young people who are brighter than the average and very sharp so that they can better understand the complexity of the argument when he does this youth presentation?

Senator F.H. Walker:

I am completely satisfied with the information that was provided to Imagine Jersey and, unless I hear further suggestions from the Deputy or indeed anyone else on how that might be augmented, that is the same information that will be presented to the youth event. Sir, I would point out to the House yet again that Deputy Southern has sought to undermine the entire Imagine Jersey process, even before it took place and it seems to me quite, to say the least, disappointing and surprising that the best attempts to consult with the public are continually derided by the Deputy and some of his colleagues.

The Deputy Bailiff:

Very well. I am afraid that brings the questions without notice of the Chief Minister to an end.

STATEMENTS ON A MATTER OF FINANCIAL RESPONSIBILITY

5. Statement by the Chief Minister regarding the police investigation into historic child abuse in the Island

The Deputy Bailiff:

There are no matters under J, so we come then to K Statements on a Matter of Official Responsibility and the Chief Minister will make a statement about the police investigation into historic child abuse in the Island.

Deputy A. Breckon:

Sir, are we supposed to have a copy of this, may I ask?

The Deputy Bailiff:

I understand that it is in the course of being distributed.

Senator F.H. Walker:

I am quite happy to wait while copies are distributed if that is the wish of Members.

Deputy P.V.F. Le Claire:

Yes, please.

The Deputy Bailiff:

Very well, Chief Minister, I think that they have been distributed now so if you would like to give your statement.

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

Sir, I rise with great sadness to make this statement. Members are all now aware that over the weekend the police announced the discovery of the apparent remains of a child buried at the former children's home at Haut de la Garenne. I will not speculate on the potential events surrounding the child's death and we must all await the outcome of the police investigation before commenting further. However, the death of a child is always one of the saddest and most traumatic events and I ask the Assembly to reflect on this and to join with me in feeling for and praying for this child - whoever he or she may be - other victims of child abuse in Jersey and any surviving family members and friends. None of us imagined that children in Jersey could be abused and mistreated in the way that is being suggested and I am sure that I speak for all Members when I express my shock and horror that these things have apparently happened within our Island and to go on to express our full support for and deepest sympathy to all those affected. We will continue to provide the fullest support to the people who have been affected in any way by this horrific episode including, of course, those now coming forward to give evidence after so many years. Today Health and Social Services are inviting anyone who feels the need of support to contact their professional counselling service. This will not be a substitute for any of the police arrangements but will offer professional support to those who need it. Yesterday the Council of Ministers met and confirmed our fullest support for the Home Affairs Minister, the Police and our criminal justice authorities. We also confirmed that all necessary resources will be made available to ensure the most comprehensive inquiry possible and to support any prosecutions that lead from it. While the Council of Ministers' prime concern is protecting our current vulnerable children, our next priority is to ensure that anyone who has perpetrated crimes against children is identified and prosecuted. We have complete confidence in our police and here I must express my admiration and gratitude to the Honorary Police who, as always, have risen to the occasion and underpinned the investigation by providing invaluable and, indeed, essential support. I am sure Members will also want to join me in expressing our complete confidence in the Law Officers and the judiciary. We know that together they will do everything in their power to ensure that the criminal investigations and any subsequent prosecutions are thorough and pursued with the utmost rigour and professionalism. There is no hiding place in Jersey for anyone who abused children or anyone who in any way may have colluded with that abuse and no stone whatsoever will be left unturned to bring them to justice. Now is not a time for personal agendas and political point scoring. It is a time for grief and collective commitment to uncover the events of the past and protect our local community so that we emerge from this trauma stronger in the knowledge that we have dealt properly with this historic outrage and that we can prove to the world that we are, despite the very damaging statements to the contrary, more than capable of managing our own affairs in a way which is in accordance with the very highest standards. I come now to the standard of current services and I want to assure the Assembly that I and the Council of Ministers believe that today's child protection arrangements are sound and work well to protect our most vulnerable children. In September we commissioned Andrew Williamson, a leading expert in these matters, to undertake a thorough review which he is doing with the support of other independent professional people as necessary. He intends to report in March and his report will be published in full. At the outset Mr. Williamson undertook to inform us immediately if he discovered any weaknesses which have to be urgently addressed and, should

he do so, we have undertaken to respond immediately. To date he has not brought any such weaknesses to our attention. Indeed, he has confirmed that our services today work well in protecting our children and that he has identified no current risks or cause for serious concern. The police have said, as is normal practice in such cases, that if their inquiries raise concerns regarding the suitability of anyone who may have access to vulnerable people they will make an immediate disclosure to the relevant authority. I can confirm that there are no people currently employed in a role with access to children about whom any disclosures have been made. We are also concerned about the possible effect these revelations may have had on guests of the Youth Hostel Association and the Haut de la Garenne Trust who have stayed at Haut de la Garenne and in particular their staff. Counselling is also available to any of them who may need it. While the Council of Ministers' prime concern is protecting our current vulnerable children, our next priority is to ensure that anyone, anyone who has perpetrated crimes against children is identified and prosecuted. We have complete confidence in our police, the Law Officers and the judiciary. We know they will do everything in their power to ensure that the criminal investigations and any subsequent prosecutions are thorough, professional and totally impartial. Our major concern is now that any media coverage should not in any way undermine the potential of a successful prosecution should anyone be accused of crimes and I would ask all States Members to avoid making any comments which could jeopardise the judicial process. Sir, today a dark cloud hangs over Jersey and we must clearly now demonstrate to Islanders and the many millions of others throughout the U.K. and further afield who are also appalled at this terrible turn of events that we are capable of bringing the investigations to a successful conclusion and of prosecuting those responsible without fear or favour, and we will not rest until we have done so. We must demonstrate to our shocked people and the rest of the world that Jersey is, indeed, the well-governed, responsible and generally law-abiding community we know it to be. At this time, however, our thoughts should above all rest with the young person whose remains have been found at Haut de la Garenne, anyone who has suffered abuse and their friends and relatives who are suffering with them.

The Deputy Bailiff:

Deputy Troy, you were going to ask a question. Do you wish to ask your question now or not?

5.1.1 Deputy P.N. Troy:

I thank the Chief Minister because he has answered my earlier question in the statement and I am particularly relieved, as I am sure all other Members are to hear that Mr. Williamson has identified no current risks or cause for concern and I thank the Chief Minister.

5.1.2 Senator S. Syvret:

Could the Chief Minister confirm to the Assembly that when he speaks of judicial processes he recognises and accepts the accepted basic fundamental principles of the good administration of justice such as, for example, of meeting a necessary appearance of objectivity?

Senator F.H. Walker:

I, of course, accept all the fundamental principles of justice and the Courts of Jersey have an outstanding record over the centuries, particularly over many decades, of ensuring that justice is provided in Jersey in a totally impartial, just and proper way, and that has been endorsed on many occasions by judges outside the Island who have assisted us in that process and I have no doubt that will continue to be the case.

5.1.3 Deputy J.J. Huet:

I thank the Chief Minister for the statement and I am pleased that we will take anybody to court or prosecute that has been involved in misuse. I would like to be assured that we will also be taking into account anybody who has been aware and done nothing about it - might not have abused but been aware? I would like to be assured, because to me that is nearly as guilty as a person that does it.

Senator F.H. Walker:

I did say in my statement: “Anyone who has colluded or may have colluded with criminals who perpetrated or may have perpetrated these horrific crimes in the first place” and I endorse that fully. Anyone, we will investigate and prosecute, where possible; anyone who has not only committed the crimes but who has in any way colluded with the perpetrators in any way, been involved in any possible cover up or who has knowingly not passed on information to the authorities that they should have done.

5.1.4 Senator S. Syvret:

In the light of that answer, could the Chief Minister just expand on it somewhat by just saying unambiguously that also he wishes to see the charging and prosecution of anyone who has a case to answer for failing to meet their legal obligations and duties under the Children Law 1969 or the Children Law 2002, anyone that may have engaged in actions which amount to an attempt to pervert the course of justice and anyone who may have committed these kind of offences in a manner that gives rise to the common law offence, Misconduct in Public Office?

Senator F.H. Walker:

I believe I have said all I need to say on this subject. I have made my views extremely clear. They are not just my views; they are the views of the police and I know our prosecuting authorities as well, and I repeat, anyone who has been involved in a crime of abuse or it may be now sadly - horrendously - murder or anyone who has worked with them or colluded in any way to cover up such a crime will be brought to justice. Sir, could I add, not strictly in answer to the question, but could I add I think it would be extremely helpful now if Senator Syvret ceased his activities with the international media and worked more closely and co-operatively with our legal authorities to ensure that that result is achieved?

5.1.5 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

I came to the House this morning looking for 3 assurances from the Chief Minister. I think he has already given the framework for those but may I just ask him to reiterate: the first is that Jersey will face head on the gremlins of the past and that, as he has said, the police and the prosecuting authorities will be given every authority so that there is no network, no relationship behind which an abuser can hide. Secondly, that he will encourage Ministerial colleagues to plan for the adopting and the apportioning of whatever resources are needed so that our children’s services for today and the future, guarantee as far as is within our power to every child in Jersey the God given right to have a fulfilling and safe childhood. Thirdly, sir, that, after sight of Williamson, whatever system of inspection of charity or States’ organisations that have the care of children will have the principles of transparency and accountability so that there will always be in the future, as far as we can determine, no place to hide.

Senator F.H. Walker:

The answer to all those questions is a resounding and very emphatic yes. Jersey has to face - and it is going to be an extremely troubled process, a horrific process in some respects, I fear - Jersey has to face head on the gremlins of the past. We have to ensure that there is no prospect of what may have happened, and it has to be said not just what may have happened in Jersey, but what happened in many other children’s homes elsewhere in the past, we have to ensure that that never again can possibly happen in Jersey. I can assure the Dean, Sir, and Members and the public that there is nowhere for the perpetrators of these vile crimes to hide and nor will there be any place for them to hide. We will be looking anew, although I have received no evidence to suggest that our children’s services are under-funded; we will be looking anew at funding levels and in particular, of course, at any recommendations along those lines that the Williamson report may put to us. I can also confirm, as has been the case now for some very considerable time, that all such activities will be conducted in a transparent and accountable way. Sir, Jersey’s childcare services are today

unquestionably up to speed. They are always subject to improvement and I have no doubt Mr. Williamson will make recommendations along those lines but I reiterate that he has found no serious cause for concern over the months he has already been working with us here in Jersey and we should all take comfort from that, and add to that our determination to implement all recommendations he makes and, as already said, to ensure that we mount, as we are, the most vigorous possible prosecution of any criminals or those who have sought to hide their crimes in any way whatsoever.

5.1.6 The Deputy of St. Martin:

I rise because, having heard from the Minister for Health a little earlier when I asked about the Kathy Bull recommendations and we were told they were not all recommended because they did not appear to be what was good for Jersey. Can I ask the Minister how he can say that all the Williamson recommendations will be fulfilled or will be implemented if, indeed, they too are found not to be suitable for Jersey?

Senator F.H. Walker:

Well, Sir, I would be very surprised if that turned out to be the case because my belief is that Mr. Williamson has a very considerable knowledge of the workings and the needs of our Social Services Department. What I can assure the Deputy and others is that Mr. Williamson's report will be published in full and then, of course, there will be complete transparency in terms of when and how his recommendations are implemented. If, to my surprise, any recommendations are considered not able to be implemented for whatever reason, then, of course, the House and the public will be informed of that and the reasons for it. So, to reiterate really the question from the Dean, this will be done in an atmosphere and a situation of complete transparency and, indeed, accountability.

5.1.7 Deputy P.N. Troy:

Does the Chief Minister feel that we, perhaps, owe an apology to the staff member at Health who reported concerns over procedures used in the past and who then lost his employment and I wondered if the Chief Minister might investigate how that issue was handled? Certainly, in my opinion, staff must be able to voice concerns to management without reprisal, and perhaps the Chief Minister might consider installing proper procedures to protect staff reporting concerns, especially in this area of child protection.

Senator F.H. Walker:

I am saddened to hear that question but, in answering it, I have to make it 100 per cent clear that the employee concerned was not sacked because he expressed concerns to management or to the Health Department. His provisional temporary contract was not extended because his performance was unsatisfactory. So, in no circumstances is an apology due to him. He is in any case taking his case to an Employment Tribunal in the very near future and we will, of course, await the outcome of that.

The Deputy Bailiff:

That is the expiry of 10 minutes from the Minister's statement.

Senator P.F.C. Ozouf:

There were a couple of other people who wish to ask questions. Is it possible to lift Standing Orders - it is an exceptionally important issue - for another period of 10 minutes if there are people. I saw some other people's lights?

The Deputy Bailiff:

That is entirely for the Assembly. Is anyone proposing to lift Standing Orders?

Senator P.F.C. Ozouf:

I propose to raise the Standing Orders, Sir.

The Deputy Bailiff:

Is that seconded? **[Seconded]**. All those in favour of lifting the Standing Orders to allow the questioning to continue? Those against? Then they can continue. Does any other Member wish to ask a question?

5.1.8 Deputy R.G. Le Hérisier:

Would the Chief Minister commit himself to publishing the protocols surrounding *sub judicæ* rules, as I do fear that some of the emotion that is being, either inadvertently or advertently, generated could well prejudice future trials. Secondly, Sir, would he acknowledge that there will be cases where there will not be sufficient evidence to mount a criminal prosecution but there might well, clearly, be *prima facie* evidence of behaviour that warrants serious investigation and perhaps staff discipline and that being so, will he set up a concurrent process to deal with that category?

Senator F.H. Walker:

I believe the publishing of the *sub judicæ* rules should be done, if anyone, by the Attorney General rather than by me. This is a legal matter and I hope the Attorney General will be able to agree to that. So far as any individuals who may be found not to have committed criminal offences, but who have clearly underperformed or acted inappropriately and if they are in current States employment, then I can give every assurance that they will be dealt with under the disciplinary process. The disciplinary process is already a public document but I am quite happy to distribute it to Members if that is the wish of the House.

5.1.9 The Connétable of St. Helier:

My earlier question to the Chief Minister about communications failure here was meant to be constructive and I must say that I do not share the Deputy of St. John's view that everything went well yesterday, and I think I would like to know from the Chief Minister what communication advice he is taking or why, for example, we are not seeing press conferences in which he is standing side by side with his Chief of Police and other Ministers who are concerned and whether he would agree to be slightly less defensive and more positive in his approach to the whole media issue?

Senator F.H. Walker:

Well, Sir, I am sorry if the Constable does not appreciate or does not agree with the approach that was adopted yesterday. It was an approach taken under advice and it was considered - and I believe rightly - the necessary approach to respond, not just to the many questions that many elements of the media had about the horrific discovery, but also to the allegations that were made and persisted with and, indeed, expanded upon during the day of Jersey's general incompetence and inability to manage ourselves in a satisfactory manner. So far as a press conference with the Chief of Police is concerned, the Chief of Police, from an operational point of view, has independence and the Chief of Police has to be content with all arrangements for talking to the media.

5.1.10 Deputy P.V.F. Le Claire:

I am sure I and other Members are greatly appreciative of the statement this morning from the Chief Minister. Perhaps it might be an idea, under the current circumstances, given the dark cloud which hangs over Jersey at this time as stated by the Chief Minister, if it were possible for the States Members to sign up to this statement in some way physically in a declaration to show that we are united in supporting the emphasis of this statement and all that it means to demonstrate to the people of Jersey and the world that this Government is 100 per cent, as individual politicians, behind these investigations and leaving no stone unturned.

Senator F.H. Walker:

I think that is an extremely helpful suggestion and I warmly thank the Deputy for making it. It would clearly be a decision for each individual States Member whether or not they wished to sign the statement and indicate their support but, providing there are no rules to prevent it and I cannot think of why there should be, I will, through the Greffe, make a copy of the statement available in the Members' room and invite all Members who may wish to do so to sign to signify their support for the approach that we are taking in dealing with this horrendous issue.

5.1.11 The Connétable of Grouville:

Could the Chief Minister please assure us that there will be no ceiling to the level of this investigation as, in fact, we may have a situation where Ministers, through dereliction of their duties have, in fact, exacerbated the situation?

Senator F.H. Walker:

I am sorry. I did not hear all the question.

The Connétable of Grouville:

That there may, in fact, have been Ministers who exacerbated the situation by dereliction of their duty.

Senator F.H. Walker:

I do not think I should comment on that at this juncture. I am certainly not aware of any current Minister who could be accused of dereliction of duty.

5.1.12 Mr. W.J. Bailhache Q.C., H.M. Attorney General:

Would the Chief Minister permit me to welcome his statement today and, given that there is no evidence of any current malpractice by the childcare authorities and in the light, in particular, of the question by Deputy Le Hérisssier, would he permit me to emphasise that the law enforcement agencies should now be allowed by the media and by politicians to get on with their jobs [**Approbation**] of leaving no stone unturned in investigating whether crimes have been committed, by whom and against whom and of bringing criminal proceedings, where that is appropriate, so that justice is done in the courts of this Island?

Senator F.H. Walker:

I absolutely endorse the view of the Attorney General. The problem we are going to have to wrestle with as an Island is that we now have numerous representatives of the national and international media in Jersey who will not be leaving, in my judgment, for quite some time and who will be seeking stories from wherever and whomever they can get them from. But I would add my own words to those of the Attorney General and, indeed, to those in my statement that I very much hope that Members will refrain from making any comment. It is certainly not my intention to make any further comment until and unless there are specific new developments and I very much hope that all Members will adhere to that and that the media too will recognise that we have an incredibly serious situation on our hands and allow our investigating authorities, as the Attorney General said, to get on with the job.

PUBLIC BUSINESS

6. Draft Public Elections (Amendment No. 3) (Jersey) Law 200- (P.2/2008)

The Deputy Bailiff:

We will now move to Public Business and the first item on the agenda is the Draft Public Elections (Amendment No. 3) (Jersey) Law 200- - Projet 2/2008 - lodged by Deputy Southern and I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Public Elections (Amendment No. 3) (Jersey) Law 200-: in order to amend further the Public Elections (Jersey) Law 2002 the States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

6.1 Deputy G.P. Southern:

In proposing my amendments to the Election Law it is clearly my intention to enable more members of the public to take part in the electoral process - purely and simply. The fact that such small numbers do participate in our electoral processes, particularly in the urban areas, is something I am sure all Members will agree that we should work on improving. My amendments break down into 4 simple, straightforward and, I believe, common sense changes that will enable more people to, in the first place, register and thereby take part in our democratic election processes. Those 4 areas are registration during the election period right up to midday before the election takes place; greater access to the register so that those concerned about registration and registering as many people as possible can actively, rather than passively, proactively get out there and encourage people to register; they change the powers of the Autorisé on the day to enable it to be much more simple and straightforward for someone who has not registered to register; and finally they deal with the issue of the length of residence required before residents in the Island become eligible to vote. I was quite surprised to see the lack of enthusiasm with which both P.P.C. (Privileges and Procedures Committee) and the Comité des Connétables have greeted my humble attempt to amend and make easier the registration process. But it seems to me that much of what they say is simply: "We are doing our best. That is enough and we should not make any further changes now" and it seems to me that we are doing our best is not good enough and that now is the time to make changes to try to improve on our record, particularly as I say in the urban areas, of registration and hence participation. For example, P.P.C. agrees wholeheartedly with me that maintenance and accuracy of the electoral register is critical to the election process and it refers to, in its own drive last time out, it says that they managed by encouragement and a campaign to add some 8,000 persons to the register. But they then go on to say: "We are in the process. We are actively considering measures to create a true rolling register." No, I have been hearing this for the past 5 years: "We are going to create a rolling register to make it really efficient." The point is it has not happened yet and it will not be in place for the next set of elections. So, for this set of elections I believe we have to make further improvements because we have not yet established that rolling register. If I may, as part of the principles, can I just refer to those 8,000 people added to the list on the last campaign and refer Members to the mechanism by which we operate the electoral register. Just by simply comparing 2 identical registers, one from October 2005, last time out in my own district - No. 2 District in St. Helier, and the most recent electoral record for 19th November 2007 just to refer to those 8,000 additional: "We can already cope. We are doing a good job" principle that I am objecting to. If one examines a simple block of flats: back in 2005 there were 70 names in that block of flats registered; 2 years later for the Constables' election this year there were 43. There is the same number of inhabitants of those flats - around 100. What happens when we have a drive and we advertise? Yes, we do get more names on the register. We go up from 43 out of approximately 100 residents to 70 out of 100 residents. It is some success but it is not, I believe, enough. That figure should be much closer to 90, to 100. I believe the mechanisms I am proposing can enable those enthusiasts who wish to attempt to get closer to that 90 per cent mark in the urban areas and, therefore, enable more people to take part in our election process. It seems to me that the objections made by the Comité des Connétables and P.P.C. all amount to, for example, we will create administrative difficulties and then the amount of administrative functions that have to happen will require some extra effort. I am not saying that my proposals will not require an extra admin effort. What I am suggesting is that that admin effort is worth it because the key audience that we have to reach is not the candidates; it is not the registers; it is not the administrators. It has to be the potential electors and my 4 amendments have that sole intention: to enable more residents to take part in the election process. Just briefly at this stage, registration during the electoral period.

What that means is that traditionally the electoral roll has closed absolutely on the midday before nomination night and I am proposing to extend that for 3 to 4 weeks until midday on the day before the actual election. That means that those who wish to register when candidates are active, knocking on their door and saying: "Hello, will you vote for me? Will you vote?" and in the urban areas they say: "Oh, hang on. You are not on the electoral register" and it is too late for you to register. You cannot vote. You might sign up a vote in the next one if you are going round for a Senatorial; you might sign up for a vote in the next one, the Deputies, but you cannot vote." People go: "Why?" "Because the rules say it." So when people are active and interested in voting when somebody is knocking on their door, you cannot register them and that is a substantial number of people who for whatever reason have not registered and the most common reason is: "Well, I filled in my rates form. Am I not registered? I filled in the form", scratching of the head. Yes, people shake their heads. Are people really that stupid? No, because election processes are not top of their agenda; filling in the rates form is; that gets done. The electoral roll gets stuck on the mantelpiece and left for a couple of weeks, gets tidied-up, gets dusted maybe and eventually falls into the bin. That is what happens; inertia says no. So, registration during the electoral period, I believe, can get substantial numbers to register simply because there is a face on the doorstep with a smile saying: "Hello, do you want to vote? You can, whether you have registered or not so far." However, that is a fairly short period and it means that the administrators have to keep a list. Now, how difficult can that be? You have got your register; as far as the candidate is concerned, we have a register you can send out to, you can mail from; you can do what you like with. But bear in mind there will be the late registrations come in. How difficult is it to keep a register of late registrations during that month, whether it contains 20, 200 or 2,000 names? It cannot be that difficult. It is not impossible. It is not insurmountable and the admin problem should be addressed if there is one. That begs the question as to why we cannot have access to a reasonably accurate register in between elections and I believe we should be able to do that. The problems around there, highlighted by P.P.C. but clearly addressed, are about simple data protection issues. You sign up and it happens for everybody. If you wish to be a candidate and you use the electoral register in the month of the election currently, you have to sign data protection and say you are going to use this list for electoral purposes. Happens for everybody, whether a party or an individual, but only in that month. You cannot get access to an accurate register in the urban areas where the problem occurs between elections. You can go and look at it in the library or in the Parish Hall but you cannot get it and say: "Right, I have only got 40 per cent registration in Caesarea Court. I am going to go up there and knock doors and get some people registered." Why not? Why not? That is the way to do things. Get an individual on a doorstep saying: "Do you want to vote?" Registration takes 2 minutes - boom, boom, done! That is the way to do it. You can send out 4 reminders; you can advertise broadly. But we know it works to a limited extent. There is nothing to beat the individual touch and there is nothing, I believe, to prevent us from taking that step in between elections and certainly in the run-up to an election before an election is called of making sure that as many people as possible are registered to vote. It is that simple. I have consulted with the Data Protection Officer and she is content that this draft - this is the third draft - meets her requirements and she believes that her rules under data protection are covered by the wording that we have got there. Election day powers of the Autorisé: some say: "Oh, well that is not very many" but the impact of turning up on election day in the good faith that you have registered already and that, of course, you will be able to vote; you have been voting for years. You have been voting in every election every time round and you always vote, to find yourself not on the electoral register. It might be a relatively few but I always see them. I see them every election I have stood in - always. A handful of people, 10s of people turn up on the door, cannot vote. "Why not? I am sure I filled my form in." The proof at the moment is you have got to provide evidence. Nobody sends their electoral registration form in by registered mail. If you cannot find: "Oh, we have found it on a desk. We found it in the filing cabinet - behind the filing cabinet in the Town Hall. There it is. Of course, you can vote." But that is what you have got to do and it does not happen. Occasionally, they have been found, I think, behind the filing cabinet in the drawer. I am trying to catch the

Constable's eye. He is smiling. Perhaps it is true but it is rare. It might be a few people but, boy, is it annoying? People who genuinely want to come and vote for a candidate, find they cannot through, they believe, nothing of their own fault. It is not surprising that it does happen, as we looked at those figures 40 to 70 out of 100. But we have not got a rolling register. What we have got... what happens is that in 2005 at the last election, yes, there was a campaign and we got the numbers up on there. That did not roll on to 2006. A new register started in 2006. If you signed up in 2006, you got on the list; 2007, you got on the list. You signed up, you would get on the list. But it is not rolling. You vote just because you voted last time: "I have always voted" does not necessarily mean that you filled in the form, it is not still on the mantelpiece or in the bin and that you can vote next time; and that is what happens. So we could deal with it. We could deal with it on the day by allowing the Autorisé to simply accept that this is the person they say they are and that they live at the address they say they live at. It is a simple process. You are there, you want to vote. "Of course, I will enable you to vote." Do the form - boom, done. You can vote. Simple process instead of proving, which is impossible, that you have submitted the form and that it is an administrative error; that is impossible to prove. Then, finally, the reduction of the time limit you have to serve before you can vote in a Jersey election: last time I tried to bring it down to zero. People told me: "That is a step too far." I have brought back the halfway step. It is a little step - it is from 2 years to one year in principle. I believe one year is enough for people to get involved in this community and if, in that one year, an election is called, they should be able to vote. It is up to Members to decide whether that is acceptable or not but I believe we adopted the principle first and then go on to look at the individual measures. I urge Members to adopt the principles.

The Deputy Bailiff:

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

6.1.1 Senator P.F.C. Ozouf:

I started my political career in 1998 with a campaign to get more people elected. I think I was one of the first people to quantify the numbers of people that were not on electoral registers. I remember spending hours on a spreadsheet sorting housing estates in various different Parishes and identifying where gaps occurred and, indeed, I, together with a couple of then political colleagues, sent out letters to householders to bring people on electoral registers. So, these issues about electoral registers are not new to me and, indeed, some others of the Assembly. Reforms were made to improve the way in which the electoral registers were compiled and monitored. The Law brought in reminders for householders that did not have registered electors at their household and there have been some improvements. I think that I would be the first to admit and other Connétables would also, I hope, agree that we have to do probably yet more to encourage people on the electoral registers. I was part, in the last elections, of a campaign with P.P.C. to get more people on the register and that is absolutely vital. That is exactly what we should be focusing on. We should be focusing on ensuring that the electoral register is as complete as possible. But there does need to be a cut-off and I am afraid that I am filled with a degree of horror at the prospect of an electoral register that does not have closure at the point at which the election is started. In fact, I have just asked colleagues on the Senatorial benches. I am not exactly clear, but I do not think that there are any places, apart from possibly Northern Ireland or a few states in the United States that do allow registration on election day and there is a good reason for that. There is a good reason that one has a cut-off period at the point at which the election is made and also I am afraid to say that there does need to be a segregation of duties between an election candidate knocking on somebody's door and getting them on to an electoral roll. There need to be, I am afraid, other safeguards put in place in our law on segregation of duties in relation to postal laws. I do not like a situation where a candidate can effectively take a postal vote to somebody's accommodation and say: "There, there, sign this" and effectively have it done. There does need some segregation of duties. There has been a great deal of concern in the U.K. and, indeed, other democracies on this issue and I am afraid to say that what Deputy Southern is asking for us is, in fact, a further problem.

You can imagine a situation where somebody is knocked on at the door. They are attended upon. They are identified as not being on the electoral register. The forms are all sorted out, effectively, and they just need to be involved with one electoral candidate in order to get on the list and then get their postal vote. I am afraid that that is not sound democratic arrangements and democratic principles. There needs to be closure on an electoral list but there does - and I will agree with Deputy Southern - there does need to be more work done in relation to the compilation of the electoral registers and, no doubt, Privileges and Procedures is going to be doing maximum efforts this year in order to raise awareness of getting on electoral rolls, no doubt, with the full support of the Connétables, and there are going to be efforts, for example, knocking on people's doors as there is a statutory requirement in the U.K. where there are no people registered on a poll, *et cetera*. It is the integrity of the register which is important and the integrity of the register at the point that the election is called. But I am afraid not the way that Deputy Southern is proposing. There are some elements of this that I do agree with. I am not going to go into the detail of that now. I am probably in favour of some reduction in the period of entitlement for people to be resident in Jersey and a reduction thereof. I am going to be interested to hear the arguments of that so I will be voting in favour of the principles of the preamble of the bill but vigorously resisting some elements of it that he is proposing in relation to, I think, some extremely difficult and dangerous arrangements that could be put in place about where there are no safeguards for people to be protected against, should I say, a fairly persuasive individual on a doorstep.

6.1.2 The Connétable of St. Helier:

During one of the hustings meetings during the recent campaign for Constable I did make a pledge, I think, to Deputy Southern who brings this proposition, that I would be supporting his amendments but as there were only 5 people there, I think, or maybe it was 10, I guess there were not that many people to remind me of it. Clearly, Deputy Southern must be congratulated, I think, at the outset for bringing these proposals forward because it is a matter of enormous worry. It must be a matter of enormous worry to any electorate member if so few people come and put their cross on his or her ballot paper. One can say that, perhaps, all the people who care turned out but that really is not good enough and I think a turnout in the recent election of just under 19 per cent certainly does not fill me with any joy, although at least the margin of victory was perhaps sufficient for me to feel I have got some sort of mandate to carry on. I am like Senator Ozouf, concerned about the possible abuses of the ability of canvassers to go around the electorate pressing them on to the register, or, indeed, as was mentioned by Senator Ozouf and was not mentioned by the proposer, getting them to get a postal vote. There is no perhaps logical link there between how the person will vote any more than there is if you offer to transport them to the polls. But I think there is a legitimate concern and certainly one of my pledges made during the recent election was that the Parish of St. Helier - and this was singled out by the Deputy as loser of electoral returns behind filing cabinets I think - is going to do more to increase the number of people on our role and indeed we have already advertised internally for an electoral officer - a secondment - because I believe it is much more appropriate that the local authority, in this case the Parish, is the body that is going out well in advance of nomination day and making sure that as many people as possible are on that list. I certainly stand by that pledge in the coming elections in St. Helier. There will be a lot more people on the list because we will have an electoral officer in place and their job will be to make sure that many people in the block of flats referred to by the Deputy are indeed signed up. Equally that person will be sending out polling cards, they will probably get one from the candidates but they will get one from the Parish saying exactly where they need to go in order to vote on the day. I am very uncomfortable with the fact that we, in the recent election, had many people very upset that they could not vote in a particular place, and lots of people went to the Town Hall reasonably thinking that was the place to vote for their Connétable only to find that they had to trek for several miles, and probably did not have time or, indeed, the energy to do so. That matter is being investigated by the Parish. I believe people should be able to vote in a multiple district, they should be able to vote in any of the polling stations and there surely is the technology to allow that to

happen. I would like to see online voting and I have already commissioned a study into whether that has been done anywhere in the world because, if it is, I would like to know about it. So I think in general, like the previous speaker, I support the thrust of what Deputy Southern is trying to do. I do not think it is satisfactory to leave to P.P.C. to bring these changes about because I am a little bit suspicious about whether they are really going to happen. So I admire the Deputy's resolve in this matter and, a bit like the previous speaker, I reserve the right to oppose some of the specific amendments which I think have not been fully thought through.

6.1.3 The Deputy of St. Martin:

I am pleased to follow the Constable and, indeed, Senator Ozouf because I also think we ought to be supporting the principle. There may be one or 2 things people may not want to support when we come down to each particular item but I think what we have got, Deputy Southern did mention that word, or 2 words, earlier on is common sense. Some of these really are common sense. If we can make it much more simple for people to vote that has got to be a plus and, indeed, the Connétable of St. Helier said that we should not be waiting for P.P.C. because we will be waiting all day. I have got some correspondence here which goes back to 2002 when I spoke to the Legislation Committee of the day trying to get some of these little matters here sorted out. They had not been addressed. What we have to do at some time or rather is address them. Today may well be the last opportunity we have got to do so before the next round of elections. We should not have to wait again for P.P.C. So what I would ask Members to do is, even if there are some aspects that you might not wish to support, let us agree to the principle and then we can get to the detail. Thank you, Sir.

6.1.4 Deputy G.W.J. de Faye of St. Helier:

I am very sympathetic to the direction that Deputy Southern has taken in broad terms but regrettably when I come to analysis every component being put forward I find myself unfortunately unable to agree with any of it. Just for the information of the Deputy of St. Martin, the Legislation Committee did in fact tackle this issue. As Vice-President I personally drew up a report which was consulted with Jurats and all appropriate authorities and there is lurking somewhere in the Legislation Committee archives a review of the Electoral Law. That is why I do agree with some of the direction which Deputy Southern wants to take us. I do not accept the Privileges and Procedures Committee's view that simply notification by the Royal Court of a forthcoming election generates enough publicity and interest. I do not think it does. I think it is virtually a minimal ripple on the conscious of the voting public. What certainly does generate interest is nomination night when the public find out is there going to be an election and more importantly who the heck am I going to be able to vote for? That is what gets people interested. What is the choice, who are the candidates? I think that there is, in the light of that, very significant mileage in considering the upsurge in interest that will occur following the nomination meeting. Now, of course, currently we have the registration deadline, the cut-off comes before the nomination, in other words before you know who is going to be running. I think the only area here where Deputy Southern has probably run aground is that I think he has taken his extension of the deadline too far and too close to the actual day of the election. But I would personally see nothing wrong in allowing people who become interested in the election to have, say, a week or 2 weeks where there would be, quite simply, an addendum to the existing register of electors. It would only number probably dozens of people, it really would not be a major issue to deal with. There is no reason why, as it were, the nearly complete register could not be issued on nomination day itself or on the day after nomination day to all the candidates and then all the candidates would know that in 2 weeks' time, perhaps a week before the actual election day, there would be a supplementary list coming through so that the real enthusiasts like Deputy Southern can go and knock on every single door on the supplementary list and make sure they have not missed anyone out. I really do not see that would be a major problem but I do think it becomes a problem if you allow that deadline to slip right close up to election day itself. I think the proposal put forward by the Deputy needs, as it were, to pull back a

week then it becomes palatable. Again, we put a lot of responsibilities on authorities to get things right on what can be a busy polling time down at the polling station. I do think it is unfair to suddenly saddle them with the potential of people asking to be registered on the day. Now, I might have, perhaps, a different view of that if we had some sort of automatic verification system but we do not. We ask voters to individually ensure ... it is their duty under the Law, which is a novelty phrase which means you do not really have to do it but you ought to. It is your duty under the Law to register and we leave it down to the individual to determine whether they wish to register or not. I do think that it bears consideration to look at a system, and it may be via paying your rates or whatever, whereby you are automatically put on the list because you have paid your rates and that may be a good way of ensuring that the bulk of potential voters are on a list. That clearly does not cover all the categories but it might be a reasonable step forward. But again, it would need to be a system that would take account of how people move from one home to another, from one constituency to another or from one Parish to another; of course as long as we continue with the flawed parochial system. Residency requirements: I am sorry, I do think that the people should get the flavour of the Jersey way before we allow them to unleash their votes. I think that really is important and I am regularly impressed by newcomers to the Island who have enormous respect for the local systems which, of course, are new to them but they defer to it and I personally think that 2 years minimum is a good basis. I know that there is an amendment on the way but I would not be going for a one year as opposed to 2. In any event you can clock up 5 one-year visits if you really want to under the present arrangements. There is, of course, one way of making sure that people are interested in taking part in elections directly and that is by positive encouragement. I will spend as little time as possible because I have said this on a number of occasions now, but I realise that P.P.C. is a hard of hearing organisation, but rather than spending money advertising on people to come and register, and then after they do come and register then they forget to go and vote anyway, it will be far better that you were rewarded when you turn up to place your ballot in the box by walking away with a ticket in a lotto that gives you a change of a free draw in a prize that might be worth £10,000. I guarantee you that if you are offering something that is effectively a free lunch we will get the biggest turnout we have seen for years. As opposed to this novelty idea that if we do it all in one day, we have seen the massive overwhelming enthusiasm for the Centeniers' elections which really I think gave the lie to the efficacy of that particular theory, that is not going to generate any interest whatsoever. So there are ways of encouraging people to vote. So far we have not dared put our foot into the water of what I believe is the most obvious and wholly functional way of doing it and regret that Deputy Southern has come close but missed my positive vote by a margin.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed, the Assembly will reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

The Deputy Bailiff:

I have been informed of certain other matters which have been lodged today, and perhaps this would be a convenient moment to list them. Committee of Inquiry into the operation of third party planning appeals - P.35/2008 - lodged by Deputy Scott Warren; draft Taxation Land Transactions (Jersey) Law - P.185/2007Amd. - an amendment by the Minister for Treasury and Resources; comments from the Minister for Treasury and Resources on the Millennium Town Park; review of Goods and Services Tax *de minimis* waiver, fourth report, response from the Minister for Treasury and Resources; draft Goods and Services Tax Amendment (Jersey) Law amendments lodged by the

Minister for Treasury and Resources; and draft Goods and Services Tax International Services Entities (Jersey) Regulations amendments lodged by the Minister for Treasury and Resources. Very well, the Assembly is debating the principles of this matter. Connétable of St. Ouen.

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

While it is very difficult to argue about the principle of getting more people to register and therefore allowing more people the chance to vote, I do not believe this proposition, as set out, is going to achieve that. When I looked at it first - and I have to say that the speakers before me this morning had spotted the same point in the report - what really concerned me was the phrase in the report which says: "Enabling canvassers to register potential voters on the doorstep during the campaign." I think, Sir, there is the problem with this proposition. I think if we are going to encourage more people to register we need to do so in a transparent manner. I think that the person who needs to encourage someone to register must not in any way be seen to be involved with either a political party or a political individual. I agree that we do need to encourage people more but I am also minded that I have heard that so many times in the past and I do not believe that we will encourage more people to get involved in the political system until what is on offer before them is something which they wish to be involved in. The Deputy's proposition that people should be able to register until midday before the day of the election is administratively extremely difficult and I would, if I had to go along with the proposition, be minded to maybe go along with the Minister for Transport and Technical Services who said that maybe we should be looking at a time beyond the nomination paper - beyond the nomination stage - but one which falls short of 24 hours before the election. Certainly, Sir, I would not wish to see a system which would allow the Autorisé the possibility of having to decide on the day of the election whether someone could vote or not. I think, Sir, that although this proposition tries to attack the problem which exists - the problem that people do not register - I do not believe it is going to achieve what it is trying to achieve. After all the electorate at the moment receive a notification in the post advising them that they are obliged to register. They receive 2 further reminders of that during the next 6-month period. At the same time the Judicial Greffe advertises 4 times during the calendar year that an election is going to happen at the end of the year and that you are required to vote. I am not convinced that this proposition will make more people, or encourage more people, to register. I think that if we are going to do that we need to possibly advertise it more and I think we also need to raise the level of what is being offered at election time.

6.1.6 Deputy J. Gallichan of St. Mary:

While I welcome the underlying rationale behind this proposition which was stated as being to enable more people to participate in the election process, I would like to assure this House that this matter is not, to use the proposer's own words, "pure and simple". The proposer mentioned his dismay at the lack of enthusiasm with which this has been greeted by both the Privileges and Procedures Committee, of which I am a member, and the Comité des Connétables. I would simply say, speaking on my own part, that it is not that I have a lack of enthusiasm for a reform of the Public Elections (Jersey) 2002 Law but that rather I believe that I have a greater knowledge and understanding of the problems surrounding at least some of these proposed changes, and that is precisely that this prevents me from demonstrating more enthusiasm and support. Sir, for several months now under the direction of P.P.C. I have been chairing a working party looking into the comprehensive review of the Law. This working party comprises representatives from the Comité des Connétables and the Parish administration. In short, the sharp end of the procedure. During the course of the exercise I have met with staff from the Judicial Greffe and also with the panel of Jurats who keep this matter under close review. I have, in fact, consulted widely. I would like Deputy Southern in his summing-up to clarify the extent of his consultation if he is able to say in his report that: "A production of a list of these late registrations to be available at polling stations does not seem to me to be an insurmountable or even a difficult administrative task." The actual production of a list is not difficult, the production of it in such a timely fashion to enable all the due

processes which need to occur is more complex. I am sure that States Members will see that it is only reasonable that a major consideration in holding a public election must be that the integrity and secrecy of the ballot can be assured. In considering changes to legislation I would argue that this House has a duty to ensure that the resulting amended Law enables a robust transparent and secure administrative process to be followed and adopted. It is imperative that there is a definitive electoral list available sufficiently in advance of the poll to enable all due processes to occur in a secure and controlled fashion. There must be a list available to the Judicial Greffe without delay to enable postal and pre-poll voting formalities to be completed. Votes can be lost if there is insufficient time to allow postal votes to be applied for to reach foreign destinations and to be returned. Already within the minimum 21 day period before the election it has been necessary to use courier services to ensure deadlines are met. The cost of this obviously has to be borne and shortening the period would probably mean an increased cost. This amendment is silent on any limitations as to the implications to post and pre-poll voting and I think that this matter simply has not been given adequate consideration. I would like to echo the words of the previous speaker in that it is all very well to say that people are not on the list but you have to understand that they will have received a form and 2 separate reminders, that is 3 pieces of paper to have gone behind the clock on the mantelpiece. How much responsibility must the elector take for his own involvement in this process? I would remind Members that although there are 21 clear days at least between polling day and nomination there is already a considerable delay in excess of 2 weeks, in fact, between the date that the election is called by the court and the date of nomination. This may not, as the Minister for Transport and Technical Services has said earlier this morning, sufficiently enthuse people to make them jump up and down and register, but it is a timely reminder that there is going to be an election. We are encouraging people to take part in a hugely responsible task, the selection of a new government. We need to make sure those people have at least some element of responsibility. Moving on to the wider availability of the register, I am in some confusion here. As far as I read the proposed changes it would not, in fact, allow any further updated register to be made more publicly available. As I read it it would only allow the register currently issued on an annual basis by the Parish Halls to be made available, not any updated and amended version. This would require that the Parishes would need to keep that July register available at all times, possibly with a software implementation, so that it could be produced at any time when a new data controller required one. I would argue that it would be hard to restrict the use of the register to legitimate means. There is already no requirement for the data controller to carry out any campaign. I believe that this has simply not been thought through. I believe that the Constable of St. Helier, when he spoke, confused turnout with registration. I would like to point out that as far as I am aware, when there was an increase in the number of registered voters, the actual level of turnout remained fairly constant. The proposer mentioned a requirement for effort to make these proposals work. I would say, Sir, that the Parishes are staffed by willing staff, that the Judicial Greffe are fully aware and fully geared-up for meeting their requirements. It is not a lack of effort, it is simply there is a mechanism which cannot be circumvented to any huge degree. Some Members, Sir, have said that they will be minded to vote for the principles of the Law. I, Sir, am not minded to do so because I believe that too many times this House tries to do something running at half measures, shall I say, without giving it due consideration. Sir, the working party has considered, I believe, 26 separate amendments to the Elections Law. I have done a great deal of research and we hope that the legislation will be before the House in the swiftest time possible. Sir, I cannot support these proposals. Thank you.

6.1.7 Deputy C.J. Scott Warren:

I support increasing the ability for people in Jersey to be able to vote nearer to the election date, however I am not sufficiently content with these current proposals before us today. However I do support a shortened - and I know we are coming on to the amendment when I mention this - term of residency for those living in Jersey. Sir, I note from the comments that the Isle of Man has achieved a greater ability for Manx residents to vote right up to, it appears, the election. I would

ask that the Privileges and Procedures Committee give further consideration to what has happened in the Isle of Man to enable this to work well and perhaps may consider incorporating that when they bring back proposals. Thank you, Sir.

The Deputy Bailiff:

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

6.1.8 Deputy G.P. Southern:

I must admit again to being disappointed, although accurately predicting the tone of what was going to be said today. Lots of enthusiasm in principle, absolutely - it seems - zero will to act. Or alternatively just casting vague doubts about the administrative difficulty of doing any of what is proposed. No one - no one - has stood up and said that which is proposed is impossible. It is just difficult perhaps. Senator Ozouf said he was involved - he is always involved in everything, is he not - in the reforms already made and pointed to a need for closure and said it was a difficult and dangerous process I was proposing because Members with an interest and enthusiasm for getting people registered might go around and knock on doors. He talked about protecting this potential abuse, protecting people from this potential abuse. The best protection he can do is get out and knock on doors himself or perhaps he is beyond that now if he is so far up the ladder. The Constable of St. Helier reminded me that he had pledged to support what was I bringing and it was drafted then and he knew what was in it so I wait with eager anticipation to get his support. He pointed to his initiative to appoint an electoral officer. But he did not then go on to say: "In St. Helier we will be making sure that we have got the best up to date register on the Island by doing this." I think, what he will find is that what he needs is 20 people - a dozen people - to go around to knock on doors. That is the way to get - he smiles at me - people registered. What he will find, I think, by the time the electoral officer does get his team together and go around and knock on doors, he will find that some of us might have been there before him and the register might already be being updated. Never mind. The Deputy of St. Martin correctly said that what we have got in front of us is common sense. These are common sense and practical solutions to the problems we face in this coming election. Not 2011 or 2012, or 2014 or 2015, whatever we come to, the next elections. We need to act now. The statements of in principle support and yes we must do something are all very well but we have to act now. These proposals are not proved to be unworkable. They are possible, we could do it. Deputy de Faye, again, very, very amusingly banged his own drum again for: "Let us give them a prize, that is the way to get them out there. That is the way the market works." Unenlightened self interest, that is how to get them to vote. Then went all the way down the road and saying in one particular aspect I am very much... he has got it on the nail, apart from the fact he has pushed it too far. To him and to others who have said yes in principle but you have not quite hit the nail on the head, I say it has been lodged for 6 weeks, where are their amendments to do just that? How long does it take to transform midday of the day before the election into midday of the day a week before the election? It does not take much, surely. Where are their amendments? It is very easy to carp from the back seat and say you are going in the wrong direction. I do not believe the direction is wrong. The Constable of St. Ouen, again, yes we must do something but not this. We are going to sit on our bottoms again and went through 2 reminders, 4 sets of adverts, how much do we need to do? Well, I say that is what we do, and that is what we did last time, and lo and behold it did not work. So let us do it again with more adverts. Let us do it again harder and see if it works this time. Here is an opportunity to put something on top of that extra effort and to allow real enthusiasts to get out there and get people registered. But the statement again, negative: "Oh well let us just try the same old story again and harder." It is not going to work. Again, the Deputy of St. Mary pointed to some 20-odd amendments that they are considering for electoral reform and saying that it will be before us as soon as is physically possible. But probably not in time for these elections. The key is...

The Deputy of St. Mary:

Point of clarification, Sir. I did not say that, Sir, I said as soon as possible and that is what I meant.

Deputy G.P. Southern:

Fine. What they will do and how they will do it we do not know but something is in the pipeline as soon as possible, so do not vote for this in meantime. Oh dear. I was then asked to justify what consultation have I done with the Jurats; what consultation have I done with the Constables. I proposed some simple practicable and common sense policies to adjust to the situation we have and the situation we have in this year. As I say no one has shown that these actions are impossible, let us give them a try. I urge people to act and not just give their in principle support, but to vote for these amendments.

The Deputy Bailiff:

Is the appel asked for?

Deputy G.P. Southern:

Yes, please, Sir.

The Deputy Bailiff:

Very well, the matter before the Assembly is for or against the principles of the Bill. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 14

Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Senator F.E. Cohen
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)

CONTRE: 31

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. Mary

ABSTAIN: 0

7. Re-use and Recycling facilities: capital and revenue funding (P.7/2008)

The Deputy Bailiff:

Very well so that brings debate on that projet to an end. We move on then to the Reuse and Recycling facilities: capital and revenue funding - Projet 7/2008 - lodged by Deputy Fox. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers to (a) reprioritise the current capital programme to bring forward in the 2009 Annual Business Plan allocated funding for a permanent reuse and recycling centre in 2009, currently scheduled for 2011; (b) reprioritise the current capital programme to bring forward in 2009 Annual Business Plan allocated funding for an additional permanent reuse and recycling centre in the east of the Island in 2009; (c) make provision in the 2009 States Business Plan and beyond for the revenue required to operate such facilities upon completion.

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

This is one of those propositions that really comes from the floor of Bellozanne. The reason being is that Transport and Technical Services, because of Buncefield and the terminal explosion in December 2005, have had to deal with a situation that has changed from when the original solid waste strategy debate was made in this House. Because of the unforeseen circumstances it is necessary that part of the operation at La Collette restricts the use by the public greater than what exists at the present time. I think that I would let the Minister for Transport and Technical Services go into his own subject and do it far better than what I can but needless to say, because there is no alternative funding, Transport and Technical Services officers were looking at a way of finding a solution to the collection of green waste. Not the rest of the process, that still stays at La Collette. Also for the commercial collection and deposit, that still stays at La Collette. This is purely for public collection of green waste. There is what is known as Compound 6 on Field 1491 at Bellozanne Valley and perhaps I could just take 2 minutes to say that the positioning of this field is in the countryside zone as opposed to the industrial zone, where everyone is familiar with the incineration plant and the other operations including the sewage, the Island sewage plant, *et cetera*. If you go further up the valley but before you get to the huge warehouse that the Co-operative Society have and the metal disposal yard you will find this countryside area which at one time was used for other temporary uses but was laid down for non-use of a commercial nature. Next door to that, and the background of the cõtils and beyond, is a green zone. This area was looked at by T.T.S. for obvious reasons. It was an existing site that had a hard core base and was of sufficient size that would allow an operation for a temporary use, which was estimated to be 4 years, 5 years at one point, where properly constructed skips could be placed within the compound to receive the public's green waste and then at the end of each day, or maximum 48 hours, the skips would be removed to La Collette where the contents would be taken away. A public meeting was held for the residents at St. Andrews Church and needless to say it was well attended. There was a lot of discussion, mainly on the extra transport vehicle access that would be required going further up the valley than the normal to the industrial zone at the moment and also to the fact that at busy times it was estimated that it would amount to a vehicle every 40 seconds. The concern was that all the Island's waste in green waste from the public perception would be going into this temporary facility whereas a third of the actual green waste comes from the west of Island and approximately another third would come from the north and the east of the Island. Therefore it would be increasing the amount of traffic passing through various main arteries of the Island, and possibly others, to this Bellozanne area. The residents of Bellozanne have been very tolerant over the years, as you can imagine, for the amount of traffic, the amount of disposal rubbish, the processing through the incineration and the sewage plant and the horrific smells that still emanate, although the States have agreed to finally enclose the sewage plant, over, hopefully, a short period of time to remove the smells. This proposed temporary operation one must emphasise is not a processing operation, it is

purely a collection operation so there will not any smells attached to it. But needless to say the residents are very concerned that with the increased density of the residential dwellings and the schools and other areas where children congregate and play that the increased traffic is unacceptable but they recognise that with the unforeseen circumstances which Buncefield had created that if some of the pressure was taken off Bellozanne by introducing additional sites, which are from the solid waste strategy proposed for 2011, 2010, and offsetting the amount of vehicles passing through the valley, that although they were not happy about it it would be reasonable to play their part. The thing that clearly the residents wished to happen, was that these permanent facilities - which were proposed anyway for a later date - should happen before there is any transfer of this green waste from the existing area at La Collette to Bellozanne. Now appreciating that since Ministerial government the policy is that you follow the business plans, the strategic plans, and the department works within its own resources and if you need to look at something outside those resources the Council of Ministers look for it to come out of the department. That is where the problem lies. There is precious little in the budget already I am told by T.T.S. and therefore while I was sitting at this meeting trying to find a way forward - a resolution - I felt that the only thing that I could do was bring this proposition to the States. I appreciate that the Minister for Treasury and Resources will not be very happy with me but if you do not ask you cannot find a way through for a solution. At the end of the day, the last thing that we want to see is that facilities for the public for the disposal of green waste closes down from a States operation... and from the period I remember as a young policeman, the amount of fly-tipping that was occurring around the Island, I spent more time down cliffs trying to ascertain if someone was in a vehicle ... Although in this case it will not be vehicles, nevertheless it creates distaste at fly-tipping in the first place, it then encourages other fly-tipping and therefore it is safer to see if we cannot find a solution. As I say, the intentions were to have these permanent facilities anyway but then the Parish of St. Helier had a Roads Committee meeting and the Roads Committee decided that they wanted to look at the issue that had been brought up. They were against the principles that were proposed by T.T.S. at that time and asked that any other considerations of other sites had been made to be investigated first. The answer was that other sites were investigated and looked at and for various reasons were not considered suitable or they did not have the money to progress it anyway. But the Connétable did bring up the question of his parks and gardens depot on St. Johns Road because he was looking from a Parish point of view of operating a kerbside collection for collection of green waste and other recyclable goods and reintroduce the collection of glass. My ears pricked up, I thought: "This is good we are going to have a solution to the problem." But, of course, all these things take time and they have to go to Parish Assemblies and they have to be put together and Parish Assemblies are less likely to go ahead with something as large as St. Helier on a project like this if the other Parishes are not all doing the same sort of thing. So there will be a time delay. Therefore basically the proposition is to look at 2 sites, one at the west and one at the east. The original site in St. Peter has been earmarked as a good likely site because it has already been used for that purpose. Although there were problems originally this is only a collection point, it is not a processing point. So, therefore, the neighbours, although they are concerned, as indeed all neighbours are, it will not have the problems that they previously associated with the site. Likewise any site out east or north has not been identified yet but my proposition is asking it to do so. The financial and manpower implications are listed here. Basically the Field 298 in St. Peter site is estimated at £315,000 plus £45,000 for the various equipment that would be needed, making a total of £350,000, with an annual £200,000 to operate it for a 6½ day week. That would obviously have to be multiplied again by 2 if one is to look at a similar such site in the east. So recognising that the future requirements for reuse and recycling facilities is a thing of the future and has already been agreed for 2010 and 2011, what I am asking the States today is if they would seriously consider finding a solution to a problem that was unidentified at the time of the last debate on the solid waste strategy, and because of the Buncefield thing, and ask the Council of Ministers if they would look to fulfil the proposals as laid down in my proposition. Thank you, Sir.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Senator Cohen.

Senator F.E. Cohen:

If this proposition were successful this may require a planning application therefore I will be abstaining in any vote. Similarly any member of the Planning Applications Panel who wishes to participate in this debate will not play any part in the determination of any subsequent application.

7.1.1 Senator T.A. Le Sueur:

I can reassure Deputy Fox that I am not unhappy with him, I am just unhappy with this proposition because I think the objective behind it may well be laudable. I think my colleague, the Minister for Transport and Technical Services, would have the same view. I think we have to look here at just what this is going to achieve because this proposition is one which asks the Council of Ministers to ask the States to either reprioritise or spend more money. That is a choice which the whole House is going to have to face in September when it debates the Annual Business Plan. Those choices are going to be difficult and they are going to be constrained by the proposition of the Deputy of St. Ouen which was agreed last year, that we would not increase the annual spending limits of the States. Yet here we have what I fear could be the first of a series of propositions trying to get their foot in the door to increase the spending of the States. Now, that is all very well and you can request the Council of Ministers look at this but the Council of Ministers has to make choices and make balanced choices. I can assure the Deputy and Members of the House that this is not the only pressure on the States spending for the coming year. I am sure Members have not been entirely surprised to hear me say that. But what I think this proposition, if passed, would do would be to give Deputy Fox and his recycling proposals an edge over any other spending demand. That, I think, is not simply unfair on the Council of Ministers it is unfair on the Members of this House who may have equally valid reasons for spending money in a totally different way. Money which we have already agreed will not be increased in this total sum. So I say to Members that we should not make a decision like this in isolation. The time to make these decisions is at the time when we can see the Annual Business Plan and make comparisons with other spending pressures. That is why we lodge the Business Plan at least 8 weeks before we debate it so that people can look at it and if they do not like the balance the Council of Ministers has come up with they can propose an alternative balance. But if we start this queue jumping exercise now we are going to have an unruly activity where we will have not one annual business plan debate but a business plan debate every fortnight as different people come up with different bright ideas and then when we come to the Annual Business Plan debate proper people will say: "The States agreed that 6 months ago." Well, yes, they did but at the time when the Business Plan itself was debated. So I say to Members, even if the proposition were to be approved today that gives no guarantee that it has any place ultimately in the success or failure at the time of the Business Plan debate. That being the case I think it is unwise for any one proposition to take precedence over any other and I suggest that we would be better not to approve this proposition today and wait until that time.

7.1.2 Deputy G.W.J. de Faye:

I find myself in an extremely invidious position because I agree with both previous speakers. It is probably entirely justifiable for Members to sit back and consider and ask themselves why was it not the Minister for Transport and Technical Services bringing this proposition forward on behalf of the department? That is a very interesting question to pose. The reason why I am very grateful to Deputy Ben Fox for bringing this forward is because I found myself in an entirely compromised position. There is no question that this is an entirely worthwhile project but it is my responsibility as a Minister to comply with the Business Plan. Indeed we know that Deputy Reed's proposition has effectively put even tighter combination locks on to the Minister for Treasury and Resource's piggybank than previously. So I would effectively have been undermining States policy to have brought this forward myself as a Minister. At least that is how I perceived it. I think it is

worthwhile considering the background. Composting has featured on and off in this Assembly on a fairly regular basis over the years. The current situation has derived from the new risk assessments that we understand from the Hazard Review Group, who have looked into the aspects of the Buncefield programme, the location of our fuel depot at La Collette and clearly it is now being considered wise that we reduce the numbers of members of the public accessing the area that is the current green waste reception area at La Collette because of its proximity to the fuel depot and we need to look for other locations for the public access element of reception. The commercial side because it is more limited numbers will continue to go to La Collette and currently the open windrow composting procedure will proceed until such time as we are able to introduce an enclosed in-vessel composting process. In the course of time we have worked with Scrutiny, and Members will recall there was a considerable length of time while we awaited a helpful report from Deputy Le Claire and Deputy Duhamel and one of the key features of that report indeed was that we both agreed, both from the T.T.S. side and the Scrutiny side, that it made absolute sense to have more than one collection facility within the Island. I think we decided that the minimum sensible approach was to have a decent recycling reception area in the east, one in the west and we already had one effectively operating at Bellozanne Valley and I know a number of Members have seen it now that we have revamped the whole operation. It is very successful, it has increased recycling rates, and it is extremely popular with the public. What were we to do in looking around for another site? Indeed, we advertised and considered a whole variety of sites that were offered to us around the Island from both the members of the public, landowners, and also looked at States' sites. Regrettably, while there was enormous enthusiasm, finding a suitable spot with the right sort of vehicular access and all the other constraints that one has to apply we came down to a very limited number, of which the site being referred to now at the northern end of Bellozanne Valley was the most practicable and, in financial terms, the quickest that we could sponsor. Regrettably, that was as far as the budgets would go. We simply do not have any further money to pay for a reception site in the west or the east, both of which require a level of staffing simply to ensure that the right sort of refuse is being left there. Unfortunately, there is a tendency that in unsupervised sites people will just leave anything, which is an inappropriate use of the site. It is obvious, I am sure to Members, what value these types of reception facilities would have. At this stage we are looking primarily at the reception of green waste, but there is no reason that the sites could not very quickly be improved to take other aspects of recycling, such as plastic, glass, paper and so forth. The value is obvious. If you are living in the west of the Island, you will only have to drive to somewhere in the west of the Island rather than all the way down past the tight row that is the Bel Royal/La Haule area, and on into Bellozanne and all the way back. There is a saving in mileage, there is a saving in fuel, there is a saving in quality of exhaust emissions simply by reducing the numerous journeys that require to be undertaken at the moment. Obviously, this is a win-win on environmental grounds and also for the convenience of local people. What has gone wrong with the funding? We have, quite rightly, restricted ourselves to a Business Plan approved by the States and you would want Ministers to stick to that Business Plan. Here, I would simply venture to ask the States to consider the exceptional nature of this particular proposition. I do take on board the remarks made by the Minister for Treasury and Resources, who says: "If we accept this today, this is giving this proposition an edge over other bids." I will come to that in a moment. First, why is it that Transport and Technical Services seem to have got their budgeting so badly wrong here? That is not the case. The fact is that when you try and estimate what is going to happen in the year ahead, you cannot necessarily plan for the unexpected. As Members will know, it has been a pretty eventful year for the Transport and Technical Services Department. I have stood here not so long ago and made a statement about the total and catastrophic breakdown of the Bellozanne incinerator; all 3 streams out of action. That, I have to say, is not the only bad news. Also, in the course of last year, the generator itself broke down, which is used to generate the electricity. That had to be fixed, so there were extra costs there. Plus, we also lost the money that we might have been generating in electrical terms, so there has been a double hit on that front. In respect of tipping

charges that we normally get for aggregate being dumped at La Collette, there, it was established, that about 6 months into the year...

The Deputy Bailiff:

I do not think we are quorate, I am sorry, Minister. I think we...

Deputy G.W.J. de Faye:

I am disappointed that more Members are not taking an interest in this vital subject, Sir.

The Deputy Bailiff:

I think we have one just about to come to the rescue; we are now quorate. Please then carry on, Deputy.

Deputy G.W.J. de Faye:

Perhaps if I offered a prize in the lotto, Sir, for listening to this, we might get a few more in. It would have to be a big prize and I am quite happy with that. I am thinking in terms of tens of thousands. We discovered, additionally, that we have a shortfall in tipping charges. It is not just any old shortfall, it turns out to be £400,000 light; a massive hole in the budget forecast that frankly could not have been anticipated given the previous trends, which were all increasing year on year. The point I am going to make to the Assembly is that this is an exceptional case because the department has been subjected to some exceptional incidents, and that is even before I get around to the fallout from the Buncefield situation - the hazards' review - and the way, in fact, not just Transport and Technical Services, but a whole number of departments, are having to reassess the whole approach we are going to have to take down at La Collette I and II over the future. I believe, (1) this is an exceptional proposition, which, in fact, has considerable merit and (2) I would simply say this to Members: I do not agree with the current pro-rata cap system that all departments use when we need to find monies. I do believe that the Transport and Technical Services Department is a particularly special case because it is responsible for some of the most fundamental elements of the Island's infrastructure. I do say that in response to the Minister for Treasury and Resources that this proposition is getting an edge. I personally believe that the Transport and Technical Services Department should have an edge when it comes down to budget allocations and it should be recognised that it is vitally important that the Island's infrastructure elements are maintained right across the board, from road works, to maintaining proper mains' drainage, for separating out surface water, for dealing with waste for... progressing recycling and so on; all those basic and fundamental things that the department does. I would say to Members, this proposition, in what it seeks to do, is of huge benefit to the Island because we do want more easily and accessible and convenient recycling and reception facilities. I do believe it is an exceptional case and I do believe that the Transport and Technical Services Department has had an extremely unfortunate set of circumstances to face that should be dealt with in an exceptional way.

7.1.3 Deputy R.C. Duhamel:

In 2005, Sir, this House, in agreeing a waste management strategy, decided that one of the measures of its success would be to build a reuse and recycling centre for some £3 million or £3.5 million down at La Collette. Not only to build it, Sir, but to have it built, ready, up and running, operating, by December 2006. Here we are at the beginning of 2008 and it is being suggested in a new proposition, Sir, with the agreement of the Minister, that the reuse and recycling centre that was agreed to be built and running by December 2006 be brought... well, not brought forward, but put back, I suppose, to 2009. It strikes me, Sir, that the prioritisation of the department's work - this is Transport and Technical Services - leaves a lot to be desired. I am sympathetic towards the department in that they do seem to have been the butt end of a lot of the cuts that have been asked for and called for by the Council of Ministers, and indeed the Treasury. They, perhaps, along with Planning, have been one of the few departments to accede to the requests made by Treasury and they have pulled their belts in. Does it make sense, in financial terms, or

economic terms? Sir, it does not really make sense, I think, for a department to cut back its programme to such an extent that it is not able to carry out the functions that this House has asked the department to carry out. One of the real reasons for having a reuse and recycling centre to be properly funded and running was to deliver higher recycling rates. Why do we want to deliver higher recycling and reuse rates? Because we know that if we do achieve that, and indeed better the 30-odd per cent that this House has settled on for the time being as being the best rate for the next 30 years, we know that whatever comes out will bring about longer-term savings when this House comes to decide upon whatever treatment facility is required to deal with what we cannot recycle. It strikes me, Sir, as somewhat ironic that on the one hand we have got the department saying that it is complying with the wishes to cut back their monies in doing the States thing and ticking the boxes, admirably; at the same time, not prioritising to the extent that it should be putting its monies in the right place in order to bring about greater savings somewhere else within its budget. If we look at the monies that we agreed, somewhat tentatively, T.T.S. have earmarked for infrastructure works and ... we do not really know what it is for, other than it is ground works to assist in the provision of the site works that are required for whatever treatment facility works are needed at La Collette, when, should the States decide, indeed what it is and where it is going to be, to the tune of £3.5 million. There is another £3.5 million of work that is likely to be undertaken that might not necessarily bear fruit. We have put off the £3.5 million that would have given us a reuse and recycling centre down at La Collette, solved a problem, probably caused a lot of others. I am entirely with the Minister when he suggests that perhaps the better way forward would have been to have gone not just for one reuse and recycling centre, but for 3 spread fairly across the Island in order to minimise the transportation trips of the public taking the materials to those sites to be treated. I want to come back, Sir, to this prioritisation business. It must be fundamentally wrong for any department - we have heard the Minister for Treasury and Resources telling us this, and I think we can all agree - that to make one-off exceptions to an agreed way of dealing with business and dealing with our finances is wrong. I think he is absolutely right in that respect. That means that we should not really be voting for any requests that are coming forward before the budgeting process is coming to this House in its proper true form, for all of the bids to be properly considered so that we can play off one against the other. That, Sir, leaves the department with a bit of a problem because it would mean that they would have to prioritise their bids properly. I think, really, this is where the problem lies. I do not consider that the department have properly prioritised their bids at the moment. I think there are monies within their budgets that could properly be used for dealing with the things that are being asked for through Deputy Fox's proposition. I think the proper way forward, Sir, is for the department not to be given extra monies or to be told that they should be putting these priorities to the top of the list. They can do that, should they so wish, when the time arrives towards the autumn of this year. What they clearly need to do, Sir, is to get the House in order, to get their act in order, and to decide once and for all, with the proper consultation with any financial businesses or consultants, who can assist them in priority setting. They really need to get the House in order to know what it is they want to spend this House's money on. I think, at this point in time, I am not convinced that they truly know which direction they wish to go in. When they do make up their minds, Sir, hopefully I will be in a better position to support. At this point in time, Sir, I do not think that anyone in their right mind, if they want to play the corporate approach, can properly endorse this proposition. It is a step in the wrong direction and it encourages the department to be lazy in its priority setting. Thank you, Sir.

7.1.4 Deputy J.J. Huet:

Well, Sir, I was thinking that maybe I should change my name to Mystic Meg and buy myself a crystal ball and one of those big shawls, you know, and tell fortunes or futures. I remember many years ago looking at a budget - and I was on Public Services at the time - and being horrified that there was nothing in there if anything should go wrong with our sea defences. This is in sweet innocence in those days. I said: "Well, what happens if we have a terrible calamity and some of the sea defences... there is no money allowed and we have got no extra money? What will we do?"

Should we not be taking it out of something else, out of the roads or something?" They said: "No, we have been assured that if such a calamity as that happened it would not have to come out of your budget; this would be an emergency." I thought: "Okay, fine, yes, that makes sense." You do not anticipate having the sea defences down regularly. If you did, there is something wrong with them. I have gone away, and for the last 10 years I have had to say, we have had no sea defences come down, we have never had to go looking for the emergency funds, so the point was perfectly correct. This year, we have Buncefield. To me - and Deputy Le Claire brought it up - that was an emergency. It has proved an emergency. We have had the reports. What have the reports told us? That we should be safe rather than sorry. To be safe rather than sorry, that we should make sure not so many people use the area where it could be affected. It is an emergency. That means when you say... well, to my mind it means to not put so many people; that you take away things from that area and put things down in that area that do not need so many people being there if one should have an accident, an emergency. What started off brilliantly down at La Collette - and it was, to my mind, brilliant - it could not carry on because of Buncefield. We had to find a split out. If people do not call that an emergency, I am not quite sure where we have to go for an emergency. To say that our engineers, and I have to say, Sir, I think we have got a brilliant group of engineers and I defy anybody... I know there are a couple of engineers that I have got a lot of faith for in this Chamber, but there are only a couple; there are certainly not 53 of them. Whereas the engineers that we have up at Technical Services are very good chaps and chapesses, if there is such a word - I do not know if we have got any - I think they know what they are talking about. I would be a very stupid person to say: "I know better than you know." If they know what needs to be done, why are we employing them if we do not believe them? We have now got La Collette which cannot take... you cannot have all the people going down there. I have to thank Deputy Fox because when we went to St. Andrew's Church we had some lovely people come and they were saying: "Well, nothing has happened so far, so can we not carry on?" We said: "No, that is the whole idea of what the report was about; nothing has happened so far, but it could happen." We have been warned it could happen. If we know that, we would be wrong then to carry on doing something when it could happen. To take it away now from La Collette and put it up to Bellozanne, we have already started the recycling at Bellozanne and some people have been up to see it. I think the boys up there - or the men up there - are doing a brilliant job. They are so helpful to everybody that comes, they have got everything well laid out, they are helping everybody, and they are really doing fantastic work. It has caused a lot more traffic in that area already. This is just on the recycling. We have said we want recycling. I then have to come back to the residents that live in this area. This is a built-up area and it is no good saying: "It was there before it was built-up." Yes, it was there before it was built-up, but what was taken in there was not green waste, was not recycled. There were not half the things that are going up there now. It did not have the amount of traffic. I personally do not think that you could take the amount of traffic that we would need if we suddenly moved all the little people's green waste up there, as I call it. It cannot cope with it now on the traffic side. It would be chaotic. It is not a main road; it is going straight through a built-up area. I live up that area and I think the residents in this area are pretty good. I know this has nothing to do with... it is not green waste smell, it is sewers' smell, every day, Sir, twice a day, that smell makes you feel physically sick. They never, ever complain, our residents. I think they are brilliant. I would say that we have had a lot of Senators and quite high-up Members in this House that started off their political career in this district and I think they should have looked after those people a lot better because those people are still waiting patiently for something to be done. I think to go back and say: "We could stop the sewer smells tomorrow if we had the money, but we have not got the money, so we have to do it bit by bit." They have lived with that, we have told them that it is starting, they have believed us. To say to these people all of a sudden you have got to have all the green waste back... they have an incinerator that if it was anywhere else in Europe it would be banned and we would be up in court. I could take you around, Sir - I am sure you do not really want to go - to houses that you can run your hand like that along the window sills and you will get from the incinerator... that should not be allowed. They have been very, very patient and I think to

say to them that now you have got to also take on the green waste as well as the recycling, as well as the traffic, as well as the sewers, as well as the incinerator - every one is: "As well, as well, as well" - that I personally think this is an emergency this time. It is not wishful thinking, it is not saying: "We want to break the mould. We want you to give us the money." It is an emergency. Buncefield was a report that came out that said: "You must not, or you should not... to look after your people properly, you should not have it down there with lots of people going there regularly. Move it." I just plead for the residents of that whole area to let us play a fair game, just for once, and give them... they came to St. Andrew's Church and they were extremely anti to start off, and I could see why they were anti. At the end of the day, Deputy Fox - and our officers were there - had a rough ride. The people went with them, saying: "Look, if you can pull your weight and we pull our weight, we will work with you." I mean, that is how we get things done is by working with people. I would like to think that that is what we will do in this Chamber, for once, that we will work together and know that this is an emergency and deal with it correctly. Thank you, Sir.

7.1.5 Deputy C.J. Scott Warren:

This proposition will encourage recycling, ease traffic, and will improve the environment on all counts, Sir, and it has my total support.

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

We must first of all congratulate Deputy Fox and Deputy Huet on their great support for their constituents. They will therefore forgive me, Sir, for supporting mine. While Field 298 is in St. Peter, directly on the other side of the valley is Le Clos Saut Falluet, which falls into St. Brelade. The residents there, some years ago, put up with an awful lot of grief from this site which was used as a dump, for want of a better word. Now they are faced, Sir, with this green waste collection point with, I note, an option perhaps for recycling other materials in the future. They are extremely concerned. I have had some very strong correspondence and approaches from the residents there who were fed up with that. They won their day, they got rid of it, and now they are faced with having to have it all over again. I think that Deputy Fox is being slightly hypocritical when he says: "Well, our neighbours will complain", but that is all right in Bellozanne, but not so good in other places. I would ask Members to really take this on board. Bellozanne is geared up to receive waste of all descriptions. The facility was there, in fact, before many of the houses. Unfortunately, our predecessors have taken the decision to build houses in the area, which perhaps was not a very clever solution. Notwithstanding the comments from the Minister for Transport and Technical Services, who very kindly invited me and the Deputies of the Parish to a presentation regarding this some weeks ago, I fully understand where they are coming from, but I would like to see a better business plan coming from T.T.S. We see capital costs possibly increasing to £600,000 and revenue costs by a further £50,000. I would like to see the revenue costs being demonstrated as increasing. I think it is perfectly feasible to do so and I would ask the Minister for T.T.S. to address that matter. Thank you, Sir.

7.1.7 Deputy P.V.F. Le Claire:

Deputy Fox's proposition today is requesting us to put before the Council of Ministers our feelings in relation to recycling and ask them to make a decision about whether or not they want to commit to corporate responsibility - which the States are holding them to, which is a difficult thing to get out of - or investing in some technology that will allow us to reduce capital expenditure in the future and reduce revenue expenditure in the future by supporting these types of initiatives. I have spent more time than I care to remember now investigating the issues of compost, and I think I know probably about as much as I need to know about compost as there is for anybody to need to know about compost. The first thing is, is that in the current process that is occurring there is undoubtedly an issue of smell and odour. We have been at loggerheads a little in the past - the Transport and Technical Services Department and myself, and perhaps Scrutiny - in this issue. While I have criticised the process, I would not want States Members to interpret that as criticising

the people that are participating in that process and in trying to manage the waste and in trying to commit their expertise to a large problem that needs managing in a very professional manner, which they do. The recent efforts of the Transport and Technical Services Department to install a recycling centre at Bellozanne, from my perspective only, has one criticism, is where are the signs pointing people to it? Because it is a fantastic facility: it is well run, it is clearly laid out. It is everything we wanted years and years ago. Now we have an opportunity to say to the Council of Ministers: "Carry on spending the money we are spending" and we are heading towards one solution, and that is a burn solution. Let us commit some capital and let us commit to some technology and let us commit to some recycling and perhaps we can save ourselves millions of pounds in the long term. It is, after all, what everybody wants to do. I know people find it sometimes difficult to read reports and no doubt not many people have bothered to read my report, or found the time, on composting because it was quite extensive; it was something like 200 pages. It clearly laid out systems that I had identified - that the department itself had identified - that contained odour, contained leachates, and could process our green waste with service on the capital for £3 a ton. The whole of the green waste solution done and dusted in an in-vessel process eliminating the odours in containers that could be located within 100 yards of a school or a public building and give no cause for any concern whatsoever. The capital expenditure of those machines is an initial investment that would be required, but at the moment, £800,000 a year to run the open windrow process at La Collette; £500,000 on the machine to shred the wood; God knows how much in pensions, and a whole district that is getting ill from the smell. Deputy Fox's proposition, which has been brought about by the need to address Buncefield - and Deputy Huet, as the Assistant Minister for Transport and Technical Services, has made that quite clear today - there are 2 or 3 issues mixed up in all of this. One of the driving factors is the Buncefield issue and the need for us to stop the huge volume of traffic that is going down to the green waste composting site. There are a number of issues in relation to districts and one could say, you know, you are supporting your electorate. In my supporting this proposition, I am not helping to achieve an end to the green waste facility at La Collette, but I am helping to endorse the view that we should be investing in recycling options. It will, as Deputy Scott Warren says, immediately reduce the transportation to and from the La Collette site. I have seen dozens, if not more, vehicles going backwards and forwards to La Collette, many of which on the way to La Collette have got green waste falling out of the back of them, all over the roads of St. Helier. The people at La Collette are doing their best under a very, very difficult set of circumstances. If we do not ask the Council of Ministers to get on board and give us technical solutions and endorse a programme of recycling, then how can we possibly give them our support when it comes to environmental taxes? How can we possibly endorse taxing the people of Jersey more through a set of environmental taxes when in reality we do nothing about it? All we are basically saying is: "Let us just give ourselves some more money under false pretences and try and explain it away to the public when they are complaining about the smell and the pollution." This is of the incinerator, touched upon by Deputy Huet, who has had to endure, along with the residents, noxious smells for generations. I am so sympathetic and have such empathy for her and her constituents for those odours, which are just appalling. A lot of the process for the incinerator though, I must say, from what I can see and from what I have read and from what I have seen from the articles and the experts I have listened to, it is all about what you are putting in it in the first place. I do not want to dwell on the incinerator, but is there really going to be the need for continuing to address our waste issues with these old technologies if we instead pause to think for a second and say: "Look, this is an exceptional circumstance. Buncefield has meant that we have to extend the exclusion zones and the 3 perimeters that are adjacent to fuel farms to 400 m"? Not only is it telling us that, it is also telling us that they have not finished investigating what we might have to do in the future. We have seen Connex move due to these issues. We have seen other areas being moved out. We know, those of us that have been focusing on it, that we might, in all likelihood, have to look at moving the fuel farm. But one thing is for certain, you are going to need a lot of people to put an energy from waste plant together and you are going to need a lot of people to manage a green waste facility if it is

accepting all of our waste. You cannot have them all milling down there with the public coming down in their hundreds and thousands while they are entering a danger zone. It may not be something that will ever happen, but the clear guidelines - and there are some experts in the Chamber with Deputy Egré and others - have been through these regulations through C.O.M.A. (Control of Major Accidents). They are clearly defined. It is the amount of people that are entering these zones that we have to reduce. I am sorry, the Council of Ministers may have to re-prioritise some expenditure, but I would say in support of the Assistant Minister for Transport and Technical Services that this is exceptional expenditure because of extraordinary circumstances. As she quite rightly pointed out, there was a draw from the States' reserves, if needed, for unexpected and emergency expenditure when required. If anybody is hit, for example, with, I do not know, some tropical disease that wipes out half the Island, we would be able to go and access money like that. If the sea wall collapses, as Deputy Huet said, we will be able to go and access money just like that. If we had 2 or 3 huge fires, we would be able to access money just like that. This is where we need to go to that rainy-day solution. Okay, it may not be fiscally prudent, but try explaining that one away if it was to ever go bang and 4 or 5 or 6 or 7 or 2 dozen people were injured or killed because of the fact that we did not plan ourselves into the future properly. I believe it makes fiscal sense to invest in recycling. I believe it makes fiscal sense to reduce our expenditure in the long term by investing in the technology that is available today. In just dismissing this as another attempt to appease one's electorate and to get a little jump on the annual expense, then fine. Hey, what the heck; please the public. My God - God forbid - please the public. Also, let the Council of Ministers know what we want to spend money on, God forbid that they would want to know. What is wrong in prioritising ahead of the game and saying to the Council of Ministers: "We believe in recycling so much in the environment that we are willing to support your environmental taxes when they come? But in order for us to believe in your environmental taxes, accept this proposal, that you invest in recycling and reuse facilities to help us achieve our goals and objectives to reduce the amount of stuff that is going in the incinerator, if there is going to be one, and give the opportunity for local people in Jersey, residents and visitors alike, to recycle." Because they are doing it everywhere else in the world and we are appallingly behind in many areas through lack of government investment. I stated it in the last speech I made on this issue; the Council of Ministers are no force. They knew when they were bringing in the G.S.T. (Goods and Services Tax) that if they had tried to bring in the green taxes at the time they wished it might have rocked the G.S.T. vote, so they hung back on it. You cannot convince me that adding more taxes from a green perspective on to a car is going to do us any good if you are still requiring that car to come from St. Ouen to St. Helier to drop off 2 branches, can you? No, not in all honesty. I will finish. We request the Council of Ministers to recognise, to re-prioritise the capital programme, to bring forward the reuse and recycling centre that we want and we have already signed up to, and to once and for all spend some of the public's money on the environment, investing in the technology, giving the professionals the support they require to enable us to give the people in Jersey an environment that they are proud of and an environment that they are comfortable to live in. Many, many people I know have told me about the times that they have been driven out of their homes because of the smell, to have to go to another part of the Island. Those other parts of the Island, they are beautiful. Some of the Members in this Assembly live in them and we come to them. The only reason we are coming to them, apart from the fact they are beautiful, is because we are being driven out of our neighbourhoods by the appalling conditions.

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

I will be brief. I find this whole debate rather confusing and I suppose the confusion starts with the Minister for Transport and Technical Services in the comments that he makes when he seems to be suggesting now that more than one collection facility is preferable, when all along we have been told that a central area, one collection point, well managed, well run, is the best way forward. I would also like to remind States Members that we are only a small Island and it only takes literally 8 miles from St. Ouen to drive into St. Helier and I really do question the need of having 3 separate

sites scattered over the Island when one is far more efficient and economical. Speaking about some costs, and maybe Deputy Fox will be able to confirm my sums, but in reading the financial and manpower implications included in the report, I come to the conclusion that if we were to have 2 additional sites as proposed, one in the west, one in the east, as well as the central depot, the 2 additional sites would cost between £750,000 and £1.2 million in capital expenditure and a further £400,000 to £500,000 per annum to operate. We have had the suggestion made that Members should support this proposition because it might please the public. I certainly know of many members of the public that certainly would far prefer their money - because we are talking about spending taxpayer's money - being spent in a far more appropriate manner. I recognise also that Buncefield, and the issues surrounding Buncefield, have been flagged-up. I am equally aware that I think prior to the Buncefield incident issues regarding the fuel farm were being made aware to Transport and Technical Services. In fact, I am sure that in the process of determining where best to place the incinerator and the composting site, alternative sites were considered. Perhaps the best recommendation that we could give to the Minister for Transport and Technical Services is to go back and revisit those alternative sites. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak? I call upon Deputy Fox to reply.

7.1.9 Deputy J.B. Fox:

I was a bit worried that this green waste discussion was going to end up with all us going home through lack of States Members being here at one point, but I was pleased to see that the quorum stayed the pace, for which I am grateful. I am also very grateful to the speakers that have spoken, giving their various point of view, and especially those that can see why I have brought this proposition as an unforeseen emergency and not just trying to get some more money out of the Minister for Treasury and Resources. The response that he gave, I will be honest with you, I would not have expected any other, especially if I had been Minister for Treasury and Resources. It is quite right, he has done his duty very well. I thank him very much. On this occasion, I would have liked him to have considered that there are exceptions to rules and sometimes you have to reconsider allocation of resources for very good reasons, and I considered this Buncefield one to be a good enough reason, otherwise I would not be stood here today. Deputy de Faye clearly put meat on the bone; I intended him to do that. He has got far more knowledge of the details and what he, as a department and as a Minister, wanted to bring forward. I do not think I need to cover that any more. Deputy Duhamel gave various reasons why I should bring this proposition to the States, but then felt that T.T.S. should have alternative reasons to find some resources, and therefore was not going to support this. Deputy Huet, being a fellow Deputy, but also Assistant Minister for T.T.S., recognising the residents' concerns and the problems they face in a heavy industrial area and the extending of it and the traffic, but also of the problems with the department. Thank you to Deputy Scott Warren for recognising the value of the future in recycling, which is already intended for 2 years' time. The Connetable of St. Brelade: I am sorry I gave you the impression I was being cynical about the neighbours, because I support all the neighbours. I even go down to meetings at La Collette when it is appropriate because people are the most important thing and if you do not hear all sides of the argument ... I remember vividly, with Mr. Truscott, the original problems when he was chairing the Clos Saut Falluet Association, but the emphasis I was trying to make was that we were not returning to the bad old days of composting. This was a collection site with the proper facilities that fulfil all the health and safety and all the new water regulations, *et cetera*, and nothing is going to be allowed to ferment. That was the point that I was trying to make, but clearly I did not do a good job on that. Again, Deputy Le Claire, looking forward to the argument between corporate responsibility, that it will be accepting that this one was unforeseen, versus the value of recycling and then went to great expense to cover probably the full subject, although we are only dealing with one small part today, but thank you for that anyway. The Deputy of St. Ouen: I was delighted to hear that he only saw that St. Ouen was only 8 miles away. I suppose really what I

should ask him is if he would give me the details of where he proposes that a new site could be facilitated at St. Ouen so we can all go out there? Because you have got much more space than we have in Bellozanne. Again, we are not talking about compositing; we are talking about just for collection and what not. Of course, if we are improving our environment at the same time by having a proposal of 3 sites, which we plan to do anyway in 2 years' time, it is not something that we are planning to do just because of residents of Bellozanne. This is something we were planning to do in the circumstances. As far as the accountancy goes, I missed what you were talking about, the running costs, but I think the 2 sites is £700,000 and £400,000 running costs, but it is all clearly marked there. I make the proposition and ask for the appel, please, Sir.

The Deputy Bailiff:

The appel is asked for in relation to the proposition of Deputy Fox. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 16

Senator L. Norman
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator J.L. Perchard
Connétable of St. Mary
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy of St. John

CONTRE: 19

Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator T.J. Le Main
Senator B.E. Shenton
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy D.W. Mezbourian (L)
Deputy S.S.P.A. Power (B)
Deputy A.J.D. Maclean (H)
Deputy I.J. Gorst (C)

ABSTAIN: 6

Connétable of Trinity
Connétable of St. Saviour
Deputy G.C.L. Baudains (C)
Deputy of St. Peter
Deputy of Trinity
Deputy of St. Mary

8. Waterfront Skateboard and Youth and Community Centre (P.8/2008)

The Deputy Bailiff:

We come next to Projet 8/2008 - Waterfront Skateboard and Youth and Community Centre - lodged by Deputy Fox. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers to (a) take all necessary steps in conjunction with the Waterfront Enterprise Board, if necessary, and, if appropriate, the proposed Jersey Enterprise Board Limited, to ensure that a skateboard park is established on the old TNT warehouse site on the New North Quay by a target date of December 2008, (b) take all necessary steps in conjunction with the Waterfront Enterprise Board, if necessary, and, if appropriate, the proposed Jersey Enterprise Board Limited, to ensure that a youth and community centre is established on part of the area on top of the waterfront multi-storey car park by a target date of 2011”

The Deputy Bailiff:

Deputy Southern, before I call on you, there was one matter I should have mentioned. I have received a note from Deputy Troy saying he had been taken ill and that was why he was no longer in the Assembly and I said I would mention that.

8.1 Deputy J.B. Fox:

I intended to stand up today to talk about the 4 years that I and many other people have been involved in trying to provide youth facilities by way of skateboarding and extreme sports for our young people, not only in St. Helier, but in the rest of the Island. Having had a conversation with Chris Bright at the *Jersey Evening Post*, he recalls a time when Deputy - as opposed to Senator - Baal had that responsibility as well; we think it was back in the mid-1970s. When people talk about sustainability and young people not being sustainable on activities such as skateboarding, can we just bear that one in mind and tick that one off as a positive. In fact, Jake Hipwell, President of the Channel Islands Skateboard Association, reminds me, in fact, that it was 6 years, not 4 years; 4 years being when it first went to a Parish Assembly in 2004. The thing with skateboarding is, just to give you a little background - it is one of those activity sports that nobody wants around where they live, work or anywhere else. If you go around the world you will find that people provide these facilities and the main reason is that it gives these young people a place to go, which usually means that they leave the place that you do not want them to go alone. There is always an odd exception to the rule. In Jersey's case, we are well overdue in providing extreme sport facilities. They do very well at the moment throughout all the back streets of St. Helier, all the monuments in the Island, down various driveways and hills. The Waterfront is a very popular area, around the harbour. They like to go where other people go as well. Seriously, we have been working for 4 years with Health Protection and with Health and Safety, with Communications, with Planning, and various other agencies, and we looked at where is the best place. For the Channel Islands' Skateboard Association, it does not really matter where their 100 members go; they bus them out, *et cetera*. The rest of the young people of St. Helier and around the Island do not have such opportunities. Although we have had skateboard facilities at Fort Regent in the past, and on the Waterfront, they were paying facilities - they were not free facilities - so consequently they had limited uses and they also required upkeep by people supervising them, *et cetera*. They did not achieve what we were aiming and setting out to do, to provide good youth facilities that gave them an active - as opposed to a passive - way of life for the youth, all the electronics and the other things, that they would have an interest in being fit and having a good time. First of all, we looked at People's Park and the residents there and a couple of our Deputies were not too happy about that suggestion. Nevertheless, it was a feasibility study. It was also a learning process for us and we went through what the requirements are for a skateboard facility, how it would work, what distances you need for the sound and everything else. A lot of expertise was gained, but at the end of the day Health Protection at that time looked at a number of sites for us that we put from the lower part to Springfield, St. Andrews Park, and for various reasons they wanted enclosed facilities because St. Helier is pretty well densely populated. We did find a nice big warehouse on the New North Quay that was supposed to vacated if new warehousing was going to be built and the planning process along La Route de la Liberation - I think it was - down towards Elizabeth Harbour but, needless to say, it was an area of the Harbours and financial value and everywhere else we looked we came across the same problems. But eventually we ended up on the top of the car park of the Waterfront Enterprise Board site; they had a multi-storey car park there with a nice green area on top of it. But there is an area at the end, and funnily enough it is the only area that is predominantly used by the young skateboarders. So, it was a sort of natural area to look at. The other thing was it had no commercial value in comparison with every other site around the area. At that time it was felt that putting an enclosed facility and, again, feasibility studies were done by W.E.B. to look at that. In the ensuing period we were recognising that there was going to be a need - and this refers to (b) on our proposition - there was going to be a need with so many new residences on the new Waterfront in the coming years that they are going to need their own youth and community facility. This would make an ideal facility. The cost factor of building an insulated

facility because of the close proximity again of the future accommodation there was going to make it unrealistic to achieve. The TNT site on the New North Quay we looked at originally because there is a lot of distance between nearby residents, *et cetera*, but at that time they were looking at having hotels and other things around there, but that changed in recent weeks, and the site became a good possibility again. That is why we put this proposition. I was very disappointed to receive this long list from - I do not know whether it was E.D. (Economic Development) or Harbours - but it arrived today on my desk, and there was an e-mail that was sent last night, I think some time. It has come from Deputy Maclean as to why there should not be a facility for young people on this particular site. I do not know whether I should look at it at this moment in time but I think it would probably save us a bit of time if I do. Basically we talk about "corporate" with the new Ministerial government. When I read this document in front of me it does not say "corporate" at all. It says: "Stay away from my patch, it is my patch and nobody else's patch." Well, I am sorry, the Harbours and Airport comes under Economic Development, it also has some areas of responsibility with W.E.B. and if we get the new Enterprise Board it will change again no doubt. But we should look at things corporately - oh, the Minister is tell me he does. But he will reply in a minute. I know I am not going to be popular but I do not have the alternatives to be able to provide it, and nobody has come up to now - the Minister is telling me that we do have alternatives. But if we go through all the detail that has been given here which comes under the safety and costs and everything else like that. If the proposition is successful today, and I hope it is, nothing will happen until all the safety issues, all the noise issues, all the other issues; the planning issues and everything else will need to be satisfied. That is the first thing I would like to say. When they talk about the 150,000 freight vehicles moving each year in the area, I am not going to argue with the amount. What I am saying to you is that there are routes that go from Liberation Square - most of the young people go to anyway - and from the bus station or the Bus Transport Liberation Terminus that can pass through a safe area either in front of the Maritime Museum - which I would have thought was the obvious one - or it could be in a fenced-off area at the back of the Maritime Museum, whichever they pick. But there is no need for any young person to be anywhere near any freight vehicles. That was what I would submit to you. They are around there now. It also refers to being incumbent upon the managers of Harbours to ensure the port which is designed and restricted to secure from the proposed new unmanned skateboard facility. If you recall I have some expertise in security of design against crime and safety and things like that. As I say, nothing will be done until these aspects are all dealt with. It talks about the history of young people entering working areas and the inevitable consequences of youth facilities on the New North Quay and the temptation to enter restricted areas. Up to now there have been various reasons for restricting the areas of New North Quay, not least because of the anti-terrorism requirements *et cetera*; when I was looking with Deputy Baudains at safety and security for people using marine yachts and the commercial aspects, that a whole load of fences have been put up and restrictions. There are things like closed circuit television cameras and all sorts of other ways that one can prevent things. Nothing is insurmountable. The estimated cost of fencing they put at £40,000 and who is going to pay for it, *et cetera*. All those things will be done. But there is no point in spending huge amounts of people's time and money before you can have a certainty that you are going to be able to put a facility there. That is why I have asked for this proposition and submitted this proposition to the States. We have had too many disappointments before for promises with the best of intentions but then have not materialised. Then we talked about the W.E.B. giving assurances of £150,000 and the Skateboard Association representatives feel that there is a funding short of £140,000. I do not have the expertise on skateboard parks but people like W.E.B. have the expertise of finding out the answers. They state that they can build a skateboard park within the budgets available. But the Chief Minister has given them the sole responsibility of doing all the work that is necessary for the establishment of a skateboard park on that particular site. If there is a problem they will come back to us. But the Jersey Channel Islands Skateboard Association, they are looking for a different type of skateboard park. Yes, it might be the difference between a Mini Cooper and a Rolls Royce. I do not know. But we must respect the fact that they have a different viewpoint and those will be

discussed and put forward. There is also this question of the Marine Leisure Centre next to the Maritime Museum needs to be relocated in 2 years which will include overall development plans for this area. There is currently no alternative location. On the other hand, they talk about the old TNT warehouse which was pulled down and used as temporary parking bringing in an annual budget of £68,000 could have potentially a £200,000 annual income. What I am saying to you is that this Island has a responsibility to its citizens. It also has a responsibility to its young people. Yes, finance in these times of ours is very important but it is not the only thing that is important. We must take an overall holistic view. What I would ask you to do is to do just that at this moment in time. We will see how we progress by the end. The downgrading of marina facilities should the proposition proceed. They have got them in other places near harbours and marinas, *et cetera*. It was not that long ago when I heard the residents around the marina complaining about the noise from the masts of the yachts. I am pleased in one way that there is recognition that skateboarding is not the only ones that have noise; that their own yachts in the harbour. Yes, there will be some people that are staying on yachts. But all I can assure you, that this skateboard facility will not materialise unless Health Protection is satisfied that its noise levels conform with minimum standards, *et cetera*. Again, the health and safety and all the other issues will be taken into account. This is the work that W.E.B. has been asked to do and is doing at this time. This is the only site that we have as an indication at this time that could be an open site. Without the detail, firm decisions cannot be made but there is an indication from Health Protection and from Planning that have advised the W.E.B. that this site has the potential to be able to do. If we do not facilitate facilities for young people for skateboarding they will continue to skateboard everywhere else. When they do that, and if you drive up Union Street you will see some new gates going up on Union House. Then stop for a second if you are in the traffic and just look at the tops of the walls there. They are well used by the skateboarders. So are our monuments. What we are looking to achieve is to find something that when we have our refurbished old St. Helier and our new St. Helier of the Waterfront and all the way down the east of Albert and running up to Fort Regent and all the way around that we include the proper facilities for our young people. But it has got to be in the base of St. Helier where the parents are reasonably comfortable that the children can cross over the road safely. They have got the double pedestrian crossings. They go down to Liberation Square anyway and they go round town. Other people say: "Why can they not go to Fort Regent?" In fact one person who was parked on the temporary car park as it is now said just that: "Where am I going to go?" I looked up at Fort Regent. He said: "I am not going all the way up there." I said: "Nor do the young people either." That is where the problem is. Until we resolve a whole load of other issues then we have to look at what is potential at this moment in time. Sir, I submit that after many years of hard work and looking at it, this is the only realistic site that we can have where young people congregate that is safe for them. They will have the new Move On Café facilities as a drop-in café. They will have the facilities for toilets. There is also a little café nearby - I have forgotten the name of the café now - Sailor's Rest. But it is a private enterprise. They do not have to accept young people if they do not want to but there is an opportunity there. I think I will leave it there at this introductory point and answer any questions as they come up, Sir.

The Deputy Bailiff:

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

Senator F.E. Cohen:

Again, similarly to the last proposition, as this may result in a planning application I will be abstaining as will members of the Planning Applications Panel. If they do participate they will not be part of the decision making process.

8.1.1 The Connétable of St. Brelade:

One or 2 points which I would ask the Deputy to clarify in his summing-up. He refers to the Channel Islands Skateboard Association. Could I ask, Sir, how many people does this incorporate?

Is it 2? Is it 200? What proportion of the Island's skateboarders? Secondly, it rather worries me that we are looking - as does happen in Jersey very often - at a Rolls Royce solution for something which does not require it. Is it realistic to lump BMX bikers, skateboarders and rollerbladers together I wonder? I suggest perhaps not. My research has indicated that the requirement for skateboarders is much simpler. It is very often just perhaps a half pipe. In fact what they really like best - as the Deputy alluded - is just using the street furniture. Should we consider, or perhaps should W.E.B. consider, a prescribed route or pathway from one part of town to another utilising the tops of walls as he suggests and utilising street furniture because I think this, in fact, is what they want.

8.1.2 Senator P.F. Routier:

I congratulate Deputy Fox for bringing this forward. It is something that the Island needs and the youth of this Island does require. As we have let them down so many times in recent years, I think it is time we really grasped this and got on with it. The Members may be aware that I am a director of the Waterfront Enterprise Board. We have been committed for a number of years now to provide additional funds for a youth facility to be provided in and around the Waterfront. I believe that this site is an appropriate site for a skate park. Last week I spent a number of days in Southampton. I saw their youth facility right in the middle of a park which is surrounded by a very, very busy road. People are concerned perhaps about how Jersey people are going to get across the busy road on to the New North Quay. It happens in other places. People do cross busy roads to get to facilities. I think it can still be achieved here. The Health and Safety Inspectorate from my department have been looking at the proposal, together with other officers. They have made some observations about there needing to be a secure area for this facility. In no way do they say that the New North Quay is not an appropriate site for this. In fact they have said quite clearly that to provide a site there does require some security but the New North Quay is an appropriate place; is acceptable for it to be there. I think that with the funds that the Waterfront Enterprise Board and the requirements from the Health and Safety Inspectorate from my department which can be met, I think we should get on and provide this youth facility as soon as we possibly can.

8.1.3 Deputy K.C. Lewis:

While I congratulate Deputy Fox on his initiative, Sir, I cannot support this proposition because I believe it to be wholly inappropriate. As has been suggested before, teenagers do not walk to a location to skateboard and walk home again. They will skateboard there and skateboard back. There is not only the matter of crossing the dual carriageway to worry about - there is a crossing further down which is good - but either they come behind the Maritime Museum and into the path of the container trucks or they will come in front of the museum which has the marble memorials there. Also with marinas left and right I believe it to be an appropriate location and I cannot support this proposition.

8.1.4 Deputy R.C. Duhamel:

Last week I had the opportunity to travel to Sweden with the Minister for Environment and Planning and indeed the Constable of St. Helier - at our own expense, I might add. One of the really inspiring things that we saw - and it is a shame that the Minister for the Environment feels he is unable to speak because he would no doubt wish to endorse the things I am going to tell you now - we saw a top class skateboard park that was designed for the kids day one on industrial land. The size of it, Sir, was some 3 times larger than what is being suggested at the moment. In skateboarding I think size is everything as much as **[Laughter]** - I probably should not go there. I will start again. In skateboarding I think **[Laughter]** - I wanted to say the size of your equipment matters but I am not sure whether that is parliamentary. But if people know where I am coming from. **[Laughter]** The Constable of St. Brelade did state that this particular facility would be a Rolls Royce version. I do not really think it will be in any shape or form. It is a shame. Malmö, Sweden, decided that they would engage a top notch professional skateboarder and professional

skateboarding designer with the name of Stefan Hauser. He was happy to build this particular park outside of America where most of his work has become known. A lot of the work that has been undertaken is of such a high quality that there is an automatic direct market for skateboarding tourism, as well as keeping the kids happy in giving them something to do to help them to overcome their obesity problems or to get them to take part in much needed exercise which seems to have been crowded out of the education curriculum at the moment. Sir, I am wholeheartedly behind the concept of building a skateboarding park but I think this is too small a facility in the wrong place. There are I think other sites. I take my hat off to Deputy Fox. He has beavered away and endeavoured to find suitable sites but I think he needs to be inspired a little bit more and perhaps have another opportunity to come forward with a better site which if it could be found - and I think it could be found quite easily; I have got several in mind at the moment - then I think the Island will be better placed to provide world class skateboarding facilities for our children and indeed to move into the tourism market for this type of extreme sport event. I do have some pictures. If Members are interested I would be quite happy to pass those pictures round. Not only is the skateboard park in Sweden top notch but they did have ancillary facilities which with a little bit of thought do not have to cost the earth. There is talk here about amenity provision and cafés and things. One of the café facilities that was built for the kids was just portacabin-style so the costing for providing that facility was enough to get the show on the road, so to speak, but not so much as to stop it from happening. As I say, Sir, I think 9 marks out of 10 for Deputy Fox for trying but it is the wrong place. I do agree with the comments that are going to come from Harbours and Airports in a moment that it is not necessarily the best site for such a facility. Indeed I think if we do manage to go ahead with this much needed facility then it should be of a larger type and we should be taking advantage of the world class designers for this type of facility that do exist.

8.1.5 Deputy S.C. Ferguson:

I am sorry that Deputy Duhamel did not tell us how much the skateboard park in Malmö cost because I think that might well be relevant. Yes, I in fact support my Connétable. We have plans here to spend £700,000; nearly three-quarters of a million pounds. How many people is it for? It is not going to be very big. I am a little sceptical about the involvement of Health and Safety. I have every respect for the Health and Safety people but we tried to get a small skateboard facility in St. Brelade at Les Quennevais. It started at about I suppose £15,000 or £20,000 with just a half pipe. But by the time everybody official had finished being involved with it, we were getting on for £100,000 so we gave up. As for using street furniture, they do not just skateboard. I have seen them jump off statues with their BMX bikes. I thought they were going to break their necks. No, I am sorry I cannot support this, not without a lot more of a business plan to go with it.

8.1.6 Deputy S. Power of St. Brelade:

I do wish to speak on this proposition because I do believe passionately in the operational integrity of the port of St. Helier; the Port Users Association, the problems they have today. If ever this proposition does get to the Planning Department then I will state that I am conflicted because I have spoken on this proposition. Sir, in 2006 - I was not that long a Member of this Assembly - there was a debate on the demise of the old skateboard park at the bottom of Gloucester Street. Because of that debate it spurred in me an interest in looking at the nature and design of skateboard parks. During that spring and summer I did a great deal of research on skateboard park design; timber versus concrete, indoor versus outdoor. There is a wealth of information out there. I agree both with what the Constable of St. Brelade has said about street skating and what Deputy Duhamel said about a Rolls Royce scheme. Sir, I did enjoy the cunning simplicity of this proposition in shoehorning a skateboard park between a 5-star marina - our most used marina for visitors - and the New North Quay that handles something like 150,000 freight movements a year. I did also, Sir, enjoy the simplicity of the concept of putting a fence up along the line between the New North Quay and the Maritime Museum or the café there. But as other speakers have said, I wonder what would happen to the wandering skateboarder who happens to enjoy the rims of the steam clock and

the edging of the steam clock and the flat ideal associated piazza area. So while I like the simplicity of this proposition, I do not think it is going to work. I have a reservation about drawing children and skateboarders to this area and I would like to develop on that. I do not think it is a good idea. That is based on the fact that I think mixing marina pedestrian traffic with skateboard pedestrian traffic and Maritime Museum pedestrian traffic will not work. I would like to see a school holiday study as to the density of visitors that would use the skateboard park during particularly spring and summer holidays. I referred previously to some of the studying I did in 2006. As a result of that at the tail-end of a trip to the U.K. in 2006 I also visited some skateboard parks. I visited 3 in actual fact; one in Ipswich, one in Milton Keynes and one just outside Birmingham. The Ipswich one sounds very much like the one that was described in Malmö. It is a very sophisticated, large, land-locked site which is done in concrete. It was designed by a professional skateboard architect and engineer in the U.K. The Milton Keynes one was very similar to what the Constable of St. Brelade described. It is one of the most popular in the U.K. It is adjacent to Milton Keynes bus station but it is away from the bus station and located in a cul-de-sac on a disused piece of road. That is all rails, ramps, curbs and this kind of free street type skateboarding. The Birmingham one was an indoor one. It was located in an old industrial building in a strictly Islamic area of a suburb of Birmingham. While it was miles away from what you would regard as residential Birmingham, some world class skateboarders from Birmingham use this almost on a daily basis which brings me to my main point. I, Sir, have on a number of occasions expressed my deep concerns and indeed my frustration and tiredness with creeping leisure, residential and commercial developments coming into the port of St. Helier and compromising the operational nature of the port, the operational capacity of the port. Since 2003 since residential developments have been brought into Avenue de la Reine there have been complaints about forklift trucks within the compounds of loading and unloading freight. There have been complaints about forklift trucks and there was on one occasion a complaint about rigging on the yachts in the Albert Marina. I do worry about compromising the operational capacity of the port. I would very much like to see a health and safety report on the implications of this skateboard park in this area before I could support it. I do have an interest in finding a suitable location for a skateboard park. That is why I took the time and trouble to do what I did and visit 3 skateboard parks in 2006. However, like a number of previous speakers I do believe that this is the wrong location. For that reason, Sir, I am not minded to support this proposition. However, I do support the principle of a skateboard park and indeed I am willing to help.

8.1.7 Senator B.E. Shenton:

I was going to be brief and just point out that Health Protection are in favour of this location. They had been asked to look at a number of alternative sites and for various reasons they were deemed to be unsuitable. However, I would just like to take to task a couple of the previous speakers. When Deputy Duhamel was in Malmö obviously he failed to notice that Malmö is quite a bit bigger than Jersey; significantly bigger than Jersey. What the youth of Jersey want in terms of a skateboard park is not world class facilities on the scale of Malmö. They want facilities suitable for Jersey. The same with Deputy Power when he spoke about Ipswich and Milton Keynes, again very large cities. Deputy Power is in favour of the principle of a skateboard park as long as it is not in Jersey by the sounds of things because he has been looking at it since 2006 and has come up with no idea of where to put one. Deputy Ferguson said that the skateboard park would cost £750,000. According to the proposition the cost is around about £100,000 towards youth facilities and £100,000 funds for a skateboard park. **[Interruption]** I cannot find any mention of £750,000 for a skateboard park. Maybe the one in Malmö cost £750,000 but certainly the one in Jersey is not on the same scale. I think at the end of the day we do not tend to do a great deal for the youth of this Island. They do want a skateboard park. They do want the facilities. I have every sympathy with Harbours. Perhaps it is not the ideal place but it is the best place we have got. Those that stand up and just say: “No, not here” but do not offer any realistic suggestions must realise that there is nowhere else. It is either a skateboard park today on this site or no skateboard park at all.

8.1.8 Deputy A.J.H. Maclean of St. Helier:

It is with genuine and deep regret [Laughter] that I stand to oppose this somewhat appealing proposition; appealing at least, I should say, at face value. Sir, I am doing so on behalf of Jersey Harbour's economic development and port users which - Deputy Fox I hope will note - is a very much joined-up approach. I must firstly apologise to Members that the comments relating to this proposition that were e-mailed last night and circulated again this morning were not available earlier. However, we had hoped to be able to negotiate a withdrawal of this amendment and as such discussions have been ongoing but I am afraid have proved ultimately fruitless. There have also been ongoing and constructive consultation with port users, both leisure and commercial, and port associations who have expressed their disbelief and total opposition to this proposition. I will explain the reasons in more detail shortly but firstly I would like to applaud Deputy Fox for his hard work and determination in pursuing this important issue to deliver better facilities for young people. I also fully support the need for youth facilities in St. Helier and Island-wide, as do Jersey Harbours and Economic Development. But after detailed consideration we are now strongly of a belief that this site is completely inappropriate. Members will see on their desks comments relating to this particular proposition. These comments include an aerial photograph of the proposed site and its relationship to the commercial port, the visitor marina and the Maritime Museum. Members will also see attached a poster prepared by the port of Milford Haven. This poster formed part of an awareness campaign aimed at educating young people about the dangers of playing around in a port. There have been many sad instances of injury and indeed deaths of young people in ports around the United Kingdom and because of these incidents the Association of British Ports, the largest port operator in the U.K., ran an awareness campaign which is still ongoing. These awareness campaigns were run in conjunction with the community police, education, fire and rescue services and included talks with schools about the dangers of ports. Both campaigns have the objectives of trying to reduce vandalism and accidents within the confines of working port areas. The commercial director of Jersey Harbours has informed me of problems at her previous port of Milford Haven where skateboarders used the marine car park as an unofficial skateboard park and from there, once bored, their favourite pastime was to jump from the dock walls into the marina. On the subject of injury it is interesting to note the comments from the *Journal of Paediatric Orthopaedics* into the impact of dedicated skate parks on the severity and incidence of skateboard, rollerblade paediatric fractures. The findings indicated that the use of dedicated skate parks is associated with a significant increase in the severity of such fractures. Bearing in mind that it is proposed that this skate park should be unmanned - to reduce costs I assume - it is concerning to read in this report of the fact that only 5 per cent of children were wearing any form of limb or joint protection. The authors believe understandably that there should be much closer supervision and indeed training for children using such facilities. Perhaps I could ask the Deputy if his department at Education, Sport and Culture are intending to provide any form of supervision or training for this proposed facility. We have undertaken extensive research and consultation with port users, both leisure and commercial, which clearly identifies the development of youth facilities in this area will represent health, safety, security, reputational and financial risks to both Jersey Harbours and of course to the Island. This proposed site is in the middle of a commercial port where land resource is already extremely stretched. It represents exceptionally valuable commercial land that is also essential to the future development and viability of the port. The site currently has a budgeted income from the temporary parking of £68,000 per annum. However, the future development potential which includes the relocation of the nearby Marine Leisure Centre which has just 2 years left in its current location is estimated at £200,000 per year; a revenue of £200,000 that of course will be lost if this proposition succeeds. Although I must point out that it is clearly recognised by all concerned that this is not just a matter of money, however, I implore Members to consider a fair balance of all fair and relevant factors when considering this proposition. A further example is the significant health and safety risks with establishing a skateboard park in this commercial area which currently has - as has previously been mentioned - 150,000 freight vehicle movements each year. Although we understand that the intent is to ensure

that users would access the skateboard park to the south of the Maritime Museum, Members will appreciate that young people are unpredictable and have a habit of roaming. It should also be noted that the proposed access route in front of the Maritime Museum will be damaging to this important heritage and tourism attraction. It should also be remembered that approximately 21,000 visiting yachtsmen also have to use the same route to gain access to marina facilities and to St. Helier. As the skateboard park is intended as an extreme sports facility, it is easy to envisage BMX bikers, skateboarders and those using rollerblades using the proposed access route along the side of the visitor marina in front of the Maritime Museum as an additional play area; not to mention, of course, having to cross the dual carriageway a short distance away. Members may recall the very bad U.K. media report a few years ago when the loutish behaviour from some young people in this area was reported by visiting yachtsmen. We are committed to growing the valuable marine leisure industry but risk losing the 5-star gold anchor status if marina facilities have to be downgraded as a result of this proposed skateboard facility. This of course would lead to additional further revenue losses. This proposition indicates that there are no financial or manpower implications to the States. However, this is simply not the case because as the managers of the land it is incumbent upon Jersey Harbours to ensure that the area is both safe and secure. By attracting more young people to this area, should this proposition succeed, Jersey Harbours would need to provide increased security. We have sought advice from the Health and Safety Inspectorate. They have advised that Jersey Harbours would be responsible under the Health and Safety at Work (Jersey) Law 1989. Article 5 of the Law identifies managers of land as those with a responsibility to ensure health and safety of all persons that use that land. This duty extends to the need to take into account of unauthorised persons entering areas where they may place themselves in danger and to ensure that persons who are authorised to work in the area are not placed at risk to their own health and safety by the actions of unauthorised entrants. The Director of Health and Safety in a letter to the Harbour Master dated 25th January 2008 comments and I quote: "There is a known record of young persons entering areas of St. Helier Harbour where they have placed themselves at risk. In particular I am aware of one incident where a young man suffered serious injuries when he fell from an area of the New North Quay. In my view it is therefore foreseeable that the siting of the proposed skateboard park will result in greater temptation for young persons to enter the commercial area of the New North Quay." The Director of Health and Safety went on to say: "The extent of the safety precautions that Jersey Harbours will need to evaluate, based on the record of incidents, will need to include permanent security personnel for the area but as a direct recommendation of, I, the Director of Health and Safety." As well as safety there is the security element which under the International Ship and Port Security Code, Jersey has to comply with. Under this code the freight area adjacent to the proposed skateboard park is a designated restricted zone. As such it is subject to tight security controls which are monitored and audited by Translink, a branch of the U.K. Department of Transport. Non-compliance could involve a restriction of the operational use of the Quay and possible cancellation of sailing if security were found to have been breached. An initial evaluation of the cost that will fall to Jersey Harbours to meet their legal obligations is estimated at £40,000 as far as additional fencing and security equipment is concerned, as well as funding additional security personnel estimated at upwards of £80,000 per annum. This of course does not take into consideration the loss of revenue which could be as much as £200,000 a year. To ensure that Jersey Harbours understood all the potential risks, the management team also arranged to meet the president of the Channel Islands Skateboarding Association. The Association pointed out that they believe the funding allocated by W.E.B. for the skateboard structure - namely £100,000 - is inadequate to provide the type of facility that their members would require. W.E.B. is planning to invest £100,000. This is not for a top notch, gold-edged facility. It is certainly a very ordinary facility which the Association themselves are not entirely satisfied with and believe there is a further £140,000 required to provide the sort of facility that they would like to see. Perhaps indeed the extra £140,000 is a sum that Education, Sport and Culture would consider adding into the pot to ensure this facility, should this proposition pass, meets the standards and aspirations of the Association. If we go ahead and effectively build this

facility at the level that they have in mind there is of course a risk that it will not be properly utilised as it does not meet the criteria set out by the Association. On the subject, of course, of use it is interesting to ponder exactly how many skateboarders there are likely to be who might take advantage of this expensive facility. In December 2006 we got a fairly clear indication to this through the Wheel Jam event. This event was held to promote skateboarding in the Island and to feed into the feasibility of the provision of a permanent facility for skateboarders in Jersey. The event included bringing one of the sport's best known professional teams over from Europe. The event and the temporary skateboard facility was heavily advertised and promoted to encourage young people to watch and learn from the professionals and then to enjoy the facilities themselves. However, the statistical evidence that resulted from this event clearly demonstrates the number of young people wishing to make use of such a facility is very low. The majority of those taking advantage of the temporary skateboard facility consisted of a core contingent of just 40 young skateboarders. On the face of it, the evidence of this event suggests that the number of young people involved in the sport of skateboarding is low; at least as far as dedicated facilities are concerned. Serco who operated the event provided a report that concluded and I quote: "A permanent skateboard facility is not warranted as a stand-alone facility. The numbers using it indicate there may not be a very large skateboarding population who would make regular use of such a facility. The Serco Report went on to say: "I would be concerned that a permanent facility may not act as a means to keep skateboarders off the streets in the long term. There are different styles of skateboarding that are not all suited to an indoor or fixed arena but require participants to seek out obstacles that are constantly new and challenging. In most instances these are drawn from public spaces and include curbs, benches, railings, steps; all of which result in damage and of course a high repair and maintenance cost. It should be remembered that the appeal to skateboarders of ports is that they offer plenty of exciting but often dangerous obstacles." That of course is before we even consider spending hundreds of thousands of pounds building a bespoke facility. I would be interested to hear the source of Deputy Fox's research that leads him to believe there is a justified reason to use such valuable commercial land for a skateboard facility, bearing in mind the very limited use by a potentially small group of people. Surely we should be looking to create a sports entertainment facility for our young people that offers a far wider range of uses that will attract a much higher and more significant level of use. In fact the youth and community centre, which forms part (b) of this proposition is welcomed although I have reservations about the location. I am not entirely sure with future development of the harbour that skateboarders are going to be the people that will be wanting to use that area. My understanding is that there are going to be a number of retirement homes. I really cannot see retired people skateboarding. In reality a combined sports and community centre would seem to be a more sensible and cost-effective option rather than what we are being asked to approve today in this proposition of 2 separate facilities in 2 separate locations. I find it somewhat strange that both of these proposed facilities are not being promoted at our existing leisure complex, the grossly under-utilised Fort Regent. It is in fact curious that it is the Assistant Minister for Education, Sport and Culture who is bringing this proposition today as I understand that Education, Sport and Culture were opposed to the development of such facilities at Fort Regent which, if true, I find extremely disappointing. Several other Members have suggested other potential sites that should be investigated. I believe that this should be done and should be done as a matter of urgency. However, regarding this proposition I would urge Members to reject certainly part (a) of the proposition and task an appropriate group to find a suitable site for appropriate youth facilities that I am sure all Members of this House agree are much needed within the Island.

8.1.9 Connétable S.A. Yates of St. Martin:

I have listened very carefully to this debate and perhaps I was going to speak at length. I am sorry for the skateboarders because they seem to not be wanted anywhere. They had a suggestion of People's Park as an ideal place and then the Waterfront where the temporary skateboard park was already established but the Health and Safety Executive pointed out the noise factor. Other sites

such as Springfield, the Lower Park, St. Andrew's Park, all were resisted by Health and Safety. The Lower Park alongside Victoria Avenue: but there were concerns about the safety of young people due to the volume of traffic. Really speaking they are not wanted anywhere. I really think that there should be a skateboard park for the youngsters but I do not think it should be on New North Quay. I really believe having listened very carefully to this debate is that this seems to be a choice of last resort. To put a skateboard facility on a working port area seems to me to be pushing your luck slightly, Sir. You have got the freight traffic, according to this note, is up to 450, 500 movements a day and then 21,000 visiting yachtsmen. No, I think, Sir, this is verging on the bizarre. It is a choice of last resort and I cannot support it.

8.1.10 Senator L. Norman:

After listening to the early speeches in this debate I was beginning to wonder if I was the only States Member who had not been to Malmö. **[Laughter]** I have been to Milton Keynes but I do not talk about that very much. Sir, the enthusiasm of Deputy Fox for this project cannot be faulted. Indeed he needs to be commended for it. He has been really like a terrier over it. But indeed it is an enthusiasm which many of us share. But one thing I am absolutely convinced about if we decide to put this facility on the New North Quay it will be a decision that we will come to regret very, very shortly afterwards. The port of St. Helier is our only port; our only gateway for almost 100 per cent of the freight which comes into the Island and which leaves the Island. Over the years it has been squeezed. It has less and less space for any growth whatsoever; growth which is absolutely essential for the port if our economy is to grow in the way that we have agreed that it should grow. Just to think of a couple of areas. The area where the steam clock now is has been lost to Jersey Harbours, as is the area where Harbour Reach has been built; commercial opportunities for Jersey Harbours which have been lost and lost for ever. One of the things we just need to think about and to ask ourselves is does the port have sufficient room for its current operations and for its operations into the future? For example, is there enough trailer parking? Maybe there is just; just for now. I see Deputy Maclean shaking his head. Clearly things have moved on since I was last down the port. All it needs is a little bit of growth and the space just is not there. There are real, real problems. Is there enough warehousing? For the moment. Deputy Maclean is shaking his head again. For the moment there just might be. It is really on the margins. But even if there is at the moment just enough, one thing is certain most of them are in the wrong place. Why do I say that? Huelin-Renouf, for example, have their warehousing facility on the Victoria Quay but their ships operate from the New North Quay. Ferryspeed, on the other hand, operate on the railroad burrs at the Elizabeth Terminal but their warehouse is on the New North Quay. Not very efficient but it works. It creates 25,000 unnecessary and additional lorry movements a year but it does work even though it costs in environmental terms and in cash terms. If we do have enough warehousing space at the moment - just - that is only because I suspect that the firm that was known as Channel Island Traders decided to move their warehousing facilities to the U.K. mainland somewhere near Portsmouth, I think. Now it is quite possible that they will want to revert to local warehousing. There is no doubt that the recent difficulties with the freight ferries have caused that company's supermarkets certain problems and probably a loss of business. If they bring their warehousing back to Jersey there is no doubt that significant new facilities will be required. To strangle the port even more is no more than potential commercial suicide and should be resisted very, very strongly. This is a leisure activity that is being proposed. Fort Regent is our leisure centre, at which our leisure activities should be based and centred; a centre of excellence perhaps. Deputy Fox himself said they did try a skateboard facility at Fort Regent some years ago but because a charge was made for it, it was not very successful. Then I suggest Deputy Fox should make the facility free because if that is what it takes then do it. Then do it but do not regard a working port as fair game. Every commercial opportunity lost to the harbour inevitably leads to higher harbour dues so there will be significant financial costs and put at risk the economic growth which Jersey wants and Jersey needs. The port area must be protected for harbour uses now and into the future. Fort Regent itself needs new life brought into it. What could be better than

providing a skateboard park of the quality that Deputy Fox wants at that place because one thing is for certain; we can put a skateboard park up there, yes, but we will never put trailer parking and warehousing for the harbour up there.

8.1.11 Deputy J.A. Martin:

We have just heard from the Constable of St. Martin and Senator Norman that this is probably the site of last resort. I would probably agree with that, Sir, but because this is the site of last resort and we are fed up - I am personally, Sir, fed up as a St. Helier Deputy - I would like to commend the Assistant Minister for Economic Development for his very eloquent speech as that Assistant Minister never mentioning once he is also a representative of St. Helier No. 2 District. **[Interruption]** No. 2. I am not arguing with my Connétable. No, Deputy Maclean is No. 2 Deputy of St. Helier representative. I have listened this afternoon for all the reasons why we cannot have this facility down the port. We cannot have it at People's Park. We cannot have it at the park along the front. We cannot have it at the port. It has been suggested... we always get accused in this House, Sir, you do not give alternatives. We have now got an alternative. Let us go back to the beginning and let us put out the Fort, Sir. We have already heard from the Minister for Education this morning, there are going to be no facilities to get people up to the Fort, let alone where kids want to go. I would say that is a non-starter. We have had a misinterpretation from the Deputy of St. Brelade, Deputy Ferguson, that she thinks it is going to cost £750,000. The extra £500,000 is for the whole, and remember I am talking of the whole of the other youth facilities that have not yet been provided or are very poorly provided for the whole of St. Helier. Let me give you a few figures. Children ranging between 6 and 18, around 5,000 resident in St. Helier. The next biggest Parish is half of that, around 2,000 in St. Saviour. Even under that, near 2,000, in St. Brelade. What a lovely suggestion, Sir, from the Constable of St. Brelade. Best if there is street furniture; we do not need a gold plated solution to our skateboard park. I suggest, Sir, he had the solution in his hands. He could have had a lovely reclamation and the lovely walls and designer furniture and solved the 2 problems in one go and we could have shipped all our youths who wanted to skateboard right into St. Aubin. Would that not be a lovely thought, Sir. Get rid of some of St. Helier's youths into St. Aubin. I do not think that would have gone down very well. Sir, I am stood here and I feel sorry really for Deputy Fox because he has tried. We have had the people, the Skateboard Association. Who are these people? Does it represent 2? Does it represent 4? I know that they are very keen youngsters. They went to the Parish of St. Helier. I mean to get youngsters to a Parish Assembly in St. Helier is very hard going but they approved the drawings that were going to be on People's Park. They said they would like to see these not there. Where are we now? We are on the port. Again I agree maybe it is not the best place. What annoys me as well, Sir, we have a whole Ministry who deliver me a few comments and a few pictures today to tell me why we cannot have it there. But then if I read deeply I get a few reasons why I should have it there. We are told I have got children hanging around and it is a dangerous place to be. But the Assistant Minister tells me, Sir, he would have to commit an extra £40,000 on fencing and £80,000 on security personnel. I say money well spent, Sir, because the children are going to be there anyway. This is - as to put it in the words of the Deputy of St. Martin - the site of probably last resort. Sorry, the Constable of St. Martin. Sorry, Sir, I did get his Parish right **[Laughter]** even if I got... sorry, they do move around. I am sorry. I know that he is a very young Constable as well. No, what I am saying is, Sir, he did say the last hope. But we go back to a debate we had earlier I think - I cannot resist it - about people out there are listening to us and promises; damn tomorrow. St. Helier is not just damn tomorrow. To me, I thought of something when Deputy Maclean said who is going to teach these kids to use a skateboard. I have visions of, if or when we ever get a skateboard park, we will be like Back to the Future where they all turbocharged and they float along the ground at least 3 feet above the air. All right, if you fall off you still fall off but you can still glide along lovely even out to St. Aubin. I am probably rambling, Sir, but I get so annoyed when it comes down to St. Helier which we are told St. Helier port is committed to the yachtsmen and the leisure industry. St. Helier is committed to make urban living absolutely envious so

everyone from the country Parishes wants to move into town. We are committed to the youth of the Island to give them facilities. We are committed or we should be committed, Sir, because we have not done one of those things. If this is not passed today it will just ride on. I will certainly support this because if it is the worst place on Jersey to put a skateboard park, let the Council of Ministers in their wisdom come back to the House in very short time - because it says by the end of 2008 we would like to see it built - but we want it delivered. I, as a representative of St. Helier but also as a representative of all these children on the surrounding Parishes who congregate in this Parish of St. Helier most evenings and most weekends, I want to see it built. I want to see it built and I want to see a true commitment to the youth of this Island. I cannot because Deputy Hilton is looking at me... we are going to be told or we are going to be promised that we are promised a town park but look what we are going to have to give up to have 150 yards away 1,000 space car park put in. So I suggest there, Sir, if we are really committed and if Housing really do not need those houses, beautiful place for a skateboarding park, cannot see any danger there at all. It could be fenced in lovely and it is right in the centre of St. Helier. With the town park next door there may be a few more leisure things for people to do. But I really do say, Sir, I will support the Deputy. We have had every reason why we should not support him: it were dangers, everything else and we will not... the children will not get this facility if this is let go again today so I hope at least the majority - even if they are Assistant Ministers - who represent St. Helier and the surrounding Parishes can support this. Thank you, Sir.

8.1.12 Deputy G.W.J. de Faye:

Like many other Members, I really am an enormous admirer of the very fluent and eloquent presentational skills of Assistant Minister Deputy Maclean. Indeed, it must be a real pleasure for his clients at his estate agents business to have him guide them around various properties within his own inimitable stoic. Indeed, this afternoon I felt that I myself had been guided around a very, very large rambling country residence by the Deputy. I will come to that - the details of his most interesting presentation in due course but, like Senator Norman, I have... my imagination has been captured this afternoon by discovering the number of States Members who pack up their skateboards and go off to exotic locations - Malmö, Ipswich - was it not - and it is impressive and clearly the fitness levels must be rising. I, personally, have visited skateboard parks in California, Japan, Australia, but being tight-fisted, all by the wonder of the worldwide internet web and I did not have to depart with any money or even get out of the seat next to my laptop. There are, of course, wonderful and fantastic skateboard park designs out there - of every nature, of every type, of every size - but I am afraid some Members seem to be missing the key point; there is not one in Jersey and there really should be one in Jersey for the very keen local skateboarders, BMX bikers and the young people of this Island who we say, so often, that we care so much for, have their interests at heart and when it comes to putting our money where our mouth is, we keep our hands firmly on the wallet and the wallet stays in the pocket and nothing happens. Senator Norman also amused me - it is always nice to go down memory lane talking about all those lost opportunities down at the harbour. I was trying to remember who was President of the Harbours and Airports Committee at the time. **[Laughter]** But, indeed, there is a somewhat unfortunate history down at the harbour, you know, not really having helpful communications with former W.E.B. operations and suddenly discovering that where they thought they had got lots of storage space, someone was going to build a residential accommodation, and we know that there have been difficulties and they are very sensitive and paranoid about what appears to be the slowly dwindling empire down there in respect of space. Indeed, talking of lost opportunities, Fort Regent - that has been a lost opportunity ever since the original Fort Regent Development Committee failed to grasp the nettle about which was simply the only way to make this place work as a leisure centre is to make it easy to get into and once the cable cars went, and the access from the town centre disappeared, I am afraid Fort Regent was condemned to a slow and wildering and mouldering death which we continue to witness. So why was the initiative not taken by former Assemblies to get that sorted out? Then, perhaps, young people might be up there now using Fort Regent for skateboarding but

they are not and we know that they are not the slightest bit interested in walking all the way up there to try and take part in... it is just not going to work. So, cast away the spurious suggestions about, well, there is always a possibility of somewhere fabulous up at Fort Regent. The young people do not want to go there. They do not want to go to Mount Bingham. The fact of the matter is they like, roughly, around a place called the Weighbridge, which thoughtfully we have just dug up. And have we, in taking the opportunity to, put in some skateboard facilities? No. I understand it is a free petanque court. Now, in my experience generally speaking petanque is not a game that grabs the youthful mind. In fact it is a game that my grandfather used to play when he went to France with all his old French chums, not one of them with anything other than white hair. Not many young folk, even in France where petanque comes from, were in evidence. No, it is hardly a deal for the youngsters who I know used to love performing down at the Weighbridge, smashing up my bus shelters, banging up the seats. Why? Because there were people standing in queues. They had an audience to perform in front of, pavements to jump on and off and now we have taken that away and replaced it with nothing. Now I knew when Assistant Minister Maclean announced "deep regret" that we were going to be enduring a level of negativity from the harbours department but I really have to say, in terms of negativity, they have been scraping the barrel. There has not been any issue of negativity left untouched. They are concerned about health, safety; they are concerned about security.

Deputy A.J.H. Maclean:

Sorry, I would just ask the Deputy if he would give way? There was one issue. We did not cover anything to do with environmental issues, Sir.

Deputy G.W.J. de Faye:

I am waiting for your Minister to stand up. **[Laughter]** Well, I am sure we will get a different response from Senator Ozouf because I happen to know that Senator Ozouf has a reputation for being a "can do" person. There is not a negative bone in Senator Ozouf's body which is probably why he let his Assistant Minister lead the charge. "Reputation issues", that is a good one. **[Laughter]** Reputational issues assumes a reputation to start with and that is debatable. "Financial risk to Jersey harbours and the Island." Clearly this proposition has all the elements of catastrophe? But not when you come to analyse the fine detail of the arguments that have been put up for it and I regret that it is obvious that Assistant Minister Maclean is not a skateboarder because, if he hung out with skateboarders, as I do from time to time... oh, yes. Oh, yes I do. He would know that this interesting statistic about 150,000 vehicle movements a day - well, it was a year. When you pare it down to a day and work out how many hours in a working day there are, it is only about one of these big lorries every 40 seconds or so; it is not exactly a busy road. I would imagine a skateboarder, given 40 seconds and hearing a lorry coming, would have a reasonable opportunity of getting out of the way. Not that they are going to be in the way because they are going to be in this special, purpose-built building. But the other key feature, which I think rather undermines the whole of the interesting research that the Harbours Department have put into this topic, is that all these vehicle movements occur from the early morning and start wrapping-up by mid-afternoon. Now, has anyone seen skateboarders come out to play before about 4 o'clock? No, they do not. This is a late-afternoon and evening activity. I mean, how many commercial vehicle movements go on at the weekend? Not very many, as far as I am aware. That is when most skateboarders really like to cut loose - at the weekend. Does not really seem to fit in with what we have been told as a serious clash of commercial activity. And one can go on down - dear oh dear. This really does not show a lot of sympathy with young people, does it? It should also be noted the proposed access point in front of the Maritime Museum will not help that important tourism attraction. "Will not help"? I would have thought it is going to be jolly handy - young people going past a maritime museum. Perhaps they did not know it was there. Perhaps they might be encouraged to go into the Maritime Museum. I mean, park their skateboard outside and take a look around. That is, indeed, the idea of maritime museums - to generate a bit of interest from young people. So why not have

them - get a bit of passing trade as they go down into the purpose-built building in which they are generally enclosed which puzzles me as to why there are these extreme security issues. There seems to be a bit of conflict about what Health and Safety Inspectors do make of all this but, as far as I can say, I would far rather be funding the odd security personnel down at the new skateboarding facility on the quayside, rather than having to fund the security personnel around Liberation Bus Station where, in fact, all the skateboarders will probably end up if they do not have anywhere else to go. So there are issues that are broader than just the harbour aspects. Where are, in fact, all the skateboarders now? They are slowly creating their own form of damage all around St. Helier. I think this is a great idea and it is a shame that there is such resistance to it, I think on largely spurious grounds. After all, I am of the general understanding that we want to move the harbour around to the other end of the harbour anyway. So, this may be some bit of the jigsaw that is out of place for a few years, but I think it is time that we encouraged our young people in some positive way and I can see nothing more positive than this. The location is pretty much the right place. We know one of the most popular areas for our young people to meet is right outside on Liberation Plaza; a matter of 100 yards or so away. I can see this being a very, very popular facility and I think that it is something that we should grasp the nettle and get on and do.

8.1.13 Deputy G.P. Southern:

Vintage de Faye. I will not try and attempt to get anywhere close to the quality of his rhetoric. But nonetheless a couple of points I think that need emphasising. Once again here we have got, yes, total support for young people and the praise for Deputy Fox for being so brave as to bring his excellent proposition forward and working so hard on it. Wait, but - and what a list - as Deputy de Faye has so successfully pointed out, what a list of buts. I am sure I remember hearing Deputy Maclean saying that he was 100 per cent behind young people on the hustings platform when he stood alongside me not 3 years ago and how he would give his absolute support: "They are the future." All the clichés come out. I have no doubt, no doubt, he will be saying it again on some hustings of one level or another in the very near future. Total commitment to young people: "They are our future." Except that I can invent any number of reasons for not treating them with a bit of respect and doing something for them, because that is effectively what it amounts to, and of our priorities, where in the list do young people come? Remember they will, I hope, be voting this time. They will be in the audience for the hustings and no amount of: "Yes, but I was thinking of your best interests of your health and your safety" is a dangerous thing. "Your health and safety"? For every day that we do not have the skate park up and running those skaters are on our roads, on our pavements, annoying people; but on our roads taking their lives in their hands. It is only a matter of time before somebody does go under a truck. Not down at the harbour, but down in St. Helier. So, in terms of health and safety, the sooner we can get a functional skateboard park up and running the better it will be for the health and safety of our young people - our young skaters. So, where in the list of priorities do young people come? Well, I think we have seen it. They come a long way down below commercial interests. Strip out all the rhetoric, strip out all the pious, hypocritical sentiment out of that speech from Deputy Maclean and what have you got? It will cost us some money. It is valuable commercial land. We will be giving up a certain amount of money that is coming in. Money, money. Money, money, money. We might have to put up some fencing. We might have to take care of the health and safety aspects and that will cost us. Money, money, money. Where are those kids in our priorities? It seems to me they are sinking down the list; disappearing out of view. And the reference - that was a nice one - the reference to the research that had been done about only 40 established skateboarders interested and that this facility will be vastly under-used. Well Serco - that well-known philanthropic organisation that will do anything as long as there is a bottom line on it and deliver anything providing that their cut is significant - they did the research and said: "There is no demand for it." What they showed was there was no demand for a skateboard facility out at the Splash because that is where it took place. "Get yourselves out there, all you 14 year-olds and 16 year-olds" - you know you cannot even get there - and then found that they did not turn up. Well, there is a surprise, there is a surprise. So

there is no call for a skateboard facilities down at the Splash. But there may well be, as Deputy Martin said, for the 5,000 in town - a demand, and there is a demand and we should get on with it. We should get on with it soon. A final point: Deputy de Faye mentioned that these kids are not skateboarding up the hill to get to Fort Regent but they may be skateboarding down the hill putting their lives at risk. The sooner we get on with building a facility - and this facility, let us vote for it now - the sooner we get on with that, the better for our kids.

Deputy A.J.H. Maclean:

Could I just clarify a point, please. There was an inaccuracy from Deputy Southern. He mentioned the Serco event and mentioned that it was at St. Ouen. In fact, it was not. It was at the Waterfront. It was held in December 2006 and it was on the Waterfront and that was what the report that I referred to is to do with.

Deputy G.P. Southern:

I do apologise for getting it wrong.

8.1.14 The Connétable of St. Helier:

I must say, the Deputies of St. Helier have been on fine form this afternoon. I particularly want to commend Deputy Martin for what I thought was a vintage speech but Deputy de Faye also was a powerful antidote to that of Deputy Maclean. I only want to say a few brief words, Sir. First of all I hope very much this proposition will go through this evening and the reason I say that is because, while many Members may have misgivings about the exact location, it seems to me that we must give Deputy Fox and we must give the young people today the hard currency of approval by this Assembly. It may well be that a better site will be found and what better way to put the feet to the fire of Economic Development than to approve this today and they, sure as eggs are eggs, they will be out tomorrow morning hunting around to see if they can find a bigger space, maybe a safer space, maybe a less commercially valuable space, but they will be looking for somewhere tomorrow morning if we approve this, this evening. So I would urge Members that not to turn it down for any of the very feasible and valid reasons that many Members have come up with. It is, of course, absolutely right that Jersey has a skate park and a good skate park and I do not want to see some half-baked assemblage of rusting metal half-pipes. I want to see a world-class facility because I want people to come to Jersey to skateboard. I think that is in the interests of local skateboarders and it is in the interests of tourism. So I sound a word of caution; if the skate park does go ahead in New North Quay, I will certainly be wanting to work closely with W.E.B. because I do have concerns, and the Skateboard Association also have concerns, that they may be fobbed off with a facility which will, after all, be quite easy to remove in a couple of years' time when the full commercial value of this site is to be realised. So wherever it is built, whether it is here or maybe the steam clock could be removed, I do not know, but I am sure that we can find a place in the bowl of St. Helier close to where the children are, where we can construct a skateboard park, and I am quite happy for it to go where Deputy Fox is proposing, if that is where it has to go. I ask Members, and we have had some very humorous speeches - and perhaps we all needed some levity this evening after what has been a very difficult day for the Island - we have had some humorous speeches but I could not help being struck by an irony. This morning we were thinking about children; vulnerable children who have suffered dreadful fates on the Island. This evening, is the Island's Assembly going to turn down a skate park for its young people? I urge the House to approve the proposition.

8.1.15 Deputy C.J. Scott Warren:

Is this the only location or not? That is the question. Can the Council of Ministers find a better site and will Ministers give a commitment to do so? The location is certainly not good but can a better site be found? Yes or no? Can one be identified and progressed with speed? We do need to have a commitment to identify another site before this one is totally rejected.

8.1.16 Deputy I.J. Gorst:

I might not look that old but this afternoon unfortunately I have got to say I have heard it all before. Do we, as a government, support and value our young people? If we do - and I hope that we do - then we must support facilities for them. Words are not enough. If we have agreed that we support them and we support facilities for them, the only question remaining is where, and I ask Members to indulge me for a moment. Some have said this afternoon that they are aware of other sites that might be suitable. If Members were now to rack their brains and think of sites within the basin of St. Helier and hold that thought, I can assure you, I can assure Members, Sir, that that site has already been considered and been eliminated; mostly because of health protection concerns, some because of economics and others because of size and situation. Is this site the perfect site? If I am honest, probably not. However, there is no perfect site. Deputy Power earlier said: "We could not use this site because it would attract young people to this area." For a gentleman who professes to be concerned about the marina and the harbour, I am surprised that he is not aware that young people are already using the marina and the Waterfront area to skateboard on. So it will not be attracting young people to an area; they are already there using the area in what is probably a more dangerous manner than would be the case if there were proper provision there. Deputy Duhamel suggests that what we really need is a larger site. Well, he may be correct, but as I said earlier, there are no suitable, larger sites within the basin of St. Helier. The Assistant Minister for Economic Development told us that Serco produced a report after the Wheel Jam event in December telling us that there were only about 40 regular users of that skateboard facility which was put on for around a fortnight. What he forgot to tell us was that for those 2 weeks we were under gale force conditions and people literally avoided going out as little as they could. I am being beckoned to from across the Chamber, Sir, but I do not understand so I will pass on.

Senator J.L. Perchard:

May I? I think there was a charge as well to the young skateboarders to enter the facility?

Deputy I.J. Gorst:

I thank Mr. Perchard, indeed there was, yes. We do not live in Utopia, nor should we look always for Utopian solutions because they just do not exist. However, this site does have qualities and, in fact, I should like to thank the Assistant Manager for Economic Development for his list of 16 reasons why this site is workable that he e-mailed to Members yesterday afternoon. It is, after all, only used as an excess or overflow car park facility. Is it really acceptable that a car park has priority over the much-needed provision of youth facilities? The Economic Development Department also suggest that the best approach would be to set up a working party to solve this problem. On the surface, an excellent idea, until we stop to see who might it be that would sit on such a group. Perhaps the Chairman of the Waterfront Enterprise Board, or maybe the Chief Executive of the Waterfront Enterprise Board, or maybe the Chief Executive before the current Chief Executive, perhaps a couple of directors of W.E.B. Of course we would want to include the Parish of St. Helier, perhaps the Constable and some of his officers, the Chief Minister, the Minister for Education, Sport and Culture, the Channel Islands Skateboard Association, of course the Assistant Minister for Education, Sport and Culture, a representative of Harbours, the Minister for Planning, representatives from Health Protection. Well, Sir, all these individuals have already been involved in getting to the point that we are at today. I, of course, have only been involved with Deputy Fox and this project for the last 2 years so I am a new boy. However, this project has seen a typical: "I support youth but just not on this site." Deputy Fox has informed us earlier that this yo-yoing has been ongoing, not for the last 2 years that I have been involved, but for the last 30 years. This proposition will finally stop the merry-go-round of the provision of youth facilities once and for all. Economic Development are convinced that this is the wrong site but Waterfront Enterprise Board consider that this is a suitable site. Education, Sport and Culture consider that this is a suitable site. By accepting this proposition, the Assembly will be concentrating minds as the Connétable of St. Helier so eloquently put it some moments ago. If we accept this proposal, we

will ensure a youth facility is provided. If we reject this proposal, then no youth facility will be provided and the merry-go-round will continue. The platitudes of: "I support youth facilities" will continue to be muttered but by rejecting this we will have ensured, yet again, that they remain only words. I should like to take this opportunity, Sir, to congratulate Deputy Fox for his hard work and continued effort in supporting and ensuring that youth and youth facilities are at the forefront of his department's mind, of States Members' minds and of this Chamber's minds. I urge Members to support the youth of this Island and to support this proposition. Thank you.

ADJOURNMENT PROPOSED

Senator F.H. Walker:

Although I do so with some regret because I would like to see, as the Constable of St. Helier said, us arriving at a conclusion tonight, many of us will be heading out to Gouray Church for the service this evening so I think, with reluctance, I would like to propose an adjournment.

The Deputy Bailiff:

I was going to say, it is 5.30 p.m. At the moment I have 5 Members who have indicated to me they wish to speak. So, the adjournment is proposed. All those in favour of adjourning? Those against? In which case, the Assembly will adjourn until 9.30 a.m. tomorrow morning when this debate will continue.

ADJOURNMENT