

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 30th NOVEMBER 2010**

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

[09:45]

## **QUESTIONS**

### **1. Written Questions**

#### **1.1 SENATOR J.L. PERCHARD OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PLANNING PROCEDURES:**

##### **Question**

Who is undertaking the review of Planning procedures?

When is the review expected to be completed?

Will the Minister publish in full the findings and recommendations of the review?"

##### **Answer**

The review of the Planning and Environment Department's Development Control process has been undertaken by POS Enterprises Ltd, which is the operational arm of the highly respected Planning Officers' Society.

POS Enterprises have completed their work and their report will be published shortly.

#### **1.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE AIRPORT DIRECTOR:**

##### **Question**

Will the Minister advise when the resignation of the Airport Director will take effect, whether a new Director been appointed and, if so, when he or she will take over from the current post-holder?

Would the Minister further advise whether the current post-holder is presently acting in a caretaker role and, if so, is he implementing any new policies at the Airport, and if so, why?"

##### **Answer**

The resignation of the Airport Director will take effect on 31st March 2011. The successful bid for the Recruitment and Executive search process has recently been agreed and the required paperwork is currently being updated. It is anticipated that the advertisement will go to press before Christmas with the new incumbent starting early April 2011.

The current post-holder will continue as the Airport Director with the full responsibility and accountability that goes with the role until 31st March 2011.

#### **1.3 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING LITERACY LEVELS:**

##### **Question**

What measures, if any, has the Department taken in order to ensure that every student leaves the education system as a literate citizen and, in doing so, has consideration been given to the French

system whereby students are held back until a certain level of literacy has been achieved and, if not, why not?

**Answer**

The Department has a clear literacy policy, which applies to all States schools and colleges. The system has been tailored specifically to meet the needs of Jersey's students. The Jersey Curriculum is a differentiated curriculum which enables pupils' needs to be met while remaining in their year group with peers and friends. This, we believe, is an important principle. Pupils are only moved from their year groups or held back in exceptional circumstances and only in consultation with the department's senior educational psychologist. We are aware of the practice in France and other European countries but feel it is not in the best interests of children to be held back because of the serious impact this can have on their self confidence and self esteem.

Pupils are continually assessed in English by their teachers in school. These assessments are moderated by a trained team across the year groups and key stages. Schools are supported in their teaching of English by a specialist Teaching and Learning Advisor who is part of the Schools and Colleges Team who visits all schools and provides central training.

A Professional Partner allocated to each school, monitors the application of this policy, reviews progress every term and considers a report prepared by the schools team. In addition the Professional Partners meet the head teachers annually to analyse specific achievements including each pupil's performance in English.

Every school has a pupil tracking system in place. This gives every teacher the tool to be able to monitor every pupil's progress against age-related expectations which identifies those pupils who require additional support in reading. Primary schools have a successful programme for pupils who experience problems and a reading recovery programme provides one-to-one targeted support outside the classroom with a specialist teacher. Secondary schools also prioritise support for those pupils who need help with literacy.

The Department administers an island-wide Reading Screening programme, which has been in place for four years. This screening provides schools and Professional Partners with detailed information which supports and challenges their in-school assessments

Literacy is also a major focus with the post 16 students at Highlands College. These young people are given the opportunity to study courses that are designed to develop literacy skills that are directly relevant to the work place and adult life.

**1.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS  
REGARDING CELL PHONES AT H.M.P. LA MOYE:**

**Question**

The response to my written question of 16th November 2010 regarding computers at the prison is silent as to where the funding for internet facilities came from, would the Minister supply details and also advise how many mobile phones or sim cards have been confiscated from prisoners over the last 3 years?"

**Answer**

The only people who have direct access to the internet at the prison are the education staff. This costs £18.53 per month and this is met from the Prison's budget allocation.

In September 2007, the Prison Governor at the time and the Head of Learning and Skills made contact with the UK company that has developed the Prison Network, following research into the use of information technology to support learning through a Virtual Learning Environment (VLE). The VLE is a software system which is designed to support teaching and learning. It provides a collection of tools for assessment, communication, up loading of content, return of learners' work, administration of learner group, tracking tools and accessing multi-media functions.

The cost of purchasing and installing the screen and built in computer, together with keypad, a mouse and a biometric reader, in every normal cell to enable prisoners to access the Prison Network was approximately £125,000. This money has been charged to the following cost centre: DL6001.562010, which relates to equipment purchase.

There was insufficient money in this particular cost centre to fund the project, so, as I stated in my answer of the 16th November 2010, this was financed from underspends which were created from a reduction in the number of staff who were recruited and also a reduction in overtime payments. Those savings being transferred to the relevant cost centre.

The following table sets out the number of mobile 'phones and sim cards confiscated from prisoners over the last 3 years:

	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Mobile 'Phones</b>	20	63	27
<b>Sim Cards</b>	6	13	10

## **1.5 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING C.S.R. SAVINGS:**

### **Question**

Will the Minister outline his options and proposals to deliver the Education, Sport and Culture Department's 10% CSR savings should the States decide in 2011 that the grants to fee-paying/private schools are not to be reduced by more than a total of 10% as required by the CSR savings?

### **Answer**

Reducing the subsidy to fee-paying schools is one of a range of measures being explored as the department seeks to deliver the 10% savings target for the Comprehensive Spending Review. No area of ESC has been immune from this process. All parts of ESC budget have been analysed and savings have been identified that spread the burden of the cuts fairly and in a way that, although difficult, are achievable over time. All the proposals have been scrutinised and our conclusions supported by independent consultants Tribal and the Steering Group responsible for the Peer Review.

The ESC department has been working to identify savings for some time. It has already delivered efficiencies of nearly £4 million between 2003 and 2010. Over the past few years, the fee paying sector has not been required to deliver efficiency savings, unlike our States sector schools. As part of the Comprehensive Spending Review we have been asked to deliver further savings totalling £11

million by 2013. There has never been any requirement that the CSR savings should be limited to 10% in any one area.

The exact amount of saving to be achieved from the reduction in subsidy will be determined once the independent reviews currently under way have been completed. The proposal will be included in the 2012 Business Plan and Members have the opportunity to debate this when this document comes before the States next year.

The savings proposed for the period 2011 to 2013 are considered to be the most appropriate if front line services are to be maintained. If the expected savings cannot be achieved from the reduction in subsidy – or it is limited to 10% - the funds will have to be found from elsewhere within ESC and this means frontline services. Investigations have shown that many of the areas which have already delivered savings would be severely affected by a further reduction in funding and the services they provide would be compromised.

Areas identified and rejected were:-

- Close both the Youth Service and Library provision.
- Close sport centres and remove the majority of the funding for sport in the Island.
- Discontinue all free nursery education provided through the nursery education fund and schools.

As Minister of Education Sport and Culture I am not prepared to see the erosion of a range of essential services nor do I believe that members would consider it to be acceptable. It is my firm belief that by working closely with the fee-paying schools, savings can be achieved and the overall educational opportunities improved, even though I accept that some increase in fees may be necessary.

## **1.6 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE GREEN PAPER ON THE FUTURE OF EDUCATION:**

### **Question**

When was it first agreed that a Green Paper on the future of education should be produced, who is undertaking the work, what are their terms of reference and when does the Minister expect to publish the results?

### **Answer**

It was agreed in 2009 that a Green Paper should be produced on the future of education. This document will be the outcome of a series of policy reviews commissioned early in 2009, shortly after my appointment as Minister for Education, Sport and Culture, and which are now either complete or nearing completion.

The work on the Green Paper is being carried out by my department, with support from external advisers as necessary. This important document will provide a strategic review of the entire education system that will look at all options.

The scope of the consultation will include the following:

- Vocational provision for 14-19 year olds
- Responding to the Skills agenda
- Special Needs
- Social Inclusion
- Funding of higher education
- Primary and secondary curriculum and the organisation of schools
- Secondary education—a review of options, including opportunities at sixth form level.

These issues are interrelated and the Green Paper will adopt a strategic approach aimed at setting the overall shape of Jersey’s education system for the future. This major consultation will be launched early next year allowing all stakeholders to actively participate in determining the future shape of education on the Island.

I hope as many as possible will contribute to the public consultation so that we can deliver an education system that meets the needs of all people, regardless of ability or background.

A White Paper will follow this to allow for further comment before a final decision is made by the States in 2012.

**1.7 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE PUBLICATION OF STATES RENTAL WAITING LISTS:**

**Question**

Can the Minister provide Members with the current States waiting list and explain why there appears to be no continuous record of the lists published over the last 10 years on the States website?

**Answer**

The current waiting list figures as at the 31st October 2010 are:-

	<b>1 bed need</b>	<b>2 bed need</b>	<b>3 bed need</b>	<b>4 bed need</b>	<b>5+ bed need</b>	<b>Total</b>
<b>Waiting List</b>	128	197	79	4		<b>408</b>

381 323 320 288 246 275 225 265 243 254 309 The  
makeup of the waiting list and the method in which the stats are recorded has changed over time.

Statistics have been recorded in this current format and detail level since 2004.

However, the Department does keep total waiting list figures dating back over 20 years. The previous 10 years waiting list figures are detailed below

The waiting list figures are reported on an annual basis within the States Annual Performance Report. The report for 2009 will, it is understood, be produced shortly. The waiting list data included shows the continuous annual waiting list figures since 2004.

The 2010 year end waiting list figures will similarly be reported in the 2010 Annual Performance Report which will be published in 2011.

### **1.8 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHIEF MINISTER REGARDING PROGRESS MADE IN LINE WITH STRATEGIC PLAN AIMS:**

#### **Question**

Will the Chief Minister be publishing progress against Strategic Plan initiatives again in January 2011 and, if not, why not?

#### **Answer**

Yes, my intention is to publish such a progress report by the end of January 2011.

### **1.9 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING PROPOSALS RELATING TO THE ROLE OF THE PRISON BOARD OF VISITORS:**

#### **Question**

Will the Minister be bringing proposals to the Assembly in response to the Scrutiny Report on the Role of the Prison Board of Visitors presented to the Assembly on 18th August 2009 (SR7/2009), and if so, when?

#### **Answer**

The Scrutiny Report contained an inconsistency which has caused me some difficulty. It contained human rights related advice to the effect that it was not appropriate for Jurats to be members of the Prison Board of Visitors and yet contained a recommendation for a revised Board which was wide enough to include both Jurats and non-Jurats on the Board. Any change to the constitution of the Prison Board of Visitors will require an amendment to the Prison (Jersey) Law.

Before I can make a policy decision, I need to know if Jurats can remain on the Board. If they cannot, then an entirely new board will need to be set up. My preference is to retain the presence of Jurats on the Board if that is possible, because of the experience which they bring to the role, because of the weight which they carry as a group and because they function well together as a team. If Jurats can remain on the Board then I will need to decide as to whether it would be better to have a mixture of Jurats and non-Jurats working together on the Board.

Although I have several times been promised the advice which I need, it has not yet arrived and I am once again seeking to hasten its arrival.

I am now into the last year of my current term as Minister for Home Affairs and I am endeavouring to complete the major legislative projects of my Department within that timescale.

It is, therefore, unlikely that I will be bringing any Projets to the Assembly within my current 3 year term.

**1.10 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE SCHOOL BUS SERVICE:**

**Question**

Will the Minister be proposing that the school bus service be more fully integrated with the scheduled service given the call for more public transport at peak times?

**Answer**

While some limited integration of services has already taken place, the review of bus networks I have instigated is expected to identify a number of areas in the island that will be better served by redeploying buses that currently operate school journeys only onto revised routes which cater for both pupils and commuters during the morning peak period. This will allow for the bus service to be better integrated with the scheduled service at peak times.

**1.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE CLONING OF VEHICLE NUMBER PLATES:**

**Question**

Will the Minister advise whether he is aware that cloning of vehicle number plates is happening in Jersey, and, if so, is he able to provide members with details of the number of reported offences over the last 3 years; the number of prosecutions, if any; and the number of offences dealt with at Parish Hall level?

Where cloning has taken place and motoring/parking offences have been subsequently committed, is this recorded on the record sheet of the registered owner and, if so, what action is taken to clear the name of the legal owner once it is established that the offence was committed by a third party?

**Answer**

‘Cloning’ refers to the process by which one vehicle is made to look like another i.e. vehicle identity theft.

Criminals make a 'clone' of another car by replacing the number plates on their car with the registration plates of another similar vehicle.

The States of Jersey Police have no evidence of this type of offending in Jersey and there have been no prosecutions for cloning offences over the past 3 years.

The States of Jersey Police have recently investigated a matter which was referred to them. It was not a criminal cloning offence, as it would appear that an administrative error resulted in a car registration plate inadvertently being generated with one incorrect numeral, which matched the registration that was legitimately allocated to another type of vehicle. Action has been taken to resolve the matter.

Over the last 3 years the States of Jersey Police have dealt with 13 recorded cases of number plate offences. These have ranged from cases of an individual finding a number plate and placing it on a vehicle inappropriately to tractors towing trailers bearing different number plates. 5 of these offences were dealt with at Parish Hall Enquiry, 4 at the Magistrate's Court and in 4 cases no further action was taken.

**1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE E.U. CODE OF CONDUCT GROUP:**

**Question**

Will the Chief Minister inform members whether he has received the results of the EU Code of Conduct group investigation into the Island's zero/ten tax regime, either directly or through the UK government, and if so, can he confirm whether zero/ten has failed the first three elements assessed under paragraph B of the EU Code on Business Taxation and will he make the results public, along with his response to the findings and if not, will he state when he expects to do so?

**Answer**

At this stage there is little or nothing more than I can add to the Press Release issued on the 23rd November. We have been informed that the Code Group at its meeting on the 19th November reached a consensus that our present business tax regime gives rise to harmful effects based on the view of the EU Commission that our deemed distribution provision was business not personal taxation, and was discriminatory, a view that we have contested. However we have also been informed that there has not been a formal assessment by the Code Group as yet and that there is a further process to go through before a final conclusion is reached. The Code Group apparently is to recommend that a EU Council High Level Working Group should be asked to review what is covered by business taxation.

The next step is for the Code Group to report on its activities to the Council of Finance Ministers (ECOFIN) and for the Council to consider that report at its meeting next month. We understand that the reference to our regime will be a short statement and that will be the only document on the public record. The views expressed to the Code Group by the Commission are confidential and would only be made public by them. If ECOFIN agree that the Council High Level Working Group should undertake the review recommended by the Code Group it is expected that the results of that review will be available for the Code Group to consider at its next meeting in February. Only then will it be possible to say for certain what action if any we need to take in respect of the deemed distribution provision or what the implications of that action might be.

**1.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HEATING SYSTEMS RECENTLY INSTALLED IN HOUSING ESTATES:**

**Question**



Will the Minister provide evidence to substantiate his claims made at the Health, Social Security and Housing Scrutiny public hearing on 10th November 2010, that the replacement of old centralised wet heating systems with new individual electric heating systems in several estates (Clos Gosset, Clos de Roncier, Oak Tree Gardens) has reduced heating bills for tenants?

### **Answer**

The Department is part way through a major programme to replace fossil fuelled heating systems in many rental homes with new electric powered heating and hot water systems.

These systems bring a number of benefits for tenants, including:-

- Improved reliability.
- Individual control over previous district heating systems controlled by the Department.
- Opportunities to benefit from energy saving. Clearly each tenant's electricity bill will be dependant upon their individual energy consumption.
- Greater stability in energy prices.
- A single energy bill which is more transparent.

The programme of heating changes is being run alongside maintenance programmes to improve the homes. During the installation of the new heating the opportunity is being taken to increase loft insulation to a minimum of 300mm bringing each home up to current building regulation standards. Mains operated smoke detectors are also being replaced and the general electrical system inspected. At Clos De Roncier the new heating was installed along with external wall insulation and double glazed windows and at Le Petit Clos Gosset a programme of cavity wall insulation was carried out prior to replacing the heating systems. The aim always is to make each home as efficient as possible and therefore as cheap to heat as possible.

Quantifying the actual savings made needs to be carried out with care and is best done after a full year has elapsed after changeover and the tenant has had the opportunity to go through a full annual cycle of heating. It has been possible to do this for the homes at Clos de Roncier. When comparing the combined cost of domestic electricity consumption and heating oil charges per household for the 12 months prior to heating changeover against the cost of electricity supply only for the 12 months following heating changeover it is apparent that on average, tenants on that estate are making a saving of £467.13 a year in energy costs.

A system of monitoring consumption on a home by home basis has been in place throughout the heating changeover programme. This ensures that the JEC can identify tenants who appear to have higher consumption than anticipated. Where this has happened in a small number of instances the JEC have intervened to ensure that that tenants are using their systems correctly.

I have already said that one of the benefits for tenants in switching to the new systems is stability in energy prices. At the beginning of 2010 the JEC reduced their electricity prices by 5% and they have just announced that there will not be a price increase in 2011. That will directly benefit any tenant who has already switched and would otherwise be facing increases of 16% in the cost of gas and 18% in the cost of oil which have just been announced.

### **1.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE REFURBISHMENT AND MAINTENANCE OF STATES RENTAL HOUSING:**

## Question

Will the Minister inform members whether the CSR cuts to his budget have delayed the programme of refurbishment and maintenance of States rental housing estates and, if so, will he detail the extent of these delays?

Will he further inform members of the extent of the work required to bring Pomme d'Or Farm up to modern standards and state what delays, if any, have occurred with this project?

Will he state the extent to which his programme of work is dependant on the sale of housing stock and inform members what targets have been set and what sales have been achieved over the past 2 years, along with his targets for sales for 2012 and 2013?

## Answer

The CSR cuts do not take effect until 2011 and so I can confirm with confidence that there has been no effect thus far on the Department's maintenance budget or programme of refurbishment. In putting forward proposals for the CSR care has been taken not to include savings which impact upon maintenance services. The CSR has however resulted in the loss of £6m in capital funding allocation planned for 2012 and 2013.

As the Deputy has pointed out the majority of our extensive refurbishment programme is to be funded by asset sales. The current economic conditions and specifically the contraction in lending, particularly for first time buyer mortgages, has reduced opportunities for sales. Taken together the reduction in available capital and lack of sales has required that the refurbishment programme be reprioritised. This will result in delays to the refurbishment programme.

A refurbishment project at Pomme D'Or Farm is planned and will generally seek to improve the thermal qualities of the 86 homes on that estate, focussing on, new windows, roofs, insulation, mechanical ventilation and improvements to the common areas. It was hoped to commence that project at the end of this year. Funding constraints mean that undertaking this significant project in one phase is not possible and it will have to be phased around the availability of funding and balanced in priority with other planned projects.

The first phase of works, to repair the drainage network at Pomme D'Or Farm, is already underway and will be completed early in the New Year. The Department has looked at what elements of the work at Pomme D'Or Farm are affordable in 2011 and I am confident that we can deliver two of the most significant aspects of the improvements, specifically by upgrading insulation standards at roof level and replacing all of the windows in all of the homes. Other aspects of the scheme will, as I have said have to follow in time as and when funding allows.

Sales for last 2 years generated the following income.

	<b>2009</b>	<b>2010</b>
Cash Received	£5,288,650	£4,563,725
Deferred Payment Bond Value	£1,235,350	£406,275
<b>Total</b>	<b>£6,524,000</b>	<b>£4,970,000</b>

The total income received for the past 2 years, including bonds was £11,494,000

The States Annual Business Plan forecasts that the Department aims to meet the following sales targets for 2012 & 2013 in order to fund the programme

**2012 Target**

£14,000,000

**2013 Target**

£17,000,000

The Housing Department will receive £2.75m in Capital allocation in 2011. Given the £6m CSR cut I have already mentioned, the allocation in 2011 will be the last capital allocation that the Department will receive. Thereon in all refurbishment works will have to be funded by sales of assets or by borrowing.

It is important to recognise that the Department has had £13.6m in funding from the fiscal stimulus programme which has allowed the backlog maintenance programme to advance and provided the means for Phase 2 of the Le Squez regeneration scheme to get underway. Having said that, members should be aware that the £8.137m fiscal stimulus allocation for Le Squez is to be repaid in 2014, 15 & 16.

It is also important that we reflect on what has been achieved in our refurbishment programme since it was set in train in 2007. In 2007 we had an estimated £75m backlog (not including Le Squez & Le Marais). A new condition survey has just been completed and the data collected indicates that the maintenance backlog has reduced significantly to around £46m. That is significant progress during what has been a busy and challenging period and has seen the Department undertake a significant number of refurbishment projects as well as commencing the development of Salisbury Crescent which will be completed in May next year and will provide an additional 34 homes for tenants.

**1.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING GROWTH IN NON-URGENT ATTENDANCES AT THE ACCIDENT AND EMERGENCY DEPARTMENT:**

**Question**

Can the Minister provide evidence to support her statement at the Health, Social Security and Housing Scrutiny hearing on 8th November 2010, that there has been significant growth in non-urgent attendances at the Hospital's Accident and Emergency department, particularly in relation to the period from 2006 to 2009 following the introduction of Income Support and the removal of free GP attendances associated with HIE?

**Answer**

Information that would evidence the split between major and minor, often inappropriate, attendances - such as coughs and colds and those with ongoing longer term conditions - is not easily identified from the data currently collected. This will change in the latter half of next year following the introduction of the new patient information system. This will adopt the national triage assessment category that includes a code of 'non-urgent' for those patients whose condition is neither a true accident nor an emergency.

Each year there are almost 40,000 attendances to the Accident and Emergency (A&E) department. This has remained fairly constant since 2006 although activity within the GP Coop has seen an increase within the same period and it can be assumed that at least some of these patients would otherwise have attended the Accident and Emergency department.

An audit by the College of Emergency Medicine based on assessment at triage, found that 10-30% of patients across the UK were more suited to primary care access rather than to an Emergency Department. It is this data that leads us to conclude that Jersey has a problem of inappropriate attendances in A&E. For example latest information for Jersey and the Isle of Wight indicates that both islands have the same number of attendances (39,000) even though the population of the Isle of Wight is 50% bigger.

Moreover it is possible that Jersey will have a rate of inappropriate attendances as high, if not higher, than the UK because patients required to pay for a visit to their GP are currently given the incentive of free care at the local A&E department as has been noted anecdotally.

As significant growth in local inappropriate attendances is yet to be evidenced any link with the introduction of Income Support cannot be ascertained, as was confirmed at the Health, Social Security and Housing Scrutiny hearing held on 8th November 2010.

#### **1.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE IMPACT OF A 2 PER CENT INCREASE IN G.S.T:**

##### **Question**

What research, if any, has the Minister undertaken into the impact of a 2% increase in GST on the economy, particularly on the retail and hospitality sectors? If none, what evidence does he have that removing some £30 million from the economy in this way will not be harmful?

##### **Answer**

Detailed analysis of all the main tax options open to us to address the deficits we face was undertaken and published as part of the Fiscal Strategy Review. All the evidence points to GST being the least damaging tax option, not least because it minimises the impact on the competitiveness of the economy and our key businesses, including those in retail and hospitality. This was confirmed by the FPP who said in their interim report published in September 2011 that:

“Care should be taken to ensure that as far as possible revenue raising measures do not harm the longer-term competitiveness of the economy. With this in mind the Panel notes the merits of a broad-based consumption tax.”

The fact that the increase in GST is not proposed to impact until 1 June next year means it will only take £15m (about 0.4% of GVA) out of the economy in 2011 and at a time when we will still run a £55m deficit. . The overall States fiscal position will therefore still be supportive of the economy during what the Minister is advised will be the early stages of recovery.

#### **1.17 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CASH BALANCES OF THE STRATEGIC RESERVE, STABILISATION AND CONSOLIDATION FUNDS:**

##### **Question**

What are the total budgeted amounts for 2011, 2012 and 2013 in respect of the central reserves, departmental reserves (by individual departments) and any other contingency or provision included within the 2011, 2012 and 2013 expenditure figures?

What are the cash balances for the Consolidated Fund, Stabilisation Fund and any other fund (or cash equivalent) as at the 30th September 2010 and projected for 31st December 2010?"

What are the values of the Strategic Reserve and any other reserves as at 30th September 2010 and projected for 31st December 2010?

**Answer**

Central Reserves

The total budgeted amounts for central reserves and restructuring provision, as set out in Summary Table A in the Draft Budget 2011 (P157/2010), are as follows:

	<b>2011 (approved)</b>	<i>2012</i>	<i>2013</i>
	<b>£'000</b>	<i>£'000</i>	<i>£'000</i>
Provision for Restructuring	6,000	<i>10,000</i>	<i>10,000</i>
Provision for Central Reserves	8,862	<i>13,000</i>	<i>17,000</i>

All departments are encouraged to maintain their own departmental contingencies where possible. Should a department request funds from the central reserve, they will have to demonstrate that they have explored all reasonable means including reprioritisation of existing department funds and contingencies before a request for central funding is considered.

Cash Balances

Detailed in the table below are the cash and cash equivalent balances of the Consolidated Fund, Stabilisation Fund, Strategic Reserve, Social Security Reserve and Health Insurance Fund as at 30<sup>th</sup> September 2010. The cash balances for these funds as at 31<sup>st</sup> December 2010 have also been estimated in the table below.

	<b>Cash Balances</b>	
	<b>£ million</b>	
	<b>30.09.2010</b>	<b>Forecast<sup>1</sup> 31/12/2010</b>
Consolidated Fund <sup>2</sup>	175	200
Stabilisation Fund	114	46
Strategic Reserve	40	40
Social Security Reserve	213	213
Health Insurance Fund	43	43

Strategic and other Reserves

The total value of funds under investment in the States reserves as at 30<sup>th</sup> September 2010 and 31<sup>st</sup> December 2010 are detailed in the table below.

	Funds under Investment £ million	
	30/09/2010	Forecast <sup>1</sup> 31/12/2010
Stabilisation Fund <sup>3</sup>	114	46
Strategic Reserve	574	574
Social Security Reserve	782	782
Health Insurance Fund	79	79

There are also a number of smaller funds with specific purposes; details of these can be found within the States of Jersey accounts.

<sup>1</sup> These are estimates that are subject to change. No estimation of the impact of movements in the market value of these assets has been taken into account within the project values.

<sup>2</sup> The Consolidated Fund cash balance includes funds that are allocated but as yet unspent (e.g. unspent capital projects and creditors). The Stats of Jersey 2010 Budget forecasts the unallocated balance in the Consolidated Fund to be £20 million as at 31st December 2010.

<sup>3</sup> The States of Jersey 2011 Budget forecasts the Stabilisation Fund balance to be reduced by £114m over 2010 and 2011 to maintain an appropriate balance on the Consolidated Fund (Subject to States approval – see page 28 of P.157/2010). Forecasts draw down from the Stabilisation Fund are expected to exhaust the Fund by 2012.

## **1.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TREND RATE FOR THE JERSEY ECONOMY:**

### **Question**

Will the Minister advise members what the trend rate of economic growth for the Jersey economy has been over the last ten years and detail how he expects the Jersey economy to perform over the next three years against this trend rate?

### **Answer**

The average rate of growth in real terms GVA between 1999 and 2009 (growth in each year is shown in the table below as published by the Statistics Unit) was -0.5%. This is, however, an arbitrary figure which tells us very little, for a number of reasons:-

1. The period selected does not conform to an economic cycle and takes no account of the relative positions in the economic cycle of the start and end date.

2. GVA data in Jersey needs careful interpretation alongside other economic data because of the large swings that can come about due to one-off factors given the small scale of the economy and our role as an offshore centre.
3. The figure gives little indication of what might be achievable in future years, especially in the post-financial crisis world.

As pointed out in written answer 5827 by the Chief Minister, the “Council of Ministers’ assessment of the current state of the economy and estimates for economic growth between 2010 and 2012 are published in the Draft Budget Statement 2011 in Chapter 3: *Economic Outlook*.” They are: a further decline in GVA of about -2% in 2010, weak growth next year of 1% and further moderate growth in 2012 of 2%.

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>% change in real GVA</b>	5%	4%	-3%	-3%	-4%	-1%	1%	5%	5%	-3%	-6%

#### **1.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING LOAN GUARANTEES:**

##### **Question**

Will the Minister inform members of the total amount (in pounds sterling) and the number of loan guarantees and other financial assistance/guarantees provided to the local business community by the Economic Development Department over the last three years, breaking the information down to sector, type of assistance, amounts, duration of loans or loan guarantees and (without naming the individuals and businesses concerned), of the number of such guarantees distributed to particular individuals and businesses?

##### **Answer**

The Economic Development Department introduced the Small Firms Loan Guarantee Scheme in March 2007. The Scheme guarantees loans made available from a high street banks, it does not provide the loan. Eligibility to the Scheme is on the strict basis that all other sources of security have been fully utilised, and without the support of the Scheme the business proposal would not proceed.

Since its introduction 7 loan guarantees have been provided with an initial total loan value of £890,000. Repayment on the loans has reduced this amount to £750,000 (30/9/10 position.) of which 75% remains guaranteed. The loan repayment periods range from between 2 and 10 years.

Two Guarantees have been provided to the retail sector, two within the hair and beauty industry, and two within the health/care sector and one provided to a technology business.

## 1.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE MOVEMENT OF DEPOSITS IN JERSEY TO LONDON:

### Question

Will the Minister provide members with the figures (as supplied by the Jersey Financial Services Commission to the International Monetary Fund) relating to the level of upstreaming of deposits in sterling and foreign currency from banks resident in Jersey to their offices in London and to the money markets in London on a monthly basis from January 2007 to the present day?

### Answer

The following table shows in diagrammatic for the data held by the JFSC in respect to the Deputies question.

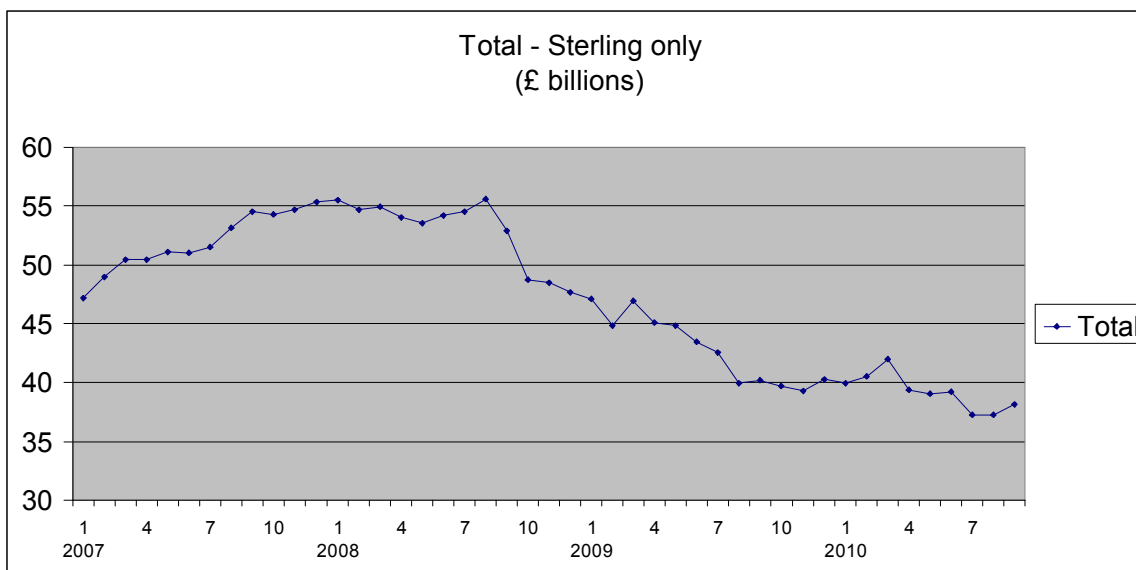


Table 1 as supplied by the JFSC on 24 November 2010.

The offshore banking model, which garners deposits in a finance centre that generates far more funds than can usefully be used in the local economy, and feeds, or up-streams- the majority of these into its parent banking group, typically for use onshore - has been the subject of recent review by the UK authorities.

This review was in conjunction with the UK's FSA developing more stringent rules on liquidity management, which might have led to up-streamed deposits from offshore subsidiaries losing their usefulness. However, the announcement detailed below has appeared on the FSA's website recently, which would appear to reflect a reversal of its previous approach and, therefore, a reduced threat to the Jersey banking model.

#### 18 November 2010 - Enhanced liquidity regime

The Financial Services Authority (FSA) published its enhanced liquidity regime in October 2009 which introduced both tougher qualitative and quantitative standards for firms. At that stage the FSA took the decision not to tighten quantitative standards.

Since then, the Basel Committee has moved further towards introducing minimum global liquidity requirements that would be implemented through EU law. The FSA will consider how best to calibrate the UK regime once these international proposals have been finalised.



Given this development, the FSA does not believe it is appropriate to set industry-wide transition requirements for the UK's larger banks at this stage, although they should expect to at least meet any new international standards by the currently proposed implementation date of 1 January 2015.

**1.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ECONOMIC DATA:**

**Question**

Does the Minister propose bringing in any additional economic data gathering measures such as the level of lending by banks and other finance providers within the Island (breaking the data down in mortgage lending, hire purchase, loans to small and medium enterprises and so on) and, if so, what data sets are under consideration and when will they be introduced and, if not, why not?

Does the Minister consider up to date and comprehensive data important for policy formation and measuring the state of the Jersey economy?

**Answer**

There are no plans to collect additional economic data at this point, although this will remain under review. The Minister takes the advice of the Head Statistician and the States Economic Adviser as to what economic data it is practical, affordable and useful for the States of Jersey to compile. For example, the recent introduction of the Business Tendency Survey and the Retail Sales Inquiry and the expansion of the Survey of Financial Institutions have taken place because these initiatives will provide additional economic data that is frequent, informative and deliverable within existing resources.

In addition to compiling such economic data, the States of Jersey Statistics Unit gathers household-level information through the Household Income and Spending Survey and the Jersey Annual Social Survey. These surveys, and the upcoming 2011 Jersey Census, also constitute extremely rich sources of information for future planning and policy development purposes.

Of course the Minister considers up to date and comprehensive data important. However, it is also important to recognise that as a small island economy there are limits on the quantity and frequency of data that it is both practical and cost effective to produce.

Information on registered borrowing is available through the Royal Court.

**1.22 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STATUS OF THE PROPERTIES BEQUEATHED TO THE ISLAND BY MR. H.E. LE SEELLEUR:**

**Question**

Will the Minister provide to members a list of all the property left by Mr. H.E. Le Seelleur 'for the island' (in broad terms) and with respect to each property, could he inform members –

- (a) what is the wording of the bequest that describes what the property is to be used for?
- (b) what has happened to each property? (has it been sold, leased, rented or otherwise in use?)

- (c) if sold, rented or leased in a way which in itself does not benefit the beneficiaries in accordance with the terms of the Will, who administers the revenue, how is that administration organised, and who benefits from the revenue in each case?
- (d) if it is being used in a way which in itself does benefit the beneficiaries, on what basis is this being done?
- (e) what discussions, if any, have been held with the executors of the Will?

### **Answer**

Under a will dated 28th December 1988, Mr Le Seilleur, who died on 22nd October 1996, devised the reversionary interest in two properties to the States of Jersey and bequeathed the remainder of his immovable estate to the States of Jersey. In the will, it states that “the said States of Jersey shall consult my said executors of my movable estate upon the use of my properties with a particular view towards the use of such properties for the benefit of aged, infirm and needy residents of the Island”.

The nine properties bequeathed were

Beau Sejour, Mont Millais (BLI)

Stonecot, Mont Millais (BLI)

Le Seilleur Oxford Road Workshop (SSI)

Le Boulevard Flats, La Rocque

1-4 The Denes, Grève d’Azette

Sous L’Eglise, St Peter (BLI)

Claremont, Bagatelle Road

9 Chevalier Road (BLI)

La Pouclee Lodge

In accepting this bequest, the States agreed (P.71/97) that the administration and all benefits received from the properties should be vested in the Health and Social Services Committee for the benefit of aged, infirm and needy residents of the Island.

Responsibility for the estate was transferred to the Health and Social Services Committee by the States in June 1997. All funds administered by Health and Social Services have a designated fund manager and authorised signatory. The fund manager decides the most appropriate use of funds in accordance with the donor’s wishes. This use will include revenue maintenance and running costs of the assets i.e. the buildings. Dependant on the amount, expenditure must be approved by either the fund manager, the Chief Executive Officer or the Minister. The Executrix of the Will is consulted regarding the day to day estate management of the portfolio.

The current status of the Le Seilleur properties is as follows.

**Beau Sejour** – is let to a third party as a residential unit.

**Stonecot** – is let to a third party as a residential unit.

**Le Seilleur Oxford Road Workshop** comprises workshops dating back to 1845 (with later alterations); last used by Mr H E Le Seilleur for his construction business. In May 2003, a proposition to sell “Le Seilleur Oxford Road Workshop” for £365,000 was rejected by the States.

**Le Boulevard Flats** comprises six residential units which are let to third party tenants

**1-4 The Denes** comprises four residential units which are let to third party tenants

**Sous L’Eglise.** Due to its location adjacent to the airport runway and within the flight path this was judged to be a potential danger to air traffic. The property was sold to Jersey Airport for £900,000 (including compensation for loss of rental income) in 2009, with the proceeds going into the “Harold Le Seilleur Trust”. The building itself, as opposed to the land, was sold. It was carefully dismantled and is to be reconstructed on another site by the new owners.

**Claremont** comprises two residential units which are let to third party tenants.

**9 Chevalier Road** comprises one residential unit which is let to a third party tenant.

**La Pouclee Lodge** comprises two residential units which are let to third party tenants.

A number of the current tenants are those that held the same tenancies when the properties were originally gifted to the public.

### **1.23 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING VOLUNTARY REDUNDANCIES:**

#### **Question**

Following his answer to written question No. 5825 on 16th November 2010, in order to understand the rationale for these voluntary redundancy requests being allowed, can the Chief Minister give members an indication of the 7 roles to be lost within the Education, Sport and Culture Department, the 5 roles to be lost within the Planning and Environment Department, the 5 roles to be lost within Housing, the 19 roles to be lost within Health and Social Services and the 15 roles to be lost within the Transport and Technical Services Department and can he confirm that these redundancies are followed by the removal of the posts themselves?

#### **Answer**

As previously stated, it would be inappropriate to publish details, job titles or job descriptions in relation to the 73 employees whose applications for voluntary redundancy have been approved for reasons of confidentiality. I have also published a table that shows, by department, the number of approved and rejected voluntary redundancies. In nearly every case, voluntary redundancies and non-replacement of leavers could be classified as “efficiency savings” rather than “reduction or cessation of service”. We are seeking to avoid impact on front line services.

In order to give Members an indication of the roles to be lost, I detail below a breakdown of redundant posts by pay group and department. I can also confirm that these redundancies are followed by the removal of the posts themselves, and the future funding for them.

<b>Department</b>	<b>Pay/group</b>	<b>Number</b>
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States Greffe	C/S	2
Judicial Greffe	C/S	2
ESC	C/S	3
ESC	Teachers	2
ESC	ETSS	1
ESC	Lect	1
Lieutenant Governor	C/S	1
ISD	C/S	3
Soc/Sec	C/S	2
Soc/Sec	M/W	2
P&E	C/S	5
Property Holdings	C/S	1
EDD	C/S	1
Home Affairs	C/S	4
Home Affairs	M/W	2
H&SS	C/S	16
H&SS	M/W	3
Housing	C/S	4
Housing	M/W	1
Human Resources	C/S	2
TTS	C/S	2
TTS	M/W	13
	<b>Total</b>	<b>73</b>

Key: C/S – Civil Servant

M/W – Manual Worker

ETSS – Education Technical Support Staff

Lect - Lecturer

#### **1.24 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING THE REPLACEMENT OF WINDOWS-BASED COMPUTER SYSTEMS:**

##### **Question**

Given the continuing need to upgrade or replace Windows-based computer systems, can the Minister inform the Assembly whether an evaluation has ever been undertaken into the possibility of moving away from Windows to a different platform, and, if so, can he provide details of this evaluation, and if not, why not?

### **Answer**

Use of open source operating systems and office tools was considered as part of the planning of the upgrade of the current systems and was rejected at this time for several reasons:

1. Analysis showed that the migration to Open Office (the most popular Open Source Office tool) would be at least twice as expensive as the migration to the latest version of Microsoft Office with the total cost of ownership over a 5 year period also being double.
2. The majority of the business and desktop applications used within the States of Jersey require Microsoft Windows, and this is anticipated to be the case until at least 2015. Often the software that is currently used is only available for Microsoft Windows.
3. The unfamiliarity of States system users with the open source environment.
4. Any saving would be made purely on license costs, which are the typical incentive for organisations to move to open source. They would be offset by additional costs to integrate applications; train users; train support staff; and on Microsoft License costs to connect Open Office to continuing applications etc.
5. The lack of experience in the States of Jersey and local suppliers in running an open source environment for an organisation of the scale and complexity of the States.

The Information Services Department will continue to monitor and evaluate the situation periodically.

### **Background Information**

**Open-source (OS) software** is computer software that is available in source code form for which the source code and certain other rights normally reserved for copyright holders, eg Microsoft, are provided under a software license that permits users to study, change, and improve the software. Open source software is very often developed in a public, collaborative manner. The term open-source software originated as part of a marketing campaign for free software. A report by Standish Group states that adoption of open-source software models has resulted in savings of about \$60 billion per year to consumers. It is currently used in a consumer rather than business or government context.

World wide Linux constitutes only 2.7% of non-consumer desktops and Open Source office products represent less than 5% of the business market. Whilst more applications are OS neutral, these will not account for the majority of applications until sometime after 2012 and even in 2017 organisations will still require a Windows operating system for 30% of there applications (Gartner, 2010, “The State of Open-Source Software on the Desktop”). Initial analysis using a Gartner migration cost modelling tool showed that the Migration to Open Office (the most popular Open Source Office tool) would be at least twice as expensive as the migration to the latest version of Microsoft Office with the total cost of ownership over a 5 year period also being double (Gartner, 2010 “Cost Model for Upgrading Microsoft Office or Moving to OpenOffice.org”).

### **Linux Desktop**

In general, there has been little or no penetration of Linux on the desktop within UK government or business. Although there are some special use scenarios, the large number of Windows based applications in use continues to be a major barrier to Linux.

### **Open Source Office**

Open Source office products are not 100% compatible with Microsoft Office, and documents may look or work differently than when created, which can be a problem for ongoing document interchange with other users or organizations that continue to run Microsoft Office.

The cost to convert documents to look or work properly in the Open Source office product may be high, eradicating some or all the cost benefit. This is further complicated by the use of macros within office document which often do not transfer to other office systems.

If a migration to an Open Source office system was undertaken some users will continue to require Microsoft Office for its capabilities or compatibility, which means administering and supporting a mixed environment.

Many products, from Microsoft and other independent software vendors (such as Microsoft Exchange, Sharepoint etc), integrate with Office, and have no such integration with other office systems.

### **Apple**

Apple currently makes up approximately 1% of the enterprise desktops. The current apple platform lacks the ability to run the majority of the applications that are currently used within the States of Jersey.

In conclusion whilst some users could potentially be moved to an alternative environment, the majority would continue to require genuine Microsoft Windows with Microsoft Office, meaning that the States of Jersey would be operating a mixed environment with a significantly increased operational cost.

## **1.25 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING NON-RESIDENT LANDLORDS:**

### **Question**

Further to page 60 of the budget report in which the Minister writes that “certain non-resident landlords with rental income arising in Jersey are not fulfilling their tax obligations”, can he inform members:

- (a) to how many landlords this refers?
- (b) to how many tenancies this refers?
- (c) what is the likely yield of closing this loophole?

### **Answer**

There are two specific areas where non resident landlords are not fulfilling their Jersey tax obligations.

The first point of concern involves those landlords who are aware that if they do not appoint a managing agent, and they ensure they maintain the annual rent below £25,000, the tenant will not be required under existing provisions to withhold tax from the rent payable. There are approximately ten such cases known of (involving the same number of tenancies) and the total loss

of tax per annum in respect of these cases would be approximately £30,000 if the new provision is not introduced.

The second point of concern involves those landlords who are now paying tax on current rental streams but are refusing to settle arrears of tax that accumulated prior to the introduction of the scheme. The new provisions allow the Comptroller to direct the tenant or managing agent to deduct a percentage greater than 20% from the rents paid in order to settle the arrears of tax owing. It is estimated there are a further 5 to 10 cases of this nature and the anticipated yield from the recovery of these arrears is likely to be around £150,000.

## **1.26 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE E.U. SAVINGS DIRECTIVE:**

### **Question**

Can the Minister explain in more detail ‘the further changes to the [EU Savings Directive] retention tax rate, eventual move to automatic exchange of information and lower investment returns on these [revenue] funds’, as outlined on page 22 of the Budget report?

### **Answer**

This comment explains why States income from the EU Savings Directive has decreased in recent years and is expected to continue to decrease.

Jersey’s obligations under this Directive stem from the agreements entered into with 27 Member States. It means a retention tax is deducted from interest payments made by Jersey banks to EU resident individuals. The recipients can instead choose to have their information disclosed to the tax authorities in their home country.

Jersey collects the retention tax on interest payments and is entitled to keep 25% of that tax. It passes 75% to the country in which those individuals are resident.

The current retention tax rate is 20% of the interest payment. This is increasing to 35% from 1 July 2011. This rate may in some cases be higher than the individual’s tax liability in their home country and so some investors may choose to have their information disclosed instead of paying the retention tax.

Under the terms of our agreements which mirror the Directive, Jersey will be required in the future to move to automatic exchange of information (AEOI) and so will not be able to collect this retention tax. The timing of this is currently unknown but could happen in the next 2-3 years. The move to compulsory AEOI is currently being blocked by Austria and Luxembourg. Alternatively Jersey could choose to move to AEOI voluntarily, as the Isle of Man and Guernsey are doing.

Interest rates have decreased in recent years and are likely to stay low. As a result, the amount of interest from which the retention tax is taken has decreased.

For all of these reasons, the amount the States receives as its share of the retention tax has decreased and is likely to decrease further. At some time in the future it will cease completely.

## **2. Oral Questions**

## **2.1 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the implementation of the Sex Offenders Register:**

How does the Minister propose to make up the shortfall of £185,000 in implementing the Sex Offenders Register?

### **Senator B.I. Le Marquand (The Minister for Home Affairs):**

I remind Members that the Sex Offenders (Jersey) Law 2010 is an important piece of legislation which will greatly reduce the risk to children and vulnerable adults which is represented by known sex offenders. The shortfall aspect: firstly, in relation to 2011, there is, as I indicated when I took the proposition to the States for the law, a shortfall of £184,000 in relation to posts in the Probation and Children's Services. About £120,000 of this can be funded from under-spends caused by slippage in the law coming into force and the establishment of the Vetting and Barring Bureau and the rest will have to be found between the agencies involved. There is also the issue of the anticipated court and case costs of £700,000 which will need to be found from the general Court and Case Costs budget or from the central provision for exceptional expenditure. In relation to 2012 and 2013, the additional £184,000 and £700,000 has been approved, in principle, by the Council of Ministers but is subject to States approval in the 2012 and 2013 Business Plans.

### **2.1.1 Deputy K.C. Lewis:**

Is the Minister happy that this important piece of legislation will come in on time?

### **Senator B.I. Le Marquand:**

Well, I would be happy if it does, but that is a matter for the States to decide next week.

### **2.1.2 Deputy R.G. Le Hérissier of St. Saviour:**

Can the Minister tell us whether the figures he has arrived at represent the absolutely worst scenario that his department envisages, or whether they are based on an actual study of how this law has been implemented in other jurisdictions and the anticipated rate of appeals, *et cetera*?

### **Senator B.I. Le Marquand:**

They are based upon the best guesstimates from the Judicial Greffe and from the Law Officers' Department of what they think may happen in Jersey. But I would point out to Members that the guesstimate has quite substantially changed from the guesstimate which I put before the Assembly when the law was passed, but it is based upon Jersey conditions because we have different rules in relation to legal aid and costs and matters of that nature.

### **2.1.3 Deputy R.G. Le Hérissier:**

As a supplementary, could the Minister tell us what percentage of people placed on the Register he expects, for example, to appeal?

### **Senator B.I. Le Marquand:**

The figures of estimates are all contained in P.175, in fact. I am rapidly looking at that to see if I can glean the answer. I am afraid I cannot straight off the top of my head without needing a few minutes delay, but it is all there.

### **2.1.4 Senator J.L. Perchard:**

Is the Minister able to stand here confidentially and tell the States Assembly that the only place he can find £187,000 is from this particular budget? Is this a case of Ministerial shroud-waving and has the Minister got his priorities right?

### **Senator B.I. Le Marquand:**



I do not think I have waved any shrouds. I am just answering a question and explaining where we are going to get the money from. We certainly will need to get the money; this is an important piece of legislation.

### **2.1.5 Deputy K.C. Lewis:**

I think Senator Perchard has stolen my thunder on that one. Basically, will the Minister treat this as an absolute priority above all other items on his portfolio?

### **Senator B.I. Le Marquand:**

No, I will not do that. This is a very high priority, but there are public safety issues, such as the police and the fire service which, obviously, are absolute priorities in terms of core activities and although this is very important, this could never be viewed as important as those core activities.

## **2.2 Deputy T.M. Pitman of St. Helier of the Minister for Housing regarding the source of 1(1)(k) resident's wealth:**

If I can apologise, as I have forgotten reading glasses I may have to don my sinister black former Chief Minister glasses at some point. Please do not be alarmed. Given that justification for allowing those granted 1(1)(k) status to circumvent the housing qualification period which applies to others is their high value to the community, will the Minister clarify whether the wealth accumulated by any current 1(1)(k) resident has been linked to previous mercenary activity or the supply of arms and whether background checks are carried out to ensure that such residents are not welcomed?

### **Senator T.A. Le Sueur (The Chief Minister - rapporteur):**

In the absence of the Minister for Housing, before making 1(1)(k) decisions the Minister for Housing is aware of all the material facts following detailed background checks. Many 1(1)(k) applicants are the subject of media interest, but I am not aware of any case where subsequent media reports have brought any new information to light. This should assure Members that the checks carried out are thorough and wide-ranging. Having said that, I do not think it is appropriate for me to comment further on the personal affairs and business background of any housing applicant.

### **2.2.1 Deputy T.M. Pitman:**

Supplementary. I just wonder if the Chief Minister could shed some light on an email from the Minister for Housing and I quote: "As regards the arms dealer [the arms dealer] my understanding is that whatever Mr. X [and I changed that] all his trading operations are not in Jersey, he simply resides here and the majority [the majority] of his activities are in oil and energy." Perhaps the Minister could clarify that?

### **Senator T.A. Le Sueur:**

I cannot really clarify a comment made by an absent Member of the States in an email. We are talking about the personal affairs of one particular applicant. I do not think it is appropriate for us to do so here.

### **2.2.2 Deputy J.A. Martin of St. Helier:**

The Chief Minister mentioned detailed checks. Who carries these out? Hopefully it is not the person at population who is also entrusted to lure 1(1)(k)s to the Island and hopefully it is completely police checked.

### **Senator T.A. Le Sueur:**

There are a whole variety of background checks and those certainly include personal references, police checks, internet searches, confirmation from relevant officers, due diligence from professional firms, financial records, computer search tools, a whole variety of things carried out by

a variety of staff - very detailed. I can assure Members that any applicant has to go through a vigorous process before being assessed and approved or otherwise.

### **2.2.3 Deputy J.A. Martin:**

The Chief Minister said a variety of checks under different ... who heads up this team? Is it the police or is it population?

### **Senator T.A. Le Sueur:**

It is run from the Population Department, but, as I say, using the expertise of a variety of external agencies, so it is primarily a Ministerial team but fully advised by professional firms and people.

### **2.2.4 Deputy T.M. Pitman:**

Deputy Martin rather stole my question. However, and of course, all members of the public are innocent and everyone will have different views on the morals of mercenaries, *et cetera*. But could the Minister clarify if evidence should come to light that one of our residents has got such a background, are there any sanctions available that would curtail that status? Does he view that as important?

### **Senator T.A. Le Sueur:**

I could not give a categorical answer to that one because the situation has never arisen in the past and is unlikely to given the detailed nature of the background checks. If a person has knowingly and wilfully misled the States in an application then there may be grounds one can take and that would be a legal issue on which I am not prepared to comment at this stage without further information.

## **2.3 Senator S.C. Ferguson of the Chief Minister regarding his commitment to transparency:**

How long will it be before Jersey follows the U.K. (United Kingdom) commitment to transparency and produces organisation charts showing the names, job title and salary for all senior civil servants at director level and above as well as the job title of all senior civil servants at deputy director level along with the number of staff in the team and their grades?

### **Senator T.A. Le Sueur (The Chief Minister):**

I begin by referring the Senator to my response to a written question, number 5719, from the Deputy of St. Mary tabled in October. Departmental Business Plans already provide organisational charts and numbers are available on the States website. But I acknowledge that at the present time these do not contain details of salary grades. I would like to advise the Senator that we have already committed to publishing fuller information beginning with the remuneration and benefits of accounting officers in the forthcoming annual report and accounts.

### **2.3.1 Senator S.C. Ferguson:**

Supplementary. So that we can expect as full information as one can get from the direct.gov.uk set-up where I can see that Sir Gus O'Donnell, Head of the Cabinet Secretary, earns between £235,000 and £239,000 a year including London-weighting. Can we expect this sort of transparency?

### **Senator T.A. Le Sueur:**

We can certainly expect a greater degree of information and transparency, whether it would be along the exact lines of the U.K. remains to be seen. In a small community it maybe not be so appropriate to give that level of detail, but certainly a greater degree than presently exists should be forthcoming.

### **2.3.2 Deputy J.A. Martin:**

Would the Chief Minister not agree the sooner that we implement the Freedom of Information (Jersey) Law, this will need to be and will be in the public domain?

**Senator T.A. Le Sueur:**

I point out that details of all salaries over £70,000 are currently in the public domain and published by us on an annual basis and have been for some years now.

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

My written question today - written question 23 - asks the Chief Minister to give us some information about what the people who have accepted voluntary redundancy did, the 73 so far, so that we, the Members of the House, have some idea of what jobs have been lost. The Chief Minister has simply told me, and everyone else, that whether people are civil servants or manual workers, which I find less than transparent. I would like the Chief Minister to comment on his commitment to transparency in the light of his answer.

**Senator T.A. Le Sueur:**

The Deputy raises a completely new matter of voluntary redundancy here. We are committed to greater levels of openness and transparency. Whether it is sufficient to meet the needs of the Deputy, we will have to wait and see when they are published.

**The Deputy of St. Mary:**

May I ask a supplementary?

**The Bailiff:**

If it has got something to do with the question, yes, Deputy.

**The Deputy of St. Mary:**

Yes, the question is about transparency and openness in relation to the U.K. and we are completely in the dark as to what services have been lost or reduced as a result of that particular programme.

**The Bailiff:**

I am sorry, you have drifted too far off on the first one and that is even further off. Now, does any other Member wish to ask any questions? Senator Ferguson, do you wish a final reply to the final question?

**2.3.4 Senator S.C. Ferguson:**

No, I thank the Chief Minister for his commitment to transparency and I look forward to seeing the results.

**2.4 Deputy M.R. Higgins of St. Helier for the Chief Minister regarding the lessons to be learnt from the current Irish crisis:**

What lessons, if any, does the Chief Minister think can be learnt from the current Irish crisis and what impact or implications does he see this crisis having on Jersey?

**Senator T.A. Le Sueur (The Chief Minister):**

The Irish crisis is indeed unfortunate for the whole of the European economy and poses a significant problem for Europe. However, while there are, no doubt, lessons to be learned from the crisis on a national scale, I do not think that there are any immediate lessons or direct implications for Jersey other than, perhaps, we should learn not to overreach or over-commit ourselves and not to borrow to excess.

**2.4.1 Deputy M.R. Higgins:**

I am surprised the Chief Minister has not commented on the corrosive effect on small island states that can exist between politicians, bankers and property developers which, in Ireland's case, were the major factors in the economic collapse of the Irish state and which is condemning the Irish people to 10 years of austerity. If the Chief Minister is interested I will provide him with the details of 2 books on the Irish crisis, *Ship of Fools: How Stupidity and Corruption Killed the Celtic Tiger* by Fintan O'Toole ...

[10:00]

**The Bailiff:**

This going to be a precise question, Deputy, is it?

**Deputy M.R. Higgins:**

Yes, it is. Secondly, *Bankers: How the Banks Brought Ireland to its Knees* by Shane Ross. Would the Chief Minister like details of these books because he can learn a lot from them?

**Senator T.A. Le Sueur:**

I am always willing to learn, but on the other hand I think what we can learn is that the Jersey situation is considerably different from that in Ireland.

**2.4.2 Senator S.C. Ferguson:**

Is the Chief Minister aware that, in the *Economic Press*, there is a graph of the increasing tax revenues, the increasing income in Ireland, which is closely shadowed by unbridled and increasing expenditure by the Dáil? Does the Chief Minister not think that that particular incident does have lessons for Jersey?

**Senator T.A. Le Sueur:**

Yes, and I hope we understand those and continue to understand and apply those.

**2.4.3 Deputy G.P. Southern of St. Helier:**

Does the Chief Minister not accept that the lesson to be learned from Ireland is that slashing public services, sacking public servants and freezing or reducing wages, which is what they have done, is no way to recover an economy?

**Senator T.A. Le Sueur:**

The Deputy seems to imply that Jersey and Ireland are stuck in the same position. The lessons that Ireland are having to learn are lessons which I hope we can deal with in a far lesser scale by dealing with them now, promptly, and not waiting for a crisis to happen. **[Approbation]**

**2.4.4 Deputy P.J. Rondel of St. John:**

Will the Minister be raising issues to do with the most recent crisis in Ireland at the British-Irish Council and, if so, in what context will he be raising issues?

**Senator T.A. Le Sueur:**

The British-Irish Council, which meets in just under 2 weeks' time, has devoted an extra part of the agenda, this time, to dealing with matters on the economy. I look forward to discussing those with the Irish Taoiseach and other members of the U.K. and other national parliaments. But, I think what we can do is demonstrate just how well the Crown Dependencies, in general, and Jersey, in particular, have done in planning, in advance, to deal with any such measures like this, including the setting up of the Stabilisation Fund which has been very beneficial to the Island's economy.

**2.4.5 Deputy M.R. Higgins:**

More specifically, would the Minister prefer to make any comments about the specific impact on Jersey? We have a number of Irish banks in the Island, some of which have been nationalised, or

close to nationalisation, by the Irish Government and British banks - as we have recently discovered - Lloyd's and RBS have over £80 billion worth of debt ... sorry, they are creditors of the Irish banks and that money is owed to them. Does he have any comments to make about any impact that might have on Jersey?

**Senator T.A. Le Sueur:**

I think the fact of the matter is that a package is being produced and approved by the European authorities and the Irish authorities in order to maintain the stability of the Irish banking system and ensure that depositors in Jersey, or elsewhere, are not put at risk by any actions or things that have may happened in the past. We should be grateful, I think, to understand that the European Community, as a whole, appreciates the importance of maintaining a strong and sound banking system.

**2.5 Deputy R.G. Le Hérissier of the Minister for Health and Social Services regarding the absence of internal expertise to conduct the study into Jersey's Health and Social Services:**

Why was the expertise not available internally to conduct the study into Jersey's health and social services?

**Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):**

I cannot stress the importance of the strategic road map for the future of health and social care. The size and complexity of this review must not be underestimated, nor the fact that it is to be completed within a very short timescale. It would be unrealistic to expect existing officers to be tasked with this in addition to their already pressing daily work commitments. In addition, very specific financial and health modelling expertise is required and it would not make sense to employ, on a permanent basis, officers with such definitive skills for a task that is, essentially, a one-off. All senior officers and clinicians will, however, be working in partnership with the external consultants to support delivery of this crucial piece of work.

**2.5.1 Deputy R.G. Le Hérissier:**

Does the Minister not realise that the totally mixed message given out to people of trying to cut back £1,000 here and £1,000 there off voluntary organisations, for example, and yet managing to magic up £750,000 for a study has totally undermined our credibility in terms of managing government cutback?

**The Deputy of Trinity:**

I stress, again, that this health and social services review is vital and it is important for our future health as we go forward. As we know, and I have said many times, there are important issues which arise; ageing, staffing and recruitments, chronic long term illnesses, new medicines, treatment, *et cetera*, as well as our property portfolio. So, this must be done in the right way as we go forward and this expertise is crucial.

**2.5.2 Deputy G.P. Southern:**

Does the Minister accept that she already has a robust template on which to progress changes to the Health Service in *New Directions*, or is she saying, today, that she has abandoned *New Directions* altogether?

**The Deputy of Trinity:**

*New Directions* was a piece of work, but it went only so far because of the lack of experience within our departments. As I have said in the original question, it is about health economy, health and social services economy and modelling and that is very important as we go ahead.

### **2.5.3 Deputy G.P. Southern:**

Supplementary, if I may? Can the Minister inform Members what elements were missing from *New Directions* that she is going to replace?

#### **The Deputy of Trinity:**

*New Directions* went so far and part of *New Directions* has been installed, like the beginning of the carer strategy. It is mostly the financial modelling and how we age, our long term illnesses, cost of treatment, cost of medicines and that all needs to be worked out as we go ahead into the future.

### **2.5.4 The Deputy of St. Mary:**

I do not doubt the complexity of reviewing all the workings of Health and Social Services, but what I want to ask the Minister is; my understanding was that the new director appointed a number of new managers to manage the changes required within Health and Social Services. Could the Minister tell us how many people were employed to do that?

#### **The Deputy of Trinity:**

If I understand the Deputy correctly, he is talking about, perhaps, the Hospital Director and Director of Social Services. But the Hospital Director and the Director of Social Services are managing a department; managing an area within the Health and Social Services Department on a day-to-day basis. What I am talking about here - and I really, again, must stress the importance of this - this is a strategic road map. This will take us forward, take Jersey forward, Jersey's health and social care forward up to 2020 and that is not an easy task. Again, I must ask ... Sorry, I will stop there.

### **2.5.5 Deputy P.V.F. Le Claire of St. Helier:**

May I ask the Minister, in relation to this question, in the *Daily Mail* today it talks about the huge cost of U.K. doctors' and nurses' salaries. If they were on a par with other performing countries there might be increased life expectancy of 3 years for people in the U.K. Will this important body of work, that her department is about to undertake, investigate these issues in conjunction with the Social Security Department?

#### **The Deputy of Trinity:**

I have not had a chance to read the *Daily Mail*, and I can say that all issues will be looked at and it is an important thing about staffing and recruitment, especially of consultants, because, as we have said before, there is some specialisation and it is where we want to see health and social care move forward in the future.

### **2.5.6 Deputy P.V.F. Le Claire:**

May I ask a supplementary please? I would be happy to pass the newspaper to the Minister for her to get a better understanding of what I am asking, but I was referring to doctors in general - G.P.s (general practitioners) included - and that would obviously fall within the remit of social security. So what I was asking is her review going to cut across the Ministries?

#### **The Deputy of Trinity:**

Yes. Sorry, I did not pick up that point. Not only does it cut across Ministries, because there is a Ministerial oversight group of which the Chief Minister and the Minister for Social Security are part of too, but also, very importantly, the third sector and the different faith groups too and G.P.s, dentists, pharmacists - the whole lot.

### **2.5.7 The Deputy of St. John:**

I must ask; is the Minister up to speed with what has been going on in the last couple of weeks, given she has been off-Island. This House, 2 weeks ago, voted some £6.13 million to bail out her department. Is the money for this review, of £760,000, to come from that bailout?

**The Deputy of Trinity:**

I have been away but I do take my Blackberry with me... a good thing or bad thing, I do not know. Regarding the Deputy's question I can categorically say, no.

**2.5.8 Deputy A.E. Jeune of St. Brelade:**

If I understood the Minister correctly, I believe she said that the problem with *New Directions* is that there was a lack of expertise. If I have understood her correctly, can she explain why it has taken so long to identify that it has been dealt with by a lack of expertise?

**The Deputy of Trinity:**

No, I did not quite say that. *New Directions* is an important bit of work and it is still being used now and it will form part of this review, but it only went so far. Some of the points raised in *New Directions* have been put in place.

**2.5.9 Deputy R.G. Le Hérissier:**

Would the Minister not acknowledge that she has recruited a trio, and perhaps as others have said, of highly qualified managers, people who were meant to bring a strategic prospective to the whole operation and yet the first thing that is done is that whole task is contracted-out, at vast expense, to another agency. Is this right?

**The Deputy of Trinity:**

No, I do not agree. I definitely do not agree with that. Everyone has a part to play in this review and it is such an important review. The importance of... it is health economy as well and we do not have that experience within Health and Social Services and quite rightly that we should not because this review is going to be a one-off.

**2.6 Deputy J.M. Maçon of St. Saviour of the Chairman of the Privileges and Procedures Committee regarding preparations for a single-day election:**

With the move to a single-day election, what preparations, if any, has the committee decided to make in order to promote and educate the electorate on the new system when voting?

**Connétable J. Gallichan of St. Mary (Chairman, Privileges and Procedures Committee):**

Standing Order 128(b) states that it is the committee's responsibility to keep under review the rules for enfranchisement and for the conduct of elections and to bring forward for approval, by the States, amendments to the Public Elections (Jersey) Law 2002 as considered appropriate. As with the 2008 elections, the Privileges and Procedures Committee will undertake an advertising campaign in advance of the 2011 elections in order to raise awareness and to encourage potential voters to register to vote. This will be followed by further advertising to promote polling day, itself. At its next meeting P.P.C. (Privileges and Procedures Committee) will discuss the findings of the Education and Home Affairs Scrutiny Panel's report on political education in Jersey and among these it will discuss recommendation 11, which suggests that P.P.C. should oversee the setting up of State sites on Facebook and on Twitter.

**2.6.1 Deputy J.M. Maçon:**

The Chairman talked about the advertising campaign that it is undertaking. Can the Chairman explain how the effectiveness of these advertising campaigns is measured?

**The Connétable of St. Mary:**

I do not believe there has been an evaluation prior to an election, but by the way in which the election is carried out and by the turnout, we would hope to show that the advertising has been effective. This time, of course, there will be various changes in the actual structure of the elections

which will need to be promoted. We will need to be very careful to make sure that the information is widely available before the election, obviously. Therefore, I am not sure how we can evaluate it until after the election to see how the turnout has, hopefully, increased.

#### **2.6.2 Deputy G.P. Southern:**

Will the Chairman use all her power to promote turnout in these elections, including the promotion of postal and pre-poll voting to assist the elderly and those with a disability?

[10:15]

#### **The Connétable of St. Mary:**

The committee recently established a public elections working party, in fact it was in 2009, to examine the way the Public Elections Law was working in the run up to the single election day. We have been discussing the working party's recommendations and will shortly propose a number of amendments to the Public Elections Law. Until the amendments and the Public Elections Law is in its final form, is passed by this Assembly, it is premature to make any commitment as to what kind of voting will be promoted.

#### **2.6.3 Deputy G.P. Southern:**

Supplementary. Is it the Chairman's intention, then, or the sub-committee's intention, to reduce the ability for people to pre-poll or postal vote, rather than promote that as a means of assisting the elderly and the disabled to participate properly in a full election?

#### **The Connétable of St. Mary:**

As I explained, the P.P.C. will shortly be coming forward with proposals, it is premature for me to pre-empt the decision of the committee.

#### **2.6.4 Deputy R.G. Le Hérisier:**

Would the Chairman acknowledge that following what seemed to be excellent advertising campaigns; yes, there was an increase in registration, but the real difficulty was following up with an increase in voting turnout? Would she not, also, accept that with the 16-plus group, now in the frame, that perhaps specialised advertising and promotion campaigns will be required?

#### **The Connétable of St. Mary:**

It is one of those strange facts that, of course, the higher percentage of registration, even if we increase the number of turnout slightly, that the percentage turnout may go down. It is very difficult to keep aware of that. As I have said previously, the committee will be discussing the Political Education report - SR 14 - and so I am hopeful that that will address some of the issues that the Deputy has raised in his question. But I would say, also, that Education, Sport and Culture do play a vital part in raising awareness among students already. Prior to the 2011 elections they will be distributing a leaflet entitled: "Are you 16 or over? Do you know how to vote?"

#### **2.6.5 The Deputy of St. Mary:**

Given the very sad turnout of the student's hustings at the last election, what steps will the Chairman be taking to ensure that students are reached, in ways specific to them, to encourage them to get to know what the elections are all about, what the policies are and so on. I hope I can ask a second question.

#### **The Bailiff:**

No, I think not. That was the first question, which seems to be exactly what Deputy Hérisier had asked, Deputy, if I may say so.

#### **The Connétable of St. Mary:**



Thank you, I would concur that my previous answer covers it. There has been a report produced, a thorough report ...

**The Bailiff:**

I think your previous answer covers it, it covers it. Are there any other questions? I am sorry you have had your go, Deputy.

**2.6.6 Deputy J.M. Maçon:**

If the Chairman accepts that specific promotional activities have to be undertaken, with the difficulty of postal voting, will the Chairman undertake action to advertise the role of the Autorisé that can go from the Parishes to people's houses because many of the electorate do not realise that that service is available. Will the Chairman undertake to promote that particular activity as well?

**The Connétable of St. Mary:**

The importance of the "sick" vote, as we call it, has been an area that was highlighted in the work of the working party. I am sure that will be carried forward in the recommendations, but, as I said, P.P.C. has yet to bring forward its concrete proposals, but I will bear the Deputy's concerns in mind.

**2.7 Deputy A.E. Jeune of the Minister for Health and Social Services regarding the funding for the review of services:**

Would the Minister advise Members which budget has funded the approximate sum of £800,000 for a review of services, when this sum was allocated, and provide Members - at today's sitting - with a copy of the terms of reference for that project with the agreed timescale for completion?

**The Deputy of Trinity (Minister for Health and Social Services):**

During 2010, the Health and Social Services Department identified significant resources to invest in the development of endoscopy services and the opening of the emergency assessment units. Delays resulting from the unpredictable process of attracting and recruiting appropriately skilled medical and nursing staff for these developments resulted in a one-off under-spend and slippage. This is a one-off under-spend that has enable resources to be identified for this hugely important piece of strategic planning work. I am happy to circulate the terms of reference and the timescales in the form of the project brief. It is envisaged that a Green Paper will be published in late spring 2011 with a White Paper in September 2011.

**2.7.1 Deputy A.E. Jeune:**

Supplementary. What confidence can the Minister give to Members that this review will bring some outcomes with it? We see so many reviews being done in the Health Department and yet we do not seem to see any outcome.

**The Deputy of Trinity:**

As I said this is an important review. I think the difference here - and it has been mentioned, *New Directions* - is that we need to stress the importance of going into the future and having sustainable Health and Social Services. We need to have those outcomes and I think that is where getting a consultation firm in to support us who have wide expertise in doing health economy over the world will make sure that we do get the outcomes that we need.

**2.7.2 Deputy P.V.F. Le Claire:**

In my previous question to the Minister, I raised the issue of cross-Ministerial work and the Minister kindly explained how it was going to be across many sectors of society, an overarching strategy. I would like to ask the Minister, therefore - as it is going to touch upon the Minister for

Social Security's portfolio in such a way, where there is lots of money - why is this money only coming from Health and Social Services?

**The Deputy of Trinity:**

Deputy, it is going to be run by Health and Social Services and it is Health and Social Services as we go forward into the future. But part of the consultation is going to go out to, as I said, the third sector - faith groups and G.P.s, *et cetera* - and we need to be all encompassing and we need to take health, and especially community care, looking into the future.

**2.7.3 Deputy P.V.F. Le Claire:**

May I ask a supplementary? I do not know if I managed to ... I will try to be more succinct. Has the Minister requested help with this funding from the Minister for Social Security?

**The Deputy of Trinity:**

No, I have not.

**2.7.4 Deputy M.R. Higgins:**

The Minister said the money had come from under-spent money in the endoscopy unit. Can she tell us what the waiting lists are in this area, and when will funding be reinstated in this area of expertise?

**The Deputy of Trinity:**

As you know, as I said, this money is a one-off and these areas are part of, as we go forward, the waiting lists, but that is a specific issue regarding waiting lists that we did put one-off money to reduce the waiting list time last in 2009. That was fairly successful, but it was only a short time and it was one-off money. So that is why, looking for the strategic view is important because we need to be ahead of the game, so to speak, rather than behind.

**2.7.5 Deputy M.R. Higgins:**

The Minister has not answered the question because what are the waiting lists in the area and secondly, when will money be reinstated in that area?

**The Bailiff:**

Well, I think, Deputy that is getting a bit off the subject which was to do with the overall review. No doubt you can pose questions on that.

**2.7.6 The Deputy of St. John:**

In question 7, it asks for Members to be supplied with a copy of the terms of reference of the project. Are we going to receive a copy of the terms of reference because it would have been nice to have it prior to putting these questions? Or, is it like the reply I got earlier, that the Minister had her Blackberry with her but I must ask, did she look at her Blackberry?

**The Deputy of Trinity:**

As I said in my initial answer, that the terms of reference will be with States Members by the end of the day and that includes all the timescales and all ... hopefully, most of the information that States Members would want.

**2.7.7 The Deputy of St. Mary:**

I am grateful that we will have the terms of reference, but can you let Members and the public know now, whether the terms of reference include full engagement with the users of health services, as opposed to specific stakeholder groups, like faith groups - the users?

**The Deputy of Trinity:**

Of course, you know, to get across this message; that is the most important thing. It is Health and Social Services as we move into the future, Health and Social ...

**The Bailiff:**

So the answer is yes.

**The Deputy of Trinity:**

Yes.

**2.7.8 Deputy G.P. Southern:**

Will the terms of reference include a fully-costed and funded way forward because it seems to me, the drift of what the Minister is saying that we know where we are going, we have got *New Directions*, but we need to cost and fund the operation of the health service into the future?

**The Deputy of Trinity:**

Yes.

**2.7.9 Deputy A.E. Jeune:**

I just find it so amazing that having needed the money from the Health Insurance Fund, the department is able to find an under-spend. But having said that, finally could the Minister please advise what the tender process was and how many tenders were received?

**The Deputy of Trinity:**

There are 2 points to that question and I will deal with the second one first. It went through a full procurement process as set down. There were 6 terms of reference that went out to 6 firms that were shortlisted down to 3. I must stress that the allocation from the Health Insurance Fund, 2 weeks ago, was a totally separate health issue. That was to fund Health and Social Services on a year-by-year basis. This amount is only a one-off and those 2 things should not be confused.

**The Bailiff:**

Very well, we will come next to question 8 which Deputy Southern will ask of the Minister for Treasury and Resources. The Minister has asked, through a note, as to whether he can take slightly longer than normal to answer this question to begin with and then that can set the scene for the many subsequent questions on the same topic and I have agreed he can do that.

**2.8 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the removal of deemed distribution for locally-owned companies:**

I look forward to a mass of detail. Following the E.U. (European Union) Code Group's decision that Jersey's deemed distribution system for Zero/Ten is in conflict with the E.U. code on business taxation, what consideration, if any, has the Minister given to the removal of deemed distribution for locally-owned companies? What is the estimated tax loss for each year? How is business tax avoidance to be stopped and how will any loss of revenue, resulting from this change, be made good?

**Senator P.F.C. Ozouf (The Minister for Treasury and Resources):**

At this stage there is nothing more - or little more - that I can add to the press release issued on 23rd November. We have been informed that on 19th November the Code Group reached a consensus that our present business tax regime gives rise to harmful effects. This is based on the E.U. Commission view that our deemed distribution provision is business and not personal taxation and it is discriminatory, a view that we have contested. However, we have also been informed that there has not yet been a formal assessment by the Code Group and there is a further process to go through before a final conclusion is reached. Apparently, the Code Group is to recommend that an

E.U. Council high level working group be asked to review what is covered exactly by business taxation. The next step is for the Code Group to report on its activities to the Council of Finance Ministers, or ECOFIN (The Council of Economics and Finance Ministers of the European Union), and for the Council to consider that report at its next meeting next month. We understand that the reference to our regime will be by way of short statement and this will be the only document on the public record. The views expressed to the Code Group by the Commission are confidential and cannot be made public without the approval of the Group and the Commission. If ECOFIN agrees that the high level working group should undertake the review recommended by the Code Group, it is expected that the results of that review will be available for the Code Group to consider at its next meeting in February. Only then will it be possible, for certain, to say what action, if any, we need to take in respect of the deemed distribution provision or what the implications of that action might be.

### **2.8.1 Deputy G.P. Southern:**

The answer to the question is no; no consideration has been given. Does the Minister accept that in the light of the continuing controversy over Zero/Ten - the introduction of Zero/Ten after a mere 10 months - far from producing stability and certainty to business taxation matters, has brought exactly the opposite.

### **Senator P.F.C. Ozouf:**

No, and no.

### **The Bailiff:**

Sorry, Deputy, you have had your 2, you can come back later but there are others who want to ask questions.

[10:30]

### **2.8.2 Deputy T.M. Pitman:**

Deputy Southern has already hit the Minister with my question. However, given what the Minister has told us about the meeting of the Code Group when does he expect to have a definitive answer, because there is real uncertainty and undermining of confidence within the businesses that I speak to?

### **Senator P.F.C. Ozouf:**

Obviously the Deputy is talking to different businesses than I am. All the businesses, and the people within Jersey, are entirely confident of the position taken by Jersey and are content with the explanations that we have given in relation to the specific concern that has been raised by the Code Group, which is about the deemed distribution provision. It is difficult to say, with a degree of certainty, when we will be certain of the outcome of the Code... As I said in my answer a few moments ago, we have been informed that there has not yet been a formal assessment of that and we will look forward to confirmation of when that formal assessment is made.

### **2.8.3 Deputy D.J. De Sousa of St. Helier:**

Bearing in mind the Minister's answers to the previous 2 questions, why is it that his department is not willing to look into Zero/Ten as our neighbours, Guernsey, are doing?

### **Senator P.F.C. Ozouf:**

I would remind the Deputy that I published a consultation paper on alternatives to Zero/Ten a number of months ago and we will be publishing a conclusion to that. We are in the process of confirming what the concern is with Zero/Ten. When we know that concern and if it is, indeed, the deemed distribution arrangement and as the Deputy said earlier, whether or not we have given consideration ... we have given consideration to those issues but we want to find out what the

specific concern is before making any announcements on a change for deemed distribution, for example.

#### **2.8.4 Deputy M.R. Higgins:**

For the sake of clarity could the Minister confirm that under Zero/Ten all companies - other than financial service companies who pay 10 per cent and utility companies who pay 20 per cent - pay no business taxes and that the deemed distribution arrangement is simply a means to try and claw-back those profits that they have actually made. Therefore this is what the E.U. Code Group sees as the problem, that, basically, on the face of it you have got a sham; you have got business taxes for local companies but not for foreign companies.

#### **Senator P.F.C. Ozouf:**

Not for the first time, I disagree with the Deputy. The Deputy is absolutely wrong. The issue around deemed distribution was that it was an avoidance mechanism. That is why it was brought in. I was in the Assembly when it was proposed and indeed I am very clear about the purpose of it. We will make representations. We contest the issue that deemed distribution is business tax. There is going to be the high-level working group that hopefully will give some detail on what the definition of business versus personal tax is. I have to say that I am clear that that is the issue which the Code Group, from all the information I have, is concerned about and we will be making representations that deemed distribution is a personal tax measure not a business tax measure but we await the outcome of their conclusions.

#### **2.8.5 The Deputy of St. Mary:**

Leaving aside the debate about whether Zero/Ten will be deemed unacceptable or not, does the Minister not agree that there is a real possibility that deemed distribution will be rejected and can he then answer the question that was in the original question, which was, what is the likely tax loss? He says he is already developing alternatives, can he tell us what the estimated tax loss is if we lose this particular battle?

#### **Senator P.F.C. Ozouf:**

If a decision is made by the Code Group in relation to the deemed distribution provisions that we have that they should be removed, then it is our intention to replace those with alternative provisions that meet the requirements of the Code Group but are revenue-neutral.

#### **2.8.6 The Deputy of St. Mary:**

Would the Minister not agree that it would be prudent to know roughly how much we stand to lose and therefore how much we will need to replace? I am astonished that he cannot give the House a figure as to how much tax we stand to lose.

#### **Senator P.F.C. Ozouf:**

I have been absolutely clear. The tax that we lose, we will bring in alternative anti-avoidance mechanisms which will be revenue-neutral. I cannot be clearer to the Deputy than that.

#### **2.8.7 The Deputy of St. Mary:**

How much was the question? Does the Minister for Treasury and Resources not know what the cost of this particular conflict with the E.U. might be? It is astonishing what he is telling us, that he cannot give us a figure.

#### **Senator P.F.C. Ozouf:**

Sometime people do not like to hear what they are being told, that is the difficulty. Let me be clear that if we are to change the deemed distribution arrangements then we will bring alternative arrangements if that is the problem with Zero/Ten that will be revenue neutral. There are

appointment mechanisms in place with personal tax regimes across the world of which there are alternatives that we could consider.

**Deputy M.R. Higgins:**

G.S.T. (Goods and Services Tax) to 10 per cent?

**The Bailiff:**

No, it was not a question; I had not acknowledged the Deputy's last question. Deputy Le Claire.

**2.8.8 Deputy P.V.F. Le Claire:**

Looking into the future and learning from the past, can the Minister give us a categorical assurance that Zero/Ten will survive this problem because the Code of Conduct Group looks at the whole package, not just this one element? If it will survive, given that categorical assurance, does that mean we will not be moving to a territorial tax?

**Senator P.F.C. Ozouf:**

Experience shows that certainly as far as statements are concerned one should be very measured and careful in what one states. The world is a continually moving situation and in 10 or 20 years' time obviously the landscape in terms of international norms may well change so it would be unwise ... it was unwise for me to say previously in relation to G.S.T... a categorical assurance should not be given. But what I will say is we that we continue to keep our options open, we continue to engage closely with our colleague Crown Dependencies in terms of their options and their responses to the particular issue and I know that territorial tax, which was an issue which we continue to do work on... it was in the consultation that I issued a number of months ago and we continue to look at it but we make decisions in the best national and economic interests of Jersey.

**The Bailiff:**

Final question, Deputy Southern?

**2.8.9 Deputy G.P. Southern:**

Perhaps I can phrase the question somewhat differently. Since the Minister is unaware of how much money he might lose if deemed distribution is rejected, can he state what his estimates are for 2010 that deemed distribution will bring in, because he must have an estimate for the 2010 tax take? Further, can he assure Members that we have got total stability and certainty until February of next year and there afterwards nobody knows?

**Senator P.F.C. Ozouf:**

The Deputy will be aware that Zero/Ten was brought in on 1st January 2009. That means that assessments will be made for that income for taxable year 2009, tax paid in 2010, but as far as the personal tax is concerned, it obviously will be paid next year and this year in relation to the way that the deemed distribution on personal tax ... I want to be absolutely clear with the Deputy that any alternative anti-avoidance mechanisms for personal tax will be revenue-neutral in terms of the personal tax assessments for Jersey owners of investment companies, *et cetera*, on their personal tax return. This is a personal tax measure not a business tax measure, any changes will be revenue-neutral. That is all the work that we have carried out. I want to be clear with the Deputy.

**2.8.10 Deputy G.P. Southern:**

Yet again the Minister has not addressed or answered the question which was what estimate does he have from the take from deemed distribution in 2010? He must have an estimate. He has got estimates for the overall tax take, which part of that belongs to deemed distribution and will he tell Members how much that brings in?

**Senator P.F.C. Ozouf:**

I refer the Deputy to my answer a few moments ago, and that is any changes in terms of an alternative ...

**The Bailiff:**

No, the question is what is the estimated tax next year from deemed distribution?

**Senator P.F.C. Ozouf:**

It is difficult to say that in terms of the [Laughter] ... it is difficult because of the timing issue, but what is clear is the construct of an anti-avoidance mechanism can be replaced by deemed distribution, so all the calculations that we have done is that it will be the same, whatever that number is.

**Deputy G.P. Southern:**

This is a magic number that no one else is allowed to ...

**The Bailiff:**

Thank you very much, Deputy, that was not a question. We will move then to a question which the Deputy of St. Martin will ask of the Chief Minister.

## **2.9 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the alteration of the Napier terms of reference:**

It is a case of third time lucky; maybe this time. Given that the explanations given as to why and when the Napier terms of reference were altered to refer to decisions taken after R.39/2010 was presented to the States, will the Chief Minister inform Members when this was done and who was party to the decision and explain why he and the Deputy of St. Martin were not party to those discussions?

**Senator T.A. Le Sueur (The Chief Minister):**

In answer to the Deputy's questions in October and November of this year, I referred to the changes that were made to the terms of reference and to the confirmation received from the former Chief of Police that he would fully participate in the investigation. I do not recall making any reference to decisions being taken after R.39 was presented to the States. The former Chief of Police confirmed to the Deputy Chief Executive in a letter dated 31st March 2010 that he would fully participate in the investigation, that date being well before R.39 was presented to the States. Because there was agreement between Mr. Power and Mr. Napier concerning participation that would enable Mr. Napier to gain full access to information, there was no need to involve either myself or the Deputy of St. Martin.

### **2.9.1 The Deputy of St. Martin:**

From the answers given I cannot understand the logic of removing part (d). Surely if the former Police Chief was going to assist with the review then part (d) should have remained as part of the terms of reference so those people mentioned in the Chief Officer's affidavit could all have been interviewed. Does the Chief Minister agree?

**Senator T.A. Le Sueur:**

Yes, Mr. Napier had access to all the information he required and had it not been the case then I agree with the Deputy that the part (d) could have been left in there. But as there was the categorical assurance from the former Chief Officer of Police, it was no longer necessary.

**The Bailiff:**

The Deputy of St. Mary and then I will come back to you.

### **2.9.2 The Deputy of St. Mary:**

Does the Chief Minister not agree that there a difference between making a document available to Napier - namely the affidavit of the former Chief Officer of Police - and including in the terms of reference that Napier will consider that affidavit and what flows from it. There is a world of difference and in his answer on 19th October the Chief Minister said he no doubt considered the allegations referred to in that affidavit and he treated them accordingly, not if it was excluded from the terms of reference. Would the Chief Minister like to comment on the difference between giving someone a document and asking them to look carefully at that document?

#### **Senator T.A. Le Sueur:**

There is a difference between receiving an affidavit and acting on it. What was being quite clear from reading the report of Mr. Napier is that not only was the report received, it was acted upon and there was full dialogue between Mr. Napier and the former Chief Officer of Police in order to elaborate any matters which were not adequately disclosed in that affidavit.

### **2.9.3 The Deputy of St. Martin:**

The Chief Minister will no doubt have looked at all the documents that were circulating between the respective people and he will have known that there was a letter dated 21st April from the Deputy Chief Executive to Mr. Power asking him if he would agree. So therefore that was a week after R.39 was published. As the Chief Minister has agreed that I could have oversight of the Napier review but I never did, will he agree that maybe I and one other States Member could be party to have a look at the exchange of documents between the various people at some time in the near future?

#### **Senator T.A. Le Sueur:**

I do not have the details of any letter on 21st April to hand. I stand by my statement that the former Chief Officer had confirmed in a letter dated 31st March. This matter has been going on for some months now and I do not see any point in the Deputy or any other Member trying to rake through correspondence which, by its nature, is correspondence between individuals and does not form part of the terms of reference. We have a full report from Mr. Napier, I have committed to bring forward the recommendations approved by the States at the last sitting and that should suffice for all Members at this stage.

### **2.9.4 The Deputy of St. Martin:**

Could I just press, the Minister did not answer the second part, will he allow me to have the sight of the exchange of documents as per our agreement that I would have oversight?

#### **The Bailiff:**

I thought he said no.

#### **Senator T.A. Le Sueur:**

The agreement was that the Deputy and myself should be kept fully informed of the outcome of the proceedings, I do not think it is extended to seeing every single item of correspondence going in all directions from all parties. That would strike me as being totally unnecessary and cumbersome.

#### **The Bailiff:**

Very well, we will move then to question 10 which the Deputy of St. John will ask of the Minister for Economic Development. Deputy.



## **2.10 The Deputy of St. John of the Minister for Economic Development regarding the remuneration of the Harbours and Airport Shadow Board:**

Can the Minister explain how with payments of £650 for the chair and £450 per day per member for up to 40 days per annum - which equates to a minimum of £26,000 per member - these sums for membership of the Harbour and Airport Shadow Board can be considered to be an honorarium as stated in the advertisement for the position?

[10:45]

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

I agree there is more than one definition, and therefore interpretation, of the term honorarium. The definition used for the purpose of the advertisement to which the Deputy refers is a payment made to an individual for the provision of a service. The advert made it quite clear that membership of the board was to be paid. There was certainly no intention to be misleading by using the term honorarium. For the avoidance of any doubt, the members of the Harbours and Airport Shadow Board are not employees of the States of Jersey, rather they are on a contract-for-services basis to the Economic Development Department.

### **2.10.1 The Deputy of St. John:**

Of the Shadow Board members, could we be told when this idea was conceived to have a board for the Harbours and Airport Committee and could I suggest that possibly it was conceived prior to our current Chief Minister taking office and, if so, could the Minister tell us why, for some months, it has been reported to me that the former Chief Minister had been part of the Shadow Board before we were notified in this House?

### **Senator A.J.H. Maclean:**

I made it quite clear in a statement that I made on 6th July this year that we were looking at changing arrangements for the way in which we manage both the harbour and the airport and I, at that point, made it clear that we were looking to appoint a shadow board. With regard to the second point the Deputy raises about the former Chief Minister, he is right in one respect, the former Chief Minister provided some free time to the Harbours Department with regard to the boat show. The Deputy is aware of that because I have already discussed it with him on more than one occasion.

### **2.10.2 Deputy M.R. Higgins:**

It is relating to the question of money. I believe the chairman of this particular panel has also received, through his company, something like £90,000 for work done at the airport. Can the Minister confirm that there have been these relationships and do others have financial relationships with the airport?

### **Senator A.J.H. Maclean:**

I can confirm that the airport - and the harbour for that matter - has employed over a number of years different people to provide consultation and consultation services. Indeed the current chairman appointed to this particular Shadow Airport and Harbour Board has worked for the airport in the past and he has received payments for so doing.

### **2.10.3 Deputy T.M. Pitman:**

Unfortunately the Attorney General has had to leave the Chamber but as someone who worked for Education, Sport and Culture, honorariums was a term which we ran into great difficulty with and we had to stop to using. I just believe that honorarium being used in that context is completely inappropriate [**Approbation**] and I wondered if the Attorney General could give us some guidance on that. Because I think it is very worrying with these amounts of money involved.

### **The Bailiff:**

No, this is question time to the Minister.

**Deputy T.M. Pitman:**

Then perhaps he could tell us.

**Senator A.J.H. Maclean:**

I will happily give an answer to that. I think I have explained there are a number of different definitions of honorarium, although I take and accept the Deputy's point, there was no intention for this advertisement to be misleading in any shape or form, the rate of payment was clearly stated. On that basis I believe as the process was overseen by the Appointments Commission that it was a fair, open and transparent process.

**The Bailiff:**

Do you wish a final question, Deputy of St. John?

**2.10.4 The Deputy of St. John:**

Yes, will the Minister confirm that an honorarium is a payment for which fees are not legally or traditionally required? If that is the case, will these members of the Shadow Board be donating their honorarium to charity?

**Senator A.J.H. Maclean:**

The Deputy has used one of the many definitions for this particular term. The answer to the second part of his question is no.

**The Bailiff:**

Very well, we move to questions 11 which Deputy Le Claire will ask of the Minister for Planning and Environment. Deputy.

**2.11 Deputy P.V.F. Le Claire of the Minister for Planning and Environment regarding the treatment and management of ash water in St. Aubin's Bay:**

May I ask the Minister, further to the response given on 16th November 2010 regarding the treatment and management of ash water, is the Minister now able to furnish Members with the full management report and is he also able to provide Members with a copy of the discharge permits and certificates relating to the treatment and subsequent release of treated waters into the marine environment in St. Aubin's Bay?

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

Sir, the Assistant Minister who has special responsibility for the environment will answer.

**Deputy R.C. Duhamel (The Assistant Minister for Planning and Environment - rapporteur):**

I confirm that the Planning and Environment Department has requested information from Transport and Technical Services on the chemical composition and the rates and volumes regarding the disposal of water from the ash cells into the foul sewage system. When this information is received it will then be reviewed by the regulator and made available to Members. The treated effluent leaving the sewage treatment works is regulated through a discharge permit issued under the Water Pollution (Jersey) Law 2000, this is a public document and is openly available to Members upon request.

**2.11.1 Deputy P.V.F. Le Claire:**

It was difficult to catch the answer because of some background noise. But I would like to ask the Assistant Minister, and maybe other Members can follow this up as well, how come it has taken so long and the Minister still does not have the chemical content of this ash water if it is being

discharged through the sewage system or the foul water system into St. Aubin's Bay, and who issues this discharge permit that he has referred to? Can we see it as I first requested?

**Deputy R.C. Duhamel:**

I have already indicated that certain permits can be seen. I must remind the Deputy and the House that any input into the foul sewage system, including water from ash cells, is controlled through the Drainage (Jersey) Law 2005 and is the responsibility of the Transport and Technical Services Department. It is only when the treated effluent leaves the sewage treatment works and enters into the marine environment that it is controlled by Planning and Environment Department through the Water Pollution (Jersey) Law 2000. There are 2 pieces of legislation basically that do different things.

**2.11.2 Connétable A.S. Crowcroft of St. Helier:**

Would the Assistant Minister say whether he is confident that the handling of ash and its storage at La Collette is not compromising the Island's precious Ramsar site?

**Deputy R.C. Duhamel:**

I would hope that is the case and certainly I have confidence in the authorities that do have this responsibility.

**2.11.3 The Deputy of St. Mary:**

I was concerned when the Assistant Minister - maybe it was a mistake and maybe he can clarify - said that certain discharge permits can be made available to Members and the public. Could he confirm that all discharge permits are matters of public record and, if not, why not?

**Deputy R.C. Duhamel:**

Certainly the discharge permits that are issued by the Planning and Environment Department under regulator authority, I can give that assurance to the House. But in terms of any drainage permits that are issued by the Transport and Technical Services it is not the responsibility of myself or the department, it is the responsibility of the Minister for Transport and Technical Services.

**2.11.4 The Connétable of St. Helier:**

If I could I would like to ask the Assistant Minister if he is more or less confident in the storage and management of toxic ash at La Collette than he is in the storage of asbestos? I understand he is going to a meeting about it this evening.

**Deputy R.C. Duhamel:**

I think I am concerned about any storage of any elements or materials that do have a toxic or toxicity component.

**2.11.5 Deputy P.V.F. Le Claire:**

Can I ask the Assistant Minister to furnish Members with the information that I have requested in this question today? I tabled the question: it is clearly set out what it is I am asking for. I do not want general answers or information about who oversees laws. I understood the Minister for Transport and Technical Services was able to certify what he puts in the drains, even if that is ash water content. What I have asked of this Minister as protector of the environment - and I am asking for again - is a management report circulated to Members with copies of the certificates so I can then follow from there to the Minister for Transport and Technical Services' door as I have been wanting to do for a number of weeks.

**Deputy R.C. Duhamel:**

Yes, when the information comes through and it is reviewed and I am in a position to forward the reports to Members I will be able to do so. Until that time I am unable to do so.

### **2.11.6 Deputy P.V.F. Le Claire:**

Could I ask one last supplementary, very briefly? What has been the reason for the delay? It has now been several weeks, why can the Environment Department not get a response from the Minister for Transport and Technical Services when it comes to ash water entering into the marine environment?

### **Deputy R.C. Duhamel:**

As I said, there are 2 different laws. Water entering into the foul sewage system is the responsibility of Transport and Technical Services and they determine whether or not any of those waters are toxic or hazardous or would cause problems for the sewage system. It is only when waters are discharged out from the Bellozanne outlet, or indeed from any other parts of the network that are freely discharging into the marine environment that steps can be taken by Planning and Environment to determine whether or not that is a harmful process to the environment. As I said, I will do everything that is available to me to try and expedite the information coming to my department so that these reports can be freely distributed. I do not have a stick and the carrot is not working at the moment.

### **The Bailiff:**

We then come to question 12 but, Deputy of St. Mary, I gather you feel you have got an adequate answer to this in the written questions and do not need to proceed. Thank you very much. Then question 13 is from Deputy Shona Pitman but she is unfortunately malade and therefore that will fall. So we move to question 14 which Deputy Southern will ask the Minister for Health and Social Services, but he is not here. So we will move to question 15 which Deputy Higgins will ask of the Minister for Treasury and Resources.

### **2.12 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the publication of correspondence between ECOFIN and the authorities in Jersey regarding Jersey's compliance with the E.U. Code:**

Following the Minister's press statement on 23rd November 2010 will he now publish to Members all papers and correspondence between ECOFIN and those acting on its behalf and the authorities in Jersey in the interests of openness and transparency and to enable Members to determine for themselves on the basis of the evidence whether they think Jersey has complied with the E.U. Code or not?

### **Senator P.F.C. Ozouf (Minister for Treasury and Resources):**

I just refer the Deputy to what I said that the documents of the Code Group are confidential and cannot be made public without the approval of the Group and the Commission.

#### **2.12.1 Deputy M.R. Higgins:**

Supplementary? I noted the Minister's earlier comment but certainly the documents in Jersey are not necessarily confidential and he should share the argument being put forward by the Jersey authorities to ECOFIN so they can make a judgment on whether they are complying or not. Does the Minister not agree that this paper should be published?

### **Senator P.F.C. Ozouf:**

There is obviously going to be certain papers that are confidential but the views expressed by Jersey in respect of Zero/Ten are clear. I will happily give the Deputy more information about the Jersey position but it is clear in all the documentation that has been previously submitted - that I issued on 23rd - and there is nothing really further that I can add.

#### **2.12.2 Senator S.C. Ferguson:**

Yes, we seem to have a lot of discussions with ECOFIN and the various bodies. I would ask the Minister at what point do we start arguing or discussing with them from a less supine position.

**Senator P.F.C. Ozouf:**

Just to point out that we have not had discussions as yet with ECOFIN and in relation to the overall position of Jersey in relation to the Code of Conduct Group we voluntarily comply with it. That is the policy of Jersey in relation to being a good neighbour, a good co-operative neighbour but we think we have a very positive set of information to give in relation to what our industry does and the fact that it is not harmful within Europe. I think it is good to engage and to explain and that is exactly what we are doing.

**2.12.3 Senator S.C. Ferguson:**

But given the fact that there is now international competition on corporate tax rates - witness the discussions on the Irish tax rate of 12.5 per cent - at what point will the Crown Dependencies start, as I say, discussing from a less supine position?

**Senator P.F.C. Ozouf:**

I do not think I have ever been described as supine and neither has Jersey. We are explaining; we are communicating about what Zero/Ten is. The fact is that all the information that I have in relation to the Code Group's conclusions is that the issue is deemed distribution and there is a view, as I rehearsed previously, that that is a business tax issue: we represent that it is not. We will continue to explain that position in a forthright way and in an equal partnership way in the way that we have always done with our engagement with E.U. previously. I refer the Senator to the decision that we have made in terms of opening-up a Brussels office with Guernsey. That will improve communication and understanding about what the Crown Dependencies are and what we are not.

**2.12.4 The Deputy of St. Mary:**

The questioner, Deputy Higgins, asked about the papers and correspondence between ECOFIN and the Jersey authorities and the reply of the Minister was that the documents of the Code Group are confidential.

[11:00]

Can the Minister please answer whether he will publish the papers and correspondence of ECOFIN - which is a political body and is not shy and is quite happy to publicise its findings - to us, especially the early correspondence about whether indeed there was any indication from them about the probabilities of Zero/Ten being acceptable or not?

**Senator P.F.C. Ozouf:**

These issues have been rehearsed on many occasions in this Assembly previously. Any conclusions by ECOFIN will be published in terms of what I have already said. We expect that a short statement will be made in respect of Zero/Ten, and it is the interpretation of what that conclusion is that is important. I would just refer my earlier answer to the Deputy and that is that we have not had discussions with ECOFIN. We have had, over a number of years, discussions with the Code Group and I refer my earlier answer to the confidentiality of Code Group papers and the E.U. Commission. They are confidential and it is them that keep them confidential.

**2.12.5 Deputy M.R. Higgins.**

Will the Minister approach ECOFIN and ask them to release them from the confidentiality, because of the concern in the Island, so we can have further information and make a decision on this matter?

**Senator P.F.C. Ozouf:**

I was asked a few moments ago whether or not we would be less supine: we have to be realistic in relation to requests such as the Deputy makes. We do not run... we do not really influence the

procedures and policies and the confidentiality of documents of bodies like ECOFIN, and I will continue to publish what information I can in relation to the conclusions of ECOFIN but there are going to be no surprises, I do not think, in relation to the conclusion of ECOFIN, that is the statement I have already rehearsed and explained to Members what we think the statement will be by ECOFIN and that is that Zero/Ten gives rise to harmful effects and that is because of the issue of deemed distribution which we have rehearsed.

**Deputy M.R. Higgins:**

My question was would the Minister request ECOFIN to release their confidentiality?

**Senator P.F.C. Ozouf:**

I do not think I am in a position to make such a request.

**The Bailiff:**

Very well, we will move to the next question which Deputy Le Hérissier will ask of the Minister for Economic Development. Deputy Le Hérissier.

### **2.13 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding telephone ‘scams’::**

What action, if any, is the Minister able to take to stop telephone scams?

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

First of all public awareness is the greatest weapon in dealing with such fraudsters. To paraphrase our own marketing campaign I advise the public to always think twice before imparting private information to unknown callers. The U.K. has a number of regulatory and industry approaches for the prevention and elimination of telephone fraud and these approaches apply to Jersey. Internationally, industry anti-fraud bodies help to identify and stop telephone scams. Locally, Jersey Telecom monitors its network for evidence of telephone fraud and acts upon the advice and recommendations of regulatory and industry forums. Unwanted calls and scam advice is provided on the website and J.T. (Jersey Telecom) discuss individuals concerns on their helpline. These scams do not originate from Jersey. The police recognise that this is a global problem but are not in a position to investigate such cases. However, the police do highlight current scams and provide practical security advice to protect Islanders. If an Islander has lost any monies the police will make further investigations. Scams mutate and the public must be cautious, reporting them is very important and helps to protect those yet to be targeted.

#### **2.13.1 Deputy R.G. Le Hérissier:**

Would the Minister - other than promotional educational material and calls from unknown people, for example, employed by estate agents - say whether any technological answers exist as for example happened with the latest scam from the country of Belize, which was broadcast through the *Evening Post*? We were told to take precautions through that route.

**Senator A.J.H. Maclean:**

There are issues and there are difficulties in dealing particularly with international calls. That presents the biggest challenge. There are, however, a number of U.K. regulatory approaches which help the matter. The premium rate numbers, for example, are regulated by an organisation called Payphone Plus. There is another group called T.U.F.F., which is the Telecommunications U.K. Fraud Forum. I should add that the premium rate service is also regulated and monitored and has the powers to fine if they manage to track down the necessary perpetrators of such fraud.

#### **2.13.2 Deputy M.R. Higgins:**

I must say I was not terribly impressed with the Minister's answer regarding steps that are taken. I have a constituent who has suffered as a result of one of these telephone scams and talking to the police and telecoms has been most unsatisfactory. Would he review the actual measures that these bodies are taking and report in a written report to States Members about what they do and whether these measures are effective? Basically will you produce a written report after investigating how effective these bodies are?

**Senator A.J.H. Maclean:**

I am disappointed the Deputy was not satisfied with my answer, I thought my answer was quite comprehensive in terms of the detail of ways in which we are dealing with this difficult problem. If the Deputy would like me to provide some written detail on the success or otherwise of the measures taken, I would ask him first of all to let me have in writing the exact information that he would like and I will do my very best to ensure that such information is provided in writing and, indeed, circulated to other Members if they would so desire.

**2.13.3 Deputy R.G. Le Hérissier:**

Just to clarify, the Minister or J.T. does not have any technological means in order to stop this, is that correct, yes or no?

**Senator A.J.H. Maclean:**

The easiest way to stop such matters is the call blocking service which Jersey Telecoms have. I would add, as I mentioned a moment ago, the difficulty there is with international calls. That particularly service does not always work with international calls for various technical reasons. But that is a first step and I would recommend anybody who is concerned to put the call blocking in place on their telephone. They can get advice from Jersey Telecom in order to do so.

**The Bailiff:**

Very well, we come next to question 17 which Deputy Lewis will ask of the Minister for Economic Development. Deputy.

**2.14 Deputy K.C. Lewis of the Minister for Economic Development regarding the number of licences issued to companies to employ non-locals:**

With 1,290 people in Jersey registered as unemployed, will the Minister be reducing the number of licences issued to companies to employ non-locals and, if not, why not?

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

If I may, could I ask my Assistant Minister to deal with this matter.

**Connétable L. Norman of St. Clement (Assistant Minister for Economic Development - rapporteur):**

The concise answer to the question is yes; the marginally less concise answer is yes, I will and indeed have already done so.

**2.14.1 Deputy K.C. Lewis:**

I thank the Assistant Minister for the reply. In future will the Minister and Assistant Minister undertake to work more closely with the Minister for Social Security to reduce this number drastically?

**The Connétable of St. Clement:**

I do not know if we can work more closely because in recent months the Minister's Rottweiler - the Assistant Minister - has been invited as an adviser to the Migration Advisory Group meetings where the majority of decisions are made and, quite honestly, there would be no chance of ... well,

put it this way, every application is dealt with with extreme rigour in the presence of the Assistant Minister and there is an excellent close, almost daily, working relationship between the Population Office and the Social Security Department to ensure that the majority of employment opportunities do go to people with local qualifications.

**2.14.2 Deputy G.P. Southern:**

First my apologies, through you, to the Chamber for missing my opportunity to ask the question of the Minister for Health and Social Services previously; I do apologise. To follow up with the Assistant Minister, is the Minister content that his reduced grant for enterprise and business support is sufficient to grow the economy and bring this number of unemployed down?

**The Connétable of St. Clement:**

Absolutely. It is very important that we work closely with business, because if we are going to increase employment - reduce unemployment - it is important that we support businesses as much as we reasonably can in the current economic situation.

**2.14.3 Deputy G.P. Southern:**

If I may, can the Assistant Minister inform Members what initiatives he is currently engaged in to grow the economy?

**The Connétable of St. Clement:**

That is a question which I think should be directed to the Minister at the appropriate time. We are talking about the Regulation of Undertakings and Development here which I have particular responsibility for.

**2.14.4 Deputy P.V.F. Le Claire:**

While delighted that the Assistant Minister has taken steps, I would like to ask if he would furnish us with the statistics demonstrating how that has occurred and whether or not he accepts 1,290 people registered as unemployed is not the 3 per cent number which is 1,700 that are currently unemployed. Will he also, please, cross-reference with the Minister for Home Affairs who has currently issued something in the region of 500 work permits?

**The Connétable of St. Clement:**

My understanding is the current official unemployment figures produced by the Social Security Department is close to 1,300 but to give the Deputy some statistics, over the last 9 months 365 permissions for licences for non-locally qualified staff were removed from existing licences and in addition another 265 additional non-locally qualified staff were refused when they were applied for by businesses. Of course I am always happy to discuss issues with the Minister for Home Affairs.

**2.14.5 Deputy P.V.F. Le Claire:**

On a point of clarification, may I just explain to the Assistant Minister, the number I referred to 3 per cent is the recognised number of unemployed, not the number of registered people. The number of recognised unemployed in Jersey is 1,700 at the moment not 1,290.

**The Connétable of St. Clement:**

I accept what the Deputy says.

**2.14.6 Deputy J.A. Martin:**

Can the Assistant Minister confirm that under the immigration policy and the new licensing, as housing qualifications come down to 10 years the non-local requirement for working is going to go up each year to 10 years so there is parity? Is this completely now abandoned or will the Minister, because of the unemployment problem, look into raising the non-locally qualified year-on-year until we are 10 years on both?



**The Connétable of St. Clement:**

Yes, currently our 'qualified for employment purposes' is having been resident in the Island for 5 years. The Migration Advisory Group have recommended to the Chief Minister that that should remain. Do not forget we do have to support business. If unemployment is to go down we have to encourage businesses to become economically successful. We do not want to put too many burdens, too many hurdles in the way of businesses to increase their business and therefore create more employment opportunities locally.

**The Bailiff:**

I am sorry, Deputy, there are others who want to ask questions. Senator Perchard.

**2.14.7 Senator J.L. Perchard:**

The Assistant Minister said that his department has already taken action to reduce the number of licences issued to businesses and that one would assume should have filtered through or be filtering through into unemployment levels. Could the Minister estimate as to what the levels of unemployment would be had this action not been taken?

**The Connétable of St. Clement:**

During the past 12 months I can tell the Senator that locally qualified employment in the private sector rose by 390 while non-locally qualified employment fell by 420. I am sure the Senator can do his sums.

**2.14.8 Deputy C.F. Labey of Grouville:**

Could the Connétable indicate what percentage the non-local qualified employment figure has been reduced by and is the effect of his actions immediate?

**The Connétable of St. Clement:**

Yes, the actions are immediate and the percentage reduction in the number of non-locally qualified people in employment is about 3 per cent over the last 9 months.

**2.14.9 Deputy K.C. Lewis:**

With 1,290 people registered unemployed and a potential 1,700 people unemployed generally, there will always be an element - usually for health reasons - who cannot work, but the overwhelming majority are actively seeking employment. The Minister for Economic Development grants licences to companies to employ non-local labour and the Minister for Social Security pays out millions of pounds a year in benefits to local unemployed. Does the Minister not see the opportunity here to reduce this number drastically?

**The Connétable of St. Clement:**

Drastically or significantly and this is what we are attempting to do but of course there has to be a match between the skills required and the skills available. I think we are certainly finding in the construction industry they were having some difficulty with finding people with the appropriate skills and hospitality has always been traditionally a sector where it has been difficult for employers to find people with local qualifications who wish to make a career in that area. We are certainly working with Social Security to try and resolve those particular issues but there will also be a need, I have got no doubt, for a proportion of the working population to be non-qualified in the sense that we use that phrase.

**The Bailiff:**

Very well, question 18 falls as Deputy Shona Pitman is malade, so we move to question 19 which Deputy Le Claire will ask of the Minister for Treasury and Resources.

[11:15]

## **2.15 Deputy P.V.F. Le Claire of the Minister for Treasury and Resources regarding alternatives to the Zero/Ten regime**

Following the Minister's recent press release concerning Zero/Ten in which he advised that the consensus of the E.U. Code Group was that the present Zero/Ten regime was harmful, what options, if any, are under consideration as a viable alternative?

### **Senator P.F.C. Ozouf (Minister for Treasury and Resources):**

I will add to the earlier answers that I gave. As stated in my earlier answers, the Commission's position is it is the interaction of our 'Deemed Distribution' rules with Zero/Ten that causes the harmful effects. We have said to the Code Group that we would look to changing these rules if that is the concern. So I am aware, following a number of questions that I have been asked, that some commentators are claiming that it would be impossible to change the deemed distribution provision without undermining the whole aspect of a company taxation system or losing significant amounts of tax revenue. That is incorrect. We are confident that if changes to 'Deemed Distribution' are necessary there are alternatives that will work equally well and that are outside of the scope of the Code.

### **2.15.1 Deputy P.V.F. Le Claire:**

Another alternative that the Minister has circulated to Members is that of a territorial tax. A territorial tax will take huge amounts of legislation to implement, possibly taking as long as 5 years. That will significantly impact upon the finance industry in that time. Can the Minister let us know what his views are about the drafting of such legislation?

### **Senator P.F.C. Ozouf:**

The Deputy is quite correct, the corporate tax consultation which was issued a number of months ago had 'Territorial Tax' as a potential option and that is a feature of taxation systems of both the U.K. and France's taxation system and a territorial system is one of the issues that we looked at. But I would just repeat that our understanding of the concern of the Code Group in relation to Zero/Ten is the interaction between personal and business tax and it relates to deemed distribution. So that is why our focus of attention is certainly on resolving those issues in terms of deemed distribution. There is nothing else that I am aware of that is viewed as being harmful.

### **2.15.2 Deputy M. R. Higgins:**

In his earlier answer the Minister said 2 things: first, that deemed distribution arrangements related to personal taxation and were an anti-avoidance measure. Secondly, that if the measures were deemed harmful by ECOFIN he would amend the law and introduce a new revenue neutral tax. Would the Minister explain why he would introduce a revenue-neutral tax if it is for anti-avoidance purposes and does he have any intention of raising G.S.T. any higher to make up for these shortfalls?

### **Senator P.F.C. Ozouf:**

The answer to that last question is absolutely no, not according to everything that I have. Clearly the Deputy believes that deemed distribution is a business tax regime. That is the view of some commentators in a negative sense on Jersey. Deemed distribution is an anti-avoidance mechanism. It is to ensure that there are reasonable levels of dividends that are paid by trading companies and that are paid by the individual. If we did not have this avoidance mechanism for personal tax in place shareholders might avoid making distributions. Now, if we continue to be concerned about that issue then we can find alternatives which would be equivalent to that avoidance mechanism of deemed distribution. Those are issues that obviously I am discussing with my officials, if that is the concern of the Code Group.

**2.15.3 Deputy M. R. Higgins:**

The Minister has not answered the question about why would he introduce a revenue-neutral tax if it is going to be anti-avoidance?

**Senator P.F.C. Ozouf:**

Anti-avoidance makes sure that from a personal tax position you maintain your revenues. This is personal tax. Deemed distribution is on personal tax assessment and is the reason, by the way, why I do not know the numbers because it is going to be affecting the tax revenues for the first time next year. I have discussed it in detail with my officials in relation to whether there are alternative ways of anti-avoidance mechanism being put in place and indeed if you are concerned about individuals of shareholder loans and people extracting money from companies in a way that avoids tax, there are lots of other examples where you can put in place an alternative avoidance mechanism to maintain revenue for personal tax.

**2.15.4 Deputy G.P. Southern:**

Will the Minister agree to talk to his officials, namely the Controller of Income Tax, and seek an estimate to the revenue to be obtained in 2010 from deemed distribution?

**Senator P.F.C. Ozouf:**

That is going to be something quite difficult to work out because it is going to be affecting revenues next year. What I can say is that if you understand deemed distribution as I have attempted to explain Members will understand that it is possible to put alternative measures in place such which numerous nations, numerous tax systems have alternative avoidance mechanisms in place that would work equally well in terms of being revenue neutral. So I am reasonably confident that in the event that that is the issue we can find alternative mechanisms which would not mean an alternative tax black hole or additional problems. That is not the conclusion that we have reached.

**2.15.5 Deputy G.P. Southern:**

If I may, a supplementary? Will the Minister agree to talk to his Controller of Income Tax and seek a number - a sum - for the amount of revenue that might be produced in 2010 by deemed distribution? An estimate, please.

**Senator P.F.C. Ozouf:**

I would refer the Deputy to the answer that I gave and that is it is going to be difficult to work out exactly what, because of the economic situation ... the Deputy clearly does not understand that corporate profits and the whole world in relation to the way that individuals receive income has changed dramatically. It is very difficult in a world in which markets have been turbulent and income tax receipts are forecast. I will be able to give an estimate but I would say in about 12 months' time.

**2.15.6 Deputy M.R. Higgins:**

Is the Minister misleading the House when for example the Fiscal Policy Panel state in their report that the affect of Zero/Ten in 2010 has been estimated at around £80 million with the remaining £50 million being due to the economic downturn? Is he misleading the House?

**Senator P.F.C. Ozouf:**

I am not misleading the House. The issue of deemed distribution ... the Deputies want to say that changing the deemed distribution is going to be harmful... is going to cause a deficit. I am confident that it is not, and indeed deemed distribution will accrue to the revenues of the States next year. If the Deputies understand the way that deemed distribution works, and perhaps I should send a briefing note about it, then they will better understand and they will be able to ask alternative questions.

**The Bailiff:**

Deputy Le Claire, do you have a final question?

**2.15.7 Deputy P.V.F. Le Claire:**

I do. I would like to first of all request you to consider what might probably not be a point of order but continuously it seems that we put questions to the Minister and he changes the subject and then gives us an answer on the change of subject, avoiding the answer that we have requested. I have just listened to 3 supplementaries with a tail-end of answers he did not give to previous questions taking up time on this subject which is about alternatives. In my question on alternatives I specifically asked the Minister, and I would like to ask a supplementary on this, whether or not he had considered the consequences in relation to the amount of time it is going to take to draft legislation for a territorial tax which in some people's views may take up to 5 years. I wanted to know - although he has said that he has looked at that, that was as much as he said - and I would like to ask a supplementary. First of all, can he answer the questions; and, secondly, how much time has he considered it will take to draft legislation if we need to move to a territorial tax, which is an alternative that he has circulated to Members?

**Senator P.F.C. Ozouf:**

I apologise to the Deputy if I do not answer his questions. This is a complex area and I do try and inform Members to the best of my ability to the issue. To answer the direct question, in the event that we would - and it is a big if and it is not something which is currently being the policy option that we are progressing - consider that it would be in the best economic interests of Jersey to move to a territorial system the Deputy is right that it would take certainly 3, 4 or 5 years probably, in order to draft that legislation, for it to be considered properly by the Assembly, for us to understand the economic impacts, to consult and do all of those things. But that is not the favoured policy approach of Jersey at this present time.

**The Bailiff:**

Very well then, we move to the next question which the Deputy of St. John will ask of the Minister for Transport and Technical Services. Deputy.

**2.16 The Deputy of St. John of the Minister for Transport and Technical Services regarding remediation measures to address poor quality asphalt work on some of the Island's roads:**

Has any action been taken by the Transport and Technical Services Department and the contractors to rectify the poor quality of asphalt work on Queen's Road and on the footpath between Rue de Galet and First Tower. If so, would he detail the cost of this work and the amount paid to the contractor, and advise whether the works were undertaken by the same contractor as Victoria Avenue.

**Connétable M.K. Jackson of St. Brelade (Minister for Transport and Technical Services):**

I would first of all - in case he has forgotten - refer the Deputy to an answer to a written question I gave on 6th July to a very similar question. But in summary the T.T.S. (Transport and Technical Services) Highways and Infrastructure Maintenance Team are not aware of any poor quality asphalt work on Queen's Road. The surrounding areas to some of the manhole frames have cracked but this is relating to underlying movement as a result of a bad winter, not quality of workmanship on the asphalt. The contractor for this work was Brenwall Limited and A. Le Sech Asphalt Limited. The contractor on Victoria Avenue - Trans Jersey Limited - did not have sufficient time to complete the repairs to the northern pathway before traffic management was withdrawn on 16th July. This was in order to complete the works for the Battle of Flowers. However, they are listed

as a defect and will be remedied by the contractor before the end of the maintenance period which will be before 29th April 2011 at no cost to the States.

**2.16.1 The Deputy of St. John:**

In response to the Minister's comments on Queen's Road, will he confirm that the manhole covers in fact were retrofitted and therefore defects have occurred from the retrofitting of these manhole covers in the asphalt around them and has nothing whatsoever to do with the deteriorating weather in recent weeks and days, given there has been pot holes around the manholes since the start of the summer when I brought my scooter into town?

**The Connétable of St. Brelade:**

I am responsible for not monitoring the Deputy's every movement, I am not aware of the depth of detail the Deputy has on this matter and I am prepared to find out and report to him later.

**2.16.2 Senator J.L. Perchard:**

On the quality of work undertaken by subcontractors, would the Minister comment on the work that was undertaken on The Esplanade with, in particular, the central reservation and has he noticed that on the central reservation, between the red asphalt and the kerb stones that we are now growing a fine crop of grass in places? Will he comment on that?

**The Connétable of St. Brelade:**

Yes, I have noticed and am disappointed but of course the trouble with all municipal services around the countryside, as the Deputy will be aware, is there are severe restrictions on the type of herbicides that can be used and we are really extremely restricted of what can be done. But the department is aware of it and will be taking action to deal with this in the best way it can in an environmental sort of way.

**The Bailiff:**

Do you wish a final question, Deputy, on this one?

**2.16.3 The Deputy of St. John:**

I am sorry we are getting short-changed in time given other questions have had 10 minutes. So given the footpath between First Tower and Rue de Galet over the last few days, large pools of standing water 2 or 3 metres across have obviously frozen and I have observed people having difficulty walking along that footpath. Will he get the contractors to do the work sooner rather than later?

**The Connétable of St. Brelade:**

Yes.

**The Bailiff:**

We come to the next question which Deputy Maçon will ask of the Chief Minister.

**2.17 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding the justification of 'Deemed Distributed' measures:**

Further to the response given on 20th October 2009, over a year ago, when I asked the Chief Minister whether the introduction of the deemed distributive measures which discriminate against Jersey-owned Jersey companies in direct contravention of the Organisation for Economic Co-operation and Developments (O.E.C.D.) directive was justified, is he still able to justify the measures in light of the recent announcement by the E.U. Code Group?

**Senator T.A. Le Sueur (The Chief Minister):**

I think, like the Minister for Treasury and Resources, there is little I can add at this stage to the press release issued on 23rd November and my written answer to question 12 today. We have been informed that at this meeting on 19th November the Code Group reached a consensus that our present business tax regime gives rise to harmful effects. That is based on the view of the E.U. Commission that our deemed distribution affects business, not personal tax, and is discriminatory - a view that we have contested. We have been informed that there has not yet been a formal assessment by the Code Group and there are further discussions to go through before any final conclusion is reached.

**2.17.1 Deputy J.M. Maçon:**

Given that the Minister for Treasury and Resources does not feel that it is appropriate for him, as Minister for Treasury and Resources, to ask for the confidentiality of the ECOFIN report to be waived, given that the Minister is responsible for international affairs, will the Chief Minister ask for this?

**Senator T.A. Le Sueur:**

Although I am indeed responsible for international affairs, what the ECOFIN Council publishes is entirely a matter for their own decision and I am and Jersey is totally unable to influence that decision.

[11:30]

**2.17.2 Deputy G.P. Southern:**

May I move the Chief Minister on to the third item of the E.U. Code on Business Taxation, item 3, and will he state how the application of a zero rate applies to international business companies and how that accords with test 3 which says: "Whether advantages are granted, even without any real economic activity and substantial economic presence within the member state offering such tax advantages."

**Senator T.A. Le Sueur:**

Perhaps the Deputy could clarify how that relates to the original question?

**Deputy G.P. Southern:**

Certainly, there is a difference between how we treat locally-based non-finance companies and other companies based here which are internationally owned. Therefore there is a potential for discrimination on the basis of question 3 under the E.U. Code on Business Taxation.

**Senator T.A. Le Sueur:**

There will certainly always be a difference of opinion and a difference of interpretation by different people. On this case I think the Deputy and I are going to have to disagree on the interpretation.

**2.17.3 Deputy G.P. Southern:**

Is the Chief Minister confident that there is no discrimination under test 3 of the E.U. Code on Business Taxation?

**Senator T.A. Le Sueur:**

Whether I am confident or not is immaterial, it is what the general view turns out to be. At this stage it would be foolish for me for anybody else to speculate on what the outcome might be.

**2.17.4 The Deputy of St. Mary:**

Can the Chief Minister explain why - or maybe he cannot [Laughter] - Guernsey has taken a much more proactive stance and more or less accepted in advance and said: "Let us accept the reality" and I just wonder whether the Chief Minister thinks that not accepting reality is a good idea.

**Senator T.A. Le Sueur:**

No, I am not going to comment on Guernsey's policies. They have made certain statements, but they have also made statements to say that they wish to maintain the good and common relationship between Jersey and Guernsey and our approach to these matters, so one has to balance both those statements one against the other.

**The Bailiff:**

A final question, Deputy? No. Well, then we will move to question 22, which the Deputy of St. Martin asked of the Chief Minister.

**2.18 The Deputy of St. Martin of the Chief Minister regarding the Council of Europe report on how Jersey treats people in the Island who are statutorily detained**

Would the Chief Minister explain to the Assembly why he welcomes the Council of Europe report on how Jersey treats people in the Island who are statutorily detained, and advise why a news release in relation to this matter was circulated to the media, but not to Members?

**Senator T.A. Le Sueur (The Chief Minister):**

The report was welcomed as part of a commitment to the Convention for Prevention of Torture, which forms part of our commitment to international standards and values. In addition to the many positive comments, it provides expert advice on the areas that we are working towards improving. So we always welcome external assessments as a tool for improvement and for validation of current procedures. The news release was not circulated to Members due to administrative error, for which I can only apologise and comment that steps have been taken to ensure that this should not happen again.

**2.18.1 The Deputy of St. Martin:**

Maybe we have heard those words before, the end ones, I mean. Could the Chief Minister inform Members what action is being taken, because it says here: "While the report said while most people had been treated well by the police, there were concerns about excessive force used by States Police officers and the mixing of children and adults at La Moye Prison." Could the Chief Minister inform Members what action is being taken?

**Senator T.A. Le Sueur:**

The first action of course was a detailed response of 21 pages that the Deputy has no doubt read in response to the comments and the constructive ideas put forward by the review group, but these matters inevitably take time to implement, and as buildings and procedures get updated, so the effects will be brought in, and the report here gives us a checklist to work against in order to see how that is progressing.

**The Bailiff:**

Very well. No other questions? Deputy of St. Martin.

**2.18.2 The Deputy of St. Martin:**

Yes, could I just remind the Chief Minister that there have been concerns expressed about children and adults being at La Moye Prison for some years. Could the Minister give some indication as to how quickly this problem will be rectified?

**Senator T.A. Le Sueur:**

The short answer is no. It is on the list of things to be looked at, but I cannot give a timescale at this stage.

**The Bailiff:**

Very well then, we move to the next question, which the Deputy of St. Mary will ask the Minister for Health and Social Services. Deputy.

**2.19 The Deputy of St. Mary of the Minister for Health and Social Services regarding the engagement of KPMG:**

Can the Minister explain to Members why she has engaged KPMG to review the work of the department, what the cost of this work will be, what it will cover and how KPMG came to be selected? She does not have to repeat things that have already been said... I mean, in the sense of the cost: we know what the cost is. Thank you.

**The Deputy of Trinity (The Minister for Health and Social Services):**

Members will be aware that this question has already been answered by a media release, which was issued to all States Members as well when the project was made public. However, for clarity, I am pleased to be able to provide the information. It is a blueprint of effective provision of high-quality and sustainable services which is urgently required. To undertake this task, I have engaged KPMG, a consultant company with extensive experience in health and social care policy strategy and service design, both in the U.K. and other countries. KPMG was selected through a formal tendering process.

**The Bailiff:**

Deputy, do you wish a supplementary?

**2.19.1 The Deputy of St. Mary:**

That was a fairly brief answer, as to saying that their selection for an £800,000 project was as a result of a formal tendering process. How many applicants were there, and can the Minister give us some idea, in view of the size of this contract, what sort of process was involved in selecting the successful applicants?

**The Bailiff:**

I thought, Deputy, the Minister in a previous question had given the number of people that were shortlisted, so if Members do not listen, it is not terribly satisfactory to ask the same question again.

**The Deputy of Trinity:**

I did get that question.

**The Bailiff:**

The second part is new. The second part, I think, was the process.

**The Deputy of Trinity:**

Yes, the procedure... the set of companies. There were 3 that were shortlisted in the end and it was overseen by an independent group with an independent chair, and it was ratified by the Ministerial Oversight Group.

**2.19.2 Deputy G.P. Southern:**

The Minister described this as an urgent review. Can she therefore explain why it is going to take some 10 months to come to a White Paper, which will then take a further debate and deliberation before we find out what is going to happen?

**The Deputy of Trinity:**

In the request by Deputy Jeune for the information behind, it gives a timeline for strategic roadmap development and consultation, and in that process there is a 3-month consultation. It is very tight,



and I think that will be self-evident when it has been issued to States Members by the end of the day.

**2.19.3 Deputy A.E. Jeune:**

Could the Minister advise Members, did the need for this review come about as a result of the report that the Minister said her new Chief Officer would be doing, and I thought presenting to Members within 6 months, because that 6 months is now up.

**The Deputy of Trinity:**

The report will come to Members before the end of the 6 months, which is up at the end of December. This is an important issue, as I have said many times, and now we have a permanent Chief Officer, this is something that needed to be in place and we needed to go forward with it.

**2.19.4 Senator J.L. Perchard:**

The Minister and many Members will know, as is the normal practice when a complex report like this is being undertaken, that the authors will come back after several months and say that it is increasingly complex and they will require more time and a bigger budget. What, other than the timelines as outlined by the Minister, has she done to ensure that in fact this does not happen on this occasion?

**The Deputy of Trinity:**

I hope that is not the case. This is, as I said, a very tight timescale and the Strategic Overview Group and the Ministerial Group will keep a very tight rein on it.

**2.19.5 Senator J.L. Perchard:**

Just a supplementary: so I can take it from that the Minister will give this House a guarantee that the budget will not exceed the quoted numbers of £800,000?

**The Deputy of Trinity:**

I hope so, but I can never guarantee anything. But if it does for some reason or other, then the Ministerial Oversight Group will want to know why.

**The Bailiff:**

Deputy of St. Mary, do you wish a final question on this one?

**2.19.6 The Deputy of St. Mary:**

Can the Minister clarify what steps will be taken to allow States Members to at some point in the process speak with the review team, perhaps at the Green Paper stage? Has she included that in her thinking and have they included that in their thinking?

**The Deputy of Trinity:**

This is a consultation not only for States Members, but for public and third sector and focus groups. As I said before, this is very important, and I apologise if I keep repeating myself, but this is a very important piece of work, and everybody needs to be fully engaged in it. The timeline does say that there is political debate, scrutiny and public consultation between March and May 2011.

**Deputy M.R. Higgins:**

Could I just ask, I did put my light on earlier and you sort of nodded. I thought you were nodding to me that you had acknowledged it. Is that the case or not?

**The Bailiff:**

I fear not.

**Deputy A.E. Jeune:**

Excuse me, Sir, may I just ask a point of clarity from the Minister?

**The Bailiff:**

Well, no, I think you have already asked your question, Deputy. We have got one more question to do. I think I called upon the Deputy of St. Mary. I am sorry to Deputy Higgins if I failed to see his light, but I think we will move on to the final question, which Deputy Trevor Pitman will ask of the Minister for Treasury and Resources.

**Deputy T.M. Pitman:**

Thank you for your eminently fair judgment, Sir. I thought it was quite perfect.

**The Bailiff:**

The winner usually does.

## **2.20 Deputy T.M. Pitman of the Minister for Treasury and Resources regarding the raising of the G.S.T. tax burden for individual taxpayers:**

How does the Minister reconcile the raising of the G.S.T. burden for individual taxpayers with the Council of Ministers' continuing failure to bring proposals to the States for approval to introduce a level playing field with regard to the taxation of non-local registered companies, and how and when will this finally be rectified?

**Senator P.F.C. Ozouf (The Minister for Treasury and Resources):**

The position regarding taxation of local registered companies is an unintended consequence of Zero/Ten. When Zero/Ten was introduced, there were no viable alternatives possible. A lot of work has been carried out to identify ways of addressing this issue in the past and no solution has been found. It has proven to be an extremely challenging issue to resolve. I committed, in the business tax consultation, that I would look at ways of dealing with this matter. This review is underway, and I will bring a proposition to the Assembly once the review is completed and we are of course also clear now about the outcome of the Code Group conclusions.

### **2.20.1 Deputy T.M. Pitman:**

A supplementary? I really should just ask the Minister, when will that review be finished? However, could the Minister inform us whether this unhappiness that is definitely out there contributed to his sudden apparent u-turn on exemptions for G.S.T that we were talking about on food, *et cetera*?

**Senator P.F.C. Ozouf:**

I think that is probably a new matter, but I look forward to the opportunity of clarifying that my position on exemptions has not changed, because I have had quite a few calls about why have I changed my mind on exemptions; my mind has not changed. Food exemptions are complex, they are expensive, they would deprive revenue, but I respect and I understand some Ministers and some Members of this Assembly wish to have an option which is revenue-neutral in terms of G.S.T. and that is the only reason why I have brought forward this proposition. I am the only person that can bring forward amendments under the Public Finances Law, so that this Assembly, as a body, can make their mind up in relation to 5 per cent flat low rate or 6 per cent with food exemptions. I will be of course arguing about that on the actual debate subsequently.

### **2.20.2 Deputy G.P. Southern:**

If I may take us back to the previous answers, will the Minister state following his extensive conversation with officers what alternatives he has for anti-tax avoidance measures in personal taxation measures?

**Senator P.F.C. Ozouf:**

That is, I think, not related to the original question, but of course the Deputy would be aware that as Minister for Treasury and Resources and any Minister, he - or her - would be engaging in extensive consultation and advice with officers. All I can say in relation to both of those issues is that those options are being considered in terms of the original question by Deputy Pitman. It would be wrong for me to speculate on options in relation to either of those issues. I am not going to speculate and bring uncertainty but the position is, as far as the original question is concerned, that I will bring forward proposals as soon as I am clear of the Code Group arrangements and the other issues that I have mentioned.

**2.20.3 Deputy M.R. Higgins:**

This is relating to balance and it is to do with the thing here. Will the Minister now admit to Members and to the public that the deficit in 2010, that £80 million, as indicated by the Fiscal Policy Panel in their latest report, is down to Zero/Ten and £50 million is down to the cyclical, rather than the spin that he has been using to date?

[11:45]

**Senator P.F.C. Ozouf:**

I am standing here thinking of spin, and the Deputy, I wonder how many times does he need to have an explanation? The original deficit caused by Zero/Ten was dealt with. There is nothing in the F.P.P. (Fiscal Policy Panel) report that conflicts with anything that I have said. I welcome the F.P.P.'s report, I welcome their conclusions. The original deficit that was a consequence of Zero/Ten was dealt with by this Assembly by the introduction of G.S.T. at 3 per cent, 20 means 20, the economic activity and the cost savings that were all set out in the original deficit. It is a reinvention of history to say that the current deficit is caused by Zero/Ten. It is not.

**2.20.4 Deputy M.R. Higgins:**

Yesterday I spoke with Marion Bell, one of the F.P.P., who confirmed to us that there is an ongoing cost of the Zero/Ten. This is where the £80 million is an ongoing cost.

**Senator P.F.C. Ozouf:**

I welcome those Members who were able to attend the F.P.P. I thought they had some important conclusions and some important guiding principles for the budget debate next year. I think that the Deputy is misinterpreting the advice and the comments made by F.P.P. What is clear is as a result of the economic downturn, our income has been impaired, and there is a structural deficit which has been incurred. That is the first element of the deficit in 2012 which will reoccur. The other one, which is a difficult thing for me to say to this Assembly, is that spending has been rising, and the conclusions about economic growth and the way that economic growth should interact with spending is an important consideration which should not have escaped Members when they read the F.P.P. report yesterday.

**The Bailiff:**

Deputy Trevor Pitman, do you wish a final supplementary?

**2.20.5 Deputy T.M. Pitman:**

Yes, please. Could the Minister just do a nice simple answer: will this be rectified before the next election?

**Senator P.F.C. Ozouf:**

I hope so.

### **3. Questions to Ministers without notice - The Minister for Social Security**

#### **The Bailiff:**

Very well, that concludes questions on notice, so we now come to questions to Ministers without notice, and the first period is the Minister for Social Security. Deputy de Sousa.

#### **3.1 Deputy D.J. De Sousa:**

Recently, the Minister has received a dental report from the Scrutiny Panel. The response to that is due over the Christmas period. What guarantees has he got for the panel that that will be given to Members of the Scrutiny Panel in time for the Christmas break?

#### **Deputy I.J. Gorst of St. Clement (The Minister for Social Security):**

Of course that will depend on when Members are taking their Christmas break. I understand that the response is indeed required by 20th December and I aim, in conjunction with the Minister for Health and Social Services, to have the response prior to that date.

#### **3.2 Deputy J.M. Maçon:**

We talked about the unemployment figures earlier today, and as we know that youth unemployment makes up a significant proportion of that, can the Minister please inform the Assembly how many apprenticeship spaces are available and whether the Minister feels that there are enough and, if not, what is the Minister going to do about it?

#### **Deputy I.J. Gorst:**

I always feel that there should be more apprenticeship places available. I come to this from the aspect that we should be training as many people as we can, that we should have as many apprenticeships as we can. Of course we must engage with the local business community and the States as an employer to ensure that more and more are available. We have seen during this economic downturn more apprenticeships available. The Skills Executive and the Skills Board are working to increase the number of apprenticeships. We have increased the number of places on the Advance to Work scheme; we have increased the administration training places; we are increasing the trust in company training places; we are increasing also and looking at rolling-out retail training as well, so I always think that there should be more, but we are doing everything that we can and it is at the forefront of our aims.

#### **3.3 Deputy G.P. Southern:**

In the light of the potential reintroduction of prescription charges in 2011, will the Minister inform Members of the current numbers of those income support claimants who prior to 2008 were H.I.E. (Health Insurance Exemption) recipients with free prescriptions and access to G.P.s and for whom household medical accounts were set up? Also state whether household medical accounts are to be maintained and how income support claimants will be treated following any changes to medical, clinical or pharmaceutical charges?

#### **Deputy I.J. Gorst:**

I wonder where I have heard that before? As the Deputy will know, he had submitted this very question as a written question for the next States sitting. I have had notice this morning that he has now withdrawn that and obviously his intention was to ask it as an oral question. I do not have those pieces of information with me, and I am sure Members would not expect me to do so. The H.I.E. system was prior to my appointment as Minister, therefore I would not have those available and therefore the premise of the whole question I am afraid I am not able to answer. However, perhaps he would like to maintain it as a written question for the next sitting and then I will be able to provide the numbers he requests.

#### **3.3.1 Deputy G.P. Southern:**

May I ask the central core question, which does not require detailed information: state whether household medical accounts are to be maintained and adapted to any new charge system?

**Deputy I.J. Gorst:**

Household medical accounts are maintained. However, they are, as all elements of income support are, under review. I will be very shortly announcing what I am going to propose for the reintroduction of prescription charges. At this point, the Deputy will have to wait to see what that is, but those on income support will be catered for within those proposals.

**3.4 Deputy P.V.F. Le Claire:**

I wonder if the Minister for Social Security might wish to comment upon the international report issued by the O.E.C.D. (Organisation for Economic Co-operation and Development) and highlighted in today's *Daily Mail* that suggests inflated salaries of G.P.s are depriving millions of people in the United Kingdom of 3 years of their life?

**The Bailiff:**

I am not entirely sure the Minister is responsible for the health of the United Kingdom, Deputy, but...

**Deputy I.J. Gorst:**

Hopefully not for the editorial content of the *Daily Mail*. It may surprise the Member to find out that I am not a reader or subscriber of the *Daily Mail*. It is difficult for me to comment. However, should he wish to point me in the direction of what one would hope was research that the editorial comments arose from, then of course I am always willing to look at that. It would seem to be surprising that an individual's salary could ...

**Deputy P.V.F. Le Claire:**

May I ask the Minister to give way? My question specifically will bear out in Hansard: an international report issued by the O.E.C.D.

**Deputy I.J. Gorst:**

I thank the Deputy for that. I have not read that report and therefore it is not appropriate for me to comment upon it.

**3.5 Senator S.C. Ferguson:**

I recently sent the Minister an analysis of benefits in terms of consumption for a particular foreign country. Will the Minister include a review of income support in these terms in his forthcoming income support review?

**Deputy I.J. Gorst:**

Technology is a wonderful thing when it works. I have been out of the Island and returned only yesterday from Jersey Overseas Aid Commission business. I did receive the email from the Senator. Unfortunately, I was not able to reach the link because of a fault with my BlackBerry, and therefore I cannot comment on what it is that that link or email was proposing. Perhaps once I have read it I might be able to give the undertaking that she is requesting.

**3.5.1 Senator S.C. Ferguson:**

I will make sure that the Minister gets that link, because the indications in it are that someone on minimum wage in the U.S. (United States) in fact has in terms of consumption an income of something like 60,000 dollars a year, and therefore I think that a similar review in the Minister's forthcoming income support review might be helpful for Islanders, and I wonder if the Minister agrees with me on that?

**Deputy I.J. Gorst:**

I think if I understand correctly - as I say, I have not seen the content of the comment - the Deputy is probably referring to something that we call a deprivation survey, which asks people what they can afford to buy during the course of the week. This was a survey very similar to the one undertaken by Scrutiny earlier in the year, and it is very similar to the questions which will be in the annual Social Survey being undertaken this year, and it really marries-up with the Income Distribution Survey, and from those 2 surveys, then we can start to understand what the level of income is, what individuals feel they can spend their money on from a consumption point of view. We really need to put those 2 pieces of information together before we can start to draw conclusions. It would not be right to take one or the other to draw conclusions about people's income and about what they can afford, and therefore about poverty or relative low income.

**Senator S.C. Ferguson:**

Well, it was not quite that, but I will speak with the Minister.

**The Bailiff:**

Thank you, Senator. Deputy Le Hérissier.

**3.6 Deputy R.G. Le Hérissier:**

Would the Minister not acknowledge that by framing the provision for residential care as an additional contribution, he lost the opportunity to make it more palatable, where it could have been framed as an insurance scheme? Indeed, some people are now interpreting it simply as an additional tax which will be lost in the general tax system.

**Deputy I.J. Gorst:**

It is very difficult. Those who oppose a particular course of action will of course frame it in the light which gives their argument the greatest credence. I have been absolutely clear, it resulted out of my Green Paper consultation that the majority of people responded wanted a separate standalone ring-fenced fund and they wanted Social Security to gather that contribution in the same way that we gather the current Social Security contributions. It is not a tax. It is a contribution that I am proposing all individuals make throughout their life, therefore they do not suffer the very real shock that many families are now facing when either themselves or a loved one has to go into care and they are faced with bills towards £1,200 or £1,400 every week. I really do hope that the individuals in the community do not see it as a tax, because it is not a tax. It could be framed in regard to insurance. However, it is not ...

**The Bailiff:**

Minister, I am not sure that is precise enough.

**Deputy I.J. Gorst:**

I am trying to be precise, but it was a question which really requires rather a detailed answer. It is not an insurance-based scheme in the traditional insurance aspect, but what it is is pooling the cost and the risk of whether we are going to need care for all of us later in life.

**3.7 Deputy A.T. Dupré of St. Clement:**

I was approached by one of my parishioners recently, who had to go for his flu injection. He was in there for about 45 seconds, had his injection, and noticed although he only had to pay £10 that the doctor was given £19. He was a bit concerned. Is this the usual way?

**Deputy I.J. Gorst:**

As far as I am aware, it is of course G.P.s charge the rate that they think is appropriate. I subsidise each visit to the G.P. with £19. It is not really for me to say whether the £10 on top of that £19 was good value or not. Obviously our shared parishioner felt in that instance it was not. What I should say is that G.P.s do charge different prices and perhaps it is sometimes appropriate for members of

the community to see what other G.P.s are charging before they make the decision to visit for a particular condition or injection that they might need to have.

### **3.8 Senator P.F. Routier:**

In a previous answer regarding the reintroduction of prescription charges, the Minister gave an assurance that people on income support were likely to be looked after. I was just wondering, without pre-empting the outcome of the investigation which is currently going on, whether he was able to give the same assurance to pensioners and to people suffering from chronic illnesses?

### **Deputy I.J. Gorst:**

Perhaps the Assistant Minister misheard what I said. He perhaps should go back and listen to Hansard later. However, I am sure he has got more important things to do with his time. We really do need to wait until I publish my proposals. Uppermost in my mind is of course those with chronic conditions and ensuring they are able to access appropriate medicines for the conditions that they suffer from, and that methodology - hopefully - will be able to help, as well those on low incomes and those senior citizens as well.

[12:00]

### **3.9 The Deputy of Grouville:**

Is it the case that G.P.s are able now to advertise their rates and if they do not, or they cannot, should they not be able to, and indeed, be encouraged to do so?

### **Deputy I.J. Gorst:**

This is a discussion that I had with the Deputy last week, and I am not aware whether they are or are not. It would seem strange to me that they were not able to advertise their rates, but I am led to believe that perhaps they are not. I personally think it would be a positive thing if they were in a controlled way allowed to advertise their rates so that members of the public did realise that there is a difference ...

### **The Bailiff:**

Sorry, could we have a bit more quiet, please. I cannot hear what is being said.

### **Deputy I.J. Gorst:**

... that there is a difference in what G.P.s charge for particular services that they provide to the community. It is right that there is a difference, but individual members of the community need to know that, then they can make informed decisions.

### **The Bailiff:**

Does any other Member wish to ask any questions of the Minister? Yes, Senator Routier.

### **3.10 Senator P.F. Routier:**

Has the Minister taken into consideration what is happening in Ireland with regard to minimum wage? There is a proposal that they are going to reduce the minimum wage. Does he have any intention of reviewing Jersey's minimum wage?

### **Deputy I.J. Gorst:**

As the previous Minister knows, minimum wage is currently reviewed on an annual basis. It was not envisaged that it would be initially, but due to the difficult economic conditions, I have requested and they have agreed to do that annual review. I have proposed that there be a 2 per cent increase in the minimum wage for 2011. I think it is fair to say that in Ireland, they did see some quite dramatic rises in the minimum wage, and now what they are finding is that that was out of kilter with the economic conditions that they are currently facing and the difficulties that they are facing, and it is putting employers off employing. The evidence that has been gathered by the

Employment Forum is that that is not taking place within our community. There are always those who want to see the minimum wage lower than it is, but we in this Assembly have a duty to ensure that it is a fair and appropriate minimum wage, and I believe that the proposal that we will be debating with regard to that in the New Year is fair and appropriate. I hope that Members will support it, but it will be reviewed again next year to ensure that it continues to be fair and appropriate.

#### **4. Questions to Ministers without notice - The Minister for Planning and Environment**

##### **The Bailiff:**

Very well, that concludes questions to the Minister for Social Security, so we move now to questions without notice to the Minister for Planning and Environment.

##### **4.1 The Deputy of St. John:**

Will the Minister explain why the Fort Regent Don Theatre is used by the Planning Applications Panel when disabled people have to attend, given the venue is totally inappropriate? Only last week, I saw 2 disabled persons at the Don Theatre. Is it usual for one party to receive information about a decision before the hearing is held? Finally, it is usual for panel members to have their back to applicants when addressing them?

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

Thank you for the question. The reason that the Fort Regent Theatre was used was that the Planning Applications Panel had such a large agenda it had to be split into 2. They do excellent work and they consider matters most carefully and that resulted in the hearing having to be extended over 2 periods. Unfortunately, the usual rooms at the Société Jersiaise and at St. Paul's were not available and the Fort Regent Theatre was the only place available, so I am sorry if it was unsatisfactory, but it is a rare occasion that that theatre will be used. I am afraid I cannot remember the other 2 parts of the question.

##### **The Deputy of St. John:**

Is it usual that panel members would have their back to the public when addressing them, and also, is it usual for - I am starting to forget it now myself - for the ...

##### **The Bailiff:**

One will do, Deputy, I think.

##### **The Deputy of St. John:**

I was just going to finish the question.

##### **The Bailiff:**

I know, but we cannot have more than one subject covered. I think I allowed you too many in the first one.

##### **The Deputy of St. John:**

Well, no, information being given to one party prior to the meeting.

##### **Senator F.E. Cohen:**

No, it is not usual and I am sure that if a panel member had his back to members of the public, that was simply an oversight. The panel members are always extraordinarily polite to members of the public and they have my absolute confidence in the way they conduct themselves in public.

##### **4.2 Deputy T.M. Pitman:**



I hope I can remember the question. Given the reality that the flats at La Collette will eventually have to be demolished due to the problems many of my constituents are having with dampness *et cetera*, could the Minister just clarify, is it correct that his department wishes to protect a spiral metal staircase that is part of the development down there, which would limit the development?

**Senator F.E. Cohen:**

It may be that the department wishes to protect elements of La Collette, but I can assure the Deputy that the Minister does not.

#### **4.3 Deputy D.J. De Sousa:**

The Minister will be aware that I have put in an objection to a planning application at Lempriere Street in St. Helier. Will the Minister in future, when people put in planning applications, put a restriction on those that persistently do not cater for parking?

**Senator F.E. Cohen:**

It would be inappropriate to comment on a particular application that is presently live. It is up to applicants to make applications for whatever they deem appropriate, and it is up to the Planning Department to ensure that we protect the interests of the public and provide adequate car parking in all cases.

#### **4.4 Deputy J.M. Maçon:**

How apt. Can the Minister explain what changes will occur to the draft Island Plan if the States, quite sensibly, rejects the Sustainable Transport Policy in relation to domestic car parking provision, given that the draft Island Plan has been formatted under the assumption that the States will adopt the Sustainable Transport Policy?

**Senator F.E. Cohen:**

We will shortly find out whether the States do adopt the said policy. The position on car parking is that car parking requirements are a moving feast, as Islanders' requirements change, as modes of transport change, as access to public transport changes, the requirements for car parking will also change. It is an obligation upon the department to ensure that we adequately meet it, but it is very much a moving feast.

#### **4.5 Senator F. du H. Le Gresley:**

Would the Minister agree to place in the public domain the recent report commissioned by the Jersey Heritage Trust on the architectural and historical significance of the Odeon Cinema building, and if not, why not?

**Senator F.E. Cohen:**

I would be more than happy to place all reports related to the redesignation or potential redesignation of the Odeon Cinema in the public domain. I just have to be careful that they are put in the public domain at the appropriate time, but I cannot see any reason why both that report and the report commissioned by the owners of the site should not be available to the public.

##### **4.5.1 Senator F. du H. Le Gresley:**

Could the Minister advise if and when the department receives an application to demolish the Odeon Cinema, will he have the final decision?

**Senator F.E. Cohen:**

Firstly, I have to deal with the listing issue, which is an entirely separate matter from any application. When an application comes forward, that application may be dealt with by officers. I think that is most unlikely. It may be dealt with by the Planning Applications Panel or it may be dealt with by the Minister and I think once the Senator has seen the recommendations of the new

process improvement programme, he may have a clearer idea of which direction the determination is likely to fall.

#### **4.6 Senator J.L. Perchard:**

When is the Minister going to make a decision to remove the listing from the old Odeon building and how long does he expect the States and the members of the public to endure this delay?

#### **Senator F.E. Cohen:**

I am not quite sure from which perspective the Senator is coming. The position with the Odeon Cinema is that it is presently a listed building. There is very little right of appeal in relation to a reassessment of a listed building and therefore it is appropriate that I take appropriate care. What has happened is that the Jersey Heritage Trust, as our advisers, have presented a report. I have asked the owners of the building if they wish to take the opportunity of having their own report commissioned. They have commissioned a very lengthy report, which I am presently considering. I think it is important that a decision that I make is very transparent and therefore it will be made in public and I expect that to be made in January of next year.

#### **4.6.1 Senator J.L. Perchard:**

A supplementary. Is the Minister aware that a decision to de-list the old cinema building will almost certainly result in the owners seeking to undertake a major redevelopment of the area, an action that would help regenerate and create in the area, the north of town... create employment **[Approbation]** and provide economic stimulus for our economy? Does the Minister not share my view that in respect of the old Odeon building, it is now time to ask these fringe historic building campaigners to step aside **[Members: Oh!]** and to stop getting in the way of progress?

#### **Senator F.E. Cohen:**

I take exception to the Senator's comments, as I have been a historic buildings campaigner in the past. In relation to the current position on the Odeon Cinema, it is also essential to point that the Odeon Cinema is not the only regeneration site in the north of the town. The Ann Street Brewery site is a most important site and of course the Ann Court site is an important site, as indeed is the Town Park, which in itself will provide regeneration opportunities. But perhaps the most important site of all is the Ladies College site, which is presently being worked on by Property Holdings, and that offers the opportunity of wonderful regeneration in the north of town, and that we can once again make the town the first choice place of residence for Islanders.

#### **4.7 Deputy P.V.F. Le Claire:**

The Minister knows that I and a number of other Members have campaigned for a number of years to have a memorial for François Scornet. I understand there might be some news about this, and I am wondering whether or not this news is pertaining to Percentage for Art, and whether or not locations might be discussable, rather than set in stone.

#### **Senator F.E. Cohen:**

I am delighted to be able to inform the House that the Westmount Percentage for Art programme will deliver a major memorial sculpture to the memory of François Scornet, and I would like to commend Deputy Le Claire for his extraordinary efforts to memorialise appropriately François Scornet over so many years. The location is yet to be finally decided, but of course the department and the commissioner of the work, which is the developer of the site, will seek to work with Deputy Le Claire and others to ensure an appropriate location is found. However, the principle of Percentage for Art is that it should be on or near the Westmount site.

#### **4.7.1 Deputy P.V.F. Le Claire:**

May I ask a supplementary? I would like to thank the Minister for highlighting my efforts, but I think there also needs to be recognition of past States Members and current States Members and

members of the public who have worked with me and the developer, and I wondered if the Minister could extend those congratulations to those individuals as well, because this was not my sole effort?

**Senator F.E. Cohen:**

I most certainly do, and it was wrong of me to single out Deputy Le Claire as the sole individual responsible. There of course have been many others and I congratulate them all for their efforts.

#### **4.8 Deputy R.G. Le Hérissier:**

I wonder if, branching out, the Minister could tell us whether he is prepared, in the light of recent events, to put in stronger protection for trees that are designated as in need of protection?

**Senator F.E. Cohen:**

There have been a number of unfortunate incidents with trees recently. All, as far as I am aware, had consent for felling. However, I concur with the Deputy that there should be greater protection for trees. It is somewhat difficult to achieve under the present planning structure and perhaps we should be looking at a general presumption in favour of the preservation of certain species of trees generally throughout the Island.

#### **4.9 Deputy K.C. Lewis:**

While I have the greatest of respect for the Planning Applications Panel, who do an excellent job, is the Minister aware that for individual housing projects, there is still a great dissatisfaction with the time taken to determine applications? While I am on my feet, may I congratulate the Minister, who I consider to be one of the custodians of our heritage. **[Members: Oh!]**

**Senator F.E. Cohen:**

I thank the Deputy for his kind comments. I would say that in general, I am relatively comfortable with the time taken to determine the majority of planning applications.

[12:15]

Those applications that meet our architectural standards tend to get approved very quickly. Indeed, the vast majority - over 90 per cent of our applications - are dealt with within 13 weeks. That I think is a pretty good record and it is better than most other jurisdictions. That does not mean of course that there are not instances where we are slow, and indeed, some times when we are very slow, but the vast majority are dealt with appropriately, as far as I am concerned.

#### **4.10 The Deputy of St. Martin:**

I wanted to come in earlier to follow the Deputy of St. John, because I concur 100 per cent with him. Could I seek an assurance from the Minister for Planning and Environment, because we are aware of the difficulty in finding suitable accommodation for Planning Application Panel meetings, but can I have an assurance from him that Don Theatre will not be used? I do not think it is an appropriate premises and there must be other rooms in Fort Regent that could be better used, or indeed, around the Island. So can I have an assurance that Don Theatre will not be used in future?

**Senator F.E. Cohen:**

I am more than happy to give that assurance, but Members should please bear in mind that it is sometimes difficult to find an ideal location for planning hearings that are at short notice.

#### **4.11 Deputy J.B. Fox of St. Helier:**

Will the Minister agree with me that it is always sad when someone is proposing to do a very large development to say that it relies solely on the fact that a listed building has got to be de-listed and that vast swathe of area around the building remains unkempt, unused, except for parking cars for some since 1971?

**Senator F.E. Cohen:**

It is my view that listed buildings - and I am not talking about a specific listed building - are exceptionally important to ensuring the understanding of our past and passing that into the future. It is all very well looking at particular buildings that stand in the way and saying it would be much easier to remove them and have a nice new building. There are occasions when it is appropriate to ensure that a building remains for future generations, even if that compromises a site, but I am not saying that applies to any particular site.

**4.12 The Deputy of St. John:**

Much obliged. Will the Minister give serious consideration: we have 12 Parish Halls within the Island, which are not always in use, for his officers to organise Planning Applications Panel meetings. Most of these have very good access and disabled access, given last week at the Fort I noted 2 persons who were disabled in the hour that I was there... therefore it is totally inappropriate to use buildings without proper facilities.

**Senator F.E. Cohen:**

The Deputy's suggestion is a good idea. The problem is that there is a general presumption that most panel and Ministerial hearings should take place in town, and I think that if we started conducting hearings out of town, there would be complaints from those who wish to make representations who have limited access to transport. I think it is just important that we do not use the Don Theatre again and try as much as possible to stick to our regular venues, where there have been no complaints that I am aware of.

**The Bailiff:**

Does any other Member wish to ask any questions? Yes, Senator Le Gresley.

**4.13 Senator F. du H. Le Gresley:**

Can the Minister outline the planning process and the timescales should the development of a new school on the field adjoining St. Martin's School proceed in 2012?

**Senator F.E. Cohen:**

For an important application such as that, we would invoke our fast-track procedure and would seek to determine an application within the minimum period. Of course, there may be rezoning issues, and should there be rezoning issues, that could involve a public inquiry in bringing the matter to the States, but I am not sure in that particular case.

**PUBLIC BUSINESS**

**The Bailiff:**

Very well. That brings questions to the Minister for Planning and Environment to a close. I can inform Members they should have been provided comments of the Council of Ministers on P.170 - Shadow Boards and Ministerial Boards: approval by the States - lodged by Deputy Le Claire. So there are no matters under J or K, so we come to Public Business, and the first matter is the Sustainable Transport Policy, P.104, lodged by the Minister for Transport and Technical Services. I will ask the Greffier to read the proposition.

**5. Sustainable Transport Policy (P.104/2010)**

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to receive Jersey's Sustainable Transport Policy dated 2nd July 2010 as prepared by the Minister for Transport and Technical Services and (a) to agree that the measures described in the policy to reduce the Island's reliance on the private

car and to encourage walking, cycling and public transport should be applied by the Minister for Transport and Technical Services; (b) to approve the objective of reducing peak-hour traffic flows into St. Helier by 15 per cent by 2015 and to request the Minister to apply appropriate measures as set out in the policy to achieve its objective; (c) to request the Minister, in conjunction with the Minister for Home Affairs and the Honorary Police, with regard to enforcement to apply appropriate measures as set out in the policy, to re-establish a reducing trend in road injury rates and to agree a vision zero target of no deaths or serious injuries on Jersey's roads; (d) to agree that the Minister applies appropriate measures, as set out in the policy, to encourage the use of low-emission vehicles; and (e) to request the Minister to undertake appropriate monitoring of the impact and effectiveness of the policy and to publish the results annually.

**The Connétable of St. Brelade (Minister for Transport and Technical Services):**

I intend to speak to the paragraphs as a whole and will be asking for a vote on the whole at the end. The States Strategic Plan recognises the need to persuade people out of their cars by providing practical alternatives such as improved bus services, cycle tracks and footpaths, and charges me, as Minister for Transport and Technical Services, to develop a sustainable transport policy accordingly. My department and I have produced a high-level policy which provides the direction for the future and it is intended as a strategic document. We have, through extensive consultation and research, found out what people want and what changes they would like make. Through this, we have been able to set an overall target of a 15 per cent reduction in peak-hour traffic, which we know has wide support. We also know that it is challenging, but achievable. Through our research, we have been able to predict the changes that people are likely to make, given good alternatives and encouragement, so we can roughly predict the increases in bus use, in cycling and in walking that will result from our policy. We know what we need to do to encourage the public to change, what facilities and services we need to put in place and how to encourage people to make better choices. In developing this policy, my department and I have consulted with the public, with businesses, the Parishes, other States departments and many other interested parties. We have undertaken research into the potential for people to change their travel habits. We have carried out a comprehensive review of the bus services and we have employed Sustrans, the U.K.'s leading sustainable transport charity, to advise on best practice in the U.K. and internationally. We have liaised closely with the Environment Scrutiny Panel and I am grateful for their constructive comments, which will help us to develop the detail of the policy further. The public consultation response was encouraging, one of the highest-ever responses to a States consultation, with nearly 1,400 submissions. A significant majority considered that congestion was too high and, perhaps more importantly, they would be willing to consider a more sustainable means of transport than their car. 75 per cent of respondents agreed that the problem of traffic congestion should be solved by reducing the numbers of motor vehicles on our roads rather by building new roads. This policy is a good investment for the States. Why, you may ask? Well, although this was not one of the drivers for the policy, it has become evident to me that the benefits of reducing our devotion to the motorcar are significant and will considerably outweigh the costs associated with the policy. Having said that, I am not naïve to the linkage between the Jerseyman and the car. So what are those benefits? We can make real and significant savings through reductions in congestion, pollution, road injuries and health problems caused by low levels of physical activity. The Medical Officer of Health considers regular exercise through travel is a key to addressing our Island's increasing obesity problem. Less private car use will lead to savings through reduction in the space given over to car parking, particularly in St. Helier. Although it is difficult to accurately evaluate, the cost to Jersey of these issues run into many millions and the benefit to our society of addressing them will considerably exceed the £500,000 per annum which has already been allocated to the policy. This funding is a quarter of the income expected from the Vehicle Emission Duty that the House may recall was introduced in September of this year to fund environmental initiatives such as this. Although our key aim is to reduce car use, we have not forgotten that about 12 per cent of households do not have a car. By improving the bus service, pedestrian and cycling facilities, we will also be protecting and

enhancing the ability of everyone to get about, not just car users. So what do we need to do? To put it very simply, we need to increase the proportion of trips that are made by bus, by bike or on foot, and for those journeys that inevitably will continue to be made by private motor vehicles, we need to encourage the use of more environmentally friendly vehicles as well as more car-sharing. The policy provides a long-term strategy and aims to reduce the impact of traffic at all times, so improving and protecting the quality of our environment for future generations, but we have set a more specific and immediate target to reduce the volume of peak-hour traffic commuting into St. Helier by 15 per cent within the next 5 years. Nearly 12,000 people travel into town by car each working morning. That is just in the rush hour, and about two-thirds of cars have only one person in them. We know from our surveys that on average across all our main routes, traffic levels in the rush hours are about 15 per cent lower when the schools are off, so we also know that if we can achieve that 15 per cent, we will make a very significant difference. Reducing the number of car trips to work and to school will be a main focus of the policy. We have carried out research to establish the potential for people to change their travel habits and this has helped us to be confident that our target can be met and to understand what the changes will mean. The bus service is obviously an important aspect of the plan, but in fact our research shows that only about half the reduction in car trips will be through more bus use. The remaining half will come about mostly through more walking and cycling. So how can we encourage people to use their cars less, particularly when commuting to work or to school? Obviously we need to improve our own public transport, cycling and walking facilities, but most of all, we will have to change people's attitudes to travel so they make better choices. The significant reductions in road accident injury rates during the 1970s, 1980s and 1990s have not continued into this decade. About 400 injuries occur on our roads each year, approximately 35 of them serious, fatal, and quite apart from the individuals that are personally affected, the annual cost to the community of our road traffic collisions is estimated to be over £18 million. So a target of this policy is therefore to re-establish a reducing trend in injury rates towards a vision zero target of no deaths or serious injuries on Jersey's roads. Turning to public transport: for Jersey, public transport means better buses and taxis. We have looked closely at whether some form of tram or light rail could be justified, following the line of the old railway to the west of the Island, but all the towns and cities where similar systems have been assessed have a much greater population base to justify the set-up, disruption and running costs. In Jersey, such a system is simply not justified. It would only cater for a limited area in the south-west of the Island and compete with the bus service to that area. It would cost tens of millions to introduce and to run, and adversely affect existing walking and cycling routes along Victoria Avenue and the railway walk. It would be more likely to draw its custom from existing bus users than from car drivers. The thorough review of the bus service has identified that efficiencies can be made to the current service to provide significantly improved capacity and coverage. We are working with the current operator to ensure that the growth in bus use of recent years continues. Some improvements have been introduced already or are imminent, but the full range of changes will be introduced when the new bus contract is let in 2013. Both the current main and school bus contracts expire at the end of 2012, and a new contract for an integrated main and school bus service will then be introduced by competitive tender. The new contract will include specified net improvements to provide a much more comprehensive 7-days-a-week, all-year-round service. We will also need to ensure we increase capacity to accommodate more adult and more schoolchildren bus users. It will also include a town hopper service. There will be incentives for the operator to encourage growth and meet performance targets: appropriate, comfortable, low-emission vehicles and better integration between school and main service.

[12:30]

We are also working on a number of initiatives to bring the bus service up to date and to make it more attractive to the user, such as smart card ticketing, improved shelters and real time information. So to taxis: taxis play an important and flexible role in providing a public transport system. If the public are to be encouraged to reduce their dependency on private cars, there will be

more occasions when a taxi is the most suitable means of transport. We have a taxi service which evolved decades ago, in the heyday of our tourism industry, and of course before the mobile phone and other modern technology. It is overdue for modernisation. We will develop proposals to provide a simplified, efficient and good value system which will meet the growing needs of the public and ensure its full implementation by 2015, if not sooner. The diagram on the cover of our policy document symbolises that priority will be given to the more sustainable modes of transport. Future road improvements will correspondingly focus on improved facilities for walking, cycling and public transport, rather than car capacity. Improvements will also address road safety. Our policy will increase the number of more vulnerable users - pedestrians and cyclists - and it is essential that we invest more in making our roads safer. In the town centre, more space will be provided for pedestrians rather than the motorcar. The EDAW St. Helier redevelopment strategy proposed several town centre roads for pedestrianisation. We have studied the impact of those proposals and concluded that with the current volumes of traffic, the disadvantages of congestion and pollution on the remaining network would be too great should all the proposals be adopted. Of EDAW's suggested schemes the pedestrianisation of Halkett Place, south of Waterloo Street, is considered to be where the benefits are most likely to outweigh the disadvantages. It is in the heart of the shopping centre and has high pedestrian use, but it is important that the vitality of the central market is preserved and development of such a scheme will, therefore, need to be dependent on adequate access for servicing deliveries and shopper parking. It is important to encourage sustainable transport choices, not just in our town but Island-wide and T.T.S. will work with the Parishes to identify local village improvements to encourage walking, cycling and public transport and reduce the detrimental impact of too much traffic. T.T.S. are also working with Planning and Environment to ensure that new developments where appropriate provide physical or financial contributions for pedestrians, cyclists and public transport users. The provision of more on and off-road cycling routes is important to the encouragement of cycling and to aid cycle safety. The first section of an eastern cycle route has already been constructed and design work is underway to extend it. Plans to link the western cycle route from the New North Quay along Commercial Buildings to La Collette and Havre des Pas are also being finalised. Other opportunities to expand the Island's cycle network will be developed. In combination with physical improvements to our bus service, and our walking and cycling infrastructure, we need to invest in promoting sustainable transport so that people are aware of the improvements and the benefits of less car use. T.T.S. will work with the Health Department and Planning and Environment to organise public awareness campaigns to help people to understand so they can have both a healthier lifestyle and make savings by making better travel choices. The States is the largest employer in our Island and we must lead by example. We propose that all States Departments should have a travel plan in place by 2015, a workplace travel plan is a package of measures to encourage staff to choose alternatives to single occupant car use to, from and at work. It should be bespoke to each particular site but might typically include the setting up of a car-sharing scheme, providing cycle parking, facilities for changing and showering and incentives for alternatives to car use, up to date public transport information and prioritising available parking spaces to car-sharers. School travel plans will also be introduced at all schools by 2015, with 43 schools, 13,000 pupils and 1,900 staff the potential to impact on our high levels of traffic through effective school travel plans are significant. A few schools have already commenced travel plans following the Eco-Active pilot project, sponsored by HSBC. We propose to resource further investment to enable a comprehensive take-up Island-wide. Large developments are required to have a travel plan through the planning application process. As more developments become subject to this process, the impact should increase. T.T.S. will work with Planning and Environment to ensure that the process is properly resourced. The availability and cost of parking is fundamental to the use of the private car, the aim of this policy is to persuade people out of their cars, therefore, the demand for parking spaces, both public and private, will reduce and significant benefits should be achieved through realising the development value of land currently given over to car parking. This policy recognises that convenient and adequate shopper parking is essential to support the town's retail activities. Although we aim to make the alternatives

more attractive for all trip purposes, it is anticipated that the greatest reductions in private car use will arise from reductions in commuter and school car trips. Reductions in commuter parking demand will free-up public parking space for shopper parking. I have already mentioned many of the measures we intend to put in place to encourage a reduction in car use. We will be continually monitoring our success. Our research tells us the cost of parking also greatly influences car use and it is an area we will look at if our other measures have not yielded sufficient behavioural change. Currently 78 per cent of people travelling into town in rush hour do so by car, although this policy will reduce that proportion, the private car can be expected to remain the preferred option for many people who live outside walking distance of their destination, at least in the foreseeable future. We have international obligations to reduce our emissions and it is, therefore, essential to not only reduce the numbers of car trips but to encourage the use of more fuel-efficient and less polluting vehicles. Jersey is better suited with its short distances and low speed limit to the use of less powerful, less polluting and more economic vehicles than the U.K. or on the Continent. T.T.S. is already encouraging the use of low -emissions vehicles through its half-price parking scheme for vehicles in the lowest category of emissions. This is a significant incentive for someone who parks regularly in our public car parks to opt for an ultra low-emissions vehicle the next time they change their car. A scheme for charging points in car parks for electric cars will be developed with the support of the Jersey Electricity Company. We will also take a proactive role in identifying low or zero emissions personal transport and ensure that legislation encourages their use, providing the safety is not compromised. Motorbikes are the most commonly used low-emissions vehicle and should be encouraged. The number of motorbike parking spaces in the town area has increased significantly in recent years and will continue to do so. Motorcyclists are, however, at a high risk of road injury. We propose to review and develop training schemes for motorcyclists as well as awareness by other road users, in order to promote safer motorcycling. Evidence from the D.V.S. (Driver and Vehicle Standards) road checks shows that vans and trucks produce a disproportionately high percentage of defects. We will introduce commercial vehicle operator licenses that require operators to have their commercial vehicles regularly tested for emissions and roadworthiness and to have adequate parking arrangements. We also propose to monitor trends and develop for future consideration the cost and benefits of the need for all motor vehicles over a certain age to be tested regularly for emissions and road worthiness. Vehicle Emissions Duty is expected to raise £2 million per annum to fund environmental initiatives of which £500,000 per annum is to be allocated to sustainable transport. In developing this policy I have been mindful of the level of funding identified, I believe that it is sufficient to enable significant improvements to be made to the bus services and to walking and cycling infrastructure, along with appropriate marketing to encourage more sustainable travel habits. This is not a radical anti-car policy and from our consultation and research I am confident that this is not what the public want or need. What they do want to see is a better balance between car use and more sustainable travel habits in order to protect our environment and quality of life for future generations. Although this is a high level policy, there is a considerable amount of evidence and detail contained in the report which I hope will assure the Members that our aims and proposals are sensible, achievable and welcomed by the public. The detail is provided to give comfort to Members that we are getting it right rather than to enable a debate on the level of detail which I would suggest is inappropriate for the States to discuss today. So the future of our internal transport structure is critical and it is certainly a most complex subject that cannot be effectively addressed without the necessary breadth of discussion and consultation which has been undertaken. It is a subject which has lain in the too difficult drawer for too long and the time is overdue to apply the necessary resources and address it objectively and holistically as a priority. I would, therefore, ask Members to approve the policy and give my department and I the mandate to proceed without future delay. Thank you.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Very well. Now, there are a number of amendments but the first one is from the Connétable of St. Mary and I propose, where appropriate, in order to help



Members after an amendment is lodged to see if there is any indication as to whether it is going to be accepted because that might help Members in deciding how to speak. So I will ask the Greffier to read the amendment of the Connétable of St. Mary:

**The Greffier of the States:**

The third amendment: in paragraph (a) after the words “Transport and Technical Services” add the words: “but to acknowledge that in some sections of the Island community the private car remains the only practical option and to agree the cost of motoring including parking should not be disproportionately increased until a viable alternative method of transport is available to all.”

**LUNCHEON ADJOURNMENT PROPOSED**

**Deputy R.G. Le Hérisier:**

I wonder, without cramping the Constable’s style if it might be an appropriate time to adjourn.

**The Bailiff:**

Well I was just going to inquire to see whether he is going to accept this one you see, Deputy. Minister, do I understand from your comments that you will be accepting this amendment?

**The Connétable of St. Brelade:**

I have a few brief comments; I am ambivalent. I am quite happy to propose the adjournment should Members so wish.

**The Bailiff:**

My question was, will you be accepting the amendment?

**The Connétable of St. Brelade:**

I will be accepting the amendment.

**The Bailiff:**

How long do you propose to speak for then, Connétable?

**The Connétable of St. Mary:**

I probably will speak for maybe up to 5 minutes because I just think there are a few examples just to illustrate why I think this important.

**The Bailiff:**

Do Members agree to hear the proposer? The vote is called for on whether to adjourn. Very well, the adjournment is proposed, this should take up the rest of the time until 12.45 p.m.. The appel is called for on to whether to adjourn. The Greffier will open the voting.

<b>POUR: 24</b>	<b>CONTRE: 13</b>	<b>ABSTAIN: 2</b>
Senator B.E. Shenton	Senator T.A. Le Sueur	Senator J.L. Perchard
Senator S.C. Ferguson	Senator P.F.C. Ozouf	Connétable of St. Mary
Senator A.J.H. Maclean	Senator A. Breckon	
Senator F.du H. Le Gresley	Connétable of Trinity	
Connétable of St. Ouen	Connétable of St. Brelade	
Connétable of St. Helier	Connétable of St. John	
Connétable of Grouville	Deputy J.B. Fox (H)	
Connétable of St. Martin	Deputy K.C. Lewis (S)	
Connétable of St. Saviour	Deputy I.J. Gorst (C)	
Connétable of St. Clement	Deputy T.M. Pitman (H)	
Deputy R.C. Duhamel (S)	Deputy E.J. Noel (L)	
Deputy of St. Martin	Deputy T.A. Vallois (S)	
Deputy R.G. Le Hérisier (S)	Deputy D.J. De Sousa (H)	

Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

The soup kitchen calls. **[Laughter]** Very well, so the Assembly will adjourn and reconvene at 2.15 p.m.

[12:43]

**LUNCHEON ADJOURNMENT**

[14:15]

**The Bailiff:**

We are not quorate. Usher, can you summon Members? Very well, we will call for the appel then, many Members are still not here. The Greffier will read out the appel.

**The roll was called**

**The Bailiff:**

By the skin of our teeth the Assembly is quorate following that roll call. Just to remind Members the consequences would have been that the sitting would have been adjourned had sufficient Members not been back at the time. Very well then, just before we recommence, Members have been delivered R.139: Births, Marriages and Deaths in 2009, a statement presented by the Minister for Home Affairs. So now we revert to the debate on P.104 and in particular the amendment lodged by the Connétable of St. Mary and I will ask the Greffier to read the amendment.

**5.2 Sustainable Transport Policy: amendment (P.140/2010 Amd.)**

**The Deputy Greffier of the States:**

Page 2, paragraph 3, in paragraph (a) after the words “Transport and Technical Services” add the words: “But to acknowledge that for some sections of the Island community the private car remains the only practical option and to agree that the cost of motoring, including parking, should not be disproportionately increased until a viable alternative method of transport is available to all.”

**5.2.1 The Connétable of St. Mary:**

If I could just say firstly, I was quite devastated that the prospect of a speech from me did not guarantee a quorum, especially when I took the opportunity at lunchtime of souping-up my speech somewhat. I am grateful that the Minister has indicated his support for my amendment and I do not propose to speak at any length. However, I remind Members that I brought the amendment to focus attention on the fact that not everyone is able to use alternative transport to the motor car and I do think it is necessary to cite a few examples of the sections of the community for whom the public transport system does not meet their everyday needs and to indicate why I think that their particular situations need be taken into consideration. I want to make it clear firstly that notwithstanding what

some coverage of the amendment has said it is not an attack on the bus service *per se*, in fact, in some areas of the Island the service is really very good and in others where it is poorer it is getting better. I can make particular reference here to the introduction of the early morning No. 27 service which means that I can now use public transport and still arrive at my 8.00 a.m. appointments in St. Helier on time. However, I have to walk a mile in possibly inclement weather on dark roads without pavements in order to catch that bus and I have to wait in an exposed location without a shelter while it comes. So it is not always tempting. Nevertheless, I welcome that new bus and I hope that it will become better used. Last Thursday when I took it for the first time, boarding at St. Mary's Church, I was only the second passenger and although we did gather a few more on the way the bus was still well below capacity and I seriously doubt that it has paid its way or benefited the environment at all on that journey. However, the driver was a real gem of politeness and cheerfulness and so there was at least some benefit to my spirit that morning. Now, this amendment is to raise awareness that although the general aims of the policy are commendable, they are really utopian. In an ideal world everyone would be able to benefit from public transport, after all they are probably paying for a good part of it anyway and at least they would have the ability to use an alternative mode of transport to the motor car. But this is real life; many people are on a very tight time target in their everyday life. Employers are not bound to schedule the working day around the employee's transport requirements and people are expected to be on time to work and to be at their desks or whatever for the right number of hours per day. We already know that the Island has a high percentage of working mothers and for families where both parents work, as well as for single parent families, the time pressure on getting the children ready for and safely to school as well as getting to work on time can be phenomenal. There is no school bus provision for primary schools; due to past policies not every primary has a preschool attached and so the school attended may well not be the closest one to the home. For people in remoter areas it is simply not possible to take the youngest child to school on the bus and then to take another bus journey to your place of work. It may not be possible for the child to make his or her own way to school unsupervised, after all in Utopia there are pavements and streetlights and it probably never rains either. But sadly not every child has - at least for now - a safe route to school. Parents may not have the time available to cycle or walk to school with their child. Often in these circumstances a parent will drop-off the child on their way to work. While some schools do have breakfast clubs, it may not always be possible for parents to drop children off early and so it is essential that once this has been done they can make their way to work as quickly as possible. It may not be possible to wait for the next bus. For example, someone dropping-off a child at St. Mary's school at 8.30 a.m. would not be able to catch a bus into town until 9.15 a.m. arriving at 9.40 a.m., just not practical, especially when they might need to leave work in time to catch the 2.05 p.m. bus back to St. Mary, arriving at 2.40 p.m. in time for the school pick up at 3.00 p.m.. Of course some schools do have after-school clubs too and the Kids Club at St. Mary is particularly good, but there is a cost and for some families with more than one child needing care this has to be weighed-up against the benefit of the mother working at all. The thing is that families make the best choices they can based on their circumstances and opportunities available to them and the Government really does need to think of the far-reaching implications of changes under consideration on the citizens who are in many cases already facing an uphill struggle financially and socially. A further complication may come when the child is older at secondary school, for which of course there is a school bus provision. But again for some the cost of the ticket, however heavily subsidised, is prohibitive, especially when there are multiple children in the family. If you have 3 children at secondary school currently that means £18 a week. Soon it will be £21. There is no school bus provision to get the children home from secondary school if they have after-school activities and the problem also exists with offsite activities. For example, I know from experience that for a pupil with a music lesson at Fort Regent at 3.30 p.m. it is not possible to take the school bus from Les Quennevais which does not reach Liberation Station until about that time. More importantly the question of safety raises its head. I am concerned- and the Minister is well aware of this - about the safety of our youngsters who wait at bus stops in places like St. Peter's Valley each morning, with

their backs hard up against walls and no place in which to shelter if vehicles do not give them a wide enough berth. I am sure there are other areas of the Island where this is also a problem. This is more of an issue of course now that winter is here and bad visibility adds to the safety concerns. The Deputy of Grouville and others have asked questions about the provision of bus shelters and I do not criticise them for that, quite the contrary. But I think that the provision of safe refuges is even more important for all travellers but of course especially for school children. As an aside I note - and the Minister for Education might like to listen - that although several schools have recently revamped their uniform I am not aware of any uniform which includes a woven-in reflective strip or any design in the predominantly dark material which is used. How forward-thinking is that? So for all these reasons it may be that the car is the only viable method available to some parents. Of course I am all for the use of more efficient vehicles and I welcome the initiatives to promote their use, but they are not suitable for all purposes and may not be the best choice when one vehicle has to meet the diverse needs of a family. Incidentally, Minister, I was delighted recently when I had the rare need to change my car for an updated version of the old one, in fact almost identical, but this had the right number of seats to meet my family's changing circumstances and I found that improvements in technology meant that the new one was more efficient and environmentally friendly than the old one. I was delighted and so it seemed a little odd that for the privilege of reducing my impact on the environment I was charged an additional £300. I have not even touched on the needs of the elderly or the infirm but I think for most Members these will be self-evident. My amendment simply asks that the costs of motoring are not increased disproportionately until the transport needs of the wider community have been addressed. Let us have the carrot before you use the stick please, Minister.

#### **The Bailiff:**

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

#### **5.2.2 Deputy J.M. Maçon:**

I rise to second this amendment. In particular the word which I have singled out is "practical" and I would ask Members throughout this debate to hold that word in their minds throughout. In this whole policy people do need to think about the practical options about how people can get around. The Constable has done a lot of hard work and she concentrated to mostly speaking on families and of course she did mention the elderly and infirm. I would go further and say that also in some jobs - some occupations - a motor vehicle is the only option in order to be able to do that profession as well. But I welcome this amendment and I will save what else I have to say for the main debate.

#### **5.2.3 The Connétable of St. Brelade:**

Just to speak briefly to the amendment. My proposed policy does not propose any disproportionate increases in motoring cost other than the possibly the cost of public parking. The cost of parking is significant to people's travel choices and our research suggests that if we are to reach our 15 per cent traffic reduction then a modest above inflation increase in parking cost is likely to be necessary during the next 5 years. I hasten to add though that before we consider this, a bus service and other improvements will be put in place first so their impact can be accurately assessed and, most importantly, so the alternatives are practical and in place. If the impacts of these improvements are greater than our research suggests then happily no above-inflation increases will be necessary. I think the definition of 'available to all' will mean different things to different people and we will not have a bus service running along every minor road but we will have a comprehensive bus service covering all 12 Parishes, which starts earlier and runs later than it currently does so that people have a good public transport option. For a few people who live in a particularly remote location their public transport option might involve a short drive to a local car park or a walk before catching the bus. I would conclude, therefore, that the Connétable's amendment is not inconsistent with my Sustainable Transport Policy as we do propose to improve the alternative, particularly with respect to an Island-wide comprehensive bus service before considering whether increases in

parking charges are necessary. I would also add that although the Connétable's report states that her amendment would result in a reduction in the funds available to the policy equal to the proposed increase in motoring costs, this is incorrect as the policy has been developed on the understanding that it will receive £500,000 per annum funding, this being one quarter of the anticipated income received from the Vehicle Emissions Duty. The V.E.D. (Vehicle Emissions Duty), as we call it now, has been introduced in September this year and there are no proposals to increase it disproportionately. If there are to be increases in parking costs they are not to be expected to increase income as there will be a reduction in parked cars resulting from the policy and this will more than negate the effect of an increased rate.

[14:30]

So funding for the policy is not, therefore, dependent on disproportionate increases in motoring costs and viable alternatives are to be made available to all. I can, therefore, support the Connétable's amendment.

#### **5.2.4 Deputy J.B. Fox:**

Briefly, just as this proposition has come from the Constable of St. Mary, I would like to remind the House that even St. Helier has its remoteness. We go to the borders with Trinity, St. Lawrence and St. John and being one of the old-fashioned Deputies that goes around from house to house - which seems about 8,000 - you get to speak to an awful lot of people, admittedly you do not get to speak to them all. But the one general comment that relates to this is that when you live up Mont Cochon way or the top-end of Vallée des Vaux and places like that, you do not have the opportunity of doing anything else - unless you are young and fit - than to go by car because there are no buses and, therefore, they tend nowadays to go to shops outside of St. Helier because of the difficulties and the cost of parking and, therefore, the traders in St. Helier lose out. The other side of the coin is that if they want to go and visit Clarkson House Hospice, for argument's sake, or they live in one of the sheltered homes, shall we say, at Le Pouquelaye, the bus service ceases in the evening, very good for the daytime but they are trapped: they cannot get out. So I just bring this, for this particular amendment, to the attention that this is a broader sphere than those of you that just live in the country. Thank you.

#### **5.2.5 Deputy T.M. Pitman:**

I do not think Deputy Maçon even drives a car, I can only conclude that he is about to buy a new one. But I am sure that did not influence his support. I too will support this amendment, I think it is very sensible and I do try to vote for sensible amendments. Perhaps we should go a tad further and try and encourage everyone - and I know it is not possible for a lot of woman - to pick people up and give them a lift. I regularly do that to the public and the rumours that I will not let them out until they vote for me are just not true. Thank you. **[Laughter]**

#### **5.2.6 The Deputy of St. John:**

I would like to congratulate the Connétable: maybe she might like to sit on my Scrutiny Panel because this is obviously one that went through, we did not notice and, therefore, I am obviously pleased to support her as I will be supporting the Minister with the overall policy and thank you for picking this one up.

#### **5.2.7 The Deputy of St. Mary:**

I think the proposer has highlighted something that will come up again in the debate, which is the way that things connect up. I just want to say a few words about one thing she said about the one thing that would drive someone to need to use their car would be taking a child, for instance, to St. Mary's School for 8.30 a.m. and then there is not another bus until 9.15 a.m. and so the trip has to be carried on - the commute to work if it is in town - by car. That does highlight the way that all these things are connected up. If we do vote the overall policy there is in there a schools travel co-ordinator funded and that will mean that the whole school - the pupils, the parents and the staff -

will develop school travel plans which will then encourage children to walk, cycle, or be accompanied by walking buses or whatever, using environmentally friendly modes to get to their school safely. Then that issue falls away because that parent has more options available to them. So these things are connected up and I would just say that, in defence of the Minister really, he said that the way of dealing with all these different requirements - as mentioned by Deputy Fox and by the Constable in proposing the amendment - is complicated, there are a lot of different needs and different requirements. The Constable of St. Brelade rightly said it will be a mix... it will be a mix of solutions. That is where he is trying to take us, I do not think he is trying to take us to Utopia in 5 years' time, it would be nice but that is not what the policy is trying to do. It is quite a commonsense mechanism for getting us to somewhere a bit better than where we are now and I will be supporting this because the thrust is the same as what the Scrutiny Panel said, that the alternatives have to be in place. But I do not think we can be too fine about this and say that everything has to be perfect until something else happens. It will be a process and there will be people who are inconvenienced as they are now by not being in the perfect spot at the perfect time. But please, please let us not trip over small details in the general direction of this policy. Thank you.

### **5.2.8 The Connétable of St. Mary:**

I would like to thank everyone who has contributed. Thank you, Deputy Maçon, for seconding me and for also highlighting the fact that complex journeys, journeys where you have to go to more than one destination in a day, where there is a continuation of the journey, they are another reason why sometimes it is simply not possible to take the leisurely route of a bus, or a cycle, for example, or to walk, and the bus service may not be flexible enough at the moment. I note what the Minister says about modest above inflation increases but I do not know his definition of modest really, whether that really is suitable. I have to take him at his word but I will keep reminding of the use of the word "modest" if I need to. Deputy Fox: I thank you, of course there are other remote areas apart from St. Mary, I simply speak from experience because that is what I know best. I take your point exactly about Clarkson House having recently had a relative there for a long time, transport links are difficult. That is something of course that I am sure the Minister has noted down, I see him scribbling. I thank the Deputy of St. John for his support and for the offer of a job should I need one, thank you. The Deputy of St. Mary: I agree, a school plan will be a great benefit and I know that all schools are on target to have one, I think it is by 2012 or something like that. In many areas, especially in what I call the semi-urban areas - like La Moye, areas like that- the school traffic plan is fabulous, walking buses, *et cetera*, are great. But predominantly they are good when there is a pavement or there is some infrastructure. A lot of the people I am talking about live down a green lane somewhere: the bus is never going to get them, I understand that. These other measures will help, they will not necessarily solve the issues but I take the point, it does not have to be a complete answer for everybody - one complete answer for everybody. Different things will help different people but we need to make sure that we have this network of things in place which will mesh together. Not everything has to be in place but one thing I will pick the Deputy of St. Mary up on, I am not talking about an inconvenience for travellers, I am talking about a necessity. These are not the people who will not give up their cars no matter what; these are the people who cannot. It is not an inconvenience if you see your child in danger. Every time I drop my daughter up at St. Peter's Valley where there is no refuge for her I worry that before the bus comes some driver will come up with the sun in his eyes, will have something distracting him, a squirrel run across the road and he will swerve or whatever, and my daughter has nowhere to go. That worries me every single time I drop her off and when I carry on my journey and the bus passes me a few minutes later I think: "Good, she is going to be safe in a minute." That, for me, is a real concern. I think it is a real concern for most parents and I mentioned the Deputy of Grouville is quite right to highlight the need for shelters, but the need for refuges is equally important and we need to build that in. I have gone so far in the past as to suggest to the Minister that you should not have to pay for your bus journey unless you can get on it from a safe place and I hoped that would focus his

mind, but I do not think it has so far. So it is not a matter of convenience, it could be a matter of safety, it could be a matter of keeping your employment because the employers often go that extra mile to help the families who have got children, they will allow them the odd sick day when the children come down with a fever overnight. But if you are consistently late, if you consistently have to leave early, in this economic climate that is a real problem and a real issue to your job security. So be sure, we are not talking about inconvenience, we are talking about necessity. I have said enough, I move the amendment and I call for the appel.

**The Bailiff:**

The appel is called for then in relation to the amendment lodged by the Connétable of St. Mary. I invite Members to return their seats and the Greffier will open the voting.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				

### **5.3 Sustainable Transport Policy: second amendment (P.104/2010 Amd(2))**

#### **The Bailiff:**

We come next to the second amendment which is lodged by the Connétable of St. Helier and is particular to paragraph 2 of that amendment. Although it is quite lengthy I think the Greffier should read it out but, Connétable, I understand you are withdrawing paragraph (e), is that right?

#### **The Connétable of St. Helier:**

Yes please.

#### **The Bailiff:**

Very well, so that will not be read out.

#### **The Deputy Greffier of the States:**

Page 2 after paragraph (a), insert new paragraphs as follows: “(b) to bring forward within one year of the adoption of the Policy comprehensive strategies designed to facilitate and encourage walking and cycling; (c) to carry out a review of the transport requirements of the mobility impaired or ‘disabled drivers’, including the administration and operation of the ‘Blue Badge scheme’, and to report back to the States with recommendations for any changes or improvements; (d) to implement a scheme to enhance pedestrian safety in Midvale Road by the end of 2012; (f) to research and develop proposals by the end of 2011 to enhance pedestrian levels of service at the following locations (i) the junction of Wellington Hill and the Ring Road; (ii) the junction of Bath Street, Peter Street and Beresford Street; (iii) the junction of Gloucester Street and the Parade; (iv) the pedestrian exit across Little Green Street from the Green Street Car Park; (v) the Queen’s Road roundabout; (g) to bring forward, in conjunction with the Property Holdings Department, by the end of 2011, proposals to provide increased shopper parking at Snow Hill; (h) to work with States Departments, especially the Harbours Department, to achieve the release of at least 25 per cent of the privately leased parking spaces in States’ ownership for short-stay shopper parking, and to enable the provision of increased scooter or motorcycle parking; (i) to request the Minister for Transport and Technical Services to take the necessary steps to provide that the revenue in the Car Parking Trading Fund from any above-inflation increases in parking charges will be ring-fenced to fund improvements in the provision of alternatives to the private car, including improvements to encourage walking, cycling and bus travel; (j) to request the Minister for TTS to bring forward by July 2011 proposals to extend the opening hours of Liberation Station in conjunction with late bus services; (k) in paragraph (d), before the words “low-emission” insert the word “smaller;”.

#### **5.3.1 The Connétable of St. Helier:**

Despite the length of the proposition Members will be pleased to know that I am not going to speak at length, particularly given that the Minister has broadly speaking accepted the amendments that I brought, albeit it with some caveats which are contained in his own amendments, and I am very happy to accept the amendments of the Minister to these amendments when we get there. So hopefully that will also speed-up the debate. I would, however, just like to go through the list and really just preface it with the remarks that I make in the first paragraph of the report, and for the benefit of those Members who have not read it yet, I am just going to read out the first paragraph: “There is little to disagree with in the high level aims of the Sustainable Transport Policy but there is an absence of practical measures that could achieve these. In particular, the proposed 15 per cent reduction in peak hour traffic levels, given the competing States policies which will lead to more vehicles on our roads such as growing and diversifying the economy, population growth to maintain the proportion of economically active residents, and focusing new development in St. Helier. Although achieving the last item reduces the need to commute in and out of town. The



policy will also fail because of the amount of funding it seeks.” That is all I am going to read from the report and I think the purpose of my amendments is to try to give some teeth to the policy really, very good high level objectives and while the Minister did not want to get involved in a detailed debate about whether we need a pedestrian crossing outside Green Street Car Park, my experience of 13 years in the States of asking for a pedestrian crossing outside Green Street Car Park is that we do not get this in a policy somewhere it is never going to happen. Effectively the shopping list here of improvements seem to me to be pretty uncontroversial. Who would argue that the situation at the bottom of Wellington Hill when the children are going to school is satisfactory? I have had numerous complaints from parents and also from businesses in the area that the bottom of Wellington Hill is dangerous and it needs to be dealt with. Who would argue that the major car park of Green Street should have some kind of crossing to get from the car park over to Grenville Street and into town?

[14:45]

Who has been down Midvale Road as a pedestrian and found that a comfortable or safe experience, particularly in the morning rush hour? Let us not forget that the rush hour, particularly in St. Helier, is composed of thousands of people walking to work as well as all the school children. I am not going to go through the whole list; I think they are very clear. These are things that have been on various agendas during the last decade since the last transport policy was brought to the House. Nothing has really happened to bring any of these about and so that was why I felt a certain degree of frustration in looking at the policy and feeling, well, even some of them are put in the ‘too difficult’ box. Speaking of the ‘too difficult’ box, Members will be aware that I have withdrawn the amendment to do something about Halkett Place, south of Waterloo Street. That, of course, in the policy is highlighted as the one part of town which really needs to be tackled but the Minister then says: “Well, there is too much traffic to do anything about it.” What I have agreed is that, because of the representations from the Chamber of Commerce members, that has been withdrawn in order that further discussions can take place with the market traders, with the Chamber of Commerce, and indeed meetings have already been set up for the new year to try to take this process forward. There is a real danger I think that people who like to knock sustainable transport immediately assume that anybody who wants to make the streets safer is anti-car and that is something I have learned to live with, I have got broad enough shoulders to cope with that. I know that even when I can afford to buy an extremely expensive motor car and drive it happily around St. Helier it will not make any difference, I will still be considered anti-car. But I have to say that there is a real worry that if we do not embrace the kind of aspirations that the Minister has set out here and which I am trying to make a little more concrete, that areas such as the Waterfront will be much more attractive to people than the town centre of St. Helier. It is very important that St. Helier can compete with rival attractions like the Waterfront and we will not do that if we insist in running rush hour traffic through the heart of our historic town. But that, as I say, is a matter for another day. The suite of amendments here seem to me to be entirely sensible and I am quite happy to answer any questions on them. I hope that Members will agree that the needs of disabled drivers or the mobility-impaired need to be taken more seriously, we need to review the number of disabled spaces we have around town, the way they are enforced, the fact that we have all seen people sprinting away from cars parked in disabled areas and we are concerned about that. Indeed, from the point of view of St. Helier, it does seem to me wrong that one Parish is administering the scheme on behalf of the States. This seems to me a scheme that really does need to be reviewed and possibly put in the capable hands of the Minister for Social Services who has an independent medical panel who might be able to bring some consistency to the whole application process. I want to briefly refer to the proposals for car parking in the amendments. Perhaps characteristically, people who took issue with my amendments only focused on the reference to Halkett Place, they did not seem to see that there is an effort to bring forward a shoppers car park at Snow Hill, one that makes use of that cutting and maximises its potential for shoppers car parking, right next to the town centre. This amendment is seeking to really tie the Minister down to work with Property

Holdings and to bring forward increased capacity for shoppers in Snow Hill. Perhaps more radically the amendment is seeking to transfer some of the 6,000 spaces which are in the ownership of the departments of the States to the shopper and to the public. Now, I asked a question back in June 2009 asking Property Holdings to come forward with a list of all the car parking spaces that is currently being leased out by Housing, Harbours, Education and so on and the astonishing total - if we take out the car parks - of 6,000 spaces are used as cash cows by States departments. What I am suggesting in this amendment, and it has been amended by the Minister, a proportion of those spaces should be transferred to the shopper and the visitor. If I can give just one specific example, the list that we were given in June tells us there are 93 spaces currently on the Albert Pier on monthly parking arrangements, private commuter parking arrangements run by Harbours and there are just 10 spaces given over to parking for shoppers. With the opening of Liberty Wharf I would suggest that the parking on the Albert Pier should be available to everybody, it should not be sold-off to commuters largely so that they can enjoy a private car parking space. Those spaces belong to us all and we should all have access to them. Equally radically, and I hope this will appeal to the Constable of St. Mary, the amendment (i) asks that any increased parking charges over inflation should be ring-fenced for improvements to public transport and the like, and that, I think, answers her real concern that the price of parking will be put up before the improvements are in place that give people an alternative. So I do not think that is too controversial. Towards the end of the list I am seeking to keep Liberation Station open much later and to provide late bus services. Again that is something which I am sure everybody will welcome. I have also included the word smaller with low-emission vehicles. One of the things about low-emission vehicles is they can still be very big, it is also important we encourage the use of smaller cars where people have personal circumstances which permit, and so I have included that word as well. I hope that these amendments will meet the support of Members, I apologise if they are seen as unduly detailed but after 10 years of trying to bring these improvements about I really felt I had no other option. I very grateful to the Minister for the positive way he and his officers have taken them, I am also grateful to him for delaying the debate in order that the correct lodging time could be provided for these amendments. I am very happy to answer questions, but otherwise I propose the amendment.

**The Bailiff:**

Are the amendments seconded? **[Seconded]** Very well. Then of course we have amendments to the amendment and we need to take those next. They will have to be done separately but the Constable has already indicated that by and large I think he will be accepting them. So I therefore ask the Greffier first of all to read the first amendment lodged by the Minister for Transport and Technical Services.

**5.4 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) - paragraph (d)**

**The Deputy Greffier of the States:**

On page 3, part 2, paragraph (d) after the words “by the end of the 2012” insert the words “subject to appropriate consultation.”

**5.4.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services):**

Part 2(d) of the Connétable’s amendment requires me to implement a pedestrian safety scheme in Midvale Road. The obvious means of improving the safety of pedestrians there would be to make the road one-way so that the footpaths could be widened. A scheme has been developed by T.T.S. in conjunction with the Parish and this would be consistent with the principles of the S.T.P. (Sustainable Transport Policy) and analysis of the traffic flow suggested that the increase in traffic delay on this rounding road network would be modest. It should be noted, however, that a proper public consultation including that with the emergency services has not yet been carried out, and

would need to be before plans are finalised. I have, therefore, proposed an amendment which will ensure appropriate consultation is carried out.

**The Bailiff:**

Is that amendment seconded? [**Seconded**]

**5.4.2 Deputy P.V.F. Le Claire:**

I recently attended the Minister's office with his Assistant Minister and his department to ask about pedestrian improvements around the Island, I was going to bring a proposition to formulate an ongoing understanding of the priority of pedestrian improvements and I was told by the officers and the Minister and his Assistant Minister that as an ongoing body of work the last thing they really wanted was a bunch of politicians throwing their chefs hats into the kitchen. However, this morning changed my view that we have got bags of time for this kind of stuff. I know the Constable first got into politics because his son was run down by a car; he wanted to do something about it in St. Helier. This morning on the way back from school I had to stop to help a child who had been hit by a car. The child was okay but by the time the ambulance came I was looking at a child covered in blood who was looking into my eyes - a little tiny 7 year-old - he asked me several times: "Am I going to survive?" It was heartbreaking. I really think that these kinds of delays are unacceptable. They are similar to the sorts of delays that we saw from the Minister for Transport and Technical Services of previous days in relation to rear seatbelt provision. The Minister knows, because I was told at that meeting months ago, that Midvale Road is a prime target for a one-way system. To now come to the States and ask us to change this and give them until after further consultation because they have not spoken to the fire department and the police department and the ambulance service, in my view, is just a ridiculous situation. The Minister can stretch out his hand and touch the other Minister to ask him what his department thinks about this proposal. We are too long in introducing pedestrian safety, in town especially, and I for one ... although I have been very patient with the Minister on pedestrian safety issues and tried to work with him, my mind today has been changed. Because I do not want to look in another child's eyes and try to reassure them that they are going to be okay when they are asking me: "Will I survive?" At the rate we are going I am not sure I can continue to give that answer.

**5.4.3 Deputy J.A. Hilton of St. Helier:**

I just rose to say basically that I support the proposition of the Connétable and the amendment. I can understand that the Minister for Transport and Technical Services wants to carry out some sort of consultation with interested parties. Midvale Road has been a cause of concern certainly since I have been in the States since 2002 and as somebody who regular walks up and down Midvale Road I am at times horrified by the speed of the traffic travelling up and down there, so I do welcome this amendment. I understand exactly what Deputy Le Claire is saying here, having witnessed a much younger child get hit by a car on the Queen's Road roundabout last year, although I have to say that there was possibly not enough supervision going on with regard to that child, it is quite horrifying when you see a child hit by a car. So I do welcome this amendment and I hope that the Minister can endeavour to carry out this work as soon as possible in order that safety measures are put in place as soon as possible.

**5.4.4 The Connétable of St. Helier:**

I am sure the Minister is perfectly capable of answering for himself but I would just like to point out to Deputy Le Claire - and I absolutely take on board his concerns - that what the Minister is proposing here is not to delay the scheme but to consult first. The date in my amendment is still the end of 2012 and that is because this particular amendment is to implement the scheme, not merely to design it. One of the other amendments he is seeking to delay because I have just asked for the design, here he is not trying to delay he is simply trying to consult and that is why I support him.

**5.4.5 The Deputy of St. Mary:**

At first when I read the amendment I said to myself: "Fine." Then I saw the amendment to the amendment, subject to appropriate consultation and I ticked it, I thought: "That is all right." Then I heard what Deputy Le Claire said and it is not so much the emotional impact of what he said, although that was pretty great, I looked again at the wording and it does disturb me and I think it should disturb Members because notwithstanding what the Constable has just said, the Constable in his original amendment says that he is asking the Minister to implement a scheme to enhance pedestrian safety in Midvale Road by the end of 2012. Implemented, done. But the Minister's amendment says "subject to appropriate consultation". That implies to me that if the consultation cannot be done in the time frame then the delay carries on beyond that so what I am seeking from the Minister is an absolute categorical assurance that 2012 is when this will be implemented by and "subject to appropriate consultation" means he will fit that in into that timeframe with no caveats. It is not acceptable to use that "subject to appropriate consultation" as a delay on top of it that might take us beyond the end of 2012. So unless the Minister can assure this House that the end of 2012 is the absolute deadline for implementation then I will not be supporting this amendment and I would urge others to do likewise. If, on the other hand, he can assure us that is still deadline and the consultation will be fitted in within that then that should be fine with all of us. Thank you.

[15:00]

#### **5.4.6 Deputy K.C. Lewis:**

Very briefly, with reference to (e), which has been withdrawn, there were 450 cars per hour which would be travelling along Halkett Place. The Constable of St. Helier has very kindly agreed to withdraw but just to illustrate the point ...

#### **The Bailiff:**

Well, Deputy, I am sorry, we are dealing at the moment with an amendment which concerns solely ...

#### **Deputy K.C. Lewis:**

Yes, I was illustrating the point, the fact that these cars would then go north or south up the north of St. Helier and the south of St. Helier, thereby exacerbating the traffic problems already. I am just making the point that this all is happening but it must be done in a staged order or it will be chaos and I urge Members to support the amendments.

#### **5.4.7 Connétable J.L.S. Gallichan of Trinity:**

If Midvale Road is to be a one-way system surely the obvious road to use for either the in or the one-way is Clarendon Road alongside, I hope that is looked into. **[Laughter]**

#### **5.4.8 The Connétable of St. Brelade:**

In answer to Deputy Le Claire I would say that I am always pleased to hear comments, not only from him but also other politicians, because they are in touch with their constituents and feeding information to the Executive is an essential part of the Government we have. The point I think that needs to be considered by Members is that a lot of the proposals in this Part 2 will require funding and this is one of them. In particular the scheme in Midvale Road will cost, we think, £379,000 and this implies that some financial support may be coming from Parish funds, though there is no indication of how much at the moment. The majority of funding for all the measures proposed will need to be met by States budgets and quite candidly we do not have that funding in our budget and that is one of my difficulties. I think my amendment is reasonable and pragmatic and while I sympathise with Deputy Le Claire's experiences this morning I urge Members to support the amendment.

#### **Deputy P.V.F. Le Claire:**

Can I ask the Constable to explain why it was when he proposed this amendment he did so on the basis that it was due to consultation that had not taken place with the emergency services, then he summed up by saying he did not have the money?

**The Connétable of St. Brelade:**

No, I certainly do not have the money. The implications are all of Part 2 of the Connétable's amendments have a cost and in some ways the debate is the wrong way around. I think Part 3 asks for the funding and Members need to be aware that without funding these elements cannot proceed.

**The Bailiff:**

Very well, is the appel called for in relation to the amendments? This is the amendment of the Minister to paragraph (d) of the amendment lodged by the Connétable of St. Helier. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 36</b>		<b>CONTRE: 8</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Connétable of St. Lawrence		
Senator P.F. Routier		Deputy of Grouville		
Senator T.J. Le Main		Deputy P.V.F. Le Claire (H)		
Senator F.E. Cohen		Deputy of St. Mary		
Senator A. Breckon		Deputy T.M. Pitman (H)		
Senator S.C. Ferguson		Deputy E.J. Noel (L)		
Senator A.J.H. Maclean		Deputy M.R. Higgins (H)		
Senator B.I. Le Marquand		Deputy D.J. De Sousa (H)		
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

**5.5 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) - paragraph (f)**

**The Bailiff:**

Very well, then we move next to paragraph 3 of the amendments lodged by the Minister for Transport and Technical Services and I will ask the Greffier to read that amendment.

**The Deputy Greffier of the States:**

Page 3, part 2, paragraph (f) for the date 2011 substitute the date 2012.

**5.5.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services):**

This concerns 5 junctions where the Connétable wishes to see enhancement of pedestrian services. While the amendment addresses a level of detail which I would not normally consider appropriate in a States debate on transport policy, we will develop pedestrian improvements at these and other locations in accordance with the principles of the strategy. I am mindful of the significant resource implications of the many issues to pursue following the adoption of the S.T.P. my amendment simply changes the deadline from 2011 to 2012.

**The Bailiff:**

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

**5.5.2 The Connétable of St. Helier:**

While the previous amendment seemed to me quite reasonable in that it was looking for 2 years to carry out consultation and then implement a scheme, this and the next amendment are seeking an extra year merely to carry out the consultation and do the desktop studies. This one relates to 5 junctions around the main town of the Island which have been demonstrated statistically and in the Island Plan to need attention. The next one is to do with Snow Hill Car Park. I am just pleased that the Minister has accepted to do them at some point. It does seem to me that 2 years is quite a long time to draw up feasibility studies. Perhaps if he had said: "Well, we will do Snow Hill Car Park in a year and we will take 2 years." Or *vice versa*, perhaps if he had said: "We will do these important pedestrian junctions." What else is more important in his policy after this has been developed than the situation you have at Queen's Road roundabout on the mornings when children are trying to get Rouge Bouillon School? I mean, if there are more important things perhaps he will tell us when he sums up. So I will not lose sleep over this amendment being approved, but I certainly think that the department ought to be able to bring forward schemes within a year for this and indeed for the next amendment. So I shall probably oppose the amendment.

**5.5.3 Deputy J.A. Hilton:**

I agree with everything the Constable has said with regard to this amendment. I think 2 years is basically too long to be working-up some scheme to improve pedestrian safety. The problem we have got in St. Helier we have got right now and certainly I was copied-in on some correspondence which I believe the Constable received as well from a hotelier on Queen's Road who was complaining to us about how one of his guests was almost wiped-out on Queen's Road a couple of weeks ago due to speeding drivers. I think it has been allowed to go on for far too long. We need to put pedestrian safety right there at the top of the agenda in St. Helier. I did not think I would ever say this but it strikes me that the biggest problem we have in St. Helier is speeding vehicles and Midvale Road, Queen's Road, New St. John's Road are all areas that we do have great difficulties with and as a mother who used to drive her children up Wellington Road to school I am well aware of the problems of children trying to cross the junction there as well. There are 2 things I am thinking, it would be wonderful if drivers gave priority to people whether they be children or adults either trying to cross the road on a zebra crossing or at some sort of pedestrian refuge. It would be absolutely great if we automatically stopped and allowed them to cross. Whether that is ever going to happen in St. Helier I do not know but I think it would help. Secondly, I am getting increasingly cheesed-off and depressed with the speed of traffic in St. Helier and I am seriously thinking maybe the time has come for us to consider putting speed cameras in if that is the only

way we are going to slow traffic down in St. Helier to safeguard pedestrians, children and adults alike. If car drivers are not going to slow down and drive appropriately for the conditions then I am afraid it may come to that one day.

#### **5.5.4 Deputy D.J. De Sousa:**

My youngest daughter was knocked down by a car some 3 years ago in Midvale Road and I feel absolutely strongly about this as well as my Constable and my fellow Deputy, Deputy Hilton. This has to be done now; there cannot possibly be any reason for a 2-year delay. It seems to me that the department is very tardy in what it does. I will be voting against this amendment and I will be voting against the main proposition because it is just too woolly like the Strategic Plan was.

#### **5.5.5 Deputy P.V.F. Le Claire:**

I do not want to dwell on my comments earlier but it is difficult to put them out of my perspective in relation to today's debate. It is ironic really that it was today of all days that something occurred. The feeling of fear is something that we have a responsibility to tackle as a jurisdiction, not only the actual consequences. I remember on other occasions looking into pedestrian safety issues where I had to demonstrate that there had been fatalities and was issued a map by the department to show where the injuries had occurred and where the fatalities occurred. In one particular area I was shown a map that had not got enough red spots to warrant a crossing. It really did flow from the Minister's speech in summing up what the problem is; it is about money. I am terribly disappointed the Minister for Planning and Environment has just popped-out - he does not normally pop-out for long, but maybe his Assistant Minister will take it on board, - Percentage for Art: that is brilliant, yes, Percentage for Art, making a great community to come and look at. How about a percentage of development for pedestrian safety? Because there are more cars coming into town, there are more people coming to live in town, the vehicles are getting more powerful, people are not necessarily getting more capable of driving them. I drive a car so I am not against cars, but I do believe that the issues of speed, as mentioned by Deputy Hilton ... another part of the proposition I had was to reduce the speed limit within the Ring Road to 20 m.p.h. or 25 m.p.h. I think it was, and that was scotched at the meeting with the Minister and his Assistant Minister. It draws me back to the fact that at that meeting I left the room at least hopeful that the scheme that was coming for Garden Lane, which has been 5 or 6 years in the making which I had to go and get Parish funds to pay for ... which was promised in the Fall still has not been delivered to safeguard children entering Garden Lane so they could get up to Rouge Bouillon still has not even begun. All of those issues on New Street which run into that and all of those proposals were part of the Island Plan and the amendment that I brought to the Island Plan which was accepted in 2002 was to increase the pedestrian facilities in New Street to cater for the people that were taking their children or the children that were walking backwards and forwards from the schools. It is the 'Safe Routes to Schools' projects and the money that this Minister has not got because his previous Minister did not fight his corner well enough. I would rather see this Minister doing away with his compost operation, £750,000 a year for the benefit of £50,000 worth of mulch, and putting up money into pedestrian safety. So, again, I am sorry, my views have been severely affected possibly only for today, I do not know, but certainly for today that I am very pro-pedestrian safety today because I have witnessed how unsafe it is at the moment in town. I am sorry, Members may not be able to have any empathy for me but that is fine, I do not want it, but they should have empathy for the child that was knocked down that was looking at me and saying: "Am I going to survive?" at 8.20 a.m. in the morning.

#### **5.5.6 Deputy T.M. Pitman:**

Just a couple of points. I have to say I have got quite a bit of sympathy with the Minister when he says he would not normally take on board this fine a detail within a plan. Only at lunchtime, instead of a lunch, I met with T.T.S. funnily enough and officials from the Parish to do with not children but elderly residents and the rat-run around Hilary Street and Berkshire Court and it is

interesting that while we stood there with a gentleman from T.T.S. in a nice yellow coat people slowed down. As soon as he disappeared and I stood there for another 20 minutes with the residents it was back up to 40 miles an hour easily. So while I say that - and I have got sympathy with the Minister - I am going to vote against the amendment because I think the Constable is quite right, he is really bringing this out of frustration and maybe 2 years is too long. I think we have got to err on the side of caution here and Deputy Le Claire is quite right, St. Helier is not really safe for pedestrians in many cases. People can be unbelievably selfish and unthinking and I think the Constable deserves support in this. I think on this one I cannot support the Minister so that is what I will be voting.

[15:15]

#### **5.5.7 Connétable P.F.M. Hanning of St. Saviour:**

I think we have got to be careful that we focus on reality here. The police reported when we looked at the speed limits that in fact only 3 per cent of accidents were caused by speeding. We were also informed that the vast majority of accidents involving pedestrians were caused by the pedestrians. Now, it is all very well to say if we lower the speed limits, as everyone is speeding, this is going to solve the problem. It is not. What we need to do is educate children more about safe walking. We need to educate adults more about safe walking. The number of times you see people just stepping off the pavement without looking... they are an accident looking for somewhere to happen. It does not matter how safe or carefully a driver is going, if a pedestrian behaves irresponsibly there will be an accident. Now, that does not mean that we are going to solve it by messing around with the speed limits. What we do need to do is try and keep pedestrians away from traffic. We need to try and have areas where they are focused on crossing safely and this may mean that we have more of these raised areas, because there is no doubt that cars do react positively to that and they are safer for pedestrians to cross on. But we have got to look at the whole thing, we cannot just focus on speed and pretend that this is going to make things safer. We need to look at a full range and I think the most important of all is education.

#### **5.5.8 Deputy J.B. Fox:**

I am pleased to follow a fellow sub-committee member on speeding because they were some of the points that I was about to raise as well. It is a combination of things that make it successful. But let us have no illusions that this is something new. For the last 39½, let us call it 40, years I have been hearing the same thing from the time when I first joined the police force to before I joined the police force. In those days there was half the traffic, half the pedestrians and half everything else but there was drinking and driving and there was speeding *et cetera*. In fact a young lady that lived not very far from me got run over and lost a kidney, but I am sure she is not the only one that I could quote but for the benefit of this few minutes that I shall be spending talking to you is that I am not going to mention police motorbikes again because you will laugh at me. **[Members: Oh!]** But it was one of the best deterrents that we had and one of my duties every morning, first thing in the morning was to make sure that the Ring Road was clear of vehicles that were impeding... it was to slow down the motorists, it was to tell silly people that were doing silly things that they were likely to cause themselves injury or somebody else injury. The amount of times that I slowed down... last night, for argument's sake, in the dark there was a paper boy coming down Mont Cocho - as I happened to be going up there - without any lights on in dark clothes only, followed a few hundred yards later by a kid crouching down on a skateboard. These are all things that cause accidents and you cannot have new junctions and everything else. The one thing is though which is successful is the 'Smileys.' The 'Smileys' are extremely successful. If you want to do something positive continue using the 'Smileys', you can move them around and they are very, very effective and they also tell the authorities what speed people are going, how many there are, even when they appear to be switched-off, and they are very, very effective.

#### **The Bailiff:**



Can I just remind you this amendment is on the date by which the matter ...

**Deputy J.B. Fox:**

This is coming to it, Sir, I did start it off with 40 years, if you recall. **[Laughter]** I am just catching-up. But I was coming to the date. I will be retired in 12 months' time and I would like to see some improvements before I retire, so I shall be voting against this amendment. That I hope will keep you happy as well, I will sit down. Thank you.

**5.5.9 The Deputy of St. Mary:**

I want to make a couple of points. The first is very strictly on the amendment, which is about the delay, and I worked for a short while at Public Services, as it then was, and I witnessed the Esplanade Car Park, if Members recall that big car park with lots of planting near what is now the Tourism Office. That was designed from pretty well start to finish when I was there, and I was only there for 3 months. That was a big project. One person designed that whole car park with everything that goes with it - the planting, the watering, the lighting, the whole lot - in 3 months. So just remember that when you are considering how long it might take an officer to design 5 small pedestrian safety improvements. That is my first point. The second is, I really have to take up what the Constable of St. Saviour said, and remind Members of what Deputy Le Claire said. The feeling of fear is something we have to tackle as a jurisdiction. Road safety is not just about people not being hit. It is about people knowing that they will not be hit. Feeling safe. Feeling secure, and I am sorry, I do not want to see a dangerous environment mitigated. I want to see a safe environment, and I will be speaking more about road safety when it comes to my own amendment, and I will resist the temptation to do so now.

**5.5.10 The Connétable of St. Mary:**

Very briefly, speaking to the timescale, I am also of a mind to mention what the Constable of St. Brelade mentioned. I have got a number of issues in the Parish of St. Mary, which I have had dealings with the Roads Committee about, and we invited Transport and Technical Services to attend our meeting to discuss particular aspects. I know there are things in the pipeline there. The Constable of St. Helier has brought his out in this amendment, focusing the Assembly's attention on the now, but I am aware there are finite resources and I just am concerned that by not allowing the full timescale up to 2012 there will not be sufficient money available for the Minister to adequately prioritise the most important things. For example, in St. Mary, we have the Bethlehem Junction which I have been working with T.T.S. on and we have a solution to a junction which has claimed lives, and which is repeatedly the site of accidents, and they are not necessarily - in fact I do not think ever - speed-related. They are layout-related and we have identified ways that that can be mitigated and made safe. I am anxious to see that the department is allowed to prioritise on importance and in improvement to public safety. I am not denying the need for any of the amendments, only of the changes that the Constable of St. Helier is calling for. I am just saying there are other ones not in this proposition that are perhaps equally laudable, and I would be supporting the delay to 2012 in the hope that the Minister will target them in a list according to their priorities, and to achieve the maximum benefit for safety for road users in the Island generally.

**5.5.11 Deputy M.R. Higgins:**

I may have misheard the Constable of St. Saviour when he was talking. Did he say: "Lower speed limits would not reduce pedestrian accidents" and also that many of the problems are caused by the pedestrian themselves? On the latter part, I can agree that sometimes it is pedestrians who are at fault. They do step on the road occasionally; they do want to cross the road, which is even more important, because what we have got is a situation, if I talk about St. Helier. I live on the inner road - St. Aubin's Road - and over the last year and a half the volume of traffic on that road has gone up phenomenally. Much of it is because of the road works that were done on Victoria Avenue and cars are now coming down the inner road. It has got so bad that, okay, I am reasonably able

but I certainly know that the elderly cannot get across St. Aubin's Road without great difficulty. I was a good boy scout and I have escorted a few elderly ladies across the road, but I feel like I am taking [Aside] ... I have escorted a few people across the road but I can tell you that it is even dangerous getting across myself and so it is at times speeding when the roads are not terribly busy, but certainly it is the volume of traffic, and quite simply you have to take your life in your hands sometimes and get halfway across and hope that someone is going to stop before you get across the other way. So we have got major problems, and these problems are here now and I am afraid putting it off even longer is not going to be the answer. In fact - I hate to say it - I may end up having to bring a proposition, certainly for St. Aubin's Road, of bringing in a speed limit of 20 miles an hour sometimes. Also, in terms of St. Helier, I am even beginning to think the unthinkable - I do not particularly want to see it - but we may have to think at some point in the future, if we want to have these improvements in town and to protect people, of bringing in some form of congestion charge for people coming into St. Helier.

#### **5.5.12 Deputy J.M. Maçon:**

Very briefly, having my own pedestrian crossings which people have waited a decade for, which T.T.S. have still not managed to deliver on, I most certainly will be supporting the Constable of St. Helier.

#### **The Bailiff:**

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

#### **5.5.13 The Connétable of St. Brelade:**

I thank Members who spoke. First of all regarding consultations and desktop studies: I would contend that these are absolutely necessary and certainly in instances where this does not take place my department will be severely reprimanded, so I think Members must understand that that is, I think, an essential part of any road change or structural change in the road layout. What I must really emphasise is that my department has resource limitations. We have the rest of the Island to consider apart from these amendments brought by the Connétable of St. Helier recently. We have a list of an arm's length to deal with these things but very limited staffing. Members will be aware of the tight financial constraints under which we work. But having said that, we have a small amount of funding and we try and prioritise as necessary. The Connétable of St. Mary mentioned the Bethlehem Junction where there was a fatality, we have to deal with that. Every particular junction - all these particular junctions - will have different issues, whether they be to do with services running through, which will have to be dealt with beforehand... and this is really what concerns us. In all practicality we have got to be able to get these in by the end of 2011. In practice, 2012 is not far away. We are only talking about a year away. So I would rather be reasonable about it and have 2012 and be practical and get them done in that time. I would suggest that if every Connétable in this Chamber had brought their wish list to this debate we would be here for an awful long time and we would be in exactly the same position because we would not be able to achieve many of them. I was disappointed that Deputy De Sousa said that she was not going to support the policy. I mean basically her stance is to do nothing, which I do not think is going to be any good to anybody. There is no doubt about it, that I think Deputy Le Claire suggested a percentage of grants being used for pedestrian safety. I would suggest that that is the case in certain areas, and I am sure that the Minister for Planning and Environment is aware of that and the need, and I know that, certainly in the new development at Bel Royal, there have been some elements of pedestrian safety incorporated. The Connétable of St. Saviour mentioned the speed limits and I think a speed of 25 m.p.h. was suggested. Well, the focus of the speed review policy was to reduce the different numbers of speed limits and principally the proposal that will be placed in January will be to have a 20 m.p.h., 30 m.p.h. and 40 m.p.h. and Members will be able to decide on those at that time. My department does focus on pedestrian safety as a whole and, as I mentioned in my initial presentation, we look at the whole thing holistically and it is essential that we do this to avoid

wasting resource. In terms of the Esplanade Car Park, which the Department of St. Mary mentioned, I think when that was developed there were rather more funds available and very often that sort of work was contracted-in. Work of the nature that we are talking about now is all done within the department and, as I suggested, we have limited resource. My amendment is, I think, sensible and pragmatic and achievable, and I would ask Members to support it.

**The Bailiff:**

Is the appel called for? Yes, the appel is called for then in relation to paragraph 3 of the amendment brought by the Minister to the amendment of the Connétable of St. Helier. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 29</b>		<b>CONTRE: 17</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator T.J. Le Main		Senator A. Breckon		
Senator B.E. Shenton		Senator F.du H. Le Gresley		
Senator S.C. Ferguson		Connétable of St. Helier		
Senator A.J.H. Maclean		Deputy of St. Martin		
Senator B.I. Le Marquand		Deputy J.B. Fox (H)		
Connétable of St. Ouen		Deputy J.A. Martin (H)		
Connétable of Trinity		Deputy G.P. Southern (H)		
Connétable of Grouville		Deputy of Grouville		
Connétable of St. Brelade		Deputy J.A. Hilton (H)		
Connétable of St. Martin		Deputy P.V.F. Le Claire (H)		
Connétable of St. John		Deputy of St. Mary		
Connétable of St. Saviour		Deputy T.M. Pitman (H)		
Connétable of St. Clement		Deputy M.R. Higgins (H)		
Connétable of St. Peter		Deputy A.K.F. Green (H)		
Connétable of St. Lawrence		Deputy D.J. De Sousa (H)		
Connétable of St. Mary		Deputy J.M. Maçon (S)		
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy of St. Ouen				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				

[15:30]

**5.6 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) - paragraph (g)**

**The Bailiff:**

We come next to paragraph 4 of the amendments lodged by the Minister and I will ask the Greffier to read paragraph 4.

**The Deputy Bailiff:**

Page 3, part 2, paragraph (g), for paragraph (g) substitute the following paragraph – “(g) to carry out a review of the proposal for increased shopper car parking at Snow Hill in conjunction with

Jersey Property Holdings, subject to availability of funding for feasibility studies, and to bring recommendations to the States by the end of 2012”.

#### **5.6.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services):**

There are many significant issues to consider with regard to the possibility of a shoppers' car park at Snow Hill, and this will involve Jersey Property Holdings, the Planning Department, T.T.S. and Education, Sport and Culture. Various schemes involving parking, housing and new access have been mooted but detailed feasibility work, and its associated funding, are required to bring a scheme forward. My amendment will provide for a deadline of 2012, rather than 2011, and for the proposal to be subject to the availability of funding to enable this work to be completed thoroughly.

#### **The Bailiff:**

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

#### **5.6.2 Deputy P.V.F. Le Claire:**

The car parking in Snow Hill is obviously a difficult one to plan correctly for. Obviously accessibility to Snow Hill, which is a group that is currently being led by the Minister for Education, Sport and Culture - I am sure he would be pleased to hear his name associated with something else other than schools - he is doing a body of work right now with the Constable of St. Helier and Deputy Pitman in that regard. I do not have a problem really with this one but I would just like to point out, something the Minister said in the last amendment, which made it sound very subtly enticing for possibly the odd Member that voted with it. We are only talking about a year's difference. In actual fact, no we are not. We are not talking about a year's difference at all. This is the end of 2011 to the end of 2012, so it is not a year's difference from where we are, it is 2 years difference from where we are, and if it is anything like the air quality strategy, goodness knows when we will be debating it.

#### **5.6.3 The Connétable of St. Helier:**

I do not want to antagonise my fellow Connétables but ... actually it will not make any difference because they all voted against me on the last amendment, so you could argue you cannot have a worse position than that. It is just quite interesting to me that both the Minister and the Constable of St. Mary tried to effectively divide the Constable of St. Helier and the Deputies of the town from the rest of the Island to say: “Well, our shopping lists are just as important. The particular junction is just as important.” I think what Members have got to understand, and I do not know how many times I have said this in the last 13 years, we all have a stake in St. Helier and this amendment in particular should appeal to the country Constables because they need more shopper parking, and so do their constituents, and providing more shopper parking in Snow Hill is really important. That site is right next to the town centre and we have been talking about it for years. That is why I put this in as a specific proposal. Having said that, I think the Minister has a much better argument here than he had for the previous amendment. It probably will take 2 years to work up a scheme for this particular cutting. There are lots of complexities but at least let us make sure it is done in those 2 years and that other very important schemes out west and up north and out east do not take priority because we all have a stake in improving the parking situation in St. Helier.

#### **5.6.4 Senator P.F. Routier:**

I think a lot of Members are keen on improving shopper parking at Snow Hill. I would like to make a suggestion to the Minister for Transport and Technical Services, that in the lead-up to this Christmas that he was to suspend States Members parking for the Christmas period because there are spaces, if you walk through that car park on a regular basis, as I do, that were left empty during the Christmas period, so I would suggest from 20th December to, say, 1st January States Members parking should be suspended.

#### **5.6.5 The Deputy of St. Mary:**

This amendment, once again, talks about funding and we talked about funding before. We cannot do pedestrian safety measures fast enough because of the funding. Never mind the fact that the rate of return on safety measures is colossal. If you avoid one accident you save not only the blood and the heartache but you also save financially at the hospital and so on. But this is a proposal where instead of what the Constable said, which was to bring forward proposals by 2011, it has now become to carry out a review of the proposal by 2012. Not only that, it is subject to the availability of funding for feasibility studies. That rings alarm bells and, as someone has said already in the debate, it is almost a pity that we did not go straight to the Constable of St. Helier's amendment about increasing the budget for the whole transport policy because we are tripping over this again and again. The half million... once you have a rolling programme year on year, it does not go all that far, and it certainly does not go far enough. Here is another case in point, that an ideal place to put some extra shoppers' car parking - I know there are issues around it - is stumbling on this: "We cannot even find the money to look at the problem." We had the same with Fort Regent. The very first thing that was said about improving Fort Regent: "We have not got the money and it is going to be very difficult." I am sorry, I find this very negative and very disturbing and sad. To follow Senator Routier with his wheeze for getting a few more spaces up there right now, we could also take out some of the white lines and repaint them for a few spaces for the micro cars at the near end to town, and then you would get another 2 or 3 spaces out of that.

#### **5.6.6 Deputy J.A. Martin:**

Just briefly, I think what the Deputy of St. Mary has just said is a total move away from what the Constable of St. Helier is asking, and I would just like to ask and remind everybody it was not long ago that the Car Park Trading Fund had over £9 million for a multi-storey at Ann Court, was prepared to borrow £12 million, and put parking charges up by 25p a car [**Approbation**] and there was not much objection until it all fell apart within a year and nothing happened. None of that park... it is still gravel, and it is still temporary parking, so where has that money gone? If Snow Hill is not going to be your new shoppers' car park you might as well shut shopping down in town.

#### **5.6.7 Deputy A.K.F. Green of St. Helier:**

I think we need to just remind ourselves what the Constable of St. Helier has asked the Minister to do and then look at the amendment in that light. The Constable of St. Helier has asked to bring forward in conjunction with Property Holdings Department by the end of 2011 proposals to provide increased shopper car parking at Snow Hill. He has not said you have to borrow or find funding. Let us think a little bit out the box. He said to bring proposals. What is wrong with asking a contractor or some private person if they would be prepared to provide that car parking to an agreed service level agreement without any funding from ourselves so that they can work-up the scheme. We could just tell them what we expect them to provide. Let us be a bit imaginative. Let us not keep finding reasons for not doing things. I think the timescale the Constable has allowed is quite sufficient.

#### **5.6.8 The Connétable of St. Mary:**

I just must comment on something the Constable of St. Helier said. He does not seem to have understood my gist at all. I spoke on the previous amendment not to divide the Constables and to say that one area of the Island was more valuable than the other. I spoke to say that in matters of safety each area should be able to be judged on its merits to provide safety for the best benefit for the people as a whole. What I would say, the Constable said that we all have a stake in St. Helier. Absolutely right, and I wish the Connétable of St. Helier would remember that when he looks at things like residence parking, which have moved whole areas of St. Helier out of the reach of people from other Parishes, whether they have family there, members of elderly relatives they like to visit on a regular basis, and areas of course where people have traditionally parked for one or 2 hours on the disc zone to do their shopping. Commuter spacers for shopping: I think the Constable needs to understand that what is sauce for the goose is sauce for the gander.

### **5.6.9 Deputy J.M. Maçon:**

Very quickly, I am struggling with this amendment because, as I understand it, I believe that Transport and Technical Services have done reviews of Snow Hill before. They have done a lot of work behind there so if the Minister can just explain why he feels that this timeline is needed when he just wants proposals to do another review, when in fact there have been several reviews into Snow Hill. If the Minister could just clarify that for me, because I do not understand it at the moment.

### **5.6.10 Deputy J.B. Fox:**

We had a very productive weekend doing reviews with groups of people, including the Constable of St. Helier of the day - not this Constable, a previous one - and if public services would like to dust off their files they will find every suggestion under the sun, from the realistic to the not so realistic, but the temporary measure is as long as you keep the access to the big tunnel for emergency use it is quite easy to clear out all the cars that are there, have a shoppers parking as an interim measure, and that will give you time to work out all the other ones once you have dusted the file out. It is all there and some of it ... it had architects there, it had engineers and technicians. It was not an amateur thing. It was a professional thing and there are about 5 lots, if I recall, if not 6 lots there of very valuable information that you could use.

#### **The Bailiff:**

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

### **5.6.11 The Connétable of St. Brelade:**

I thank those Members who spoke. I think Deputy Le Claire mentioned there being more than a year involved and, yes, he is right, but I think if there was not movement during 2011 he would be quite right to stand up in the House and ask what was going on, and I would expect him to do that. The Connétable of St. Helier mentioned we all have a stake in St. Helier but, I think bouncing his comments against those of the Connétable of St. Mary, there is a balance to be struck. In terms of Senator Routier, clearly I am quite happy to canvas Members with regard to suspending States Members parking during the Christmas period, and will take a view on that. In terms of funding, the Deputy of St. Mary mentioned the funding issue, and of course those of us who were at the fiscal policy review yesterday heard that money is extremely tight, and I am conscious of that. With regard to Deputy Martin's comment regarding the Car Park Trading Fund, we have that shaped-up, shall we say, going towards the Ann Court proposals. We are not quite there yet but there has been a proposal that that take place, that there be car parking there underneath a housing development, together with the Phillips Street shaft, and I think that our Car Park Trading Fund will be exhausted by the time that is done. In terms of design, there are proposals, as Deputy Fox and Deputy Maçon mentioned, and I take on board Deputy Green's comment, but those designs suggest that in terms of value for money Snow Hill is not ideal and that the cost of a car parking space individually is far greater than could be achieved in other places. Notwithstanding that comment, I think Snow Hill does lend itself to a car park but I think we have to try and obtain better value for money in the present economic climate. I think once again my amendment is sensible and pragmatic and achievable, and I would urge Members to accept my amendment, and I ask for the appel.

#### **The Deputy of St. John:**

On a point of order, before the vote is taken, I understand that Senator Routier owns a shop within the area and his comments in relation to States Members giving up their parking in the area, I just wonder whether he should not have declared an interest.

#### **The Bailiff:**

I do not think so, thank you, Deputy. I cannot see that. The matter before the Assembly then is paragraph 4 of the amendments lodged by the Minister for Transport and Technical Services. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 27</b>		<b>CONTRE: 16</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator A. Breckon		
Senator T.J. Le Main		Connétable of St. Helier		
Senator B.E. Shenton		Deputy of St. Martin		
Senator J.L. Perchard		Deputy R.G. Le Hérissier (S)		
Senator S.C. Ferguson		Deputy J.B. Fox (H)		
Senator A.J.H. Maclean		Deputy J.A. Martin (H)		
Senator B.I. Le Marquand		Deputy J.A. Hilton (H)		
Senator F. du H. Le Gresley		Deputy P.V.F. Le Claire (H)		
Connétable of St. Ouen		Deputy of St. Mary		
Connétable of Trinity		Deputy T.M. Pitman (H)		
Connétable of Grouville		Deputy E.J. Noel (L)		
Connétable of St. Brelade		Deputy T.A. Vallois (S)		
Connétable of St. John		Deputy M.R. Higgins (H)		
Connétable of St. Saviour		Deputy A.K.F. Green (H)		
Connétable of St. Clement		Deputy D.J. De Sousa (H)		
Connétable of St. Peter		Deputy J.M. Maçon (S)		
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Ouen				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				

[15:45]

## **5.7 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) - paragraph (h)**

### **The Bailiff:**

We come next to paragraph 5 of the Minister’s amendments and the Greffier will read that amendment.

### **The Deputy Greffier of the States:**

On page 3, part 2, paragraph (h) for the words “at least 25 per cent” substitute the words “a proportion”.

#### **5.7.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services)**

Paragraph (h) would require States departments to convert at least ... I am recommending a proportion rather than “at least 25 per cent” of privately-leased parking spaces to shopper or motorcycle parking. The proposal would not impact on the budget in my department and it would be broadly consistent with the S.T.P. but no evidence is offered as to what is an appropriate figure, the effect it would have on other States departments’ budgets or whether demand for shopper or motorcycle parking at a particular location would justify the proposal. I believe, however, it is worthy of investigation.

### **The Bailiff:**

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

### **5.7.2 Deputy T.M. Pitman:**

Short and sweet, I would just like to hear the legal definition of “a proportion” because that will guide me on how I am going to vote, because it seems to me it could be woolly, in the least.

### **5.7.3 Senator P.F. Routier:**

The proposition of the Constable of St. Helier does refer to the Harbours Department, and I would say that we are prepared to look at this openly and see what we can achieve, but I would remind Members that the Harbours Department does work with a trading fund and the income that we currently receive from the parking, which currently occurs within the Harbours Department, does support the trading fund and if we were to lose any income from parking we would have to balance the books in some way, shape or form. Whether that be in the way of increasing mooring fees or marina fees or harbour dues, that would need to obviously have to happen. I am quite happy to look at it but we would have to take that into consideration.

### **5.7.4 The Connétable of St. Helier:**

I am pleased that the Assistant Minister went first because I was going to put him on the spot about it, and he has been extremely helpful and it is characteristic of him and his department. I also had a letter from the Harbourmaster pointing out that the crossing over to the Albert Pier, which tourists have to take in 2 stages, is quite impossible. Anywhere else you would take it in one stage. Harbours support an improvement there. I am delighted to hear that they are willing to look at increasing motorcycle and scooter parking in this area. There is a tremendous need for increased motorcycle parking, and Deputy Fox, in particular, has been doing a lot of work to identify sites that would provide them. Some of the private spaces currently leased out at that part of town would provide 100 spaces quite easily of additional motorcycle parking, and I welcome the co-operation of the Harbours Department as we try to release some of these spaces. In fact the amendment strengthens my amendment because it may well be that we will find more than a quarter of spaces currently being used as cash cows, by States departments, to release to shoppers and other users. That was a pig I saw flying past the window.

### **5.7.5 Deputy J.B. Fox:**

I just want to carry on from that to say that while we were looking at skateboard parks as well, we were very conscious of the fact that there was an awful lot of parking there used for commuter or other private purposes. One accepts Harbours and Airport does derive an income from it but one could also accept that it does not have to be for the long-term 8 hour, or whatever it is, parking with the increased use of the old abattoir site as retail area, and the convenience now of shopping. There is a good opportunity to transfer some of that long-term parking, which could be in Snow Hill or elsewhere into shoppers' parking, which would still generate an income. You do not necessarily have to have an income, but certainly the other thing, of course, is if we are to encourage motor cycles and cars, yes, I and officers of St. Helier, have been around looking for parking spaces for motorcycles and cars. There is a desperate need. Everyone is chock-a-block and any space like that, that can be utilised will be for the benefit of the residents that are visiting St. Helier. Basically there is a need at times to think out of the box, and if one thinks out of the box instead of what is traditionally looked at a 'yes' area or a 'no' area, then I think we could do a lot and I was pleased to hear the Assistant Minister's open-mindedness in looking at a broader sense. But do not forget the Albert Quay. There is a lot of private parking there that is generating new income, which you could quite easily open-up to a shoppers' car park which would, in time ... it will take 12 months or so, but in time would benefit a larger proportion of the community than is available now, and fill up Pier Road Car Park at the same time.

### **5.7.6 Deputy A.E. Jeune:**



I am absolutely delighted to hear that the Minister is going to do a lot more to increase motorcycle parking. There is nothing more frustrating than to come into town on a motorcycle and go round and round and round trying to find somewhere to park it. It is just infuriating. For pushbikes as well, the more spaces we can have for those the better. I will support this for the Minister.

#### **5.7.7 The Deputy of St. John:**

As one of those Members who does use 2 wheels, whether it is pedal power or motor power, anything that helps with somewhere to park, whether it is one part of town or another, must be supported. But maybe the Minister might wish to look at areas around the steam clock - one of our lesser monuments - which in fact is a con because it is not a steam clock, it has its own power supply. The whole thing was sold to us: we bought a pup yet again. Maybe there are areas that he could quite easily park probably 300 or 400 2-wheel vehicles if this House has a mind, and if the Minister for Planning and Environment or the Assistant Minister for Planning and Environment are minded to take something away that is not as productive as it should have been.

#### **5.7.8 Deputy A.K.F. Green:**

It will be brief but I am just getting exactly to the amendment to the amendment: “a proportion”. We are very good at not setting targets and setting ourselves things that we cannot measure so we cannot see whether we have been successful. But there is nothing in the Constable of St. Helier’s proposition that says that we cannot go above 25 per cent - at least 25 per cent - if we can find 30 per cent, fine. But I want something we can measure our performance against. So I will not support the amendment to the amendment.

#### **5.7.9 Deputy R.G. Le Hérissier:**

I am very pleased to hear Deputy Green is supporting the publication of exam results. **[Laughter]**

#### **5.7.10 The Deputy of St. Mary:**

I just want to urge Members to take the wider view on this and just see the whole thing in the round. As the Minister for Harbours said, he might be able to find some spaces, but I do endorse what Deputy Green and Deputy Fox said. We have to see things in the best benefit for the most people, and I think shopping is a serious issue for the town and shoppers’ parking, particularly as of course, as we all know, we are losing spaces at the town park. There is an issue here and it is going to be a slow progress with Snow Hill we have heard. I think we have now just voted for 2012, so please let us vote for joined-up, not silos, not: “We cannot save you, we cannot find you a few spaces” but let us go with the Constable’s original amendment. Let us find these spaces and, by the by, I just have this vision of a canopy coming down off the steam clock enclosing and sheltering and covering from the elements the hundreds of cycles and motorbikes that will be parked there one day. What a lovely idea.

#### **The Bailiff:**

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

#### **5.7.11 The Connétable of St. Brelade:**

The proposition that my amendment would not, as I say, impact on my budget but conversion of a proportion of States-owned parking would be consistent but the reason for my proposal of “25 per cent” being changed to “proportion”, and I take Deputy Green’s point that it may not work in all areas of the harbour. Now if he was being specific to a particular area I could understand that, but there are some areas of the harbour where it will not be needed, but other areas where it will be needed more, and I would prefer to see the flexibility left in so that we can gain more, and I take Deputy Pitman’s point. I would like to see more of these parking areas being put over to motorcycles particularly. The suggestion by Deputy Fox that it is an opportunity to convert from long term to shopper parking I think is good and warrants consideration. We have increased motorcycle parking considerably in the town area over the last year and we intend to do more.

There is the next area to be converted on the Esplanade, opposite the Ogier Building, and that will materialise shortly. I take the Deputy of St. John's point about the steam clock, which I do not have a lot of enthusiasm for, and do recall that area used to be called the Dump, and perhaps it ought to maintain its position. The proposition, I would say, is improved by my amendment and I would ask Members to support it.

**The Bailiff:**

Is the appel called for?

**The Connétable of St. Brelade:**

Yes, please.

**The Bailiff:**

The appel is called for in relation to paragraph 5 of the Minister's amendments to the Constable's amendments, and I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 23</b>		<b>CONTRE: 16</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator J.L. Perchard		
Senator P.F. Routier		Senator F.du H. Le Gresley		
Senator T.J. Le Main		Connétable of St. Helier		
Senator B.E. Shenton		Connétable of St. Peter		
Senator S.C. Ferguson		Connétable of St. Lawrence		
Senator A.J.H. Maclean		Deputy of St. Martin		
Connétable of St. Ouen		Deputy R.G. Le Hérisier (S)		
Connétable of St. Brelade		Deputy J.B. Fox (H)		
Connétable of St. Martin		Deputy G.P. Southern (H)		
Connétable of St. Saviour		Deputy P.V.F. Le Claire (H)		
Connétable of St. Clement		Deputy of St. Mary		
Deputy R.C. Duhamel (S)		Deputy T.M. Pitman (H)		
Deputy of St. Ouen		Deputy T.A. Vallois (S)		
Deputy J.A. Hilton (H)		Deputy M.R. Higgins (H)		
Deputy J.A.N. Le Fondré (L)		Deputy A.K.F. Green (H)		
Deputy of Trinity		Deputy D.J. De Sousa (H)		
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy J.M. Maçon (S)				

**5.8 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) - paragraph (i)**

**The Bailiff:**

Finally, in this part we come to paragraph 6 of the Minister's amendments and I will ask the Greffier to read that amendment.

**The Deputy Greffier of the States:**

Page 3, part 2, paragraph (i) for the words "the revenue" substitute the words "any additional revenue".

**5.8.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services)**

Part 2(i), the Connétable has proposed the revenue from the above inflation increases in parking charges be ring-fenced to help the S.T.P. Our research identified the decrease in vehicles parked in public car parks as the 15 per cent reduction in peak hour traffic is achieved will more than negate the potential increased income if parking charges are increased. However, should our predictions be wrong then any income beyond reasonable requirements to the Car Park Trading Fund would be appropriate for S.T.P. funding. Changes to the States of Jersey Code of Directions would be required to enable this, however the Car Park Trading Fund is legally obliged to raise enough income to adequately cover the administration and maintenance of car parks, and in order to protect this income, which it needs, I propose an amendment to clarify that only the income forthcoming from the inflation part of the increase would be eligible.

**The Bailiff:**

Is that amendment seconded? **[Seconded]** Does any Member wish to speak on this amendment? Very well, all those in favour kindly show. Those against. That amendment is adopted.

**5.9 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – as amended**

**The Bailiff:**

We then return to the debate upon paragraph 2 of the Constable's amendment as amended, and the Minister had indicated he wished to speak.

[16:00]

**5.9.1 The Connétable of St. Brelade:**

The Connétable says in his report accompanying his amendments that there is little to disagree with in the high level aims of the Sustainable Transport Policy and I welcome that support. It is a high level strategic policy document and not a detailed implementation plan. He criticises the absence of practical measures to achieve these aims and has proposed specific projects to address this, and I would suggest that some of his amendments are really dealing with a level of detail which we would not normally deal with in the House in this debate. That said, I have looked at the proposals with the officers, and with minor adjustments that we have discussed, I am happy to support it. But the caveat is in terms of really the first paragraph (d) in terms of the Midvale Road, I would like the Connétable in his summing-up just to clarify how we might achieve the suggested £379,000 cost funding, which I have been given information that it may cost, because without that assurance I cannot support his amendments.

**5.9.2 The Deputy of St. Mary:**

I want to pick up that point that the Minister made later, but I want to start by looking at paragraph (b) in the proposer's amendment: "To bring forward within one year of the adoption of the policy comprehensive strategies designed to facilitate and encourage walking and cycling." Now the proposer has written at fair length in his proposal about pedestrian improvements and why these are so needed. The reason I want to speak just a little bit about what a strategy for cycling would look like is because it bears on the debate we are going to have when the proposer asks us to double the budget to £1 million from £500,000. There is a feeling that somehow we can deliver this transport policy on the cheap, and I do not think that can be done. I think the Minister was absolutely right when he said at the very beginning of his debate that there are huge benefits. We have to just remember that all the time when we consider the sum of £500,000 or £1 million, and if I just bear with Members' patience to look at cycling as an example of the kind of strategic thinking that is necessary. It is not enough just to have a good idea and put it in somewhere or put it in somewhere else. There are a number of things that determine the fact that you need a strategy. The first thing is you have to get it right first time. It is not good government, it is expensive and it is

demoralising and confusing for users if something is put in, then found to be wrong, and then taken out. You can only get it right if there is a certain amount of strategic thinking gone in beforehand. New developments have to be linked to a protected network. There has to be an idea in advance, like there is for cars, of where the routes go, of where we are promoting more cycling. There are clear ideas out there, but they need to be formalised and they need to be protected and then developments have to be linked into them. Changes have to be consistent and they have to be safe. I can give Members 2 examples of how consistency and safety have just gone to the wall in Jersey around cycling. One is if you go to Oxford Road, going down from Springfield into town, you are cycling against the one-way. There are provisions at each junction which steer the cyclist to the left, there is a little Island and a bollard, so you are forced to go to the left hand side of the road, and then you are taken across, I think, on a bit of orange tarmac, and then you are cycling against the traffic once more. There is no sign at the southern end - at the town end - of Oxford Road telling motorists that they are on a one-way and there will be cyclists coming the other way. It is a perfectly normal thing to happen, it is just that the signing is not in place so the motorists can get quite a surprise if they are not used to the idea that cyclists can come down Oxford Road into town. The other example is just up round the corner from this building; if you go up Halkett Place and turn right into Hill Street, you will find a green marking on the road with a bicycle on it, and that marking is on the right-hand side of the road. So although you have been riding down Hill Street on the left, as you should, and you come to the junction and you stop at the red light, and then you look up - if you are visitor, or even if you are a local - and you look across the road and you see that the green bit of tarmac with a white bicycle painted on it, is on the right-hand side of the road. How are you supposed to get from the left hand side of the road to the right-hand side of the road and stay alive? Maybe you wait or maybe you ... then you find yourself on the right-hand side of the road. It has not been thought through and in Bath Street you will find another of these green patches of tarmac with a cycle logo, I think, and a sign taking you to the right down Gas Place. That is in the correct position. So it just had not had the amount of time and thinking necessary to get it right first time, to be consistent, and safe. As we progress towards more people cycling, which is what this policy tells us is going to happen, and wants to happen, then attitudes will have to change and requirements in road layout terms and the attitudes of motorists and the attitudes of the cyclists themselves, will all have to change, and that will require thinking of quite a strategic level and then tactical and then awareness and training, for both the cyclists and the motorists. Again, that is all part of a strategy. Without a single focus for delivering that and making sure that it all sticks together properly the public will not have the necessary confidence, and the strategy needs to address different target groups. So it has to reach school children. It has to reach employers and employees and it has to reach the leisure cyclists. Those are different target markets and probably need to be approached in a different way. But the benefits are absolutely enormous and they probably should wait to the main debate. But I just wanted to put that in front of Members, to give an outline, just a taste of what a cycling strategy would look like, and to point out that it cannot be done for nothing. It requires sustained commitment and investment - not very great - over time. Then you put that alongside the demands we have been hearing about the pedestrian safety, the Constable of St. Helier saying he wants this, that and the other done, and he wants it done soon, and he is absolutely right. Then my Constable of St. Mary says: "We have got a problem in St. Mary" and so the funding issues pile up. I do just want to put that in front of Members ...

**The Bailiff:**

It rather sounds as if it is a speech which should be directed to that particular amendment.

**The Deputy of St. Mary:**

I am expanding on (b) and the fact that (b) should be there but reminding people that if they vote for (b), (c) - I do not know whether we are going to take them separately or together - if they vote for this package then they are signing-up to some expenditure, and in the back of their minds there

has to be a little yes for when the Constable suggests that we should double this budget. There are ways of doing that which we can obviously talk about then, but I did want to say that. I want to say a few words on (h) as well about the parking. The Constable in his proposing speech mentioned about the number of parking spaces which he was told the States control in St. Helier, is 10,259 parking spaces. If you take out the 4,000 that are public parking spaces you end up with 6,000, but they are not all cash cows, as he suggested in his speech. A lot of them are housing car parks, they are for residents of Clos this and Estate that, so you would not be touching those necessarily ... well, you would not because they are residents parking but there are opportunities there. There are school car parks, there are parks like the car park in the middle of Springfield; can we not stick an extra storey on that, as the Constable has, in other forums proposed. There are flexible solutions on parking and there are also ways of turning some of that parking, particularly States employees parking around all our various buildings... they are never full. There is always a bit of fat. I notice that the civil defence bunker has 14 spaces. I cannot imagine that the 14 spaces outside the civil defence headquarters are always full. In fact, quite the reverse. So there is scope for using our parking spaces more intelligently and that is in this amendment, and I do urge Members to support it. There is one small point - the last one (k) - about smaller vehicles. I would not want that to be underestimated in Members' minds. I am glad that the proposer mentioned, and it is in line with what the Scrutiny Panel thought about this issue of low-emission vehicles should have some kind of parking perk. They should be cheaper to park. We were a little bit sceptical about this and we did the sums, and in fact it is a huge subsidy to people who have the wherewithal to buy a low-emission car and get rid of their old one. He has rightly suggested that smaller should be added as a criterion. I remember being on the phone on Sunday and a lady from St. Lawrence rang and she described her personal experience of 2 cars passing on the St. Lawrence main road and because they were such big cars she was squeezed right into the wall and, as my Constable said, there was nowhere to go. She recounted that experience and said: "Why do we have to ..." and she even suggested, I think, that maybe people should be slightly discouraged from having such big cars. My comment that I made then, and I will repeat it, is that big cars on a small Island, they take this precious resource we have, which is space. They take it when they park, and they also take it when they drive along the road. So I would urge support, if we do take these separately for (k), because it is an important point. Finally (j), the proposer suggests proposals to extend the opening hours of Liberation Station in conjunction with late bus services, and he is absolutely right. The Scrutiny Panel on page 19 of our report went into some detail about the night time economy, not just in St. Helier, it is not just an issue of country dwellers going into town to the Opera House or the Arts Centre or to their favourite eatery. It is also an issue of town dwellers wanting to get out and spend an evening somewhere else. They need a bus to be able to do that, if they wish to do that by bus, and I think that option should be open. I do have a comment to make about that. We now have a late night bus service leaving at 10.00 p.m. I think or 10.05 p.m. going out through St. Peter to St. Ouen, when the Arts Centre and the Opera House normal performance would finish at 10.30 p.m. and the pubs of course do not close at 10.00 p.m. either. So it is that we are not there yet but this is an amendment definitely that (j) is in the right direction. In fact the whole amendment is in the right direction and I do urge Members to support all of it.

### **5.9.3 Deputy P.V.F. Le Claire:**

I do not know what is going to happen in the future. I would just like to stand and congratulate the Constable of St. Helier for bringing the finite detail to an overarching policy, which I think is absolutely right. It has been criticised slightly by the Minister for Transport and Technical Services in saying this is not the usual approach. Well, beg my pardon, I do not remember having a debate in the recent future where any policy was brought before the States that we were able to agree to as a body. It seems to me if there is a policy of a Ministry, it should be the Minister's policy. If it is law we can amend law. If it is a policy of the Minister and his department, and his department will carry out the duties of those policies, and we will be told for years to come: "You agreed to that." So when they bring in parking charges which are outlined in the policy in this document in the

future because it is part of the policy, and they decide to forward them, that is what we will be getting hit over the head with at the time, bludgeoned to death by the: “You agreed to that, it is not my decision. My department is just getting on and doing what it has been told to do.” That is fine but could I ask the Constable or the Minister, before we finally sign-up to this proposal here, to explain to me how it is that we go about amending these policies. The Minister said that if I was not satisfied that something was going to be delivered through the course of 2012 I would see that that was not going to be delivered and surely I would contact him.

[16:15]

He knows full well, and so does the Constable of St. Helier, and his Assistant Minister, that I have been chewing their ears off for the last 6 years about Garden Lane, on a nearly daily basis. Sometimes I send 3 or 4 notes a meeting to the Constable, who is the Minister for Transport and Technical Services, to ask him what is happening with it. Talking about where things are and where they are not is something I am quite used to. I do want to make it quite clear though, I appreciate the approach of this Minister, and his Assistant Minister, and the current department, in the way they are going about things, and the way that they are doing things in my view are significantly better than I have been used to. But I am genuinely confused as to how the process will now be. If, for example, let us say I am not satisfied that something is not happening, how do I do something about that, given that it is a States policy? Do I bring an amendment to the policy of the States that we all debate again? Are Members going to be in the mood for that finite detail just because something does not seem to be on the horizon? Because I tried to have a proposition to do that and I was told up at South Hill where I was invited, after my cup of tea: “You do not really want to be getting involved in the finite detail because we have got bigger things in the round to consider, like this at St. Mary and like that at Grouville. You really cannot be putting your oar in, Deputy Le Claire, because you will be just messing with things that are in train and will spend all of our time re-evaluating our work programme, which we have got no money for.” In summation, to concur with the Deputy of St. Mary, on page 30 where it talks about road safety and some of the issues the Constable of St. Helier has highlighted, it talks about the fact that there are over 400 injuries on our roads and that those injuries are going to cost, it is estimated, in using U.K. Department Standards, £18 million a year. So for the next 2 years we have got 2 times £18 million in road accidents to pay for. How much is that? That is £36 million we are going to pay for to repair the people who have had accidents. It does not talk anything about the families and the bereaved, any of those elements. Just in the document that the Minister has provided for us, £36 million is going to go on treating road injuries. We also talk about in this document the fact that the air quality strategy will have been delivered and the Green Paper will have been tabled by mid-2010. Hang on a minute. I have not got a watch, but I am sure it is mid-2010 or after. In fact mid-2010 was a year past the date that the Assembly set in the States Strategic Plan, and the air quality strategy, which is significantly affecting the lives of people in St. Helier is driven by emissions from vehicles, and the growing number of emissions from vehicles, and that is having an extremely detrimental effect on the pedestrians and the residents of St. Helier who are having to suffer from the fumes of people who want to come to St. Helier and park or live in St. Helier and park. I am as guilty as others. The reality is the States is more guilty because the States is acknowledging that it is going to pay £36 million in bandages, ambulance fees, road repairs, police call-outs and court costs within this document and yet it is begrudging doing some road improvements that the Constable has brought forward, and also highlighting at the same time we do not normally get into that level of detail. What we like to get into the level of detail is the £18 million a year it is going to cost us to repair those that have been injured. So well done to the Constable of St. Helier and shame on the Council of Ministers. Pay the money upfront and then we will not have to deal with all these accidents.

#### **5.9.4 Deputy A.K.F. Green:**

I am pleased to follow my fellow St. Helier Deputy because what I am going to say - I am going to be brief - will cover the proposition and the amendment. When I first read this I thought this is quite nice to have. Then I started to try and find detail and maybe a Strategic Plan should not have detail but to me the actual policy is in the main froth and lacks substance and I thought: "Hallelujah" when the Constable of St. Helier brought his amendment. At last I have something I can hang my hat on to, something we can measure performance against, something we can make a real difference for. For that reason I am going to support the amendment. I am not going to talk about the main proposition, but I want to say this. I was extremely disappointed - extremely disappointed and tried to bring an amendment but I am afraid I was too late - that the only mention for the disabled of this Island, those who are impaired in some way or another, is about parking. There are many of those people that do not have a car, they do not need to park; they need to get on a bus, they need the bus station to be open late at night, they need to get home from the pictures, to get a taxi. Some people may say: "Well, they have the disabled transport allowance" or whatever it is called these days, but a taxi to St. Ouen for some people living out of town, a taxi after midnight to St. Ouen, is in excess of £30. The allowance does not come anywhere near it. I was extremely disappointed ...

**The Bailiff:**

It does seem to me you are straying into a debate on the main proposition.

**Deputy A.K.F. Green:**

Sorry, Sir, I am coming back because I was talking about the opening of the bus station, which is in the amendment here, (j). I was talking about that, really, but I do not intend to cover the same ground twice. So I will support the Constable's amendment. I have yet to make up my mind if I am going to support the whole proposition.

**5.9.5 Deputy A.E. Jeune:**

While we have been debating this amendment, much has been said about the importance of one-way streets, pedestrian crossings, but they are not the answer to all the prayers, as some may believe. Just at lunchtime I am aware of a man using a pedestrian crossing in a one-way street, just here in town, who narrowly escaped injury from a reversing 4x4 on to the pedestrian crossing. Density of traffic often controls the speed, but where there is a clear road, those who speed will speed. They will speed-up to the speed camera, slam on the brakes just before, and the minute they are past the speed camera zone their foot will go down again. The world is not a perfect place and raised areas on roads are not always what people think they will be either. Because depending on where they are, they can cause accidents and they often create problems for emergency vehicles. So, all these things need to be taken into consideration when all these things are applied.

**The Bailiff:**

I have 2 more speakers to speak. Can I just remind Members that this amendment of the Constable as amended is accepted by the Minister and, of course, we have a number of other amendments and/or a bit of debate on the main proposition. A number of the speeches, it seems to me, have veered into the main proposition. Now, Deputy Fox, have you got something relevant to this particular amendment?

**Deputy J.B. Fox:**

Yes, Sir.

**The Bailiff:**

You say that with great confidence.

**5.9.6 Deputy J.B. Fox:**

It is called a bus station at the moment but it was never intended to be one, and that is why I want to cover it in little bits, Sir, so it keeps you happy as well. I will not stray into hopper buses or whatnot. That comes later. When the bus station, as it is called now, was originally conceived, it was conceived as a comprehensive transport centre. The idea was that it was going to obviously remove the buses from the Weighbridge, but it was also designed for where the taxis would go and drop-off people when they come to town and in the evenings after the buses had used the majority of spaces, that is where the taxis would be used instead of the Weighbridge area. It was also designed to pick-up and drop-off the people coming into town, whether they were on day trips by coach or whatever. All these things were in the original concept of the new transport centre for all these things. The main part, of course, is that if you design it right, and it all comes to design against crime, which is where I come from and the reason I was involved in the first place, is that you would not have ladies being molested at night or people fighting or whatever as they are having to walk from one centre or wherever they have been in town. They could go to the bus station where it would be staffed and the original proposal was that because people like to eat, especially when they have had something to drink, so if you have a concession there, part of the concession responsibility would be providing the policing of the area and at the same time would clean up and lock up at the end of the night. So it could be there all night, as it is in many cities in the U.K. Very effective, very cost effective as well, and at the same time provides safety for our people. Now, I notice that in reply to the Scrutiny Panel the Minister intends that there should be increased hours, *et cetera*, for this centre. The trouble is I needed to say these few words so that it would be in Hansard so long after the time I retire so there will still be a record that this is what it originally was. The Minister has promised to do something and I just wanted to remind him - because I know he was not there at the time and I was - of what was originally promised and can we have some of it, please, for the benefit of the rest of our Island. That is what I wanted to say and, as you see, I was not straying from the point. Thank you.

#### **5.9.7 Deputy J.A.N. Le Fondré of St. Lawrence:**

One query, I think, just before I speak very briefly, is I am not too sure if the proposer is going to take separate votes on the individual sections, as it were. My assumption is that he is going to and I would ask if that would be possible. The only reason I put it that way is I am very happy to support a number of parts of the proposition but I still have reservations, even though they have been amended, on (h), (i), (j), and I think the very last part as well. Fundamentally, as ever, it comes down to money. On, for example, (h), which was why I supported the amendment by the Minister, the point is made in the Minister's own comments. The transfer of privately-leased spaces to shopper car parking is likely to impact on other States departments' budgets. The point there is, for example, using the Harbours Department, I rather assume that they will be banking on the rental income that comes out of those spaces, and probably the Housing Department will as well. Therefore, that income is probably used to offset other expenditure within that department's own budget. Now, if a transfer is made, I assume if it is put into shopper car parking, at the very least it will go straight into T.T.S.'s own budget and not remain within that department's budget. I am not too sure if there will be a differential because I am not privy to the rates that are being asked for. I am not too sure if overall States finances will be less or the same because it depends whether on a pay card basis with voids we will get the same amount of rental income we would get from a private car parking space. I would have assumed the private rental would be higher. Therefore, from that perspective, there is an impact. This is not a free gift to somebody's budget somewhere. A proportion of 6,000 spaces could be a significant sum. As an indication, on the Talman site for the future Town Park, we will be losing £350,000 worth of income a year because of the loss of those spaces. So, to be honest, it does not matter whether we vote for it or not from the perspective of if we do not vote for it, it is always still within the power of Ministers to come to separate arrangements, but I rather feel that if we vote for it and it becomes a condition there may be unforeseen consequences that come out of that as a result. So, that is my displacement issue, if you like. Part (i), which is any above-inflation increases in parking charges will be ring-fenced, again



that is a very prescriptive wording. The Car Park Trading Plan, as I have always understood it, is about maintenance of car parks but it also puts money aside, I have always understood, for example, for the replacement of Green Street. Now, depending how building costs and things like that go and change, I could envisage that it is possible at some future date the provision that has been put aside thus far may change.

[16:30]

We may be not providing enough. That may, therefore, require an above-inflation increase in parking charges if that money is to go back into the ring-fenced fund. Again, I find that particularly prescriptive. Although I understand the principle of what the Constable is saying, it is sufficiently prescriptive that I am concerned about it. (i), again, a great idea, in fact it is referred to in the Minister's comments. If additional funds are forthcoming the proposal is welcomed. However, this also identified that is an extra £36,000 on to our bottom line and that is one of the things that we as an Assembly really need to be aware of in terms of how we are adding costs all of the time to our bottom line. Finally, again, the final part, which I will refer to as new paragraph (e), which is at least £1 million to be made available, obviously there is an impact there potentially on the recycling budget, *et cetera*. I am also concerned if the recycling budget is retained then again we are adding additional costs on to our bottom line. So, I do not have a particular problem with the principles. In the ideal world I would be supporting them. But from wearing my financial hat those last paragraphs - that is (h), (i), (j) and new paragraph (e) - I will be voting against for the reasons that I have outlined, and that is why I just wanted to say those matters.

#### **5.9.8 Deputy J.G. Reed of St. Ouen:**

I accept that the Minister seems to have suggested that he is happy to support all of the amendments. However, I do have a number of concerns and it is all about what this is. We are talking about a policy here that generally is approved and maps-out a route that the Minister proposes to follow, and then underlying this you would expect to see an implementation plan, prioritising in different areas where funding would be directed to. With some of these amendments as proposed by the Constable of St. Helier - and I do not blame him at all because obviously he is quite rightly identifying issues that relate to his Parish - especially in parts (d) and (f) we go into very specific detail. I suppose there are a number of questions that maybe the Constable can answer. First of all, how has he determined that these issues and areas within St. Helier should take priority over any other area in the Island or, indeed, in St. Helier or the outlying districts of St. Saviour perhaps? Also, can he reconcile those 2 parts of the amendment to the normal and standard procedure that I thought was in place where the Comité des Connétables, together with T.T.S., worked out and determined how best to prioritise the limited resources to deal with the issues across the Island?

#### **5.9.9 The Connétable of St. Mary:**

I rise just to draw attention to a paragraph certainly that I do not think I will be supporting. Deputy Le Fondré raised some issues which I will not go over again but I do agree with. Paragraph (k): smaller. Smaller cars are not always possible for families to have, and I seem to be today sticking-up for the people who are not here to speak for themselves. We have a high proportion of people for whom at least one of the parents or certainly one of the grandparents is off-Island. For many of those families, the annual holiday is loading up everything into the car and going to see them. Most of these families cannot afford to have the small, low-emissions car that this amendment would seek and then have another car in the garage for the off-Island trip. They compromise and I hope that in compromising in the fullness of time they end up with a car of the size they need which is also low-emission. Over here, with the speed limits that we have, there is not the whole range of low-emission vehicles available because certain vehicles need bursts of speed of 50 miles an hour or more to burn up the debris in the anti-particulate filter, I think it is called in English. So, it is not always possible, and when you find a vehicle which accommodates your family and it is relatively

low emission, you go for it and it may not be small. So it seems to me odd that we would add that criterion in when, of course, what are we doing? We are telling people what they can have. That is the nanny state. We should tell people what they should have as regards emissions, but the size of it surely is up to them. From what the Deputy of St. Mary said ... and, of course, I raised the issue of the roads with no refuges, but we cannot conflate the issues of size of vehicle and danger. When I was learning to drive - and I have been driving for some considerable time - I was taught that if I was on a road and there were pedestrians on my side of the road and there was an oncoming vehicle, I slowed down and waited until the vehicles coming towards me had passed and then pulled out. The scenario that the Deputy of St. Mary is referring to with the lady who had the unfortunate circumstance was bad driving. It was not a question of the vehicles being too big. Because if we are going to go to size of vehicle to help the pedestrians, then we are missing the whole point because what is one of the biggest vehicles on the road? The bus. Therefore, we have to concentrate on good driving standards. I believe it was Deputy Hilton who raised before courtesy among drivers. I was taught that and I would hope the Minister will consider filter-in-turns, inbuilt slowing down, inbuilt traffic calming, inbuilt giving way and courtesy. For the simple reason that I do not believe it will solve any issue whatsoever I would not certainly support smaller cars. They must be low-emission but if they are of the size the family needs, that is good enough for me.

**The Bailiff:**

Does any other Member wish to speak? Senator Ferguson.

**5.9.10 Senator S.C. Ferguson:**

Following on from Deputy Le Fondré and the Connétable of St. Mary, I just wonder some of this is allegedly part of a plan and, therefore, presumably the Minister has costed this. But it seems to me that we have a lot of expensive projects here and we have no manpower and cost implications. Perhaps the Connétable would like in his summing up to say how much he reckons the whole of this programme is going to cost and to confirm whether this is already in the T.T.S. budget. He has assumed in his report ... he says: "Most of the proposals can be introduced without increasing the T.T.S. budget." Well, I understand zebra crossings and pedestrian things like that do cost money, so please can we have an assessment of the costs and the manpower?

**5.9.11 Deputy T.A. Vallois of St. Saviour:**

It is just quickly on the point of paragraph (e). Deputy Le Fondré was talking about the provision for the £1 million. It requests the Chief Minister to make provision in future draft Annual Business Plans for at least £1 million per annum. It does not ask to increase funding of £1 million per annum. What I believe would be the case for the States would be to ask for the Minister for Transport and Technical Services to prioritise that area rather than ...

**The Bailiff:**

Deputy, I am sorry, I may have not picked up Deputy Le Fondré if he dealt with this, but this is not before us at the moment.

**Deputy T.A. Vallois:**

Sorry, I was not sure. It is just a few people have mentioned it.

**The Bailiff:**

This amendment will be proposed separately. Very well, does any other Member wish to speak on the current amendments? Then I call upon the Constable to reply.

**5.9.12 The Connétable of St. Helier:**

That probably means I can disregard the last few speakers [**Laughter**] and their comments about funding. The Deputy of St. Mary I think rightly pointed out that the policy unamended really did

nothing with the strategy for cycling. I appreciate there are those who dislike cycling and dislike cyclists in our Island and that is evidenced by the amount of anti-cycling press that the cyclists receive. But I think it is interesting, I get a lot of calls for what am I going to do about people who illegally cycle in the precinct, people who cycle the wrong way down roads, people who ride on the footpaths. Of course, without a cycle strategy it is very difficult to address that, and that is why I think it is really urgent that the department brings forward within a year a cycling strategy which will address issues like that and should tackle issues like number plates on bicycles, things like that, things that the public is very concerned to find out about. The Deputy mentioned that we need better signage. Some of the things he mentioned can be easily provided. He also I think rightly corrected my figures for the parking in the public portfolio. He said it is not 6,000, it is less than that. We do need to take that raw data that was so helpfully provided by Property Holdings and we need to break it down and to see where we can provide increased shopper parking in particular at low cost. The Deputy mentioned there are a number of sites in E.S.C. (Education, Sport and Culture) ownership, particularly around Springfield, which are under-utilised. The Robin Hood gyratory runs around a surface car park of some 45 vehicles, which is simply a waste of valuable land and it could take more. I thank Deputy Le Claire for his comments. He has indeed been pressing for particular road safety improvements for some time, and it is a fact I will come back to that the Parish of St. Helier has agreed to fund the particular junction improvements in Val Plaisant and Devonshire Place, which are States main roads, a bill that is going to be met following last summer's Parish Assembly by the Parish. But again, he pointed to the horrendous cost in what happens if we do not attend to these matters: £36 million over 2 years. Members need to bear that figure in mind when they are considering whether we can really afford to increase our funding of transport over half a million pounds when we come to that amendment. I thank Deputy Green for his support. He particularly highlighted the fact that the policy does not really deal with the transport needs of the disabled. One of my amendments does. It calls for a review of the 'Blue Badge' system. Actually, no one has spoken about that today, but I can only assume that that has widespread support of the Assembly. Of course, the Deputy will know that disabled travellers benefit hugely from pedestrian improvements. They are, if you like, the number one priority on the transport hierarchy and they are the people who benefit most from wider pavements and streets that are easier to cross. I am not going to comment on everyone who has spoken. I thank everyone who spoke. Deputy Le Fondré is concerned about the loss of income if these amendments are accepted. If a proportion - we do not know how much it is going to be - of parking spaces currently in States Departments' hands are transferred to public parking, what I would say is that, of course, they will still generate an income if they are transferred to public parking. They are not going to be free. People will still have to pay for them. The other point is I have been approached by a local private company that is desperate to get its hands on some car parking. It wants to show the States, it wants to show T.T.S., how to run a car park. There are private companies locally who would like to run a car park. I am sure they would happily take over the Albert Pier if Senator Routier would like to give us the whole of it for shopper parking. They will show how to maximise the parking and also how to make a system which does not punish people for being late. I do not want to digress too long, but I have recently had a person in tears in the Town Hall who was given I think a £60 parking fine for not getting back to their car in time - a disabled person, an elderly person - and we must do something about this terrible system we have running in our car parks with the scratch cards. It really is an urgent matter that I would like the Minister to address, although it is only referred to obliquely in the policy. The Deputy of St. Ouen, as the Minister did, queried the process. He said we should be waiting for an implementation plan. I would like to remind the Deputy ... well, he was not in short trousers when I did it, but a long time ago I brought the last transport policy to this House, back in 1999. This policy does not differ substantially from what I brought whatever that is, 11 years ago. Nothing has really happened in many areas, and that is why I highlighted some of the key areas which have not been dealt with since our last lofty and very supportable policy was approved by a large majority in the States. We have to really cut to the chase and say yes, there are some priorities. He queries whether the junctions that I have identified

in some of the amendments are a priority. Well, he is the Minister for Education, Sport and Culture. Does he not agree with me that the junction at the bottom of Wellington Hill is perilous for students? Who would disagree that that is one of the worst junctions for our young people to cross when they are accessing many of the colleges? I know he has an issue about the colleges, but let us all agree that Wellington Hill is thronged with students of all types of school and their safety at the bottom of that hill must be paramount.

[16:45]

I really do not believe that you would find a junction out at St. Ouen that is a higher priority in terms of accidents and in terms of number of travellers that would be a higher priority than Wellington Hill. The Constable of St. Mary does not support proposals to favour smaller cars. Well, I do not quite know what to say about that. I was not talking so much about road safety here as about parking. It is self-evident that if we have some spaces in our car parks, not all of them but some spaces, given over for smaller cars and even in our streets where you could allow 2 smart cars to park end to end as long as the drivers know each other reasonably well, there is no reason why we should not be adapting our parking spaces to maximise the available space. We live in a small Island. Who would vote against a proposal to encourage the ownership of smaller vehicles? I do not know. The Constable says she will. I am going to finish with the Minister who is a bit concerned about the inappropriate level of detail and is particularly concerned about funding. Of course, we have not had the debate on the second part of my amendment on funding yet, but what I will say here is, and I say this in the comments on the amendment, there is a history of the Parish working closely with the States not only to fund but also to physically make the improvements that we are talking about here. Conway Street, Broad Street, Bath Street, quite recently we co-funded the crossing to the Library which was fairly important, although it was opposed by the Minister of the day. So, there is a precedent for the Constable to go to the Parish Assembly and to say: "Well, look, St. Helier is everybody's but as residents of St. Helier we should probably be putting our hands in our pocket as ratepayers and putting some money into the scheme". I am sure that is not something which is going to happen less in the future. I want to also just pick up a comment about residents' parking which I think was made by the Constable of St. Mary. Why, she asked, have so many spaces that used to be free for the commuter and the visitor to St. Helier been handed over to the residents of St. Helier? This goes back to my point about 11 years ago. That was in the policy 11 years ago that we would create residents' parking. It is one of the few things in the policy that has happened. But now the Constable of St. Mary seems to want us to remove it. Well, all I can say is that there was an opportunity for that to be rescinded and perhaps the Constable should have brought an amendment to the policy to ask for a review of residents' parking. I would not mind a review of residents' parking because, as Deputy Fox knows who sits with me on a working group, there are a number of issues within residents' parking which need to be addressed. But given that that is not the case, residents' parking in St. Helier and in other Parishes, urban Parishes, is States policy, approved by the States. Let us not go back and say that we do not want it after all. I am particularly anxious to get the Minister to support the amendments given that his amendments to them have all been accepted, but he is rather stuck on Midvale Road. That is the bottom line. What he realises is that £370,000 is more than half of the available funding for transport next year. That is why I brought an amendment to increase the budget because it is a nonsense to try to go forward and there is a line in the policy that says: "We are going to lead the world in transport policy". Well, let us give up our delusions. We are not going to lead the world unless we find ways of funding transport improvements in an Island which has a high level of vehicle use, which has real problems in air quality pollution, which is something that only Deputy Le Claire mentioned, which has a real problem in terms of serious injuries and casualties on the roads. So, I am hoping that the second part, which will improve the funding, will be approved but it is a bit hard to know what to say to the Minister because we have not got there yet. What I will say is that he is currently only asking for one quarter of the money we are taking from the motorist in Vehicle Emissions Duty. We are not talking about the money that we spend when we buy petrol, we are talking about a

particular duty that we are simply taking a quarter of. I do not think that is very ambitious. What I will also say to the Minister is you cannot have your cake and eat it. You cannot focus development on the town, you cannot focus new housing on St. Helier and not provide a safe system of roads. The North of Town Master Plan recognises that Midvale Road is a key problem. If Members care to check, it is in the Island Plan. The last Island Plan recognises that Midvale Road is simply not working: it is too narrow, it is too dangerous. So, I would ask Members to just recall the promises they have already made when they voted for the last Island Plan if they have a problem with my trying to bring forward Midvale Road and to remember that if they want St. Helier to be the dormitory and to take all this extra housing, then they have to vote proper funding and, indeed, support these amendments. I maintain the amendments.

**The Bailiff:**

First of all, Constable, how do you wish to have them voted?

**The Connétable of St. Helier:**

I was quite happy to take them *en bloc* but I suspect that Members would like to vote on them individually.

**The Bailiff:**

It is up to you. It is your decision.

**The Connétable of St. Helier:**

Could I suggest that we take (b) and (c) together, then we take (d), and I think then we will probably have to take them individually because of what Members have said.

**Senator S.C. Ferguson:**

The Constable dismissed my query in a somewhat cavalier manner. **[Members: Oh!]**

**The Bailiff:**

Well, that is his privilege, Senator. **[Laughter]**

**Senator S.C. Ferguson:**

Yes, but I cannot possibly start voting for something if I do not know how much it is going to cost and he has not given me the information. So I shall not be voting.

**The Connétable of St. Helier:**

If I could just say it is in the financial and manpower consequences, otherwise I would not have been allowed to table the amendments.

**The Bailiff:**

Very well.

**The Connétable of St. Mary:**

Could I just have some clarification please from the Constable? In relation to what he said about my objections to his paragraph (k), have I misread it? Was there an “or” that I have missed? Is he saying that he will not support incentives for using low-emission vehicles if they are large? I am confused.

**The Connétable of St. Helier:**

That certainly was not my intention. It was these are 2 characteristics of more sustainable modes of transport.

**The Connétable of St. Brelade:**

Just one other point of clarification, with regard to the 2(d) Midvale Road debate, I understood the Connétable to suggest that he would take the funding proposals to a Parish Assembly. Could he confirm that, please?

**The Connétable of St. Helier:**

It would depend on my being Constable and that might depend on my answer. Not all of them I think is the answer.

**Deputy A.E. Jeune:**

A matter of clarification. If we were to, therefore, support the (a) to whatever, is the Connétable saying that the funding will come from the Parish?

**The Connétable of St. Helier:**

I think I have already answered the question. I said I would be happy to take proposals for some funding for the schemes to a Parish Assembly if I were Constable.

**The Bailiff:**

Very well then, and you call for the appel, Connétable? The appel is called for, then, and the first vote will be on paragraphs (b) and (c) together. So, I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 48</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator J.L. Perchard		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisssier (S)		
Deputy J.B. Fox (H)		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		

Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

So then the next vote is paragraph (d), the one about Midvale Road, and the Greffier will open the voting.

<b>POUR: 42</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 2</b>
Senator T.A. Le Sueur		Senator S.C. Ferguson		Connétable of St. Brelade
Senator P.F. Routier		Connétable of Trinity		Connétable of St. Mary
Senator P.F.C. Ozouf		Connétable of St. John		
Senator T.J. Le Main		Deputy of St. Ouen		
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				

Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Very well, then we come to (f), which is various specific pedestrian matters, and the Greffier will open the voting.

<b>POUR: 42</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Connétable of Grouville		
Senator B.E. Shenton		Connétable of St. Peter		
Senator J.L. Perchard		Deputy of St. Ouen		
Senator A. Breckon		Deputy of St. John		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				



Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Very well, then we now move on to paragraph (g), which is Snow Hill, and the Greffier will open the voting.

<b>POUR: 47</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Then we come on to paragraph (h), which relates to States ownership of parking, and the Greffier will open the voting.

<b>POUR: 44</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator S.C. Ferguson		
Senator P.F. Routier		Connétable of St. Peter		
Senator P.F.C. Ozouf		Deputy of St. Ouen		
Senator T.J. Le Main		Deputy J.A.N. Le Fondré (L)		
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Then we move on to paragraph (i), which is related to the Car Parking Trading Fund, and the Greffier will open the voting.

<b>POUR: 37</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator T.A. Le Sueur		
Senator B.E. Shenton		Senator P.F.C. Ozouf		
Senator J.L. Perchard		Senator T.J. Le Main		
Senator A. Breckon		Senator S.C. Ferguson		
Senator F.du H. Le Gresley		Senator A.J.H. Maclean		
Connétable of St. Ouen		Senator B.I. Le Marquand		
Connétable of St. Helier		Connétable of Grouville		
Connétable of Trinity		Deputy of St. Ouen		
Connétable of St. Brelade		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Martin		Deputy of Trinity		
Connétable of St. John		Deputy of St. John		
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Then we come to paragraph (j), which relates to the Liberation Station, and the Greffier will open the voting.

<b>POUR: 43</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F.C. Ozouf		
Senator P.F. Routier		Senator S.C. Ferguson		
Senator T.J. Le Main		Senator A.J.H. Maclean		
Senator B.E. Shenton		Senator B.I. Le Marquand		
Senator J.L. Perchard		Deputy J.A.N. Le Fondré (L)		
Senator A. Breckon				

Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Very well, then finally we come to paragraph (k), which relates to “smaller”, and the Greffier will open the voting.

<b>POUR: 34</b>		<b>CONTRE: 14</b>		<b>ABSTAIN: 0</b>
Senator P.F.C. Ozouf		Senator T.A. Le Sueur		
Senator T.J. Le Main		Senator P.F. Routier		
Senator B.E. Shenton		Senator J.L. Perchard		
Senator A. Breckon		Senator S.C. Ferguson		
Senator A.J.H. Maclean		Connétable of Trinity		
Senator B.I. Le Marquand		Connétable of St. Martin		
Senator F.du H. Le Gresley		Connétable of St. Mary		
Connétable of St. Ouen		Deputy of Grouville		
Connétable of St. Helier		Deputy J.A.N. Le Fondré (L)		
Connétable of Grouville		Deputy I.J. Gorst (C)		
Connétable of St. Brelade		Deputy of St. John		

Connétable of St. John		Deputy A.E. Jeune (B)		
Connétable of St. Saviour		Deputy A.T. Dupré (C)		
Connétable of St. Clement		Deputy J.M. Maçon (S)		
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				

**5.10 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) (paragraph 1)**

**The Bailiff:**

Very well, then we come next to paragraph 1 of the second amendment lodged by the Connétable of St. Helier, and I will ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (b) - in paragraph (b) delete the words “as set out in the policy” and substitute the words “including those set out in the policy”.

**5.10.1 The Connétable of St. Helier:**

I see it almost as a housekeeping matter, just to make sure that the policy is not ... that the Minister and his team are not closed to new ideas that come up in the course of developing their policies. So it is to make it an inclusive one rather than restrictive. That is all I will say on it.

**The Bailiff:**

Is it seconded? [**Seconded**] Minister, do you wish to speak on this?

**The Connétable of St. Brelade:**

I am happy to support the Connétable’s amendment.

**The Bailiff:**

Does anyone wish to speak? Deputy Le Claire.

[17:00]

**5.10.2 Deputy P.V.F. Le Claire:**

Maybe that does answer my earlier question, which was how does this go forwards as a process, where we have particular concerns about delivery, and it seems that this amendment, as explained

by the Constable of St. Helier, we are able to in the future bring forwards more finite detail to this policy and change the policy where we believe it is not working. If that is the case, I will be happy to support it.

**5.10.3 The Connétable of St. Mary:**

It is just for clarification, really. I would just like to ascertain whether, if any measures come to light which would be added to those already in the policy, if there is a cost to those which is disproportionate to the motorist I would like to know whether they could not be approved without coming back to the Assembly.

**5.10.4 The Deputy of St. John:**

I have to inform the Connétable I will not be supporting this one given that we all have to take some pain at this time and it is for everyone to tighten their belts. Unfortunately, I cannot support this.

**5.10.5 The Deputy of St. Mary:**

Just to make it really very clear and simple, now that we have agreed a whole lot of specific policies and, indeed, a wide-ranging policy about strategies for walking and cycling, we have to vote for this housekeeping amendment because otherwise the Minister would be tied-down to only what is in his policy and would not be able to take on board what we have just voted for. So, really, we do not need to spend long on this, we just vote for it. I think the Deputy of St. John might have got wires-crossed or something, but there is no implication about this. It just allows to happen what we have just voted to happen.

**The Bailiff:**

Does any other Member wish to speak on this amendment? Deputy Maçon.

**5.10.6 Deputy J.M. Maçon:**

I have to disagree. This either comes from new taxation or a reprioritisation of either T.T.S. or another department because it is asking the Chief Minister to make available £1 million whereas ...

**Deputy J.A. Martin:**

They are both speaking to the wrong amendments.

**The Bailiff:**

We are not on that amendment, Deputy. Does any other Member wish to speak? Very well, I call upon the Connétable to reply.

**5.10.7 The Connétable of St. Helier:**

The only substantive comment was from the Constable of St. Mary who asked about there being an impact on the motorist of any proposals that the Minister includes in his policy. The Minister is unlikely, I think, to adopt a policy that is not here which has an impact on the motorist without bringing it to the States for approval, and I am sure that is what he would do. So I do not think this would be a problem. I think some Members have confused this with the one about the funding, which of course we have not taken yet. I maintain the amendment.

**Deputy P.V.F. Le Claire:**

Sir, is the Constable able to just satisfy my query?

**The Connétable of St. Helier:**

I hope so. The Deputy was saying basically he supported this amendment because it allows other ideas to be brought to the department in the course of the development of their policy and the

implementation of their policy, and I agree with him. That is why I brought the amendment in the first place. I hope that answers the query.

**The Bailiff:**

Very well. Is the appel called for? Yes, the appel is called for then in relation to paragraph 1 of the amendment of the Connétable of St. Helier. I invite Members to return to their seats. The Greffier will open the voting.

<b>POUR: 43</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Connétable of St. Mary		
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

## **5.11 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) - (paragraph 1) amendment**

### **The Bailiff:**

Very well, then we come next to the amendment lodged by the Deputy of St. Mary and, in particular, paragraph 1 of that amendment. I ask the Greffier to read the amendment.

### **The Deputy Greffier of the States:**

Page 2, paragraph (c) - (a) for the words “a vision zero target” substitute the words “an eventual vision zero target”; (b) after the words “on Jersey’s roads” insert the words “and to request the Minister to ask the taskforce to be set up by the Department for Transport and Technical Services to adopt formally within the first year a specific trend target for accident reduction by the end of the policy period, and to inform the States of this target and the rationale behind it”.

### **The Bailiff:**

Deputy, just before I ask you to speak because it may assist, Minister, do I understand from your comment that you will be accepting this?

### **The Connétable of St. Brelade:**

Yes, Sir, I shall.

### **5.11.1 The Deputy of St. Mary:**

I have brought this amendment because I looked at the proposition with regard to road safety and road safety is a fundamental part of this strategy because, of course, we are increasing the number of people walking and cycling, i.e. the vulnerable modes of transport. So the road safety aspect does have to be built in. I must say that in dealings with Scrutiny and then with this proposition I had real problems. The wording, to remind Members of what the original wording is, is to request the Minister in conjunction with the Minister for Home Affairs and the Honorary Police to apply appropriate measures as set out in the policy to re-establish a reducing trend in road injury rates and to agree a vision zero target of no deaths or serious injuries on Jersey’s roads. I just had to read that again and then come to the conclusion that there was nothing concrete or definite there at all. It was just too vague. A vision zero target in the year dot is almost as bad as no target at all. Of course, we all want no accidents, we do not want any killed or seriously injured, even if we take the view that there will inevitably be some minor accidents here and there because that is life. But if we want to reduce the killed and seriously injured to zero with no timescale it is just a nice thought. That was my reaction when I read that and that is why I brought my amendment. The amendment says that the task group which the Minister is suggesting to set up will have to adopt formally a specific trend target for accident reduction by the end of the policy period. So they will have to say between now and 5 years’ time we are aiming to achieve such and such, killed and seriously injured down by so many per cent. They will have to inform the States of this target and why they agreed this target. It is about putting their feet to the fire. It is about making sure that the Road Safety Panel or, sorry, this new task group with the Road Safety Officer presumably will have to come to us with their target and their rationale. There are 2 aspects to this which are both really important. One is that I want to see a different style of government and it is about transparency and it is about this task group, which does have in its care a really important aspect of this policy, which is road safety. We have heard graphically from Deputy Le Claire earlier today about what the implications really are, what each of those K.S.I. (killed and seriously injured) ... although that child would not even reach the K.S.I. killed and seriously injured statistics. That would be a minor injury, one of the 350-odd a year that we have in Jersey. That was just a minor injury. So, we need the transparency. Members need to know what the target is and we need to know what the rationale is and we need to be able to say: “We do not think that is good enough” or: “That is all right, that is an adequate target to meet the aspirations of the community”. Remember, we are talking about injury and death here. We are talking about that and I think that the public look to us to ... and the



Minister rightly said that in the last 3 decades we have had reductions year on year and that has been the trend in the U.K. as well. But in the last 10 years we have flat-lined. We have just stopped making progress and that has to be changed. The other aspect apart from transparency is, of course, as I have touched on, the importance of road safety itself. When we were debating cycle helmets, speaker after speaker said: "If one life was saved or even if one serious accident was to be avoided then ...", yet we have 35 killed and seriously injured on average a year in Jersey and 350 road traffic collisions with injury. With injury. No downward trend in the last 10 years, and what was more alarming, and we saw it in the document, we have queried it in Scrutiny and we found that there had been no analysis of why these accidents happen, where they happen, what sort of turning movements were involved, who hit who, what the factors were. We know the raw data, it is sitting down at police headquarters, but no analysis has been done so we do not know why these accidents happen. We do not know why people are getting killed and seriously injured on our roads. To take just one example of how deeply in ignorance we are ... and this matters because we talked earlier about the priority to be given to different measures. The Constable of St. Helier was saying: "I want road safety measures here, here, here and here", the Constable of St. Mary was saying: "But I want one here", and we need to be able to take our decisions on an evidence basis. One of the things that came out of the speed limits review was the claim that the police said that the speed was a factor in 3 per cent of accidents. Speed was a factor in 3 per cent of accidents. Now, that statistic was not queried by the Speed Limits Panel as far as I know because it appears in their report and it appears unchallenged. But the Health Development Agency, which is the U.K. Government's public health advisers, were arguing in 2003 for 20 miles an hour speed limits in residential areas, as Deputy Hilton was speaking about earlier. Its research shows that two-thirds of injuries to children on the roads could be prevented by lower speed limits. Two-thirds of injuries to children on our roads could be prevented by lower speed limits. So, that does not square with our local police saying that speed is a factor in only 3 per cent of accidents. It is out of kilter. The difference between 20 m.p.h. and 30 m.p.h. in road safety terms is massive. Then there is a huge London study which shows the cuts in accidents, K.S.I. - killed and seriously injured - if 20 miles an hour zones are put in place. In Hull as well K.S.I. went down by 90 per cent in the 7 years where Hull had a rolling programme of 20 m.p.h. In those zones killed and seriously injured go down by 90 per cent and collisions by 56 per cent. That is the sort of reductions that I want to see this Road Safety Panel target. That is what I think they should aim for. If there are any special factors in Jersey, they will have to elucidate them under this amendment, but we are talking, as I said, about injuries to people. We are talking about death and we are talking also about the savings which Deputy Le Claire also alluded to: £18 million a year in cost of accidents. That is the cost of the ambulance and the hospital care, the loss of ... in fact, I do not think it even includes the loss of earnings figures which have to be added to that. We were told in Scrutiny by one of the officers that the rate of return on investment in road safety measures is very large. Here we are, we have this kind of quibble about how much it is going to cost to put in this or that measure. As long as it is targeted, as long as it is evidence-based, this is a winner and we need to press the Road Safety Panel to deliver on this. It is about the priorities of this Assembly. That is really what this amendment is trying to seek out, and I do want Members to hold fast on this, hold their feet to the fire in a sense, make them produce a target that we and the public can be happy with, that we can scrutinise, that we can say: "Right, we accept that as a target and that is what we are going to try to achieve". I move the amendment.

#### **The Bailiff:**

Is the amendment seconded? **[Seconded]** Yes, Minister.

#### **5.11.2 The Connétable of St. Brelade:**

Before commenting on the Deputy of St. Mary's amendment, I would first like to take this opportunity to thank him for his efforts and valuable contributions representing the Scrutiny Panel at a series of meetings with T.T.S. at the final S.T.P. arrangements. The Deputy has proposed an

amendment in 2 parts, both of which are consistent with the recommendation of the policy. Road safety is a very important issue. The numbers of injuries on our roads is much lower than back in the 1970s and 1980s, but we can do much more to see that a reducing trend continues. Research and analysis of Jersey's road injuries needs to be carried out to establish the best means of achieving this.

[17:15]

It was not possible to carry out that work in the S.T.P. timescales. The policy, therefore, proposes that a task group is formed to do that work. Ultimately, we should aim for a vision zero target of no deaths or serious injuries on our roads. It is my view that we cannot afford to do otherwise and that surely the protection of human life must be our ultimate goal. We are just discussing one part, I think, so I will come to the second part later. So, I support the amendment.

**The Bailiff:**

Paragraph 1, yes. Does any other Member wish to speak? Deputy Le Claire.

**5.11.3 Deputy P.V.F. Le Claire:**

If one uses the documents that the States provides from the Executive and one looks at the Island's health as tabled by the Medical Officer of Health, we see that the professionals that are being employed by the States that are being led by the Council of Ministers and their supporters are telling us these sorts of things. Traffic and Transport in 2008, in the Medical Officer of Health's report, Jersey has one of the highest number of vehicles per head of population in the world and relatively little area to drive them on. It goes on to talk about the effects that that has upon us. In the Sustainable Transport Strategy the Minister has referred recently ... just then, to the fact that we have not seen the reduction that we saw in the 1970s, 1980s and 1990s in terms of road safety. I stood up earlier and I said that it is estimated that it was £18 million a year. I got it wrong. It was actually more. It is over £18 million a year that it is costing and obviously we have not factored into those statistics the numbers of people that reports are not received from and the impacts that those people have in relation to the loss of earnings, *et cetera*. So, again, it would be very, very prudent, then, in my opinion to support this because of the fact that in the document it goes on to talk about how Sweden has a vision zero approach and how that has been drawn-up based upon statistics and how even within this document we have drawn our £18 million from a series of data using U.K. Department for Transport standard values for road traffic injury costs. So all of the statistics are there and the department is giving them to us in an overview. It has managed to tell us £18 million a year, but what it does not do - and that is the important amendment that the Deputy of St. Mary is bringing - it does not tell us what we need to invest in terms of money to make it less expensive for us. If, for example, instead of investing £500,000 the task force or the task group was to turn to us tomorrow and say: "If you invest £3 million you can drop it by 40 per cent, which will save you £9 million", would we not want to take that on board? Would we not want to say as States Members: "Here we have an opportunity to invest £3 million and save £9 million"? Without this body of work that the Deputy is proposing and which the Minister has accepted, we will never be able to understand what we are doing. I question what we are going to achieve by just putting £500,000 into a policy each year when, as I said before, over £18 million a year is going to be spent on the hospital services and the ambulance services and the police services. Then we get back into the budget again and we all say: "Oh, we do not have enough money for this, we do not have enough money for that" because we need nurses, because we need doctors. Then when we are told that we do not have the money for the school milk and everything else to give to our rundown children, we are told: "Well, what would you rather have, doctors or nurses or policemen?"

**The Bailiff:**

Deputy, can I bring you back to the amendment of the Deputy, please.

**Deputy P.V.F. Le Claire:**

I think it would be probably incredibly difficult for you to do so, I think I am that far off track, so I will just sit down.

**The Bailiff:**

Does any other Member wish to speak? The Connétable of St. Ouen.

**5.11.4 Connétable K.P. Vibert of St. Ouen:**

While I will support this amendment, I have to give a warning that it is not going to be as easy to set percentage targets on the Island of Jersey as it is in London or Hull. We are dealing with very small figures in the first place, and so if the Deputy believes that by doing this process we are going to cut 50 per cent, that is not going to be easy to achieve.

**The Bailiff:**

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

**5.11.5 The Deputy of St. Mary:**

I thank all those who spoke. I think that last point is an important one. I personally was not envisaging a set target and obviously it is a small sample size, but what I am after is that this policy's task group does the task and that we know it is doing it and that we know what their target is and we know why they are choosing to say X, Y and Z and why they are investing in places A, B and C to reduce accidents in the Island. I do take Deputy Le Claire's point that this is 'Invest to Save' with knobs on. This really is an 'Invest to Save' area. I have the 1999 Transport Policy Strategy as brought to the House by the then Public Services Committee and they say there that a pedestrian crossing costs in the region of £10,000, even if you double that or possibly even triple it. For modifications of this kind we are talking quite small sums and yet the potential returns, as I said in my opening remarks, are huge. This is simply an amendment to make sure that this job gets done and I urge Members to support the amendment.

**The Bailiff:**

The appel is called for in relation to paragraph 1 of the amendment lodged by the Deputy of St. Mary. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 41</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		
Senator P.F. Routier		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator J.L. Perchard		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		

Deputy of St. Martin				
Deputy R.G. Le Hérisser (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**5.12 Sustainable Transport Policy (P.104/2010): second amendment (P.104/2010 Amd.(2)) – amendment (P.104/2010 Amd.(2) Amd.) (paragraph 3)**

**The Bailiff:**

We come then next to paragraph 3 of the amendment lodged by the Connétable of St. Helier and I will ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

On page 2 after paragraph (d) insert a new paragraph as follows: “(e) to request the Chief Minister to make provision in view of the draft Annual Business Plans for at least £1 million per annum to be made available to the Minister for Transport and Technical Services to fund the proposals set out in the policy” and renumber the following paragraphs accordingly.

**5.12.1 The Connétable of St. Helier:**

This is clearly a matter which concerns many Members, particularly those who thought they were voting for it when we did the last amendment, so now is their chance. I am not going to say a great deal about it because I think my comments about funding, inevitably, I had to make earlier on when justifying the approval of the amendments. I would direct Members who have not read them yet to the comments at the end of my report on financial and manpower implications. There are a number of proposals which do not require gold-plating. Someone referred to the cost of pedestrian crossings; well it is true that if you do them with pelicans and all kinds of add-ons, they cost an arm and a leg - about £25,000 - but a Jersey crossing such as have been introduced successfully throughout the town centre effectively involved a lick of paint. In some cases, to improve safety, they are on a raised table but, again, that is not an extremely expensive thing to do and so they need not cost a great deal. But there is no getting away from it. A proposal like the Midvale Road scheme, which has been supported by the Assembly, is estimated to cost about £370,000. Again, I suppose one can argue that the full cost of these schemes does not have to be met when they are first introduced. Some people do not like the Green Street traffic arrangement but it was put in, I believe, at the request of the then Deputy Routier by the Parish in consultation with Public Services of the day and it was done with a couple of bollards. It was like that for years until it was finally made permanent. People still complain about it to me but nobody who lives in Green Street complains about it to me and of course it has prevented the T.T.S. from ...

**The Bailiff:**

Can we have a little quiet from the Senatorial benches, please?

**The Connétable of St. Helier:**

The Green Street scheme, which was low cost when it was first introduced and did not cost much more when they did it, has prevented certain departments turning Green Street into a major artery and possibly a relief road for the incinerator. Why am I saying this? I do not believe that these schemes, even Midvale Road, need to be done in granite when they are first put in. I believe they can be done with trial schemes sometimes involving planters, sometimes involving bollards. Perhaps we can have some from the airport; they clearly do not need them. But, having said that, if Members feel that half of the money taken from Vehicle Emissions Duty - and that is the source of funding I have identified - if they feel that half of that money is too much to put towards these sustainable transport improvements then that of course is up to them. It is only a request to the Chief Minister. We have had comments from him which would suggest that he would be bound by the Members supporting this proposition. It seems to me that what this paragraph is doing is saying: "Let us have the debate another day." In fact when I first tried to amend it I wanted to be more definite and the Greffier told me: "You cannot do that. The place to have this debate is in the Business Plan." What I am effectively asking Members to do is to agree that when we debate the next Business Plan we will inscribe more than a paltry £500,000 to achieve what is a very ambitious sustainable transport policy. I have suggested that we should put half of the Vehicle Emissions Duty money aside for these kinds of improvements. Some Members may think that all of that money should go into transport. It is probably a good argument to be had but I would argue that that is an argument to have at the Business Plan. Unless Members want to have the debate twice I suggest they simply indicate that they would like the Chief Minister to be working on putting more money into transport. I think the question that Members will be asked, certainly by me if not by their constituencies, how could you vote for a transport policy which included many aspirations that are close to Islanders' hearts, including a better bus service, including better motoring facilities indeed, including better walking and disabled facilities, including longer opening hours for the bus station and other things we have approved today? How could you vote for that and then say that we absolutely do not want to look at any increased funding to be taken from the money that we, as motorists, pay in these duties? But I will leave it to Members and I am willing to answer their questions.

**The Bailiff:**

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

**5.12.2 The Connétable of St. Brelade:**

This to me is a high risk. I take the Connétable's point with regard to the fact that he thinks it is probably a Business Plan issue and I tend to agree with him. My concern is that should the Members support this proposition the other £500,000 will effectively have to come out of my recycling budget and quite candidly that is pretty stretched already. I am sure Members would agree that we do not really want to be putting televisions in the incinerator because this is what it is all about. That budget goes towards exporting recyclates and I am very keen to preserve that and, of course, increase it if necessary. I am very pleased to receive additional funding towards a transport policy but I am well aware of the present dire economic situation and I fully understand that I am not going to receive any. The Minister for Treasury and Resources has elucidated quite clearly in his comment that any increased funding will have to come out of my budget. Regrettably I cannot support this part. Notwithstanding that, I am happy to work with the Connétable towards achieving the goals which we agreed in part 2, and will do my utmost to achieve those within my restricted budgets that I have.

**5.12.3 Senator S.C. Ferguson:**

This part of the proposition is exactly what the Fiscal Policy Panel, Comptroller and Auditor General and, dare I say it, the Corporate Services Panel have been hammering-on about. We have voted on a number of detailed suggestions, brought by the Constable of St. Helier, without any concept of the overall costs. In his financial and manpower implications, where the Connétable said that the details were there, well, in paragraph 1 there is a note that the Parish will make a contribution. But that is by no means a certainty. That depends on the Assembly agreeing with him and, as the Connétable said, it depends on the January elections. Then in paragraph 2 we have the cost of Midvale Road at £379,000 but he has got another 5 similar projects. If you cost them at £400,000 a project that is another £1 million. **[Interruption]** Thank you, yes. Sorry, I should have used my calculator.

[17:30]

That is even more of a point, there is another £2 million. I mean some of them may be possible at £10,000 a scheme but why was there a problem in telling me how much the whole thing was going to cost? In his third paragraph the Connétable happily removes the income from other States departments, but again he has not quantified it. I maintain that we do need to know the quantum of a proposal and we do not have this information. The Constable says that we should use V.E.D. for this purpose but somewhere in the depths of my tiny mind I seem to remember that V.E.D. was for environmental purposes. We cannot have it all ways and we certainly cannot spend money twice. We are effectively looking at specific projects without any real means of support in the context of a whole policy document. This is not good enough. We are conflating detail with overall policy. It is thoroughly unsatisfactory and I shall not be supporting this. **[Approbation]**

**The Bailiff:**

It is now 5.30 p.m. so I must invite Members either to adjourn or ...

**Senator T.A. Le Sueur:**

I propose the adjournment.

**The Deputy of St. John:**

Sir, we have probably only got a short while, several speeches, can we not finish this particular one and go to the main debate tomorrow?

**The Bailiff:**

Well, it is a matter for Members. Do you want to call for the vote?

**The Deputy of St. John:**

Can I put those propositions, Sir?

**The Bailiff:**

Very well. The adjournment is proposed. If you wish to adjourn you vote pour, if you wish to carry on you vote contre. The Greffier will open the voting.

<b>POUR: 38</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator T.J. Le Main		Senator P.F.C. Ozouf		
Senator B.E. Shenton		Connétable of Grouville		
Senator J.L. Perchard		Deputy R.C. Duhamel (S)		
Senator A. Breckon		Deputy of St. Martin		
Senator S.C. Ferguson		Deputy J.A.N. Le Fondré (L)		
Senator A.J.H. Maclean		Deputy of St. John		
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				

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

**The Bailiff:**

Very well, the Assembly will adjourn, therefore, until 9.30 a.m. tomorrow.

**ADJOURNMENT**

[17:32]