

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 12th OCTOBER 2010

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Corporate Services Scrutiny Panel - resignation of the Connétable of Grouville The Deputy Bailiff:

We come now to F and I give notice to Members that the Bailiff has received the resignation of the Connétable of Grouville from the Corporate Services Scrutiny Panel.

1.1 Senator S.C. Ferguson:

May I just put on record my thanks to the Connétable of Grouville for his contribution to the work of the Corporate Services Panel. I would include in that his support on the original Public Accounts Committee when we first introduced the concept of non-States Members participating in States Committee deliberations.

[9:45]

His input to discussions was very useful and the concept has now been carried to new heights, as demonstrated in the C.S.R. (Comprehensive Spending Review) 2 proceedings. The Constable has always made a most valuable and balanced contribution to the panel's deliberations, sometimes very Grouvillian, but always very useful. I regret very much that he has resigned but I would very much hope that we will work together again in the future. Thank you.

PETITIONS

2. The future of Jersey Post - Deputy J.A. Martin of St. Helier The Deputy Bailiff:

Under H, Deputy Martin has a petition to present regarding the future of Jersey Post.

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

Can I just say a few words? I would like to thank the workers at Jersey Post for organising this petition and I have asked for the debate on 2nd November. Between now and then I would hope that Economic Development, Treasury and Jersey Post management do not pull any more rabbits out of the hat before this House has had time to look at what is happening down at Jersey Post and what may happen in the future if it continues.

QUESTIONS

3. Written Questions

3.1 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CONSULTATION WITH THE GENERAL PUBLIC ABOUT THE COMPREHENSIVE SPENDING REVIEW:

Question

Can the Minister explain in detail the consultation which took place with the general public about the CSR, both Phase 1 and Phase 2 and advise –

What specific consultation was undertaken with regard to the 50/50 split between tax increases and spending cuts?

What form did the consultation take?

What documents were published as part of the consultation?

How were the benefits of public expenditure of different types explained?

What steps, if any, were taken to ensure that all sections of society were reached during the consultation?

In addition what formal consideration, if any, has been given to public feedback already available to the States concerning facilities and services, whether through the Jersey Annual Social Survey or through specific feedback gathered by departments or agencies, e.g. the Police surveys of the public or the Youth Service surveys of users?

If such consideration has been given, can the Minister provide members with a list of this feedback with direct references?

Answer

I have already responded to a number of questions to the Deputy on CSR and consultations. It has already been explained that whilst no formal consultation was undertaken on the CSR proposals there was clearly a wide public debate when the 2011 Business Plan was lodged. It is expected and indeed welcome that there will be a further public debate when the budget is lodged with the CSR 2 proposals for 2011. Departments have put forward their own suggestions for savings and growth and have taken account of public feedback through the JASS survey and other means for any consideration of changes.

3.2 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TIMELINE OF REVIEWS OF STATES DEPARTMENTS:

Question

Following the response to written question 5612 on 13th September 2010, can the Minister explain how considered and thoughtful in-depth reviews, which aim to restructure departments without detriment to front-line services, can be undertaken in less than 2½ months (ESC) and 3½ months (Home Affairs, Court and Case Costs and Terms and Conditions)?

Can the Minister tell members the exact dates on which Tribal were engaged as professional advisers to start work on the 4 reviews mentioned above?

Given that the written answer of 13th September only gives details of 4 out of the 6 major reviews promised for the CSR, can the Minister give precise details of the reviews into Social Security and Health and Social Services and advise how these reviews are progressing?

Who are the 7 “independent” reviewers’ and what reviews are they working on and what is their role?

What is the timeline to which these reviews have been working – with regard to draft reports, discussions, redrafting, and final submission?

What was the selection process for the ‘professional advisers’ and ‘independent reviewers’?

Answer

I accept that the timescales for the major reviews were tight but all the reports, together with the Steering Group reports which members will receive on 11 October 2010, have proved very useful.

Tribal were engaged as follows:

- Home Affairs/Court and Case Costs – 1 June 2010
- Education, Sport and Culture – 7 July
- Terms and Conditions – 12 July (my previous answer stated that this review commenced in June – the selection process did but the formal engagement was 12 July)

As the Minister for Social Security has committed to undertaking a review of Income Support, I agreed that this would be the CSR major review. Income Support and supplementation are the key components of that department's budget and, as supplementation is being considered together with FSR, any CSR savings would need to come from Income Support, together with the other benefits and services funded from taxes. Undertaking two reviews into Income Support did not seem appropriate and would be wasteful on both internal and external resources.

It was not appropriate to commission a major review for Health and Social Services until the new Chief Executive was in post, which was in June. The Steering Group for that department has produced a report highlighting the current issues and the way forward, which was circulated to States members yesterday. This highlights the need for a major review to develop a new strategic model for Health and Social Services which will now be progressed.

The seven independent reviewers, as I have previously advised are:

- Philip Taylor – Court & Case Costs
- John Mills and Paul Marett – Health & Social Services
- Tom Binet and Chris Ambler – Home Affairs
- Tony O'Neill – Terms and Conditions
- Stephen Regal – Education Sport and Culture

One of the reviewers chaired each of the Steering Groups of the major reviews.

As stated in the last answer in September:

“The advisers' reports have been, or are being, finalised and presented to the relevant Steering Group. Those groups are now drafting their own reports with their findings to be discussed at political boards set up on 21st September. These outcomes will be discussed in relation to the CSR Part 2 process looking at savings in 2012 and 2013.”

The major review reports as well as the Steering Group reports are now completed and the latter have been circulated to members.

The consultants undertaking the major reviews were selected following the appropriate procurement guidelines with at least three companies requested to submit tenders. I advertised for members of the public to put their names forward to help on the major reviews and, after individual interviews, I selected the seven named above.

3.3 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING TOURISM EXPENDITURE:

Question

Following on from the Minister's answer to Written Question 5611 on 13th September 2010, can the Minister advise members -

- (a) What is the 2009 figure for "Airline Marketing"?
- (b) What is the 2009 figure for "Route Development"?
- (c) What is the 2009 figure for "Conference Bureau"?

Can he further advise whether these sums are included in departmental figures under the heading of "Policy and Research" as they were in 2007 and 2008?

Further can the Minister inform the Assembly how much was spent in 2009, 2004, 1999, and 1994 (or a comparable set of years) on the following -

- (i) Public Relations in France
- (ii) Public Relations in Benelux
- (iii) Public Relations in Germany
- (iv) Marketing and marketing support of all kinds in France
- (v) Marketing and marketing support of all kinds in Benelux
- (vi) Marketing and marketing support of all kinds in Germany?

Answer

Figures for 2009

- (a) Airline Marketing was £404,517.
- (b) Route Development was £173,000.
- (c) Conference Bureau was £235,959.

These figures are include in the 2009 Jersey Tourism Annual Report under the heading Strategy & Policy.

In addition Jersey Tourism spend in 2009 on:

- (i) Public Relations in France was £48,073.
- (ii) Public Relations in Benelux was £13,625.
- (iii) Public Relations in Germany was £47,484.
- (iv) Marketing and marketing support of all kinds in France was £211,782.
- (v) Marketing and marketing support of all kinds in Benelux was £5,000.
- (vi) Marketing and marketing support of all kinds in Germany was £227,754.

The above figures have been calculated using a combination of identifiable costs in each of the specified markets. Similar levels of expenditure were experienced in previous years although detailed information is no longer available for the earlier years specified in the question. However a similar level of revenue expenditure for France and Germany can be applied to 2008.

3.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING NEW STAFF POSTS AT THE AIRPORT:

Question

How many new posts have been created at the Airport over the last 5 years, not including in any way those posts that have been disposed of (by offsetting)?

How many air traffic commercial movements have there been year on year since 2000 to date?

Does the Minister maintain comparisons of air traffic commercial movements with Guernsey and, if so, how do our figures compare with Guernsey year on year over the same period?

If Jersey figures are lower or similar to Guernsey will the Minister please give reasons?

What action is the Minister taking to recoup business?

Answer

1. Fourteen posts, none of them directly offset, have been created at Jersey Airport since 2005. This can be broken down as follows:

2005 = 0, 2006 = 1, 2007 = 8, 2008 = 1, 2009 = 4, 2010 = 1

However, although there are fourteen new posts we also reduced a further six posts, which were not directly offset, meaning that the true increase in posts from 2005 to 2010 is eight.

2. As follows are the air traffic movements for Jersey since 2000:

2000 = 80,816. 2001 = 80,634. 2002 = 73,813. 2003 = 75,380. 2004 = 72,958. 2005 = 70,324.
2006 = 69,798. 2007 = 72,340. 2008 = 76,525. 2009 = 64,876

Up to July 2010 this figure stands at 36,326.

3. Jersey Airport can access the annual air movements for Guernsey via the CAA website but can see no justification in making comparisons as we are not competing against them in terms of traffic movements. Commercial air movements for Guernsey are as follows:

2000 = 56,705. 2001 = 56,772. 2002 = 53,224. 2003 = 50,810. 2004 = 56,199. 2005 = 54,918.

2006 = 54,440. 2007 = 59,747. 2008 = 59,494. 2009 = 57,634

Up to October 2010 this figures stands at 45,191.

4. As one would expect, due to the nature of operations in Jersey our air movements are higher than those of Guernsey. However, it is fair to say that the tough economic climate has had an impact on air traffic globally over the past few years and this has impacted on both islands in terms of volume.

5. I am fully supportive of the Route Development Team, established at Jersey Airport to proactively increase business to the Island. This is in line with our strategic plan of 1% growth year on year in terms of passenger numbers and commercial movement. Despite the current conditions we are seeing some signs of recovery in the latter part of this year in terms of passenger numbers and I am confident that by the end of 2010 or early next year we will be in a stronger position if this positive trend continues.

3.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE RIGHT OF REPLY WITHIN MEDIA PROTOCOLS:

Question

Does the Committee consider that the current right of reply within the media protocols referred to within P.100/2010 (Media Relations: Code of Conduct) is effective and what evidence, if any, does it have to support this view?

Answer

It is not the rôle of the Privileges and Procedures Committee to express a view in respect of any protocol operated by a media organisation, nor to provide evidence to support any such view.

The Deputy may, however, be interested to note that, following a meeting with the Deputy of St. Martin, the Privileges and Procedures Committee is currently undertaking further work in respect of P.100/2010 (Media Relations: Code of Conduct). The debate on the proposition has therefore been deferred until 30th November 2010.

3.6 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE STATES EMPLOYMENT BOARD'S DISCUSSIONS WITH STAFF REGARDING THE CHANGE IN THE FINAL SALARY PENSIONS:

Question

What discussions, if any, have the States Employment Board had with Unions and employee representatives to change the final salary pension scheme for new entrants?

Answer

There has been no discussion with Unions and employee representatives to change the final salary pension scheme. This option has been suggested by Tribal Group, who recently undertook a review of terms and conditions of States employees, and is receiving active consideration by the SEB.

If this suggestion is to be taken forward discussions will take place with the Public Employees Pension Scheme Joint Negotiating Group (JNG). The JNG includes representatives from most paygroups as well as pensioner representatives and negotiates on behalf of its members with the employer.

The terms of reference for an actuarial review of the Public Employees Contributory Retirement Scheme (PECRS), commissioned by the States Employment Board, will ask the actuary to advise on a number of options. Until formal advice has been received on these options, it is not possible to say whether there will be a change to the final salary pension scheme for new recruits.

3.7 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING AMOUNTS SPENT ON PURCHASE CARDS:

Question

Following the written response to question No. 5628 on 28th September 2010 regarding the use of purchase cards, would the Minister provide details of how the following departments spent the sums disclosed?

Department	Chief Officer £	P.A. Secretary £
Chief Minister	6,351.91	
Treasury and Resources		6,354.78
Economic Development	6,561.66	
Education, Sport and Culture	1,832.81	2,239.98
Jersey Harbours	24,738.11	2,003.54
Jersey Airport	21,323.68	4,967.63

Answer

N.B. The figure given in the Question for Chief Minister is incorrect. The total should read £6,351.99.

Please find the answer given in the table on the following page.

Period 1st September 2008 to 31st August 2010

Department	Travel (£)	Accommodation (£)	Meals & hospitality (£)	Stationery & postage (£)	Conference and Course fees (£)	Other (£)	Total
Chief Minister's – Chief Officer	3,938.81	431.05	485.17	0.00	1496.96	0.00	6,351.99
Treasury and Resources – PA	2,419.09	249.40	87.86	486.62	787.75	2,324.06	6,354.78
Economic Development – Chief Officer	1,813.26	2,316.54	2,158.69	0.00	0.00	273.17	6,561.66
Education Sport and Culture –	16.90	1,015.48	800.43	0.00	0.00	0.00	1,832.81

Chief Officer							
Education Sport and Culture – PA	1,304.51	0.00	60.40	0.00	499.00	376.07	2,239.98
Jersey Harbours – Chief Officer	10,174.45	6,259.66	5,219.00	0.00	0.00	3,085.00	24,738.11
Jersey Harbours – PA	241.41	0.00	341.11	54.47	0.00	1366.55	2,003.54
Jersey Airport – Chief Officer	7,013.06	5,109.74	2,703.31	0.00	4,672.35	1,825.22	21,323.68
Jersey Airport – PA	1650.76	24.00	0.00	84.41	2,745.00	463.46	4,967.63
Total	28,572.25	15,405.87	11,855.97	625.50	10,201.06	9,713.53	76,374.18

3.8 SENATOR B.E. SHENTON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE PUBLIC RECORDS (JERSEY) LAW 2002:

Question

Given that R.111/2010 (Public Records (Jersey) Law 2002: Report On The Work Of The Jersey Heritage Trust And The States Archivist During 2009) stated that Dr. James' key recommendations, made in September 2008, are still applicable, namely that the proper implementation of the Public Records (Jersey) Law 2002 is impossible with current staffing levels; that public access should be improved and the cataloguing backlog stabilised through a package of measures, ideally moving back to the previous staff establishment of 11 and that an infrastructure of departmental information managers within each States administration and the appointment of a permanent records manager on the staff of the Jersey Archive is imperative if the Archive is to carry out its duties under the Law, can the Minister advise what action, if any, has been taken to address these long-standing issues and confirm that the Archive is optimally staffed and funded to cope with the ramifications of the proposed Freedom of Information legislation?

Answer

The report accompanying the proposition approved by the States in July (P.75/2010) relating to the Jersey Heritage Trust, made it clear that the important issues identified in the question relating to the Jersey Archive together with the additional resources required would be dealt with separately.

To that end, my Department has already sought the views of the Jersey Heritage Trust and the Records Advisory Panel, appointed under the Public Records (Jersey) Law 2002, and discussions are taking place with the Chief Minister's Department to determine the best way forward. Once this consultation is complete, the results will be made known and a plan produced outlining the actions necessary to ensure that the Archive is properly resourced.

Work is being undertaken to identify the financial and manpower implications necessary for the Archive to carry out its duties under the Public Records (Jersey) Law 2002 and in addition, consideration is being given to the resources required to cope with any ramifications of the proposed Freedom of Information Law.

Effective compliance with both the Public Records Law 2002 and the proposed Freedom of Information Law is dependent on adequate resources being secured to ensure all departments are able to provide for the implementation and ongoing management. This matter must be resolved before any new Law is brought into force.

3.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE REFIT OF THE STATES TUG:

Question

Will the Minister advise whether the States Tug has been in Rotterdam or elsewhere off-Island for a refit and, if so, would he provide a detailed breakdown of the works undertaken and the costs?

Would the Minister further advise whether any crew stayed with the vessel and, if so, what were the associated costs and how long was the crew off-Island?

Is the pilot vessel Rival undergoing a refit and, if so, would the Minister give details of the works being undertaken, by whom and the estimated costs?

Answer

As has been widely reported in the media, the Duke of Normandy was taken to Hardinxvelt in Holland for a refit and standard five year inspection as required by the Classification Society. The vessel was built and delivered in 2005, underwent first refit in 2007 and was therefore due for a refit and 5 year special survey in 2010.

The final account has not yet been agreed and settled, however the total cost of the refit and inspection will fall within the budget of £210,000 as approved by the States in the 2010 Business Plan.

The cost of the re-fit includes:

- Main engine servicing
- Hydraulic crane overhaul
- Propeller shaft withdrawal and inspection
- 5 year special survey
- Bottom survey
- Bottom painting and replacement of anodes
- Alterations to towing winch to better assist with ploughing and other operations
- Hydraulic chain pin to assist in buoyage maintenance
- Safety boat and launching device

- Steaming time and fuel to and from yard
- Return flights to yard
- Accommodation for supervising crew when vessel in shed

Crew members were away from the Island for differing periods but at least one member of the crew remained with the vessel at all times to supervise works and undertaking some of the work themselves. Crew members slept on board whenever possible. Costs and expenses associated with the re-fit were approximately £28,000. This includes costs associated with getting the boat to and from Holland, and crew working outside normal hours during the refit to ensure work could be completed as quickly as possible and reduce the time the tug was out of service.

The pilot vessel Rival is being fitted with new engines and enhanced navigation gear. The engines are being supplied locally and will be fitted by the crew, with assistance from other local contractors. The agreed budget for this project is £150,000.

Both projects are financed by the Jersey Harbours Trading Fund.

3.10 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE NUMBER OF PEOPLE REGISTERED FOR SOCIAL RENTED HOUSING SINCE 2005:

Question

Would the Minister advise members of the number of persons who have registered for States owned social housing since 2005, indicating the number of years of residency of the principal householder, and would he also identify the number of those persons who remain on the waiting list?

Answer

The table below gives a breakdown of the number of new applications that were accepted onto the Waiting list from 2005 to date. It also shows the total number of applications that were active on the Waiting list at the close of each year.

Applications	2005	2006	2007	2008	2009	To October 2010
Number of new applications in year	269	248	330	310	396	252
Applicants on the waiting list at year end	225	265	243	254	309	446

Of those that have applied in each year, the following numbers remain on the Waiting List as at 7th October 2010:-

2005	100% of those that applied in 2005 have been housed. There are no applicants from 2005 waiting for accommodation.
2006	99.9% of those that applied in 2006 have been housed. There are 3 applicants from 2006 on the waiting list. All 3 have been made offers of accommodation which they have not accepted for a variety of reasons.

2007	97% of those that applied in 2007 have been housed. There are 10 applicants from 2007 on the waiting list. All but three of these have had offers of accommodation which they have not accepted for a variety of reasons.
2008	81.6% of those that applied in 2008 have been housed. There are 57 applicants from 2008 on the waiting list. 36 of these have been made offers of accommodation which they have not accepted for a variety of reasons.
2009	78.8% of those that applied in 2009 have been housed. There are 84 applicants from 2009 on the waiting list.
2010	32.1% of those who applied this year have already been housed. There are 171 of this years applicants presently on the waiting list.

All applicants accepted onto the States Rental Waiting List must qualify to rent property under the 1949 Housing Law. The actual length of their residence in the Island is not material for their application for social housing and is therefore not recorded. Allocations for States rental accommodation are made on the basis of “need” as opposed to length of residence.

3.11 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE INTRODUCTION OF ‘DOUBLE-DECKER’ BUSES:

Question

Does the Minister intend to introduce ‘double decker’ buses on certain routes and, if so, when and to what extent?

Answer

A trial of a double decker bus, to improve passenger capacity and comfort, on the No. 15 route was completed by Connex in May 2010 and a report reviewing the findings of that trial has been prepared.

An integral part of the purpose of the trial was to compare all of the options for new vehicles available for use in Jersey, including their operational flexibility, journey times, the balance of frequency against capacity, capital and operational costs.

Therefore, by way of a comparison a similar trial has just been completed by Connex in September using a 10.77m long Enviro 200 single decker, which is a larger bus than those currently used in Jersey. This has greater operational flexibility than the Double Decker, as it can be used on more routes, but also has the potential to improve comfort and to a lesser degree capacity. Connex have just completed compiling a report detailing the findings of this trial.

I will be discussing the findings of this second report and considering the relative advantages of the two different vehicles with my officers and Connex over the next month. Then, in close consultation with TTS, a final procurement decision will be made by Connex as to which vehicles or mixture of vehicles they should procure to enter into service in 2011.

3.12 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE PUBLICATION OF ANNUAL TRANSPORT REPORTS:

Question

Does the Minister intend to resume publication of Annual Reports on the performance of the public transport contract?

Answer

The Department produced dedicated detailed performance reports on the bus service for the first two years of the Connex bus Contract, as there was particularly high and widespread interest in the service.

Since then strategic performance of the Bus Contract has been reported in the same way as all other Departmental business, in accordance with key performance measures prescribed in the States of Jersey Annual Business Plan. These have been published annually in the States of Jersey's Annual Business Report. Further information is publicly available in the JASS survey and Connex's annual activity report.

I believe continuing with this approach to reporting is appropriate at this time.

3.13 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SECURITY REGARDING MANAGERIAL REFORMS AT THE GENERAL HOSPITAL:

Question

What managerial reforms, if any, have been implemented in the General Hospital and allied services subsequent to the appointment of the Interim Hospital Director?

What have been the cost savings of these reforms?

Answer

The new role of Hospital Director has provided a clear focus for all hospital matters and its creation was a key recommendation of the Verita Report.

Since the appointment of the Interim Managing Director in May I am happy to report that there has been a significant enhancement to the day-to-day leadership, governance and financial management and control in the Hospital.

He has created a clinical leadership structure that will result in clinicians being fully involved in decision making in the future and will put them in the majority on the new Hospital Board.

Clear leadership has put a renewed emphasis on patient safety, clinical standards and risk management in everything that is done in the Hospital and this is demonstrated by the creation of the powerful new Care Quality Group.

His revised management structure provides a clear scheme of delegation for budgets on clinical service lines and he has dispensed with the old divisions.

As a result of these managerial reforms, and the hard work and dedication of the staff, there has been the reduction over the last three months of the forecast budget overspend for hospital services to a forecast breakeven position. This new financial discipline will underpin the prudent use of the necessary investment still to be made.

3.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING CHANGES TO THE PURCHASE OF TRAVEL SERVICES FOR STATES EMPLOYEES AND MEMBERS:

Question

What changes, if any, are being proposed to the purchase of travel services for States employees and members? Is the Minister satisfied with the workings of the current contract and, if not, why not?

Answer

The Corporate Procurement Department is preparing to tender for a travel management company to manage the travel spend of approximately £2.5million per annum. The scope of services will cover all areas of corporate travel including the booking of flights, hotels, car hire, ticketing and will require the agent to provide advice and guidance relating to the appropriate routes and tickets, They will also be required to negotiate with travel providers for preferred rates for the States and ensure that a States Corporate Travel Policy is adhered to. Consideration will also be given to reducing the number of people able to book travel (approximately 500 across all departments

The current arrangement has introduced greater controls, rationalised the supply base, produced detailed management information and delivered savings in excess of £170K. The management information will be used to inform the tendering process enabling suppliers to bid with full understanding of our requirements. Having visibility of this information has altered behaviours: for example the level of Business Class travel has reduced and the average price of a room per night reduced.

Issues raised by Departments regarding the current contract include use of the on line booking tool, transaction fees and lack of advice, will be addressed as part of the competitive tendering process. In addition to a new contract with new service levels and commercial model, new procedures and processes will also be introduced to reduce the numbers of people involved.

3.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE VOLUNTARY REDUNDANCY TERMS FROM 1ST JANUARY 2011:

Question

Will the Chief Minister confirm that the initial terms of the Voluntary Redundancy (VR) agreement proposed by the States Employment Board to be put in place on 1st January 2011 are significantly reduced from the current agreement?

Will he further state why the representatives of States employees have been given only 3 weeks to respond to this major change to terms and conditions and why the terms are merely open to consultation and not to a full negotiation process?

Answer

I can confirm that the Voluntary Redundancy (VR) terms proposed from 1st January 2011 are significantly reduced from the current terms. The current terms are no longer affordable and are significantly in excess of redundancy terms offered in the local private sector, both for voluntary and compulsory redundancies.

The States Employment Board wants the new terms to be effective from January 2011. The SEB set policy and as such, the setting of VR terms have never been subject to negotiation with any pay group. Clearly there is a need to consult, which will take place over a three month period (not three weeks as the Deputy suggests) and the SEB will consider any representations made by the staff side representatives and unions in making their final decision.

3.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING FUNDING MECHANISMS FOR SOCIAL SECURITY:

Question

Given that P.153/2009, approved by the Assembly on 18th November 2009, requested the Minister to report back as a matter of urgency, and in any case no later than September 2010, with the results of the research and recommendations relating to the future funding of Social Security supplementation, will the Minister inform members why his report is late and state when it will be delivered?

Answer

As I stated in the States Assembly during the last sitting, the future funding of supplementation is linked to the Fiscal Strategy Review. My department is working closely with Treasury and Resources and is fully involved in the budget proposals which will be lodged by 26th October 2010. In addition, I will be publishing shortly thereafter, a separate report setting out the challenges facing Social Security funding over the next few years. This report will include a response to P.153/2009.

3.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING FINANCIAL ASSISTANCE FOR HOUSEHOLDERS' MORTGAGE PAYMENTS:

Question

In the light of the increase in waiting list applications for social housing caused by homelessness and financial hardship, announced by the Minister for Housing on 28th September 2010, will the Minister state –

- (a) how many requests have been received by his Department from householders for assistance with mortgage payments and how many of these have been granted for the years 2008, 2009 and 2010 to date?
- (b) the terms under which assistance has been granted, and the total sums involved?
- (c) what measures, if any, he has under consideration and what funding he estimates may be required to deal with any increase in demand for assistance from the potential 400 public sector employees who may find themselves unemployed as a result of the £65million cuts programme over the period 2011 to 2013, and if none, why?

Answer

Three families have been granted assistance with mortgage payments since the inception of the Income Support scheme on 28th January 2008.

Assistance has been granted for discretionary payments under Article 8 (2) of the Income Support (Jersey) Law 2007. Because there are so few cases it would not be appropriate to provide any additional information.

Recent experience suggests that there has been little need to assist mortgage holders. A scheme specifically in respect of mortgage holders was drawn up in spring 2009 but was not implemented as it did not receive funding. I gave the commitment in the last sitting of the States Assembly that I would review the need for the scheme and I, together with the Housing Minister, will now do this.

3.18 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE NUMBER OF TAX ASSESSMENTS CHALLENGED BY THE COMPTROLLER OF INCOME TAX:

Question

Notwithstanding his answers to oral questions on tax avoidance on 28th September 2010, will the Minister now supply the figures requested for the numbers of tax assessments challenged by the Comptroller of Income Tax under the provisions of Article 134 of the Income Tax (Jersey) Law 1961, along with the tax recovered for the past 10 years?

Will he further confirm –

- (a) that all of these cases have concerned the conversion of revenue into capital;
- (b) that no cases have been brought under any of the 6 other categories of tax avoidance raised in my question;
- (c) whether “deferred taxation” for companies has a role in the Jersey taxation system, and if so, to what extent this has the result of reducing tax returns from companies?

Will he also state what the effective rate of taxation of Jersey companies was for finance and non finance companies in the 2008 assessment year and what the estimate of the effective rates for these sectors is for 2010?

Answer

The Comptroller can only provide details for the years 2004 to 2010 (to date) as 2004 was the first year detailed statistics were recorded. No records have been kept of actual tax recovered in each case.

Total number of tax assessments raised = 2,140

Amount of investments on which Article 134A has been applied = £170 million

- (a) All of these cases have concerned conversion of revenue into capital.
- (b) The provisions of Article 134A have been used in other cases but have not necessarily required the Comptroller to raise an income tax assessment to counteract the loss or reduction of tax. Professional tax advisors regularly approach the Comptroller for tax rulings and confirmations of the tax treatment of, for example, new company structures, re-structuring or other tax planning schemes. The Comptroller does warn some tax advisors that he would regard the structure, re-structuring or other tax planning scheme as an avoidance transaction

on which he would invoke Article 134A and that would be sufficient for the advisor to seek an alternative tax planning scheme. This deterrent effect is unquantifiable. But it does exist and remains very important in deterring individuals from avoiding or reducing their liability to Jersey tax. The Comptroller does not keep a central data base of such tax rulings, all such rulings being kept in the individual file concerned once the ruling is made and the case settled. Such rulings may well have involved one or more of the categories that the Deputy has identified.

- (c) It is not absolutely clear what the Deputy means by “deferred taxation “. But if he means ‘deferral’ of tax under the deemed distribution regime for trading companies, deemed interim dividends are not assessed to tax on the Jersey shareholder until the end of the company’s following financial period. This means that the first full year when deemed interim dividends will be declared will be the year of assessment 2010. So very little data is available at this time to measure deemed interim dividends. However, the Comptroller is generally aware from professional tax advisors that many shareholders are withdrawing the majority, or all, of the profits out of the company. This appears to be for a number of reasons:
1. The shareholder has to withdraw the profits from the company as that is his only or main source of income.
 2. The shareholder wishes to keep his tax affairs simple and avoid deemed interim dividends and in turn avoid increased compliance costs.
 3. The shareholder does not wish to build up tax due on undistributed profits at some point in the future. He would rather keep up to date by paying the tax he owes on his company’s profits year by year.

Effective rate of taxation of Jersey companies for finance and non finance companies in the 2008 year of assessment:

Finance companies and non finance companies – 19% - 20%

IBC (finance and non finance) – between 0.5% and 2% but 30% on non international activities, with a designer rate of more than 2% available for international activities. [Note that the IBC regime was removed and is no longer available to new companies. Those companies which currently benefit from this regime can only do so until 31 December 2011, as agreed with the EU Code Group. They will then revert to either finance or non-finance companies and therefore be subject to tax at the relevant rates applying to those companies.]

Estimate of the effective rates for these sectors for 2010.

Finance companies – 10%

Non finance companies – 0%

IBC - finance and non finance ‘grandfathered’ to 2011 - as above

[Utility, property development and property rental companies – 20%.

IBC companies – see note above]

3.19 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING ALLEGATIONS OF CORRUPTION:

Question

Following allegations made during a recent Magistrate's Court case by the Deputy of Grouville regarding corruption within the Planning and Housing Departments, will the Minister confirm whether he will be conducting an inquiry into this matter and, if so, will he agree to put a hold on the following until the results of the inquiry are known -

- (a) all work within his department relating to sites rezoned in 2008 to build accommodation for the over 55's, and not already developed?
- (b) rezoned sites in the process of early/final stage approval?

If not will the Minister give reasons why?

Answer

I have asked the Chief Minister to look into these allegations and he has referred the matter to the Police. As such would be inappropriate for me to make any further comment.

- (a) As to the sites that were rezoned in 2008 the position is as follows;

Maison St Brelade is a Parish elderly homes site. A planning application to extend the home was submitted on 19 September 2008 and approved 18 February 2009. **(P/2008/2065)**

Field 818, Trinity is a Parish life-long homes site. A planning application to develop 14 dwellings was submitted on 25 November 2008 and approved 18 February 2009. **(P/2008/2471)**

Fields 561 & 562 (Strathmore Nurseries) St Mary is a private developer site supported by Parish. A planning application to develop 33 dwellings was submitted 21 August 2009 and approved 12 November 2009. **(P/2009/1600)**

Field 274 (La Chasse Nurseries) St Clement is a private developer site supported by Parish, application to develop 42 dwellings submitted 23 December 2009 and approved 17 June 2010. **(P/2009/2388)**

Fields 516, 516A, 517 and 518, St Saviour is a private developer site supported by Parish, no application yet submitted.

Field 578, Trinity is a Parish first time buyer/elderly homes site, no application has yet been submitted.

In respect of the above sites either permission has been granted or there is no current application to consider.

There are two other sites that were rezoned in 2008 and both have decisions pending;

Field 605, St John is a private developer site supported by Parish. The application to develop 17 dwellings was submitted on 1 February 2010 and the decision is pending. **(P/2010/0112)**

Field 148, Grouville is a private developer site supported by Parish. The application to develop 20 dwellings was submitted on 2 February 2010 and the decision is pending. **(P/ 2010/0126)**

Consideration of these sites is linked and that is why they currently remain to be finalised. They will be subject to a linked planning obligation agreement.

I have a duty to consider and determine applications in an appropriate and timely manner but in doing so must be mindful of all material considerations. It may be that the ongoing concerns represent issues that may form part of their consideration although at this stage I am not in a position to make that judgement.

As for other undeveloped sites which have been rezoned in the 2002 Island Plan, the site behind La Moye Garage, St Brelade already has planning permission (April 2008), and no application has been made for the zoned site in Rue du Haut, St Lawrence.

Any sites identified as part of the current Island Plan Review will not become zoned until the States Assembly has adopted the new Plan.

3.20 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE RECORDING OF MINISTERIAL DECISIONS:

Question

Given that at Council of Ministers meetings, there is an obligation for formal written minutes to be recorded by the States Greffe, which provides some transparency to the democratic process, can the Chief Minister advise what arrangements are in place to record decisions made by the Minister at or after a meeting with Assistant Ministers or senior Departmental staff under delegated powers?

Can the Chief Minister advise if politicians or suitably legally-privileged parties are permitted to have access to the records?

Answer

As meetings between Ministers, their Assistant Ministers or senior officers can often be informal in nature, there are no general arrangements in place to record decisions, although departments may have internal arrangements to record the issues and topics discussed or any actions arising.

However, it is important to note that there is a formal Ministerial Decision process in place for whenever the Minister (or Assistant Minister with delegated powers) makes a formal decision, which would be used to cover any key decisions made as part of an informal meeting.

Formal Ministerial decisions are recorded when Ministers (or Assistant Ministers with delegated powers) sign a standard Ministerial Decision template. The decision templates are backed up by supporting papers, which have been considered by the Minister before taking a decision, and include the reason(s) for a decision and any subsequent action(s) required. These Ministerial Decisions and supporting papers are uploaded onto the States website

(<http://www.gov.je/GOVERNMENT/PLANNINGPERFORMANCE/Pages/MinisterialDecisions.aspx>) and are thus available to the public, unless it is deemed to be confidential in accordance with the Code of Practice on Public Access to Official Information.

Clear, detailed and comprehensive guidelines for the recording of Ministerial decisions have been distributed to departments, training has been provided to officers dealing with such decisions and the guidelines are available on the States Intranet.

3.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING HIGHLANDS CARE HOME:

Question

Will the Minister –

- (a) confirm whether there was an inquiry into a complaint about Highlands Care Home by a former member of staff of the home, and, if so, when it was initiated and completed?
- (b) confirm whether the officer who carried out the inquiry and wrote the accompanying report has recently resigned from his post and accepted the position of Manager at the said care home and, if so, can she inform members when he gave notice of his resignation?

Will the Minister advise whether she is satisfied that there was no conflict of interest on the part of the officer who carried out the inquiry and that there was no risk of the report not being objective or impartial?

Given ongoing concerns, will the Minister consider undertaking a full independent inquiry into the home before any more individuals currently in the care of the public sector are moved to this facility?

Answer

- (a) I can confirm that an investigation of the home by the Health Protection Service was initiated following a complaint from a former member of staff on the 1st July 2010. The investigation plan was approved by the head of service on the 2nd July 2010 ahead of the first formal interview which took place that day with the complainant and Deputy Tadier present.

The investigation of the complaint was completed on the 23rd July 2010 when the investigating officer from Health Protection met with the Adult Social Work Team. The first draft report from the investigating officer was presented to the Team Leader of Registration and Inspection on the 4th August 2010.

- (b) The officer who led the investigation and produced the 1st draft report has indeed resigned from his post and will be taking up the vacant post as manager at the home. The service will be sorry to lose his extensive knowledge and expertise and his interpersonal skills which were exemplary, although a successor has been appointed in the last few days. The officer applied for the post at the care home on 26th July, was interviewed on 29th July and received written confirmation offering him the post on 5th August. He tendered his resignation the same day.

I am satisfied that the utmost probity has been undertaken by the officers of the Health Protection Service. In the course of the investigation, an interagency approach was used with evidence being presented directly by social workers and other allied professionals via the home's records. The investigation was not conducted solely by one officer. The head of the service has as part of overseeing the process ensured that the appropriate level of investigation has been undertaken, the process has ensured that the report and its findings have been scrutinised by the investigating officer's line managers as part of due diligence.

I am not aware of any ongoing concerns with regard to the matter and neither are my officers. If Deputy Tadier has evidence of ongoing concerns I would be grateful if he would ensure that all relevant evidence is provided to the head of the Health Protection Service without delay. Since the report and its findings have been released to the care home and the complainant, the care home has provided the Health Protection Service with its detailed plan to ensure compliance with the findings

and my officers will be following up on those matters to ensure that they are appropriately completed.

In the light of the findings and the commitment to ensure proper process I do not consider in the circumstances that it is either expedient or appropriate for there to be yet another investigation. The home will continue to be inspected twice a year in accordance with statutory regulations.

3.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE RECESSION AND PUBLIC SECTOR CUTS:

Question

Would the Minister explain to the Assembly the economic data that has convinced him that the economy has come out of recession and can withstand the public sector cuts he is proposing without going once again into recession, if implemented?

Answer

The Minister has never said that the economy has ‘come out of recession’. Rather just that the latest forecasts from both the Economics Unit and the Fiscal Policy Panel point to moderate growth next year. The intention is still to be running a significant deficit in 2011 of about £50m and to use the Stabilisation Fund to support the economy in 2010 and 2011 (by funding deficits and discretionary fiscal stimulus). The deficit is only forecast to be closed by 2013 and the moderate fiscal tightening this implies will therefore be phased over the 3 year period, posing little risk to our economic prospects. This should also leave time for the local economy to improve. The Fiscal Policy Panel confirmed in their September interim report that “this projected path for medium-term fiscal tightening is broadly appropriate given the Panel’s previous economic forecasts”.

3.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COLLATION OF FINANCE INDUSTRY DATA:

Question

Would the Chief Minister provide members with the data for the various sectors of the finance industry (such as banking, collective investment funds etc) gathered by the Statistics Unit to enable the performance of the industry, as measured in the 2009 Jersey GVA and GNI figures published in September, to be assessed?

Answer

Data compiled by the Statistics Unit through business surveys are collected from companies under assurances of strict confidentiality: information will only be used to produce aggregate numbers and will not be passed to any other States department or third party. These assurances apply to all data compiled by the Statistics Unit, whether commercial, personal or otherwise. Hence, the Statistics Unit will not provide non-aggregated data to Members.

The trend in 2009 for the various sub-sectors of Financial services, in terms of reported net profit, was published by the Statistics Unit on 30th June 2010. From that date the report “*Survey of Financial Institutions – 2009*” has been publicly available on the Statistics Unit website at: www.gov.je/statistics.

Should the Deputy or any States Member wish to discuss the methods used by the Statistics unit in producing statistical information on Jersey's finance industry, the Head Statistician would be more than happy to be contacted.

3.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING DAMAGE CAUSED BY WATER INGRESS AT THE NEW ENERGY FROM WASTE PLANT:

Question

Would the Minister confirm if the new incinerator was damaged by the ingress of water into the building caused during the deluge in August 2010 when one inch of rain fell in three hours? Would he also confirm that the cause of the ingress was that the roof of the building had not been finished at the time of the rainstorm and advise members the cost of the damage incurred?

Answer

I can confirm that following the high rainfall in August there has been no damage to the installed works as a consequence of any ingress of water. Whilst it is true that the roof of the building was still under construction during the August 2010 deluge, our contractors, CSBC Jersey Limited, have confirmed to us that all necessary measures have been taken to safe guard the installed works until such time as the building is completed.

I can confirm that we have not incurred any costs associated with damage due to the excessive rainfall in August 2010.

3.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE MONTHLY LENDING FIGURES:

Question

Given that the Minister undertook at the sitting on 13th September 2010, to circulate to members figures for bank lending in the Island for 2009 and 2010 for comparative purposes, will he now provide members with these figures and further undertake to produce monthly lending figures so that the performance of the banks, in assisting the Jersey economy recover from the recession, can be measured?

Answer

I agreed approximately 3 weeks ago to see whether local lending figures could be provided for circulation. I have liaised with the Financial Service Commission (JFSC) and can confirm that the Commission do receive quarterly figures showing the overall level of bank lending. These figures show that as at June this year, bank lending levels were only marginally below those achieved in 2007.

Description	2005	2006	2007	2008	2009	2010 (H1)
		Local lending, £ millions				

Businesses						
Total	2,140.6	2,371.7	3,008.5	3,277.5	2,783.5	2,883.0
Persons						
House Purchase	1,943.2	2,007.8	2,149.0	2,193.4	2,010.5	2,006.7
Other Advances	414.6	522.3	342.2	432.8	408.5	434.9
Total	2,357.8	2,530.1	2,491.2	2,626.2	2,419.0	2,441.6
TOTAL	4,498.4	4,901.8	5,499.7	5,903.8	5,202.5	5,324.6

The JFSC states that this is a summary of the lending by Jersey banks to resident businesses and persons. No reliable breakdown is available below this level as the data is not considered to be robust for individual business classifications.

They also state that at summary level, the following caveats remain:

- The data does not cover all lending; unregulated lenders, including finance companies, credit card issuers and mortgage providers such as Jersey Home Loans are not captured, which are believed to be significant in the overall figures for borrowing in Jersey. The data also relates to the outstanding stock of loans. No data is captured on the extension of new lending or on repayments.
- The data on lending to businesses includes lending to finance companies, including funds, that are incorporated in Jersey. This lending represents the majority of lending to businesses in Jersey.
- As residence is a complicated issue, particularly where loans are extended to international companies, misclassifications may have occurred that lead to distortions even in the aggregated data.

Consequently, despite these caveats, the comparative evidence is that banks are still lending at levels marginally below those in 2007 and above that in 2006. This is unsurprising when companies and individuals are currently risk averse and are in the main seeking to pay off debts rather than seek additional credit.

I do not think that it is appropriate to ask the JFSC to produce figures on a monthly basis in this area both due to the caveats that the JFSC have given and also because the overall trends show a reasonable level of lending in the circumstances. This supports the position stated by the banks that credit is available and that lending will be given for the right proposition.

3.26 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE REDUCTION OF ROAD ACCIDENTS IN THE ISLAND:

Question

Given that approximately 32 Islanders are killed or seriously injured on Jersey's roads and that there also approximately 400 road accidents annually, and in view of the accident record for this year can the Minister inform members –

- (a) what work has been done to establish the causes of road accidents in Jersey?
- (b) who is responsible for conducting this analysis?
- (c) who is responsible for challenging, reviewing and acting upon these figures?
- (d) what action, if any, has been taken in the past to reduce road accidents by tackling the causes?
- (e) what action, if any, will be taken by the Minister to reduce road accidents by tackling the causes?

Answer

TTS as highway Authority for main roads uses data provided to it by the States of Jersey Police to identify and prioritise its road engineering and traffic management schemes such as traffic calming, visibility improvements, speed limits, skid resistant surfaces and road signage. High pedestrian injury rates in York Street/Charing Cross and Bath Street, to give two examples, have been addressed in recent years by traffic management schemes in those areas. However road engineering is only one aspect of road safety. Enforcement is a key issue and I am aware that the States police have used the data to identify where speed limit enforcement should be focused. The Road Safety Officer and Road Safety Panel also use the data to identify where work on education and awareness of road safety would be most beneficial.

Currently however, although there is communication at various levels between TTS, the Parishes, the States and honorary police, and the Road Safety Officer, I believe there is no recognised formal coordination to this process and it has in the past been unclear as to who is ultimately responsible. I have been charged by the States Strategic Plan to develop a Sustainable Transport Policy and bring it to the States for debate. I have done so and that policy is lodged for debate on November 16th. Road safety should be an integral part of a sustainable transport policy and I propose in the policy that TTS will form and lead a task group consisting of representatives of the States of Jersey and honorary Police, TTS including DVS, Health and Social Services and the Road Safety Officer. That group would meet regularly to use the police's road traffic collision data to analyse the cause of accidents, monitor trends and coordinate a prioritised and cost effective programme of road safety measures within available resources.

3.27 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING INTERNATIONAL CONVENTIONS:

Question

Following the 'progress report on 'International Conventions and Agreements' (R.97/2010) presented on 12th July 2010, can the Chief Minister give summary details of and references to the following documents mentioned in that report -

- Convention on Biological Diversity (paragraph 1.4- periodic report 2009)
- International Covenant on Economic Social and Cultural Rights (paragraph 1.5 - further information February 2009)
- Convention on the Prevention of Marine Pollution by dumping of waste and other matter (paragraph 1.6 - report February 2009)
- Convention on the elimination of all forms of racial discrimination (paragraph 1.8 - report 6th October 2009)
- The Montreal Protocol 1997 and the first two Amendments (London 1990 and Copenhagen 1992-paragraph 2.4)

Could the Chief Minister give a reference to these documents and explain how and when they were extended to Jersey?

Answer

Reference copies of the international conventions listed are readily available on the United Nations Treaties Collection database (<http://treaties.un.org>) except for the Convention on the Prevention of Maritime Pollution, which is available on the website of the International Maritime Organisation (www.imo.org). Further information is provided below with regard to each of the listed Conventions.

Convention on Biological Diversity

The periodic report on the United Nations Convention on Biodiversity submitted by Jersey in 2009 was published in the United Kingdom's Fourth National Report to the United Nations on Biological Diversity, on page 126 (<http://www.cbd.int/doc/world/gb/gb-nr-04-en.doc>).

In summary, the report described:

- the state of biodiversity in Jersey;
- the status of preparation / implementation of the Jersey biodiversity strategy and action plan;
- work undertaken to bring biodiversity into the mainstream of work by other sectors;
- a statement with regard to the 2010 target to reduce the current rate of decline of biodiversity.

International Covenant on Economic Social and Cultural Rights

The periodic report on the International Covenant on Economic Social and Cultural Rights submitted by Jersey was published in an Annex to the United Kingdom's Fifth Report to the United Nations Committee on Economic Social and Cultural Rights, available on the website of the UN High Commissioner for Human Rights - <http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm>

The report was also published on the States of Jersey website at -

<http://archive.gov.je/StatesGreff/MinisterialDecision/ChiefMinister/2007/International+Covenant+on+Economic.htm?DisplayReport=true>

The report outlined:

- the general political structure of Jersey's government;
- the general legal framework within which human rights are protected;
- information and publicity concerning the Covenant on Economic, Social and Cultural Rights and the reports to the Committee;
- the legal status and specific implementation of the Covenant on Economic, Social and Cultural Rights;
- responses to the concluding observations of previous hearings.

Convention on the Prevention of Marine Pollution by dumping of waste and other matter

The 2009 report by Jersey, conveyed to the London Convention Secretariat by official correspondence, stated that no applications had been made during 2007 for the disposal of wastes to sea, that no disposal of dredged material had been licensed and to the best of knowledge none had taken place in Jersey waters.

Convention on the Elimination of All Forms of Racial Discrimination

The periodic report submitted by Jersey to the United Nations Committee on the Elimination of All Forms of Racial Discrimination was published on the States of Jersey website -

<http://archive.gov.je/StatesGreff/MinisterialDecision/ChiefMinister/2009/mdc20090079.htm>

The report outlined:

- progress on anti-discrimination legislation;
- discrimination awareness and training in employment;
- the role of the Jersey Community Relations Trust;
- data on the ethnic composition of Jersey's population.

Vienna Convention for the Protection of the Ozone Layer - Montreal Protocol 1997 and the first two Amendments (London 1990 and Copenhagen 1992)

Further details on the Montreal Protocol and its amendments are available on the website of the United Nations Environment Programme Ozone Secretariat -

http://www.unep.ch/ozone/Ratification_status/evolution_of_mp.shtml

A project is currently in progress to confirm exact details of extension of the ratification of all the International Conventions and Agreements which may be applicable to Jersey. It is believed there are some 400 or more Conventions which need to be researched, using evidence from records held in Jersey and those held by the United Kingdom Foreign and Commonwealth Office Treaties Section and the relevant depositary organisations. At present it is not possible to provide definitive information on the extension of the Conventions listed above.

4. Oral Questions

4.1 Senator F. du H. Le Gresley of the Minister for Home Affairs regarding youth justice:

Given the increase in the courts of vandalism by gangs of youths, what is the Minister doing to ensure the safety of members of the public and their property, and does he believe the police and the courts have sufficient powers to deal effectively with young offenders?

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

In recent years, at a time when youth offending levels have been decreasing, some of the press have chosen to give the impression that youth crime is a more serious problem than it is, particularly by rather overstated headlines, and that may have led to the question by the Senator. In the first 9 months of 2010, it is true that figures for malicious damage were up but, in fact, the numbers which are associated with youths were well down at 63 as opposed to 84 in the equivalent period in 2009. At the same time, the numbers of youths appearing before the Magistrates Court has been down. In the heyday, in terms of numbers, we were regularly up in the 400s in the period when I was Magistrate. This year we are heading for a figure below 300, which again confirms that figures for youth crime are down. My position since 2001 has been that the courts lacked an effective means of dealing with persistent offenders aged under 15, but that work is now in hand in relation to that because part of the Children's Plan will include a revised youth justice strategy. There is in existence, now being considered by Ministers, a very detailed plan of proposals in relation to changes and improvements to youth justice.

4.1.1 Senator F. du H. Le Gresley:

Can I ask the Minister what change in law is required in order to achieve zero tolerance in antisocial behaviour by minors under the age of 15?

Senator B.I. Le Marquand:

The concept of zero tolerance means different things to different people in different places. We are not talking about zero tolerance here, we are talking about an issue where there are always a small minority of persistent offenders who offend over and over again and historically the courts have not had sufficient powers to deal with those. I can see the Deputy of St. Martin is nodding at me because I know he brought a proposition in relation to this some years ago. In reality there are 2 ways of trying to tackle this, either by giving criminal courts some sort of sentencing option for those under 15 who are persistent, persistent offenders. Alternatively, there has to be some effective civil route by means of which those who have continued to offend in this way can be removed from society for a time for training and to work with them to seek to tackle their problems.

4.1.2 Deputy T.M. Pitman of St. Helier:

I am sure the Senator would agree, like me, that most young people are an absolute credit to themselves and to their parents. However, for serious and repeat offenders, does the Minister agree with me that perhaps it is pertinent to look again at the possibility of naming young offenders for repeat and very serious offences, and would it not be a good place to start by putting about £50,000 into the youth service budget that was just taken away recently by his colleague?

Senator B.I. Le Marquand:

The Deputy knows that I am not in favour of naming and shaming for a whole number of reasons, including that being contrary to the international convention on the rights of the child which this Assembly is committed to. I am not going to comment on the youth matters because that is simply not within my remit.

4.1.3 Deputy P.J. Rondel of St. John:

Having been responsible in part for putting in place the voluntary probation system back in the middle 1970s, are the centeniers carrying out this particular role where they can put young offenders on voluntary probation for 3 months or 6 months, working alongside the Probation Service, and, if so, is this still as effective as it was in keeping the numbers of young people out of the court?

Senator B.I. Le Marquand:

I thank the Deputy for his involvement in that scheme starting, of which I was unaware. It is alive and very well and indeed is very much admired by people who visit the Island - outside experts - and have a look at our system. The diversionary system is highly effective and very much in operation and I am totally supportive of it. It is because of that it is very important that centeniers continue to have the role of presenting cases and of making decisions in relation to prosecuting.

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

While I am not wanting to minimise in any way the problems caused by a minority of out of control young people, would the Minister not agree with me that a much bigger problem is the antisocial and often drink-exacerbated behaviour of older people, particularly young adults, and indeed that young people are very often the victims of such behaviour rather than the perpetrators of it?

Senator B.I. Le Marquand:

Yes, I do very much agree with that last comment. Indeed, as I indicated, figures for malicious damage are up this year. My experience in relation to malicious damage is that many cases of malicious damage were committed by people while under the influence of alcohol on Friday nights and Saturday nights and so on. We are still awaiting further work to be done in relation to the review of the Licensing Law, which I see as absolutely key if we are going to seek to change the binge-drinking culture which is associated with our nightlife on Friday and Saturdays.

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

The Minister kindly alluded to the change in law I did attempt; it must be about 6 or 7 years ago. I understand that there are moves afoot by what is known as the corporate parent by the Ministers for Health, Home Affairs, and Education, Sport and Culture to bring forth legislation which would allow the courts to give some form of custodial sentence with obviously conditions about education, *et cetera*. Is the Minister in a position to inform Members how far they have got with that legislation?

Senator B.I. Le Marquand:

As I indicated before, the Child Policy Group has recently received a very detailed report in relation to youth justice strategy, which we are in the process of considering. It is very important that we have a mechanism to deal with the persistent offenders, particularly those under the age of 15. Although there are many other issues thrown up by that report, I have had a concern also for a very long time in relation to young people, 15 to 17 year-olds, serving their sentence within the ambit of La Moye Prison, albeit in the Young Offenders Institution. So there are a lot of other related issues that need to be brought together. That is at the stage of consideration actively by the 3 Ministers.

The Deputy Bailiff:

Final supplementaries? Very well, we will come on to question 2, which Deputy Le Claire will ask of the Minister for Planning and Environment.

4.2 Deputy P.V.F. Le Claire of the Minister for Planning and Environment regarding the units of accommodation proposed for St. Helier in the North of Town Master Plan:

May I ask the Minister how many units of accommodation are proposed for St. Helier in the North of Town Master Plan? How many are proposed in the draft Island Plan by category, and how many people will this accommodate in total, please?

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

The North of Town Master Plan should create around 500 high-quality homes of different types on the key large sites, plus 80 to 100 townhouses and apartments at the enlarged Ladies College site. The draft Island Plan seeks to deliver around 2,500 homes in the town urban area, including the 600 from the North of Town Master Plan; around 1,000 from the Waterfront, of which many are already

under construction or are approved; 500 from other large sites currently in pre-planning or approved or in planning; leaving the balance from smaller windfall sites which will be developed over the 10 years of the Island Plan.

[10:00]

The number of Islanders to be accommodated in the new housing is hard to quantify, as of course it depends on the configuration of the homes provided, but we estimate around 5,000 as a rough guide.

4.2.1 Deputy P.V.F. Le Claire:

I am sorry, the Minister was not as audible for me this morning as perhaps he normally is. I think he said there was something like 6,000 in total, and yet he said that there is going to be was it 6 ... could I just clarify that first, before I ask the question?

Senator F.E. Cohen:

No, I did not. I said that the total number of homes would be around 2,500 and the number of Islanders accommodated within those homes would be, as a broad approximation, 5,000. I am sorry the Deputy was unable to hear me.

4.2.2 Deputy P.V.F. Le Claire:

The question still is relevant. Is it realistic to think that out of 2,500 homes we are only going to see 5,000 people accommodated - 2 per unit?

Senator F.E. Cohen:

I made the point that the 5,000 was a very broad approximation. It depends on the configuration of the units as they come forward, and it may very well change, and it may very well change substantially.

4.2.3 The Connétable of St. Helier:

Given that the creation of the town park was justified on the existence of around 11,000 people close to the site, will the Minister explain what he is going to do as far as open space provision goes for these 5,000 new residents of this part of St. Helier? Does he believe that there is enough open space on the gasworks site, which was described recently by the consultant planning as very, very tiny?

Senator F.E. Cohen:

Unfortunately I am unable to make the site any bigger. The problem of space for those residents of the town is indeed an important issue. It is important that all new homes are properly sized, and that means adequately sized, and I have already increased the minimum size by at least 10 per cent. They need to be provided with appropriate amenity space and there is a reasonable quantum of open space in the town, but of course it would be better if there was more, but we are limited with what there currently is.

4.2.4 Deputy J.A. Martin:

I would like to push the Minister for Planning and Environment on the quantum size of open space. I want to know exactly how much: not a guideline, an absolute statement, because as Deputy Le Claire has said, this is cramming. There are lots of one-bedroom flats living with 2 parents and a child already, so your 5,000 I would say is a very low estimate. It is nearer probably 8,000 to 10,000, and is the Minister going to lay down proper guidelines for open space?

Senator F.E. Cohen:

The guidelines are constrained by the open space available. All I can say is that the quantum for individual residences I think is more than adequate. We are now talking about for a one-bedroom

unit over 600 square feet and for a 2-bedroom unit, 750 square feet. Clearly, the more open space available the better, but there are parks and residents of the town will be able to use the new North of Town Millennium Park.

4.2.5 Deputy T.M. Pitman:

Really to follow up from Deputy Martin's point: 2,500 homes, and the States are being told 5,000 people. That sends out a message that every home is just for 2 people. It is nonsense. Does the Minister not agree, following on from the next question, if we go down this route of perhaps 8,000, 9,000 or 10,000 people that it can only lead to further social problems of the like that we had in the last question, with young people with nowhere to go, no open space, nothing to do?

Senator F.E. Cohen:

No, I cannot agree with that. Providing the units of accommodation provided are of the highest quality and are a good size - and that means that they are effectively large - then no, I do not agree. Town residents can use the facilities of the town that are available and providing the units they live in are of good size, that we can promote very good town living, and that is the idea of the North of Town Master Plan and the Island Plan. Thank you.

4.2.6 The Deputy of St. John:

Of these homes being built, could we be given the number which are for social and first-time buyers and how many are for the open market? Given the North of Town Master Plan that I have seen recently, which the houses look like Wormwood Scrubs, are Planning inspired to improve on the appearance of that particular site?

Senator F.E. Cohen:

I take exception to the comment that the plans for the gas company site, which I believe the Deputy was referring to, constitute Wormwood Scrubs. They are in fact in the best tradition of classical architecture and had he attended the talk by Professor Adam yesterday, I am sure he would have learnt more on the subject. As regards the affordable housing criteria, that is in the hands of this Assembly, because the new affordable housing criteria, starting at 12.5 per cent and rising during the period of the plan, is part of the Island Plan; it will depend on whether this Assembly approves the Island Plan. Thank you.

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

I think in the Minister's answer to the first question he talked about 1,000 homes on the Waterfront. I recall that there was possibly a policy a few years ago whereby any large development had to supply a percentage of social rented homes. I may not be correct though - I am hoping the Minister can answer that question for me - but can he tell me whether any consideration is being given to providing social rented homes on the Waterfront?

The Deputy Bailiff:

On the Waterfront? I do not think the Waterfront is part of the North of Town Master Plan. Minister, the first part of the question would you like to answer?

Senator F.E. Cohen:

The affordable housing criteria are not yet in place. It is part of the Island Plan and as I have previously said, it is up to this Assembly whether or not the Assembly approves the proposals which begin at 12.5 per cent.

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

With the North of Town Master Plan still having a number of very large areas still yet to be determined by planning, can I seek reassurance that we have a fully qualified officer within the States of Jersey Police for designing-out crime which includes amenity space and relevant

conditions for future living of people in what will increasingly be high density, and could he ensure that these developments seek and obtain the written advice of planners to ensure that that advice is adhered to?

Senator F.E. Cohen:

Yes, I can give an assurance that designing-out crime will be part of the consultation of all applications - all large applications - in the north of the town, but of course the determination of applications is always a balance. Designing-out crime should be the most important aspect of that determination.

The Deputy Bailiff:

A final supplementary, Deputy Le Claire?

4.2.9 Deputy P.V.F. Le Claire:

Recently I asked the Minister if he could provide the Assembly with a comparison for spaces internationally. Today he spoke of one-bedroom units comprising of 600 square feet and 2-bedroom units comprising of 750 square feet, which are, by his own admission, a 10 per cent increase. Have those figures been calculated yet, and is he prepared to send them out this week so that we can consider the numbers that he is speaking about and the size of space that the average architect is going to have to be living in?

Senator F.E. Cohen:

As I thought the Deputy was aware, we are doing everything we can to compile an answer to his question. It is not an easy question to answer because the comparables are quite difficult to decipher, but as soon as they are available they will be circulated to the Deputy and to all other Members. Thank you.

The Deputy Bailiff:

We come on to question 3. Deputy Higgins has a question to ask of the Minister for Economic Development. Deputy Higgins.

4.3 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development regarding lawyers fees in Jersey:

The question is slightly distorted on the paper. The question I asked was will the Minister request that the J.C.R.A. (Jersey Competition Regulatory Authority) investigate excessively high lawyer fees in Jersey, which appear to exhibit the characteristics of a cartel, and if not, why not? I might add, on the Order Paper it is written differently, which is not what I requested.

The Deputy Bailiff:

The substance of the question is the same, Minister.

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

Yes, I can answer the general thrust. There are currently 39 legal firms operating in Jersey. This number suggests that there is enough competition in the market to ensure consumer choice and competitive pricing. Notwithstanding that, the J.C.R.A. already has a duty under the competition law to act if it considers cartel arrangements are in place or any other anti-competitive arrangements. It is worth noting that the J.C.R.A. has already taken action against law firms. It forced them to abandon their uniform conveyance fee several years ago, but I have no evidence to suggest that cartel or anti-competitive pricing practices are being performed by Jersey law firms today. I therefore do not intend to ask the J.C.R.A. to investigate lawyers' fees at this time.

4.3.1 Deputy M.R. Higgins:

I am amazed at this, because among other things, I received an email from a gentleman who wrote to the J.C.R.A. complaining about the cartel or apparent cartel arrangements that are here in the Island, and believe it or not, the J.C.R.A. wanted him to do the investigation and provide them with the information. He gave sufficient information. Also, cost lawyer Jim Diamond has produced evidence which has been also written to, I think, the Deputy Bailiff when he was the Attorney General and other members of the Law Officers' Department complaining about fees in Jersey. He has not had a response to those. I think it is time that we addressed lawyers' fees in the Island and I would hope that the Minister will reconsider, bearing in mind that partners' top-end rates have gone up 58 per cent in 7 years, associate rates have gone up 59.6 per cent in 7 years, and even lawyers at the lower end have gone up 100 per cent in the last 7 years.

The Deputy Bailiff:

The question, Deputy Higgins?

Deputy M.R. Higgins:

Will he reconsider and put the matter to the J.C.R.A.? Does he think it is acceptable as well, these fees?

Senator A.J.H. Maclean:

If the Deputy is prepared to provide evidence, or indeed, any of the other individuals that he mentions are prepared to provide evidence to the J.C.R.A. and to copy them to my department, then I am sure they will then assess that evidence and decide whether it is appropriate to conduct an investigation. At this time, there is no evidence, as far as I am aware, that suggests that an investigation is indeed necessary. I would add that we have a world-renowned legal profession in the Island that sometimes deals with the most complex and specialist areas, and indeed, I have noted that partners' fees range from up to £200 or £300 among the many firms that we have in the Island.

4.3.2 Deputy T.M. Pitman:

Perhaps I misunderstood the Minister, but was he saying that there is a wide choice of where you go to be fleeced, because that is how many of the members of the public approach me. But does the Minister, more importantly, not agree that without regulation of pricing, this could have a very detrimental effect on people receiving justice in this Island, because it will be a deterrent to seeking justice?

Senator A.J.H. Maclean:

No, I do not agree with the Deputy, and indeed, Members will be aware that aside from the many law firms that exist in the Island, they also provide and contribute towards the legal aid system which is also available, which is paid for largely by the legal profession within the Island. There are choices in Jersey. I accept that some law firms charge high prices. That is largely relevant to the specialist nature of the work that they undertake.

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

Can we, therefore, infer from the Minister's answer to the initial question he is very happy with the level of fees? Could he confirm that, yes or no?

Senator A.J.H. Maclean:

I would not describe my emotion as being "very happy" at all. I think anybody, Members included, would always want to see prices as competitive as possible. That is relevant not only for the local market, of course, it is relevant from an international perspective. Our financial services industry needs the expertise in the legal profession and it needs to ensure that that expertise is competitive compared with our competing jurisdictions. So it is something that always needs to be under review.

4.3.4 Senator T.J. Le Main:

Would the Minister agree that there are some injustices with the very high cost of lawyers' fees? In fact, I recently dealt with an elderly lady who was being over-charged - or robbed, I would say - for a sum under £100, but the advice that I had to offer the lady in the end, it was cheaper to pay it than go to a lawyer, who would have charged her £200 or £300 just for a letter. Would you agree that there are many injustices for ordinary people, who are being taken to the cleaners by unscrupulous people?

Senator A.J.H. Maclean:

I would agree with the Senator that indeed there are many injustices in Jersey in many sectors, as there are in other places in the world. With regard to a particular case or injustice regarding the legal profession in Jersey, the Law Society has a code of practice and there is a set procedure through which people can pursue complaints that they have, whether it be charging or other injustices that they feel need to be heard.

[10:15]

4.3.5 Deputy M. Tadier of St. Brelade:

Will the Minister comment on the use of lawyers in the U.K. (United Kingdom) - primarily by certain departments of 7 Bedford Row - because in fact initially it was cheaper for us to use U.K. lawyers rather than employing Jersey lawyers, and how that might be relevant to this question?

Senator A.J.H. Maclean:

Yes. The Deputy raises a good point that there is no reason why any individual who so chooses cannot seek legal advice outside of the Island if they feel that that legal advice may be preferential in either price, or indeed quality, for that matter. There is an open market.

4.3.6 Deputy M. Tadier:

A supplementary on that: would the Minister comment on what is seen by some as the closed shop of Jersey advocates being able to practice in the court and whether that would be ameliorated if it could be opened up to perhaps English solicitors or other solicitors who were perhaps capable of representing the public in that way and may be offering competition in the market?

Senator A.J.H. Maclean:

This is a complex area and clearly there are indeed a limited number of areas where only Jersey advocates can operate. The Samedi Division I believe is one, if I am correct. I am sure the Attorney General will put me right. I see him ...

Mr. T.J. Le Cocq QC., H.M. Attorney General:

I know it is difficult, but as I have been invited, should I make an observation?

The Deputy Bailiff:

No, it is question time, Attorney, and you are not being questioned. Senator Le Main.

4.3.7 Senator T.J. Le Main:

Is the Minister aware that in other jurisdictions such as the U.K. if there is a provision for assessment of the reasonableness of the level of costs charged by a lawyer to their client through a process of taxation and would he consider investigating this?

Senator A.J.H. Maclean:

To my learned Ministerial colleague, I would be delighted to have a further debate on this matter. If he would like to raise the issue with me, I am happy to discuss it and see what options may exist.

4.3.8 Deputy J.A. Martin:

Would the Minister not just admit that the J.C.R.A. does not have the stomach to take on Jersey lawyers, or the budget, and that is the problem?

Senator A.J.H. Maclean:

No, I would not. The Deputy clearly does not like the J.C.R.A. for a number of reasons, but outside of that, I think there is a very good example with regard to conveyancing fees. The J.C.R.A. saw a problem with regard to conveyance fees some years ago, acted on the matter and now we have an open market and consumers have without doubt benefited from a reduction in the cost of conveyancing within Jersey.

The Deputy Bailiff:

A final supplementary, Deputy Higgins.

4.3.9 Deputy M.R. Higgins:

First of all, I would like to just correct the Minister in terms of some of the rates he was quoting for partners. Some of the senior partners are getting £575 an hour, lower end partners £300 an hour and associates or a newly-qualified lawyer up to £325 an hour. Does the Minister not think that in some cases the fees charged by lawyers are not just only excessive, but almost extortionate? I have one lady who has contacted me since I have raised this question. She was given an estimate of court costs of £5,000. The bill came in at £15,000. The lawyers are demanding £29,000 in fees from her, although she has been told if she pays in the next 30 days, they will accept £25,000. That means she is going to have to sell her home and basically her family will be on the street. The situation has got to the stage where there needs to be a proper investigation. Does the Minister not agree?

Senator A.J.H. Maclean:

First of all, the Deputy sought to correct me. I think I might not have been clear with my earlier comment. I think I said that with regard to partners' fees, I had seen a range of £200 or more. I was not suggesting partners' fees were £200 per hour. Just to be clear, that is what I said earlier on. I go back again to my early point. I would ask the Deputy if he has evidence, please raise it, send it to the J.C.R.A. and please copy me in. We will certainly look at the matter, and I will open discussions with the J.C.R.A. if it is proven through evidence that there is an issue that needs to be addressed. As I have said, there are numerous law firms in the Island, plenty of choice, and I would hope that would lead to fair and competitive prices, although I accept there are exceptions.

The Deputy Bailiff:

Thank you. Before moving on to the next question, I would just say for the benefit of all Members that the Greffier has passed me a note, the effect of which is that the question on the Order Paper is as approved and it is not open to Members simply to substitute the question in the Assembly that they would have liked to have had approved.

Deputy M.R. Higgins:

Can I ask why it was not approved in the form it was put originally? I cannot see what is wrong with it.

The Deputy Bailiff:

The question of the approval of the question is one for the Bailiff and I have no knowledge as to why this particular one was or was not approved, but it is there on the Order Paper as approved. Now, we come on to question 4 Deputy Jeune is to ask of the Minister for Housing.

4.4 Deputy A.E. Jeune of St. Brelade of the Minister for Housing regarding waiting and transfer list figures:

Would the Minister please explain how the waiting and transfer list figures which he provided to Members by email on 30th September 2010 were calculated?

Deputy S. Power of St. Brelade (The Minister for Housing):

Members hopefully will remember the figures I sent on 30th September. The housing waiting and transfer list figures that were provided to Members were produced and calculated from the Housing Department's database. We run all our figures from waiting and transfer list statistics as close to the first day of each month as is practicable, and these statistics record the number of live applications on both the waiting and transfer lists. When applications are received by the department, the applicants are interviewed and their housing needs assessed. Applicants on both lists are grouped according to their best bed size need; that is not the size of the bed, that is the number of beds that needs to be accommodated. Each applicant will have a primary application reason, and this is recorded in the system which holds the application itself. There are a whole range of other reasons that we take into account. As of yesterday, on the urgent and homeless and hardship cases, our waiting lists are as follows: there is a total of 432 applicants in this area; 11 have applied because of evictions from other landlords; 283 have applied because of financial hardship; 6 have applied because of homelessness; 34 have applied because of moderate medical needs and 58 applicants have applied because of urgent medical needs, and the final group of 40 is for what we would regard as overcrowding.

The Deputy Bailiff:

Supplementary?

4.4.1 Deputy A.E. Jeune:

I thank the Minister for his reply, but looking at what was provided to us, where it is given as percentage increase and the like, it is very much about statistics. It really does not tell us a huge amount, because I did a different calculation using the same figures and came up with a completely different percentage. Does the Minister accept that for applications under homelessness and financial grounds, the growth in 2010 is less than that of 2009, yet his figures are showing an increase in the percentage?

Deputy S. Power:

Within the scope of an oral question, it is really difficult to get into a short debate on how statistics are applied. What I suggest I do for the Deputy is provide an explanation of how we arrived at the percentages on our figures, rather than doing this on a spat for spat, point by point basis with the Deputy. I can give a detailed explanation of our statistical analysis if the Deputy will so wish.

4.4.2 Deputy J.A. Martin:

I am not quite sure; I think I now understand where Deputy Jeune is coming from. Would the Minister for Housing not agree, though, that if we are getting statistics, we have 432, and 283 of them are financial reasons, and the Deputy may not understand that when you cannot pay £2,000 a month rent, you need to pay a housing rent of maybe £1,100, and all these families are people. Would the Minister for Housing agree to talk about statistics just to probably prove a point that one Ministry is not doing something is really quite a cheap shot?

Deputy S. Power:

I do not fully understand Deputy Martin's point. Deputy Jeune asked a specific question as to how we calculated waiting and transfer figures, as based on my stats table of 30th September. I am of course aware of financial hardship across our clients, our customers, our tenants and we have detailed information as to how their needs are prioritised and how we assess the waiting list based on the points that we apply to those. The Housing Department and the officers deal with this waiting list as best they can.

4.4.3 Senator F. du H. Le Gresley:

Picking up on the same point as Deputy Martin, the 283 for financial needs, could the Minister explain how rigorous the means testing is and the rise of somebody being in financial need, and does he expect this pattern to grow substantially in the next 12 months?

Deputy S. Power:

The cases that apply for housing under financial hardship meet fairly strict criteria and, indeed, the Minister for Housing and the Minister for Social Security work together on this. At the moment, over 70 per cent of our tenants are on income support, which gives an indication of the waiting and the accommodation that we provide for our tenants. In terms of accuracy, appropriateness and everything else, I am fairly sure that our systems that do assess the waiting for financial hardship applications are fairly robust.

The Deputy Bailiff:

One supplementary, Deputy Jeune.

4.4.4 Deputy A.E. Jeune:

Would the Minister, therefore, consider that the years of residency required are at a correct level, and that some people choose to go into the private rental sector in the knowledge that the rental will be higher than the rental component of income support that they are in receipt of?

Deputy S. Power:

The actual length of residency in the Island is not relevant, as long as they are residentially qualified. I am not quite sure as to the relevancy of the remainder of the question, unless I have missed something, unless the Deputy would like to rephrase it?

The Deputy Bailiff:

Do you wish to rephrase it, as a final, final supplementary, Deputy?

Deputy A.E. Jeune:

The point is in his email ...

The Deputy Bailiff:

The question.

4.4.5 Deputy A.E. Jeune:

Sorry, the Minister said in his email that a number of people were forced to pay high rents and what I am saying is some people to choose to remain in private rental, knowing that it will cost them more perhaps than the income support component for rental. In respect of the residency years, if we keep lowering the residency years, it would mean that more people can go on to the register sooner.

Deputy S. Power:

I do not agree with that at all, and I will tell the Assembly why. I have just rerun an analysis of those people who qualified when the residential qualification period went from 12 years to 11 years, and in the period from January 2009 to July 2010 there were over 300 people who have qualified, 309 families who have qualified in a period ranging from 11 years to 35 years who chose to stay in the non-qualified sector. So there are people that simply do not want to come into the H sector.

The Deputy Bailiff:

Thank you. I would like to go back briefly to Deputy Higgins' question a moment ago, not to reopen why the question as put in to the Bailiff for approval was changed - because I simply do not

know the answer to that - but because some of the questions which have been put in the States, both today and on other occasions when I have been presiding, do tend to indicate that Members have not concentrated on Standing Order 10, which deals with the contents of the question, and it may just be useful to remind Members of that now: "A question shall relate to one issue only. A question addressed to a Member of the States upon a public matter for which the Member has an official responsibility must either seek information on the matter or ask for official action with regard to it. A question shall not be framed primarily so as to convey information rather than to seek it or to convey a particular point of view. A question shall not contain arguments, inferences, imputations, allegations or opinions." Now, there are other matters that flow from that, but if I may say so from the Chair, there are many occasions where Members - and this is not aimed particularly at Deputy Higgins, it is of general application - do not concentrate on those restrictions on question time which are in Standing Orders, as the purpose is to obtain information, ask for official action and not to have a debate on the subject of the question. Now we come to question 5, which Deputy Tadier is to ask of the Minister for Economic Development.

[10:30]

4.5 Deputy M. Tadier of the Minister for Economic Development regarding the current status in Jersey of credit links:

Can I just say thanks for that clarification? It would be nice, I think, if the same strictness applied and if Standing Orders allowed for answers to be given which relate to the question as well, which is not always the case. Would the Minister advise what is the current status in Jersey of a credit link between a customer and a finance company when the shop providing the link goes into liquidation before the items are delivered to the purchaser and what action, if any, is the Minister taking to ensure that consumer rights are protected in such circumstances?

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

The consumer protection legislation in Jersey has improved considerably in recent years. The most significant improvement was the introduction of the Supply of Goods and Services (Jersey) Law in 2009, a law which finally made consumers' statutory rights a reality in the Island. Statutory rights protect consumers from shops going into liquidation if they entered into hire purchase or conditional sale agreements. Protection is also afforded to consumers who pay using a credit card. Unfortunately, I am aware of one type of linked credit agreement which leaves consumers unprotected, similar to payments made by cash, cheque or debit card. This demonstrates there is still more to be done to improve consumer protection for Islanders and visitors. That is why I will shortly be issuing a *Green Paper* on the introduction of a new Consumer Protection Law which would seek to address linked credit agreements and other issues in a fair and proportionate manner.

The Deputy Bailiff:

A supplementary?

4.5.1 Deputy M. Tadier:

I am glad to hear that there is progress under way and I look forward to that being introduced. Can the Minister comment on the Consumer Credit Act in the U.K. of 1974 and whether similar introductions will be made here, which states that basically when goods or services are being paid for using a form of credit agreement which is arranged by the trader, for example, that the purchaser may have an equal credit claim against the credit company as well as against the, for example, furniture store which may have gone into liquidation, and can the Minister confirm whether that kind of arrangement would be possible in Jersey?

Senator A.J.H. Maclean:

Indeed, the U.K. Consumer Credit Act from 1974 the Deputy refers to is a very weighty piece of legislation, and indeed, dating back to the early 1990s, Lady Wilcox reviewed our unfair trading practices in the Island, specifically relevant to small jurisdictions. The intention of the legislation that we hope to contain the basis of within the *Green Paper* - in fact, I have a draft *Green Paper* here which has been in the final stages of preparation - will deal, I hope, with the key areas of concern that exist, but in a proportionate manner for a jurisdiction the size of Jersey.

4.5.2 Senator A. Breckon:

Unlike deposits, can the Minister confirm that there is no licensing regulation on those who issue credit?

Senator A.J.H. Maclean:

I am not aware that there is, but I am more than happy to confirm the position and get back to the Senator.

The Deputy Bailiff:

Final supplementary?

4.5.3 Deputy M. Tadier:

Regarding the *Green Paper*, can I just ask for some more information about the timescale, where it is at exactly? Has it been put out to consultation? Are we at the beginning of the *Green Paper*, or at the end of it, and what is the likely timescale for the actual introduction of this Act or the equivalent of the U.K. Act?

Senator A.J.H. Maclean:

Yes, I cannot give the Deputy absolute timescales, but approximately - I have, as I have said, the draft version of the *Green Paper* with me at the moment - we are anticipating being in a position to put that out for consultation within the next month or so, with the intention of having the consultation concluded by the end of the year. That is the approximate timetables we are working to at the moment, but I am happy to keep the Deputy informed should those timescales change to any degree.

The Deputy Bailiff:

Very well. We come on to question 6, which the Deputy of St. John will ask of the Minister for Education, Sport and Culture.

4.6 The Deputy of St. John of the Minister for Education, Sport and Culture regarding the potential reconfiguration of the Arts Centre:

Is the Minister considering investing in a new reconfigured Arts Centre, and if so, does he consider this to be more of a priority than the continuation of grants to private schools, which benefit working parents?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

As the Minister for Education, Sport and Culture, I have a number of duties which I am required to undertake. My department is carrying out a review with Jersey Property Holdings, looking at the department's entire property portfolio to ensure that we are obtaining best value for money from the facilities available. As part of that work, consideration is being given to the needs of the cultural organisations and whether the disposal of certain sites could be used to deliver a new complex, centralising many of the different cultural activities under one roof. I have, however, no intention of using the department's limited revenue budget to invest in a capital project. On the other hand, I am committed to continue support for the fee-paying schools, albeit that I am reviewing the level of support provided. The process that I have embarked on is as follows: I have proposed a reduction

in subsidy and asked schools to consider the implications. Schools undertake their own value for money reviews and seek ways to find efficiencies. Finally, in the light of these reviews, schools determine the effect on the fees and discussions take place with the department to determine how the changes can be implemented over time to allow parents to adjust.

The Deputy Bailiff:

A supplementary?

4.6.1 The Deputy of St. John:

In the 2010 Education Business Plan, we find that in its conclusions, the current arrangements for funding primary schools are not sustainable, and in the secondary phase, while the fee-paying sector retains its pupil numbers, non-fee-paying schools do not have the capacity to manage the pronounced impact on the falling numbers. Will the Minister concur that that is exactly what is put in his business plan, and also, given that that is the case, why is he still allowing preschool education for children under the age of 5, because currently the law says we are responsible for making sure children have education from 5 to 16 and have to pay for it? Why are the taxpayers paying for preschool education for those children below the age of 5 and also supplying tens of millions of pounds' worth of property which have been built with taxpayers' money to undertake this preschool education?

The Deputy Bailiff:

Minister, this is at the very edge of the question that flows from the original question.

The Deputy of St. Ouen:

I will try and answer the questions in the order that they have been asked, although there have been 3. First of all, I am pleased that the Deputy has focused on one - and I repeat, only one - of the budgetary pressures that my department faces in the years to come, and it is indeed the case that our non-fee-paying schools have over a number of years faced and had to deal with a reduction in budget. This is a discussion that is now required to happen with the fee-paying schools. With regards preschool education, this Assembly made a decision approximately 2 years ago now to deal with the inequity that existed at the time to enable 20 hours of free nursery education to be provided to all parents of children whose age is rising to 4 years of age. I will hasten to add that in an attempt to reduce the department's budget, proposals will be brought forward to look at further dealing with the current inequity that exists where certain individuals enjoy up to 30 hours free, and yet others only enjoy 20.

The Deputy of St. John:

If I could come back on that, Sir?

The Deputy Bailiff:

No, you will have a final supplementary at the end, Deputy.

The Deputy of St. John:

This is an important subject.

The Deputy Bailiff:

The subject of your question, Deputy, if I may say so, is the reconfigured Arts Centre and not primary school education. Senator Perchard.

4.6.2 Senator J.L. Perchard:

Will the Minister confirm that it is his proposal to phase in a 50 per cent reduction in the level of financial support provided to fee-paying schools and will he advise the Assembly if it is his proposal to commence these reductions next year in 2011?

The Deputy of St. Ouen:

With regard the reduction in grants to fee-paying schools, it includes a number of separate proposals. One of those proposals is to reduce the support provided to the fee-paying secondary schools from the current level of 50 per cent to the equivalent level that is currently provided to the children that attend the fee-paying primary schools, and that is the level of 25 per cent.

The Deputy Bailiff:

Deputy Tadier. I am sorry, Senator, we have a number of questions.

Senator J.L. Perchard:

The question was not answered.

The Deputy Bailiff:

Well, you can make such political hay with that as you might on another occasion. Deputy Tadier.

4.6.3 Deputy M. Tadier:

Clearly this is a very large issue, which will need to be addressed another time, but my question is to do with the wording of the original question. Will the Minister acknowledge that while grants for private schools may benefit some working parents, the Arts Centre, as a service to the Island, benefits the whole Island and anyone who goes there right across the board? So does the Minister agree that it is right that funding is kept for the Arts Centre, whether that be a refurbished Arts Centre or otherwise, and that perhaps it is false dichotomy to pose these 2 issues alongside each other?

The Deputy of St. Ouen:

I am sorry, the Member of the Scrutiny Panel that is undertaking a review into this subject seems to want to conflate 2 absolutely totally separate issues. I am not proposing to utilise any of my limited budget in improving facilities with regards the Arts Centre or any other cultural facility. These properties, although under my responsibility, are ultimately the responsibility of Jersey Property Holdings, and I am in my limited ability attempting to enable Property Holdings to consider how best to deal with some of the issues that they have to face.

4.6.4 Deputy M. Tadier:

Can I just come back on that quickly? In fact, I was trying to do the opposite and rather than conflate the issues just to extricate them, because I think that they have been conflated here, so I agree with the Minister and I hope that he agrees with me.

The Deputy of St. Ouen:

Sorry, I apologise if I misunderstood the Deputy.

The Deputy Bailiff:

The Deputy's question was seeking to avoid a conflation, yes. Deputy Le Claire.

4.6.5 Deputy P.V.F. Le Claire:

I wonder if the Minister would agree with me that these questions that have been asked of him this morning in the manner that have been asked of him by the Deputy of St. John indicate really the frustration of Members and the public in the communication which has gone so badly wrong in his dealing with the issues that are identified in these questions. Would he undertake to admit that his actions in these areas have gone badly wrong and will he do something about it?

The Deputy of St. Ouen:

First of all, I absolutely agree that these questions are premature, to say the very least. This process has only just started and with regard to communications having gone badly wrong, I would just like

to highlight to States Members exactly what process I followed. I met less than 2 weeks ago with all the chairs and governors of all fee-paying schools to start initial discussions about this proposal. I had a very good meeting with those chairmen of the board of governors of all of those schools, who agreed that further discussions between the schools and the department needed to take place before any further decisions or actions were taken. At that meeting, I agreed that the next step would be to speak to each individual fee-paying school and meet with the headmasters to further discuss the proposal and again outline how we could start considering the matter.

[10:45]

This was an initial step. Sadly, certain schools chose to make the initial discussions known and, equally, chose to mislead parents and cause alarm. I am sorry for that. It was never my intention, and more importantly, and perhaps due to some misunderstanding, and perhaps because I am a blunt man and I will speak honestly, the governors and the schools are now working constructively with my department to further this matter. This is in its first initial stage and I would repeat that no decisions will be made without full and proper consultation with the schools, and ultimately, the schools with the parents.

4.6.6 Deputy P.V.F. Le Claire:

On a point of order, I beg your pardon, Sir, I wonder if it is appropriate for the Minister - I recognise he is having difficulty communicating - to say that the teachers have deliberately misled parents? Did he intend to say that? It seems to be rather a strong statement for the Minister to make.

The Deputy of St. Ouen:

I withdraw the fact that I said "mislead". Perhaps the better word should have been to "cause unnecessary concern and alarm".

The Deputy Bailiff:

Thank you very much. A final supplementary, Deputy.

4.6.7 The Deputy of St. John:

In the Minister's response, he mentioned that - and I believe this is probably totally illegal, what he has been doing - his department are paying for 30 hours' free education for preschool children instead of 20, agreed by this House. If that is the case, is this where all the additional funding is being required for, and if that is the case, will he be billing those parents for that extra 10 hours' education their children have been having free of charge for the under-5s?

The Deputy Bailiff:

If you can deal with it quickly.

The Deputy of St. Ouen:

Sorry, it was an old policy of the department over many years that preschool education should be provided within the primary school. The issue was that it was acknowledged that only 50 per cent of parents could access this particular preschool provision and so a decision was taken to try and deal with the inequity and therefore provide 20 hours to all the parents that could not access the nursery schools, the primary schools. However, as the Deputy well knows as he attended the workshops yesterday, one of the proposals is to now seek to charge for the additional 10 hours that are provided with the States school system, thereby ensuring that it is an absolutely level playing field.

The Deputy Bailiff:

Thank you. Members will have the opportunity to come back to this point at question 11. Now, Deputy Southern has a question to ask of the Minister for Social Security.

4.7 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding collective redundancy:

Will the Minister explain to Members why the Draft Employment (Amendment No. 6) (Jersey) Law 201- (P.134/2010) does not comply with the States decision made on 1st April 2009 that collective redundancy consultation must take place when more than 6 redundancies are made in a workplace, P.27/2009, as amended?

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

During the debate on the Deputy's amendment to the collective redundancy provisions, Members might recall that I said if Members adopt the amendment I may be forced to reconsult with the Employment Forum with a view to possibly amending the law before it comes into force. I asked the forum to look at the provisions relating to collective consultation as a whole and the forum has presented its recommendation to me, having consulted with the public earlier this year. Members have a copy of that report, as well as my report accompanying the draft amendment.

4.7.1 Deputy G.P. Southern:

This is a matter of principle, I think. The States decided in 2009 that where an employer is proposing to dismiss as redundant at one establishment within a period of 90 days or less 6 or more employees of a description in respect of which there is no trade union, the employer shall consult about those dismissals all the persons who are the appropriate representatives of the affected employees. It does not say it requests the Minister to go away and reconsult and come back with a fresh number. It says this House says that number shall be 6. Why has the Minister not complied with the instructions of this House?

Deputy I.J. Gorst:

I am somewhat surprised. I am not sure, is the Deputy suggesting that it is never appropriate for this Assembly to reconsider its decision or to have a debate? Again, I made it quite clear during that debate that that would be my intention.

The Deputy Bailiff:

No other questions? We go on to question 8, which the Deputy of St. Mary will ask of the Minister for Treasury and Resources.

4.8 Deputy D.J.A. Wimberley of St. Mary of the Minister for Treasury and Resources regarding the additional £15 million Comprehensive Spending Review (C.S.R.) cuts:

Can the Minister explain how an extra £15 million of cuts can be well planned and targeted when there have only been 3 weeks between the announcement of the additional cuts and the date of announcing what those cuts might be?

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

I think the question implies that the Council of Ministers arrived at the target of £65 million before considering how the extra £50 million would be made up. The Deputy will recall that in the Business Plan debate, the Council of Ministers resisted setting a target of any higher level of cuts over the £15 million already proposed, because we wanted to deal with and carry out the workshops in the second stage of the C.S.R. Indeed, we have always made it clear that there would be a range of savings options and we would be prioritising those options in the C.S.R. workshops. Options for the second stage of the Comprehensive Spending Review have been worked on over the last 9 months. The process started itself in June and July and has also had the benefit of external advisers and also the independent reviewers. The detailed work on the major reviews is, as Members will be aware, now complete. As well as identifying savings within the major departments, the reviews

have also identified some user-pays opportunities and also corporate savings in procurement and a wide range of options for savings in the Terms and Conditions Review. When the Council of Ministers looked at the full potential range of savings in its workshops, it came to the view that it was possible to deliver more than £50 million worth of savings by 2013, and indeed, the Treasury advice is that that is necessary in order to minimise tax increases. Members were yesterday provided with a briefing which breaks down the £65 million and the final proposals will be announced in the budget statement. Members will have that on 22nd October.

The Deputy Bailiff:

Supplementary?

4.8.1 The Deputy of St. Mary:

Yes. In the comments of the Council of Ministers to amendment 9, which was the one that originally proposed the increase in cuts, Ministers said: "However, any change to those parameters would create uncertainty and a need to revisit the Comprehensive Spending Review, which has already consumed significant time and manpower." So can the Minister confirm that he employs expensive consultants, and an independent steering group chairman on a voluntary basis also, and then throw them a googly at a very last minute and expect them to respond in some sensible manner?

Senator P.F.C. Ozouf:

Not at all. The whole premise of the Comprehensive Spending Review was designed to ask departments how they would save 10 per cent of their budgets. Now, that alone is £65 million, if all 10 per cent were to be achieved across departments. In addition to that, we have always made it clear that there were additional opportunities for savings in procurement, £100 million worth of non-staff costs which are targetable, and I was very pleased to see Sir Philip Green yesterday in the U.K. saying exactly the same things as we have been doing in terms of procurement and further opportunities in terms and conditions.

4.8.2 Deputy G.P. Southern:

Is the Minister aware that his additional £15 million almost exactly corresponds with the first 2 items on the Terms and Conditions Review, which is £14 million worth of savings from freezing annual pay awards for 2012 and 2013? Is that the Minister for Treasury and Resources' actual secret plan, that he is going to freeze pay again for 2012 and 2013?

Senator P.F.C. Ozouf:

I think the Deputy was present yesterday when we had the workshop with Members and we spent, I think, probably 45 minutes on the Terms and Conditions Review, and it will be easy to make headlines about the Terms and Conditions Review. Yes, I can confirm that the target for the Terms and Conditions Review by 2013, which will be set out in the 2-part budget statement, which will deal with spending in 2012 and 2013, is £14 million. But I would urge the Deputy and caution him not to read across a 2-year pay freeze as being the policy. The Chief Minister made it very clear that we need to engage with union partners, we need to engage with our workforce to work out how we are going to deliver that. There was much more savings targets in that report. It is only £14 million which is being targeted. How that is delivered is up to negotiation and discussion.

4.8.3 Deputy G.P. Southern:

Supplementary, if I may. The Chief Minister and his Chief Executive Officer both steadfastly refuse to say that they would not balk from imposing some of these changes to terms and conditions. Now, those terms and conditions for the most part are totally negotiable, agreement has to be reached. The only 2 that can relatively easily be imposed - and they refuse to deny that they would do that - is a pay freeze, as happened in 2010 when the Minister for Treasury and Resources

brought a proposition to the States that said: "It is the States' will that we impose this pay freeze." Is that not his secret plan, to impose a pay freeze on the public sector yet again in 2012 and 2013?

Senator P.F.C. Ozouf:

Deputy Southern is well known in this Assembly for having some pretty extreme views in terms of this area. He does not want any tax increases. He wants to pay everybody more money, in my view.

Deputy G.P. Southern:

I never said that. It is simply not true.

Senator P.F.C. Ozouf:

If he does not want any tax increases, then I am pleased to hear it, but he certainly does not want any sort of reductions. Members are aware of the points that he put across in the Business Plan debate. I am afraid we have to be realistic in terms of what is affordable. Half of the total States expenditure is on employment and remuneration, and there are issues within that report which identify some unfairness in the way that we remunerate our staff. I want to place on record the fact that a States-wide pay freeze would be the right thing to do, particularly now knowing, as I do, that there are some pay groups whose pay is extremely generous compared to some other pay groups with reference to both the private sector here and the equivalent rates in the United Kingdom. There are going to be some aspects that we are going to have to see, in some areas, pay freezes which may be longer than 2 years, I am afraid, to get pay back to affordable levels.

4.8.4 Deputy A.E. Jeune:

While I accept what the Minister said about the necessity to consult with the unions, does the Minister accept that the vast majority of people in this Island are expecting him to make more cuts, if they can be done, sooner rather than later?

Senator P.F.C. Ozouf:

Having just returned back from the United States and learning about the whole Tea Party movement within the U.S. - with which I would not want to be aligned - I am clearer than ever that it is important that one is responsible in relation to management of public finances and certainly I do not subscribe to the view that we should be delivering all of the C.S.R. savings next year, and I do not think that is what the Deputy is suggesting. We certainly do need to be tough and I am prepared to be tough and invite the Assembly to make some difficult decisions in the budget on taxation and on spending because we need to balance our books within 3 years in order to continue to send out a message of public finance stability in Jersey. We have, however, to ensure that we communicate with our workforce, not impose as we were forced to do, not by our Treasury but by a Back-Bencher proposition, in relation to the pay freeze 2 years ago. We have all learned lessons from that.

The Deputy Bailiff:

There will be an opportunity to question the Minister for Treasury and Resources in questions without notice later. Final supplementary?

4.8.5 The Deputy of St. Mary:

In that same comment the Council of Ministers wrote that it was essential that the impact of these savings is fully evaluated - this is the £50 million - and that the respective Minister can be sure of their successful delivery. Well, we have seen already and we are going to see the Minister for Education, Sport and Culture come under a lot of pressure regardless of what the Deputy behind me has just said. Can the Minister explain to the House how he can retain any semblance of credibility around a process where he engages professional advisers, he engages independent reviewers and

then, at the very last minute, after 9 months of consideration, suddenly throws in an extra third on to the cuts programme?

Senator P.F.C. Ozouf:

It was perhaps unfortunate that the Deputy, probably for very legitimate reasons, was not able to be at the first part of the seminar held with Members yesterday.

[11:00]

The Deputy of St. Mary:

May I interject there, Sir?

The Deputy Bailiff:

No, you may not. The Minister is answering the question.

The Deputy of St. Mary:

That meeting was arranged across another ...

The Deputy Bailiff:

The Minister is answering the question. Deputy, please sit down.

Senator P.F.C. Ozouf:

The position is as follows. I agree with the Deputy that there is a great deal of work to be done in terms of implementing and communicating and sharing with staff and those people that are going to be affected by cuts, in terms of the difficult decisions to deliver £65 million. What is being asked in the budget is going to be the setting of an envelope of money and indicative cash limits, which departments will have some degree of certainty of where they will need to work on in terms of implementing plans. The budget is not the end of the story by any stretch of credibility. It is the direction of travel of where departments are likely to be end up with their budgets, which will be confirmed in subsequent business plans. But this Assembly needs to be clear about what it is asking departments to work within.

The Deputy Bailiff:

Very well, we come to question 9, which the Deputy of St. Martin will ask of the Minister for Planning and Environment.

4.9 The Deputy of St. Martin of the Minister for Planning and Environment regarding claims of planning corruption within his Department:

Will the Minister inform Members whether the Minister has asked the Chief Minister to launch an investigation into claims of planning corruption within his department and, if so, when the request was made and the response he has received?

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

Shortly after I became aware of the allegations as reported in the *Jersey Evening Post*, I contacted the Chief Minister to suggest that he consider investigating the matter. I emailed the Chief Minister early on the morning of 2nd October. The Chief Minister took immediate action and obtained officer advice on the way forward. The Chief Minister decided that, as the allegations were potentially of a criminal nature, the matter should be referred to the police.

4.9.1 The Deputy of St. Martin:

Is the Minister in a position to inform Members how wide that investigation will be in light of the headlines on Saturday's *Jersey Evening Post*?

Senator F.E. Cohen:

Even though I was not personally implicated in the allegations, it would be completely inappropriate for me to have any involvement whatsoever in the investigation of the allegations or to influence the investigation in any way. So I am going to be keeping out of it.

The Deputy Bailiff:

Nor, I think, does the Minister have responsibility for the ambit of a police investigation. The Deputy of St. John.

4.9.2 The Deputy of St. John:

Will the Minister delay the planning permits on any of the sites mentioned in the corruption case until police investigations have been undertaken on account that, if fault is found by the police on one party or another, that might influence the value of the sites that they have obviously purchased or are purchasing from another person and, therefore, could in fact create problems in the future as to the value of those sites? Would we be putting money into people's pockets through an illegal act?

Senator F.E. Cohen:

I hope the Deputy will not think I am being rude but I think it would be inappropriate for me to comment further in this matter. I have gone as far as I possibly can in answering the written question. That pretty much covers the issues the Deputy has raised in his oral question. But this is a matter that is being, as I understand it, investigated by the police and I really do not think I should comment any further.

4.9.3 The Deputy of St. Mary:

Does the Minister not agree that the root problem behind the atmosphere of corruption and the allegations of possible corruption is the massive increase in the value of land when it is zoned or becomes available for building, and can the Minister make any comments about this in the sense of prevention is better than cure?

Senator F.E. Cohen:

I am not really sure how to answer that question. Very clearly the rezoning of land can, in cases, create many millions of pounds of value and with the creation of that value comes all sorts of problems. But rezoning has been part of the structure of planning in the Island and, as far as I am aware, up to this point it has been carried out without allegations of corruption. But, as I have said, it would be inappropriate for me to comment on the current allegations and investigations.

4.9.4 Deputy J.A. Martin:

I think it is just to push the Minister for Planning and Environment just a little bit further from what the Deputy of St. John was asking. Is there anything under the Planning Law or under the Minister for Planning and Environment's powers to hold up planning permission while a police investigation is carried out? Which comes first, the ... as you say, it will be very disappointing to everybody if 2 years down the line we find out that a lot of money has been made. So, basically, has the Minister got any power to stop anything being developed on these alleged sites that are under corruption?

Senator F.E. Cohen:

I am afraid the honest answer is I do not know. I am not aware of the interaction of the Planning Department when a current police investigation is ongoing. I think it is probably better that I do not comment any further but if I am able to do so I will circulate further information to States Members at a later date.

4.9.5 Deputy C.F. Labey of Grouville:

Will the Minister enter into negotiations with the Minister for Treasury and Resources to set up a mechanism whereby if sites - Green or Countryside zoned sites - are rezoned for housing (say if they have changed hands in the last 10 years, for example), they will be taxed; thus removing the huge profit involved in rezoning sites?

Senator F.E. Cohen:

I am always happy to negotiate with the Minister for Treasury and Resources. However, in this area the matter, I think, has been largely covered by the proposals for affordable housing creation within the new Island plan. I do not think that it would be feasible to introduce a mechanism requiring the allocation of 12.5 per cent to 15 per cent of property value through an affordable housing mechanism and then add additional taxation on top of that. I think you would risk the development industry grinding to a halt.

4.9.6 The Deputy of St. Martin:

I am grateful to the Minister and I do understand his situation. Again, I would just like to mention the fact that these are just allegations and I would remind Members of the House, allegations do not mean findings of guilty, and I shall also make that clear where a certain chief police officer has been found guilty of allegations without a trial. But could I just ask the Minister whether in fact he will be taking steps within his own department to ensure that there is greater aligned supervision to ensure when applications are dealt with, there is some form of oversight of those applications rather than being delegated to one person making the decision?

Senator F.E. Cohen:

We have a planning process review ongoing at the moment. In fact, the planning inspectors who are carrying out the review are presently in the Island. I do not think that one can ever have a perfect planning process and I will endeavour to improve the planning process as much as possible. But there are always going to be holes in it and there is always going to be the potential for errors and that is the very nature of planning, I am afraid.

The Deputy Bailiff:

We come on to question 10, which the Connétable of St. Helier will ask of the Chief Minister.

4.10 The Connétable of St. Helier of the Chief Minister regarding the delay in his publication of the Napier Report into the suspension of the former Chief Officer of the States of Jersey Police:

Will the Chief Minister explain the reasons for the delay in his publication of the *Napier Report* into the suspension of the former Chief Officer of the States of Jersey Police?

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

The reason there was a delay in the original publication of the report is due to the difficulty of some of the individuals who were involved in the original suspension process not being available to meet Mr. Napier when he was first in Jersey. This also coincided with the Icelandic volcanic ash cloud that delayed travel arrangements. As soon as this had passed arrangements were made to complete the interview process. By that time Mr. Napier had other work commitments that further delayed him in completing his final report. When I received the final report on 13th September, I had to carefully consider the conclusions and, given that there was some criticism, I decided that I had to take advice. Upon receipt of the relevant advice I decided to release the report forthwith, which was done on Friday, 8th October.

4.10.1 The Connétable of St. Helier:

Could the Chief Minister advise us of the cost of the report, what he plans to do with it and what he plans to do about its findings?

Senator T.A. Le Sueur:

The cost of the report has not been finally determined but it will be between £40,000 and £50,000. What I am doing with it is digesting carefully the findings in it and seeing what action, if any, needs to be taken as a result.

4.10.2 Deputy T.M. Pitman:

Given that a number of we Back-Benchers have been proven 100 per cent correct in the reality of huge flaws (whether through gross incompetence or otherwise) in how the suspension process was initiated, does the Chief Minister agree, upon reflection, that justice is not meant to operate by suspending an individual and then hoping you can come up with the evidence to warrant those actions afterwards?

Senator T.A. Le Sueur:

No, I am quite satisfied that the suspension was the correct thing to do, then and now, and that has been fully justified by the facts. [Approbation]

4.10.3 The Deputy of St. Martin:

Possibly I would remind those foot-stampers maybe they would read the *Napier Report* before stamping. Headlines are not reports. I would ask the Chief Minister- it is customary, indeed good practice - that when a report has been commissioned that report is then made known to States Members and the media so Members are able to ask questions. Can the Chief Minister inform Members when there will be a press conference to enable Members not only to question the Chief Minister but also the author on the findings of that report?

Senator T.A. Le Sueur:

I see no reason to hold a press conference for this or to involve Mr. Napier. We have already incurred enough money on this report. The matter, as far as I am concerned, should now be put to bed.

4.10.4 The Deputy of St. Martin:

Sir, could I just ask again of the Chief Minister, maybe he could give us a reason as to why he feels it is unnecessary to have the author present his report to enable Members to question him on it?

Senator T.A. Le Sueur:

The report is sufficiently detailed. It is a matter for the author if he chooses to or wants to elaborate on it. He may wish to. He has indicated no wish to elaborate on it. He believes the report speaks for itself.

4.10.5 The Deputy of St. Mary:

Does the Chief Minister not see that by answering in that way he has given a very good impression of a man with something to hide?

Senator T.A. Le Sueur:

No, I do not.

4.10.6 Deputy R.G. Le Hérissier:

Without provoking a facetious answer from the Chief Minister, could I ask the Chief Minister what lessons he has learned - or the human resource function in the States has learned - from the findings of the report?

Senator T.A. Le Sueur:

At this stage I am still digesting it to see what lessons, if any, need to be learned but it is really that you have people you believe are doing the right thing and the course of action that was followed was, in the end, shown to be entirely justified.

4.10.7 Deputy M.R. Higgins:

I would just like clarification from the Chief Minister. When he said that he would not hold a press conference to enable the report author to give his findings, has he asked Mr. Napier whether he would like to have a press conference or is he just speaking for him?

Senator T.A. Le Sueur:

Yes, I have asked Mr. Napier because I had originally intended, as in discussions with the Deputy of St. Martin, that Mr. Napier would be present at a conference. He chose not to attend.

4.10.8 The Deputy of St. Martin:

I find that answer quite astonishing really. It is the States who are paying the author and I think the States deserve to have the author present to be questioned. I really am disappointed with that answer. The Minister knows full well that I have been asking for some weeks why the terms of reference were altered and a very important part was taken out. Can the Minister inform Members who was responsible for removing that part of the terms of reference and why was that part taken out?

Senator T.A. Le Sueur:

The terms of reference were clearly given to Mr. Napier. The report contains all the information relevant to the report, whether in the form set out in the terms of reference or in the form set out in the previous proposition. As to the cost of the report, the money paid was to produce a report not to attend a press conference.

4.10.9 The Connétable of St. Helier:

The Minister has said on a couple of occasions this morning that he believes that the subsequent disciplinary investigation was fully justified and correct. Could he explain how this can be, given that the initial suspension has been shown by Mr. Napier to be fundamentally ill-conceived?
[Approbation]

Senator T.A. Le Sueur:

No, Mr. Napier suggests that there could have been procedural errors in the suspension process. He says there was no conspiracy or anything there. The courts have subsequently looked at this; the new Minister for Home Affairs has looked at it as well and found the suspension process is fully justified. The evidence that we see from the *Wiltshire Report* and elsewhere further amplifies, if any further proof were needed, that that suspension was totally valid and justified.

The Deputy Bailiff:

We now come on to question 11, which Deputy Lewis will ask of the Minister for Education, Sport and Culture.

4.11 Deputy K.C. Lewis of St. Saviour of the Minister for Education, Sport and Culture regarding reduced grants to fee-paying schools:

Will the Minister reconsider his decision to reduce the grants to fee-paying schools and if not, why not?

[11:15]

The Deputy of St. Ouen (The Minister for Education, Sport and Culture):

At present I am unable to give that commitment. All aspects of my department's budget have been subject to rigorous and independent review and reducing the subsidy to fee-paying schools is one of a range of measures being explored and to be delivered over the next 3 years to meet the 10 per cent savings target which, with regards to my department, totals £11.2 million. Presently a sum of £9.8 million is provided in grants per annum to fee-paying schools and I cannot simply set that aside and not consider it. As I have already stated, I have only recently begun to have talks with these schools. Each has been asked to identify the implications of a reduction in subsidy and each has been asked to explore other ways to reduce costs rather than simply passing the effects on to the parents. Opportunities do exist to broaden the curriculum through increased collaboration. Opportunities also exist to explore the provision of shared services such as site management and administration. My department has already offered to support the schools as they explore these options and we have asked that the schools consider those opportunities before increasing fees. In these times all organisations, both in the public and private sectors, need to ensure that they are providing the maximum value for money. Even the States has demanded this for all departments. In the prevailing financial climate it is absolutely appropriate to review the existing policy for subsidising fee-paying schools. Therefore, until the work I have described has been rigorously undertaken, I am not prepared to withdraw this proposal.

4.11.1 Deputy K.C. Lewis:

Parents are already paying school fees through their taxes and people with private education pay yet again. Some parents are already struggling to pay school fees, with both parents working just to cover the bills. I am not talking about wealthy people. Many people I have spoken to are just regular people trying to do the best for their children. Many parents do without holidays just to cover the fees. It would be heart-breaking, not to mention disruptive, if children were forced to leave their schools and their friends and start again at another school. Does the Minister not agree?

The Deputy of St. Ouen:

I absolutely agree that we need, when discussing this proposal with the schools, to properly and considerately think and regard all of the implications that may cause an obstacle to the change but that does not necessarily mean that change cannot happen. We have already had discussions and I have stated on several occasions that this will be phased-in over time. I also have asked the schools to identify the current support that is provided by those schools to those parents who find themselves in financial difficulty. We need to be sure that that provision is sufficient. I do not want anybody to find themselves in a position, due to this decision, that their children are unable to continue at the schools that they are in. However, there is a cost one way or another.

4.11.2 Senator J.L. Perchard:

I shall ask a very succinct question that I hope the Minister will answer and I respectfully request, Sir, that you allow me a supplementary. Does the Minister believe that the fee-paying schools provide excellent value for money to his department, the States and to the taxpayer?

The Deputy of St. Ouen:

I value the contribution that fee-paying schools make to the education system.

4.11.3 Senator J.L. Perchard:

Will the Minister explain why his plan to reduce the level of financial support provided to fee-paying schools in 2011 was withheld from this Assembly during the recent Business Plan debate which took place only one month ago?

The Deputy of St. Ouen:

It was not withheld and in fact it was placed in the public domain by a number of States Members who brought amendments to the Business Plan and, after discussion, they agreed that there was a proper process to follow rather than just bringing forward proposals that were contained in either

the Business Plan or amendments to it. The Senator seems to be shaking his head. I suggest that he goes back and looks at all the amendments proposed, including those that were proposed by Senator Shenton and indeed the Scrutiny Panel that is responsible for my department. There is a due process to follow. I have only just started that process and I do plan to continue along the route with the schools, supported by the schools, so that we can explore further whether this proposal is able to be delivered and in what timescale.

4.11.4 Senator J.L. Perchard:

There is a little bit of confusion. Could I ask for a point of clarification? Has the Minister denied that he does not intend to reduce the level of subsidy to fee-paying schools in 2011? Does he deny that he does not intend to do that and also does he accept that it does not get a mention in the Business Plan?

The Deputy Bailiff:

That question is 2 negatives but I think he means do you agree that you are intending to reduce the contribution in 2011.

The Deputy of St. Ouen:

Two things: first of all, in the Business Plan it clearly states that there is a total of £1.2 million of savings that will be delivered in 2011 which will be the subject of the outcomes of various reviews. This is one such outcome which is being explored further. Just to be absolutely clear, the proposal to start introducing reductions to the level of grants provided to fee-paying schools is proposed to start in September 2011.

The Deputy Bailiff:

That is now clarified. Senator Routier.

4.11.5 Senator P.F. Routier:

Does the Minister accept that there are a lot of worried parents who really do struggle to send their children to private schools and, in particular, the Catholic schools, that are paying more than the colleges are paying in their fees? Would he take the option of perhaps writing to the headmasters and asking them to forward the letter on to the parents so they have a clear understanding of what is being proposed? There are mixed messages out there at the present time and for parents to have a clear understanding would be far better. Would he undertake to do that?

The Deputy of St. Ouen:

I absolutely concur with the Senator's view that parents need to be properly informed and I will do everything in my power, working with the schools, to ensure that that happens. I will definitely speak to all the governors to seek their permission to circulate a letter to their parents.

4.11.6 Deputy J.M. Maçon of St. Saviour:

Does the Minister agree that the States schools and fee-paying schools both provide a very high standard of education and is the Minister concerned that the emotional language such as: "struggling to put their children through schools," for example, is in some way reducing the perception of what the States schools provide? Does the Minister agree that both States schools and fee-paying schools provide a very high standard of education to the children of this Island?
[Approbation]

The Deputy of St. Ouen:

I thank the Deputy for highlighting the fact that we should be extremely proud of the education that we provide to all children under our care, whether it be in private fee-paying schools or indeed in the States schools. We have excellent schools, excellent teachers and, although they have been

faced with budget reductions over the last number of years, we are continuing to provide that same education which is of value to the whole community.

4.11.7 Deputy K.C. Lewis:

Many parents choose to send their children to faith schools, many of which would be free in the United Kingdom. I am aware the Education Department has had meetings yesterday with the schools, but will the Minister undertake to have a high-level meeting with all head teachers of all the schools concerned to ensure that no child will be excluded from the schools because their parents are not able to achieve the higher fees?

The Deputy of St. Ouen:

The commitment that I have given to the governors of all the fee-paying schools is that once I have spoken and had the initial discussions with the school and once the schools - all schools - have responded to my requests then we will meet again to discuss this matter further. I think that is appropriate and it is a balanced approach.

The Deputy Bailiff:

We come on now to question 12 which Deputy Le Hérissier will ask of the Chairman of the Privileges and Procedures Committee.

4.12 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the progression of complaints received relating to the alleged secret recording of a Minister's comments:

Could the Chairman report what progress, if any, there has been to date in resolving the complaints received by the Privileges and Procedures Committee regarding the alleged secret recording of a Minister's comments?

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

I would like to repeat what I know I have said before in that I do not consider it to be appropriate to make any public comment on any complaint which might be before the P.P.C. (Privileges and Procedures Committee) at any time; certainly until the investigation procedure has been completed. What I would say, speaking generally, is that all complaints are dealt with in accordance with Standing Orders and in as timely a fashion as possible; although P.P.C. sometimes does have to liaise with third parties and, of course, the Member concerned, which can lead to delays beyond the P.P.C.'s control. Any person who has made a complaint to P.P.C. will have had an initial acknowledgement and if any contact subsequent to that is made, the committee will advise if the investigation is still ongoing at that time to the applicant.

4.12.1 Deputy R.G. Le Hérissier:

Supplementary, Sir. Could the Chairman confirm that she is entirely happy with the procedure for investigating complaints; that it is operated in a highly expeditious fashion and that complaints are treated with the urgency that they require?

The Connétable of St. Mary:

I am satisfied that P.P.C. acts within Standing Orders as they are currently drafted. As I believe we have said before, we are constantly reviewing Standing Orders to see how our procedures could be refined; although, of course, these matters need to be brought to the Assembly for amendments to be made. But, as I have said, we deal with all complaints according to the Standing Orders as swiftly as is possible in each case.

4.12.2 Deputy R.G. Le Hérissier:

Perhaps a final question; could the Chairman outline the steps she will be proposing in order to ensure that these matters are dealt with in the most sensitive and expeditious manner possible?

The Connétable of St. Mary:

As I have said, this is something that is under consideration by the Committee.

4.12.3 The Deputy of St. Martin:

The Chairman will recall that, after a complaint was made against me some months ago, I did make some suggestions as to maybe how this procedure could be improved. Has the Chairman given any consideration to my thoughts and indeed would she be considering maybe setting up a working party to look at ways in which we can tighten-up procedures for dealing with States Members who may fall foul of the Discipline Code?

The Connétable of St. Mary:

I can only say what I have already said; that this is something that the P.P.C. is looking into and we will follow its deliberations in due course.

4.12.4 Deputy T.M. Pitman:

Could the Chairman clarify how long has this complaint been on the books, so to speak, and are there any time limits that the Chairman needs to work to, to get this brought to a conclusion?

The Connétable of St. Mary:

As I said, I do not intend to make any public comment. I never make any comment regarding complaints which may or may not be before the committee. However, as I have said, we work to Standing Orders. There is no actual time limit but we always try to resolve matters as expeditiously as possible.

4.12.5 Deputy T.M. Pitman:

How long has this complaint been on the books with P.P.C.?

The Connétable of St. Mary:

No comment.

The Deputy Bailiff:

We come on now to question 13 which Deputy Trevor Pitman will ask of the Chief Minister.

4.13 Deputy T.M. Pitman of the Chief Minister regarding disciplinary action arising from the Napier Report:

Given that I and several other Members have continuously maintained that there was evidence of malpractice within the process underlying the suspension of the former Chief Officer of the States of Jersey Police and in light of his recent email correspondence to all Members regarding the delayed *Napier Report*, will the Chief Minister advise whether an employee is now facing disciplinary action and, if so, outline the reasons for this?

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

Members have now received the report from Mr. Brian Napier Q.C. (Queen's Counsel), which provides a detailed analysis of the suspension process and in the conclusions Mr. Napier does level some criticism of a procedural nature. I believe it is only right that I act on that criticism even though I am satisfied, and subsequent events have shown, that the suspension was justified. In my email to Members on 6th October I stated that I was taking advice on whether it was appropriate to release the report when there were grounds for considering disciplinary action. It was on receipt of this advice that I decided to release the report as I felt it was in the public interest to do so. As far

as disciplinary action is concerned, it is a matter that will be dealt with through normal procedures. Any individuals must be treated fairly and with respect and I will apply the same level of respect and confidentiality as would be given to any other States employee. This being the case, I do not intend making any further statement of the outcome of any such procedures.

[11:30]

4.13.1 Deputy T.M. Pitman:

Contrary to the impression the Chief Minister seems to have, the finding that the original suspension was not correct is quite clear in the *Napier Report*. Thus I have to push the Minister and ask: why is the States C.E.O. (Chief Executive Officer) not already suspended if we are at all committed to consistency, never mind justice?

Senator T.A. Le Sueur:

I think because the Deputy and I have different points of view.

4.13.2 Senator T.J. Le Main:

Will the Chief Minister confirm that I was also a member of the C.O.M. (Council of Ministers) together with the Minister for Home Affairs of the time, who confirmed at all times that he took professional advice from the Crown Officers, H.R. (human resources) professionals, the Chief Executive and Council Ministers? Is it also correct that Deputy Lewis then, as the Minister for Home Affairs, often challenged the advice given to him and it is unfair and incorrect that procedures were not carried out correctly by him as the Minister for Home Affairs? Will the Chief Minister confirm that is the true fact of what happened?

Senator T.A. Le Sueur:

I confirm that the Senator was indeed a member of the Council of Ministers at the time in question and that the former Deputy Lewis was the Minister for Home Affairs. In view of the fact that I am continuing with my consideration, I do not intend to make any public comment.

4.13.3 The Deputy of St. Martin:

Will the Chief Minister confirm to Members that the terms of reference were not to inquire whether the suspension was justified; it is whether it was carried out in a professional manner? So I would ask the Chief Minister to withdraw his comments saying that Mr. Napier's report says that the suspension was justified because that is a fact it does not say the suspension was justified. What the report says was the suspension was carried out unfairly. In actual fact it could be said also unlawfully because the particular Discipline Code comes under the States of Jersey Police Law; so, therefore, also unlawful apart from being procedurally incorrect.

Senator T.A. Le Sueur:

I hope I did not give the impression that Mr. Napier had said that the suspension was justified. I said that subsequent events had shown beyond doubt that the suspension was justified. Mr. Napier was commissioned to examine the suspension process and, in his view, there were certain procedural errors in the suspension process. He did not comment on whether the suspension was correct or not. I simply said that the suspension has subsequently been shown to be fully justified. While I am on my feet, I omitted, in responding to Senator Le Main, to point out that the investigations that I am continuing to look at have no bearing on the actions of the former Minister for Home Affairs.

4.13.4 The Deputy of St. Mary:

Will the Chief Minister be making a statement, when he has finished his digesting, as to what lessons have been learned so that we can hear what is going to happen and, as I say, what lessons have been learned?

Senator T.A. Le Sueur:

At this stage I cannot say.

4.13.5 The Deputy of St. Martin:

The Chief Minister mentioned earlier that the cost of *Napier* was somewhere between £45,000 and £50,000, which is 3 times as much as my open public committee of inquiry. Will the Chief Minister inform Members, is he satisfied that his quick, simple, inexpensive review has now turned out to be an absolute farce and has cost the taxpayer 3 times as much to have an inquiry that was closed and *in camera*?

Senator T.A. Le Sueur:

All I would say is that the cost of £45,000 is 3 times what the Deputy suggested that his committee of inquiry might have cost. The original estimate for the *Napier Report* was in the region of £5,000 or £10,000. Events have proved that wrong. I suspect that had the committee of inquiry been set up, the Deputy's estimate of £15,000 would also have been wrong because the similar sort of requirements would have come through and the same level of costs or even greater costs would have been likely to have been incurred.

4.13.6 Deputy T.M. Pitman:

Does the Chief Minister agree that, like his Minister for Home Affairs, perhaps sometimes it is better to just eat your humble pie and admit you were wrong?

Senator T.A. Le Sueur:

That may be the case sometimes. This is not one of them.

The Deputy Bailiff:

Very well, we come on to question 14, which the Deputy of St. John will ask of the Minister for Treasury and Resources.

4.14 The Deputy of St. John of the Minister for Treasury and Resources regarding applications for stimulus funding:

Does the Minister consider that the grants for a new visitors centre at Durrell was money well spent at a time when taxpayers are tightening their belts and will he undertake to bring future applications for stimulus funding to the Assembly for approval before any more contracts are granted and if not, why not?

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

Proposals by departments were well in excess of the £44 million approved by the Assembly for fiscal stimulus. The Fiscal Stimulus Steering Group evaluation procedure has made sure that only projects that fulfil the fiscal stimulus criteria of targeted, timing and temporary are allocated funding. This particular project represents a tourism-focused public-private partnership between Economic Development and Durrell and achieves a 100 per cent multiplier on the States of Jersey spend of £1.5 million. It will give a significant boost to the construction industry by releasing £3 million which, in the absence of matched funding, would not take place. The project will deliver a visitors centre which will allow Durrell to maximise its revenues, help boost this important tourism site and, therefore, benefiting the whole Island. The Assembly delegated governance of the fiscal stimulus plan to the Minister for Treasury and Resources. I have, in turn, set up the Fiscal Stimulus Steering Group which is chaired by the Chief Executive to the Council of Ministers and comprises the Treasurer of the States and the Economic Adviser. It is not appropriate, therefore, for any contracts relating to specific projects, most of which have already now been made, to be brought back to this Assembly but what I should say is that I have shared

decisions on fiscal stimulus with the Council of Ministers before making them and indeed I have shared the decisions with the Corporate Affairs Scrutiny Panel, too.

4.14.1 The Deputy of St. John:

Will the Minister explain why the extension of £3 million is required, given there is currently a restaurant and a 25 year-old visitors centre at Durrell, and does he not believe demolishing something that is only 25 years old is not a good way of spending public money or, even if it is only part - 50 per cent of it - it is not a good way of spending that money because extensions and the like could have been added at a far less figure?

Senator P.F.C. Ozouf:

The Deputy is, I am sure, aware of Durrell and its important work that it does locally and internationally. Indeed Durrell set out a much larger vision of what they wanted to do in terms of an expansion plan but, because of the difficulties in global financial markets and fundraising, it has not been possible. This is designed, as I understand it (and it is some months since I have seen the plans) to reformat the whole arrangement for a visitor at Durrell; putting a restaurant facility on the car-park which people will be able to visit instead of going straight through the grounds. It is designed to attract more people. I think it is a very good example of money which has been doubled by the States' investment for fiscal stimulus. I should also say that, with Deputy Gorst yesterday, I held a discussion with some leading members of what should be properly referred to as the third sector in Jersey, and we undervalue the third sector, which Durrell is a very good example, I think at our peril. They are an important part of jobs and providing Island life. **[Approbation]**

4.14.2 Deputy D.J. De Sousa of St. Helier:

Does the Minister not concur with me that Durrell and the work that they do is invaluable and that we need to support them and continue to? **[Approbation]**

Senator P.F.C. Ozouf:

I absolutely concur with that and I think that the difficulty that we face is how we help and how we build capacity for such organisations such as Durrell. Durrell would not have had this money, of which they have had money in the past for some of their previous facilities, and they would not be in the very fortunate position that they are in with the good work that they do without States assistance in the past. If it were not for fiscal stimulus money we would not be able to take them, hopefully, on to the next level. They have suffered because of the tourism decline but I share the Deputy's sentiments.

4.14.3 Deputy M.R. Higgins:

As the Minister has said, fiscal stimulus projects had to be timely, targeted and temporary. Why has he funded Jersey Finance officers in China and the Advance to Work Scheme at Highlands College, both of which will require ongoing expenditure from the Economic Development Department and the Education, Sport and Culture Department?

Senator P.F.C. Ozouf:

The Deputy highlights 2 excellent schemes from fiscal stimulus. Advance to Work has put in and given young people - over 100 young people - opportunities to get into the workplace. It has been such a success due to the credit of Education and Social Security and the Skills Board with Economic Development that they want to replicate it. That is a good thing. We have problems with under-24s unemployment and we need to focus resources to it. Unfortunately that recurring funding is not going to be available from fiscal stimulus but no doubt departments are thinking about how they can re-prioritise that money to direct money on an ongoing basis into Advance to Work-type schemes. In relation to finance, I ask the Deputy to look at the labour market report. Look at how many jobs have been left out of finance and, while we are confident that Jersey has a strong future in financial services, just how much work we have to do to ensure that that industry

grows. He does not agree with growing business in Asia and the Middle East. I do and I think that is where the future growth is going to happen, which is why I have got money.

4.14.4 Deputy M.R. Higgins:

Sir, with respect, he is putting words in my mouth. First of all, I have no problem with the particular schemes. What I am showing is the inconsistency in the policy of the Minister in terms of timely, targeted and temporary. He did not follow his own prescription.

Senator P.F.C. Ozouf:

The Deputy is wrong. Fiscal stimulus is one-off funding. If the department thinks that the scheme requires ongoing funding after the fiscal stimulus money has been withdrawn then they have to reallocate from their own department. I think Economic Development is doing the right thing for building the finance sector of the future for 2020 and 2025 in the growing markets of the world. Fiscal stimulus has provided the first part of that funding and that is a good thing.

4.14.5 The Deputy of St. John:

It is claimed that a Lear jet is parked at the airport, purported to belong to the directors of the zoo. Possibly keeping a jet on-Island could be rather extravagant, to the detriment of Jersey taxpayers having to fund extensions.

Senator P.F.C. Ozouf:

I have previously referred to the ... I will not use the actual word but the group that the Deputy has, which is beginning with B: "B All To Do Club" and he is remarkably well informed sometimes but sometimes he also should not, I think, perhaps, cast aspersions - and I am not sure whether he was - in relation to senior people within Durrell. I hope he was not. Durrell is a charitable trust which has a separate governance body which is chaired independently by some significantly experienced Islanders and I would have thought that that gives Members and the Deputy every confidence that the financial probity within Durrell is at the highest level.

The Deputy Bailiff:

In case the expression should gain any sort of credence with Members, I do not regard a "B All To Do Club" as a parliamentary expression. We now come to question 15, which Deputy Trevor Pitman will ask of the Minister for Education, Sport and Culture.

4.15 Deputy T.M. Pitman of the Minister for Education, Sport and Culture regarding the costs of university education:

Can the Minister give assurances that the opportunity for children of ordinary working people to afford to take up university education in order to better their future life chances will not be negatively impacted upon as a result of the Comprehensive Spending Review cuts and, if the Minister cannot do so, would he advise what the extent of these negative changes will be?

The Deputy of St. Ouen (The Minister for Education, Sport and Culture):

I am pleased to be able to confirm that there are no plans within the Comprehensive Spending Review for a reduction of support for local students seeking to enter university. Indeed, I would like to inform the Deputy that, rather than reducing support, I have taken direct action over the last 6 or so months to improve the support given by my department by curtailing the freeze on the value of the maintenance element of the student grant and returning to a policy in which maintenance increases each year to take account of inflation, thus preserving its value. I should advise the Deputy, however, that the U.K. *Brown Report* on university funding is to be published imminently and that it is likely to recommend significant increases in tuition fees from which the Island may not be immune. I would like to assure the Deputy, however, that we are monitoring the situation

very closely and will make every effort to protect the current policy that no one who can benefit from higher education should be denied access because of financial hardship.

[11:45]

4.15.1 Deputy T.M. Pitman:

I welcome the Minister's answer. The *Brown Report* was published this morning and, given that report and the increase in fees recommended, to what extent is the Minister confident that he can give the very welcome assurances that he has given as not impacting on our children and young people?

The Deputy of St. Ouen:

I have not had a chance to even look at the news this morning, let alone consider the *Brown Report*. However, we will be doing that in more detail over the coming weeks. This is an issue that I flagged-up with the Council of Ministers over 12 months ago when I recognised that the support offered and provided for higher education had been devalued over a number of years. The Council of Ministers fully recognised that there is or could be increased pressure to meet higher education costs and I am sure that together we will find a solution.

4.15.2 Deputy T.A. Vallois of St. Saviour:

In light of the Minister's comments about the *Brown Report*, what is the Minister doing, along with the Chief Minister, to represent our interests with the U.K. in light of what may happen to tuition fees and with the future of the economic growth and prosperity in the Island?

The Deputy of St. Ouen:

There are always and continue to be ongoing discussions with the U.K. departments and indeed the U.K. universities to try and obtain the best deal possible for this Island.

4.15.3 Deputy M. Tadier:

While Members and, I am sure, the public appreciate the goodwill which is being expressed by the Minister, will he confirm that the harsh reality of it is that we have tuition fees going up and likely to go up in the U.K. - perhaps through the roof - which unfortunately is coinciding with a tighter and tighter budget across the board here in Jersey and the Minister's department is no different? How does the Minister seek to reconcile these 2 conflicting issues?

The Deputy of St. Ouen:

For a start, this is not goodwill. This is, I believe, a Minister that is looking at how his budget is prioritised and identifying and dealing with funding pressures in the best and most manageable way possible for the benefit of all the community. With regards the budgets: yes, there are going to be challenges and, yes, my department has been considering producing a *White Paper* on higher education. However, since we started that process the context has now changed and I will be planning to consider more far-reaching changes to university funding when I issue that paper.

4.15.4 Deputy M. Tadier:

A quick supplementary; what leverage does the Minister realistically think he has when negotiating with the U.K. on tuition fees that Jersey will have to pay to U.K. universities?

The Deputy of St. Ouen:

It is obviously limited.

4.15.5 Senator S.C. Ferguson:

However, given that the Cayman Islands and such countries pay very much lower fees than we do for their university students, given the success or the possible success over the discussions about the health agreements and given the change in government in the U.K., will the Minister not take

these as a sort of guide and push to get our students rated at a lower rate to go into the U.K. to university?

The Deputy of St. Ouen:

This is an ongoing issue that we have with the U.K. The Isle of Man, Guernsey and ourselves are classed as Crown Dependencies and are treated somewhat differently to overseas territories, of which the Cayman is an example, and as such we have flagged-up the differential. We believe that it could be improved and every effort is and will be made with the U.K. to ensure that the arrangements that we have in place to support our young people in higher education are the best that we can possibly achieve.

4.15.6 Senator S.C. Ferguson:

Yes, but given the fact that there has been a government change in the U.K. will the Minister give us the assurance that he will use all means possible, including the Anglo-Irish Group, to get these fees down and prevent them being charged at such an incredibly unfair rate?

The Deputy of St. Ouen:

The Chief Minister has been made aware of this issue for some time and I believe that his department has been actively considering and discussing these matters with the individuals that he meets in his official duties.

4.15.7 Deputy P.V.F. Le Claire:

The Minister says he will look at these matters and all matters with all means possible. Would that include (as we have an element of people going to university, those that are supported by States grants) considering adopting a comprehensive means testing system across the States education platform so that those people receiving free nursery education who can afford to pay for it and those who are struggling to keep their children in the fee-paying schools can keep their children there and that the grants that are offered to people going to university can be retained at the level that it needs to be? At the moment his department is giving money to people that do not need it while not supporting people that do.

The Deputy of St. Ouen:

I would just like to remind the Deputy that my department is carrying out policies agreed by this Assembly. It was not I that chose to increase and provide for free nursery education. It was this Assembly, quite rightly so. I am only required and properly required to deal with that and that is what I am doing; hence the reason why I am now bringing proposals to reduce that support that is provided. There is a need to look and deal with all matters and I believe that my department, together with the remainder the Council of Ministers and, collectively, all departments are doing just that as tasked by, again, this Assembly.

4.15.8 The Deputy of St. Mary:

This question was about university education and I just wanted to ask the Minister whether he is equally as enthusiastic about vocational education in the U.K. or abroad, 2-year courses, not university courses? There is an issue there and I wanted to have it on the record what his view about that was and whether he will be pursuing that with equal vigour as university education.

The Deputy of St. Ouen:

This was one of the platforms when I stood as Minister for Education, Sport and Culture: it seems a long time ago. I fully understand and accept that we have tended to focus on supporting those academically minded individuals, perhaps far more so than those that are practically minded. My department is and will be considering ways where we can better support those practically minded individuals and develop and improve the skills base both for the individuals and that of the Island.

4.15.9 Deputy T.M. Pitman:

Unfortunately for once Senator Ferguson and I are singing from the same hymn sheet. I will do my best to make sure it never happens again. Could the Minister advise what progress he has made in rectifying the anomalies for parents who are separated, perhaps, and married couples? There have been some anomalies there in support.

The Deputy of St. Ouen:

This is a work in progress and I think that the Deputy is well aware because I have recently shared with him and his panel a report regarding higher education and some of the issues that we will need to deal with in the near future. As I said before, this is a work in progress and one of the proposals that I aim to bring forward, included in the *White Paper*, is how we deal with this inequity or perception of inequity that certain Members raise.

The Deputy Bailiff:

I am afraid that that brings this part of question time to an end and I know that many Members are disappointed that they have not had the opportunity of asking questions which they wanted to get in but, unfortunately, that is the way in which this particular session has gone.

Deputy P.V.F. Le Claire:

Sir, I do not know how other Members feel about their questions but may I ask the Minister for Health and Social Services to answer my question in writing and circulate it to all States Members, please, as we have run out of time?

The Deputy Bailiff:

I call the Minister for Health and Social Services to address that.

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

Yes, I will do that this afternoon.

Deputy M.R. Higgins:

Sir, could I ask the same of the Minister for Treasury and Resources on mine?

The Deputy of St. John?

Sir, can I ask that we lift Standing Orders so that we continue with questions, please?

The Deputy Bailiff:

The previous ruling of the Bailiff has been that that is out of order and cannot be proposed at this stage.

5. Questions to Ministers without Notice - The Minister for Transport and Technical Services

The Deputy Bailiff:

We now come to questions to Ministers without notice. The first question period is for the Minister for Transport and Technical Services. I call on the Deputy of St. Mary.

5.1 The Deputy of St. Mary:

Can the Minister give Members and the public a categorical assurance that fridges with the ozone-depleting substances which they contain are being processed in accordance with our international obligations?

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

Fridges are an expensive problem and at present, in order to satisfy international obligations, they are being exported. Prior to this, I have to say, they were dealt with in an unsatisfactory way down at Bellozanne. We are hoping to develop processes which will enable this to be done on-Island but at present there is a cost of some £10 a fridge to deal with them.

5.2 The Connétable of St. Mary:

In December 2008 the Minister briefly shared my enthusiasm for filter-in-turns. I wonder in the period since that time can he let me know how many new filter-in-turns he has authorised to be created? I mean particularly with reference to the Broad Street/Sand Street junction where there was previously apparently a free-for-all with only a merge it would have been an ideal situation, in my humble opinion for a filter-in-turn and now there is a yellow line and a stop.

The Connétable of St. Brelade:

No further filter-in-turn junctions have been put in place during my term of office but I am always prepared to consider suggestions that come forward.

5.3 Deputy G.P. Southern:

Could the Minister state before Members how his department will ensure there will be no waste electrical and electronic equipment in the waste stream entering the new incinerator as the bottom ash can only be reused as aggregate if it is relatively free from pollutants like heavy metals?

The Connétable of St. Brelade:

I can never be categorical with regard to what goes into the waste, but all we can do is educate and encourage the public to separate their waste at the kerbside to comply with the regulations with which we have to comply and I think by that education we can minimise the risk and thereby satisfy what the Deputy is asking. [Aside]

5.3.1 Deputy G.P. Southern:

Can I just clarify that there will be no additional checks made on site in the new incinerator?

The Connétable of St. Brelade:

Well, yes, in all practicalities the waste will be tipped straight from the kerbside collection vehicles into the pit so the sorting will need to be carried out at the kerbside, which is the responsibility of the household, but having said that maybe we should consider doing spot checks to ensure that the programmes we have put in place are complied with.

5.4 The Deputy of Grouville:

Could the Minister explain why there are bus shelters in storage around the Island and yet when I have asked continuously for my constituents to be furnished with bus shelters along Rue a Don, Grouville this has been denied?

The Connétable of St. Brelade:

The only bus shelters I am aware of around the Island are some ex-bus shelters from the old Weighbridge bus station which are significantly larger structures that are acquired on the roadside and obviously would not fit. To be more specific to the Deputy's request, the department is, I understand, putting in place the shelter which she requires and I would also add that there are shelters being required throughout the Island and we have to balance our budgets, but certainly I think hers is on the top of the list.

5.4.1 The Deputy of Grouville:

Could I press the Minister for some form of timeframe please, because I have been promised these shelters for years now, literally years?

[12:00]

The Connétable of St. Brelade:

I can say months. I will be more specific with the Deputy later once I confirm that, but certainly I am aware that it is very close to implementation.

5.5 Deputy M. Tadier:

Back to the issue of waste electronic equipment, the Minister said that the way that it would be regulated would be through kerbside collection. Can the Minister confirm that first of all on an Island-wide basis not every Parish, in fact the minority of Parishes, have kerbside sorting and, secondly, can he confirm or otherwise that the incinerator will not be able to take these goods until an actual Island-wide kerbside collection is put in place first to ensure none of these nefarious products do end up in the waste cycle?

The Connétable of St. Brelade:

No, I think that is an impractical suggestion. In truth I think, as I alluded to before, it is important that we work with householders to ensure that waste is separated and make it easy for them to do so by providing alternative places such as Bellozanne to deposit their waste which can easily be recycled. I take the Deputy's point, but we have extremely good filtering systems at the new plant which will prevent any pollution emanating from the chimney, but I am conscious that we do need to work on our new solid waste strategy towards the goals that I indicate.

5.6 Deputy J.B. Fox:

The Minister has indicated that his department will be holding a public meeting for the residents of Bellozanne and the surrounding area on proposed improvements that the department is planning to make within that area, and then recently they were also concerned as to what the timescale is for the removal of the existing Energy from Waste plant once the new one is... and what is going to be its replacement. Perhaps the Minister could indicate a timescale for the proposal. I would be grateful.

The Connétable of St. Brelade:

I am expecting there to be changes at Bellozanne and the present digesters of green tanks situated to the west of the road will be moved to the middle of the site as a part of an eventual rearrangement down there to satisfy the odour control requirements which the Deputy knows much about. The job for this will be going out to tender probably next month and I expect to be holding a meeting with the local residents before the end of the year.

5.7 Deputy R.G. Le Hérissier:

Wearing his T.T.S. (Transport and Technical Services) hat, could the Minister comment on whether his department was fully consulted about the plans for St. Aubin's Bay which involves the creation of a remarkable number of new parking spaces?

The Connétable of St. Brelade:

No, and my department does not support the proposals in any shape or form.

5.8 Deputy J.M. Maçon:

On 16th November this Chamber will be debating the sustainable transport policy. Will the Minister encourage all States Members to walk, cycle and bus in the week before this debate so that Members are fully aware of the implications that this will have on people's lives should the States choose to inflict this policy on Islanders?

The Connétable of St. Brelade:

I thank the Deputy for his suggestion and would encourage Members so to do.

5.9 Deputy D.J. De Sousa:

I wonder if the Minister can explain why concessionaries and residents in the area of Havre des Pas were not consulted about the work carried out there recently in the area and the building of an emergency access road and why they were informed about this on B.B.C. Jersey radio and that T.T.S. were building a cycle track? Is it a cycle track, or is it an emergency road for the E.f.W. (Energy for Waste) plant and will it be sufficient, given its narrow width?

The Connétable of St. Brelade:

Like all these things, the story is slightly ahead of itself in that as soon as men with reflective coats were spotted it was assumed everything was happening, but in truth the engineers were there trying to design the emergency access road to the fuel farm area and to consider the presence of a cycle track. The situation is that the proposal is not yet finalised and not yet designed, but as soon as they are those concessionaires and those with an interest will be invited to comment and their comments will be considered, but the end goal is to achieve a cycle track around the back of Havre des Pas.

5.9.1 Deputy D.J. De Sousa:

Can I just have a supplementary on that, Sir? Does the Minister not consider that in the planning of the E.f.W. plant it is a bit late in the day to start planning now an emergency road? Should it not have been considered much earlier?

The Connétable of St. Brelade:

It was, in fact, after the original planning briefs and approved by Planning at that time, but the access road is primarily for the fuel farm access, not the E.f.W. plant.

5.10 Connétable G.F. Butcher of St. John:

It seems to me an eternity ago that a panel that I chaired looking at the speed limits in the Island put some recommendations forward. I would like to ask the Minister if he could give an indication when this is likely to come before the Assembly. **[Laughter]**

The Connétable of St. Brelade:

I thank the Connétable for that point. The draft proposition will be presented to me on Friday and I suspect I will approve it then and it should be lodged pretty well straight after, so I expect it will come for debate soon after the 6-week lodging period.

5.11 Senator P.F. Routier:

Following on from Deputy De Sousa's question about Havre des Pas, can the Minister reassure me and Members that the historical appearance of the promenade will be retained in the future, once the promenade is altered?

The Connétable of St. Brelade:

I think it is essential that the appearance of the promenade be enhanced. It is not pretty or tidy in certain areas and I would suggest that any work we do will be an improvement to the area.

5.12 Deputy P.V.F. Le Claire:

A number of weeks ago I asked the Minister to let us know what the timescale was in relation to the demolition of Bellozanne incinerator and its removal and what would be being burnt in it until its demolition and the answers he gave us was up until 2012 it would continue to operate as normal. Therefore, I am going to ask him this morning, how can people who are operating that plant be trained up to operate the new plant, given that they are going to be continuing to work in the old plant? Does this mean that the new plant will be outsourced for its operation?

The Connétable of St. Brelade:

To answer the first part of the Deputy's question the plant will run, as I suggested previously, as normal until it is decommissioned. In terms of the staffing there has been considerable negotiation

with the staff presently working down at the E.f.W. plant and conclusions have been achieved, I think yesterday, to an agreement whereby certain staff working down there will retire and others will move on to the new plant. Training will take place. The operation will be carried out by T.T.S. staff.

5.13 The Deputy of St. John:

Is the Minister aware that the current bus routes, many people living in the country live at least one mile, and further, away from their closest bus stop? Will he give serious consideration to putting one or 2 bus shelters out into the country for those people who have very limited bus services?

The Connétable of St. Brelade:

Yes, we continually answer requests for bus services and I think primarily one has to focus on areas of priority in numbers, but should the Deputy have any particular areas which he feels are worthy of consideration I would please ask him to submit them to me.

5.14 Deputy A.E. Jeune:

I was very pleased to receive the Connex timetable and to note that we now have a bus that will take people to the airport for the first plane out in the morning, but my question to the Minister is, was it his department who were involved in making that happen and, if so, will they continue to see that it comes in next summer as well?

The Connétable of St. Brelade:

It was me, and if I am still in office, yes.

The Deputy Bailiff:

There is just time perhaps for a double-dip from the Deputy of St. Mary.

5.15 The Deputy of St. Mary:

Can the Minister explain how the incinerator will start operation without a constructed emergency access for emergency vehicles, which was part of the planning conditions, as I understand it?

The Connétable of St. Brelade:

Yes, I would expect the emergency access route to be completed by the time that the E.f.W. plant is ready to commission in the middle of next year.

5.16 The Connétable of St. Mary:

The Minister has answered about bus shelters, but does the Minister agree that while these are important, perhaps even of greater value from a safety point of view would be the provision of refuges, by which I mean somewhere safe away from the traffic that someone can stand? I make particular reference to St. Peter's Valley where a number of bus stops are against hard granite walls with no pavement, no lighting, and nowhere to go in the event that a car does not see you.

The Deputy Bailiff:

You are using up the Minister's answer time.

The Connétable of St. Brelade:

Some bus shelters are easier to achieve than others where the States own the property. Where there are property acquisition issues involved it becomes more difficult; notwithstanding that we are always prepared to try.

The Deputy Bailiff:

That brings the questions for the Minister for Transport and Technical Services to an end. We open the second question for the second period for the Minister for Treasury and Resources.

6. Questions to Ministers without Notice - The Minister for Treasury and Resources

6.1 The Deputy of St. Martin:

It is question 16 of my oral questions this morning. Given that not all the funding allocated for the fiscal stimulus programme has been spent, will the Minister consider reallocating the funding to install a lift from Snow Hill to Fort Regent?

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

As I have answered previously, no bid was put forward for funding; all departments were allowed to put forward requests for funding. No bid was received for Fort Regent. If it had been it would have been considered. The proper way to consider this now is to use the group that has been set up - the Fort Regent Steering Group - in order to progress further investments in Fort Regent, which I support but we have to find a source of funding for that.

6.1.1 The Deputy of St. Martin:

Could I just ask a supplementary? I am grateful for the answer because quite clearly it is still an option but will Back-Benchers or other States Members be asked by that group for comments or suggestions to come forward?

Senator P.F.C. Ozouf:

I sought-out in advance of question time today minutes from that group. I have to say, I am not sure how much progress they are making. I think that there is an important issue about Fort Regent. I do not want to give the indication that there is money available for Fort Regent in fiscal stimulus because there is not, but we need to find a creative solution for finding money for Fort Regent which should involve, in my view, the private sector being involved in it, but I am happy to engage with him.

6.2 Senator J.L. Perchard:

Would the Minister for Treasury and Resources advise the Assembly when he and other Ministers were informed of Education's proposals to reduce the level of financial support of fee-paying schools in 2011, and can you explain why the draft 2011 Business Plan was silent in this respect?

Senator P.F.C. Ozouf:

I think that I was drawn to the fact that the Minister was going to be proposing some element of his £1.2 million for private sector schools, probably a couple of weeks before the Business Plan debate. I think it is unfortunate and lessons should have been learned - and lessons have been learned - about having a wide-ranging debate and ideally we should not have been put in the position that we are in. Lessons have been learned about that.

6.3 Deputy A.E. Jeune:

Does the Minister agree with the Minister for Local Government, Mr. Pickles, in the U.K. in respect of U.K. Civil Service pay, and is he proposing to do anything about senior Civil Service pay in Jersey?

Senator P.F.C. Ozouf:

Mr. Pickles is a very forthright individual, as I understand it, and has said some I think very important things about County Council and Local Government pay of which I agree with. In the U.K. they are now putting County Councils under great pressure who have been allocated in some cases extraordinary salaries; 2 or 3 times the Prime Minister's salary in some cases and, yes, the terms and conditions review is not about lower workers, it is about the higher rates of pay in senior civil servants and that is going to form part of the review implementation of terms and conditions.

6.4 Deputy G.P. Southern:

Will the Minister assure Members that he will ensure that the full *Tribal reports* and others on which the C.S.R. Stage 2 proposals are based will be published, and if not, why not?

Senator P.F.C. Ozouf:

My own view of the *Tribal reports* is that they should be published and if there is any particularly commercial sensitivity ... there could be circumstances in which there were some issues within the *Tribal reports* that are commercially confidential. I do not know that. I have only recently seen the *Tribal reports* myself and certainly my view is that they should be published in advance of the budget debate in December and hopefully sooner.

[12:15]

6.5 Senator S.C. Ferguson:

Would the Minister explain why the Commonwealth countries met in Washington? Is America joining the Commonwealth again? Given his pejorative comments on tea parties, is he not aware that the meaning of the acronym T.E.A. means Taxed Enough Already, and does he not think this represents a genuine public concern related to combating excessive government expenditure? What class did he fly?

The Deputy Bailiff:

Three questions are probably enough.

Senator S.C. Ferguson:

But they were very simple, Sir.

Senator P.F.C. Ozouf:

The Commonwealth Finance Ministers meetings were held in Washington to coincide with the Annual I.M.F. (International Monetary Fund) meetings. That meant a great number of Commonwealth Finance Ministers were able to attend: Australian Finance Minister, Canada, India, New Zealand, and indeed the United Kingdom, which was represented by Mr. Osbourne. I went because Mr. Osbourne was going and I am pleased to say that I had an opportunity of meeting with him and speaking with him ahead of the Ministerial lunch and the discussions during the afternoon. For my part it was also useful because I was able to attend a number of the other seminars within the I.M.F. meetings and I also spent a day in New York visiting key U.S. (United States) institutions with an interest in Jersey and I attended the Small States Conference on Saturday morning. My practice for atlantic flights, because they are 6 or 7 hours and day flights, is I travel economy plus and that is the ticket that the States paid for me to go. I am aware of the Tea Party issue and I learned a great deal from the Tea Party movement within the United States. I have to say that I am not entirely in agreement with them and I certainly learned a lot about the concern about withdrawing fiscal stimulus too quickly from the global economy. I should say that that is not an issue in Jersey because we are proposing to withdraw money in 2012 and 2013 and the numbers in Jersey are small compared to some of the fiscal consolidation in other places.

6.6 Deputy T.M. Pitman:

Can I push the Minister to inform Members what estimate he has of the overall number of public sector redundancies which will be required in Stage 2 of the C.S.R.?

Senator P.F.C. Ozouf:

Not at this stage, but I am happy to give indications when I present the budget statement which will contain an envelope spending limit for 2012 and 2013.

Deputy T.M. Pitman:

A supplementary, Sir?

The Deputy Bailiff:

Well, not at this stage. Deputy Higgins.

6.7 Deputy M.R. Higgins:

Earlier, the Minister for Treasury and Resources stated that he expected to easily achieve the £65 million of cuts now proposed and he extolled the savings that will be achieved with the new States procurement policy with its centralised purchasing expertise, which the Assembly funded a few months ago. Will the Minister not admit, however, that the procurement policy is in tatters and that his department is being sued, or threatened with a law suit, by a multinational company for irregularities in the procurement process involving a major contract?

Senator P.F.C. Ozouf:

I did not say that £65 million was going to be easy; I said it was achievable, and it is achievable with the support of this Assembly and a lot of incredibly hard work. The Deputy is one of those in this Assembly that stands in this Assembly and questions without notice is always used to ensure a Minister is on his toes and in touch with his brief. I am aware of a number of issues in procurement. Procurement is being tough with suppliers and suppliers also threaten legal action, sometimes unreasonably, one of which I am aware of. I do not know whether it is the case he is talking about, but I fully back the Procurement Department. I fully back what they are doing in terms of toughening-up, in terms of getting better value for taxpayers. If he wants to talk to me about a particular case I am happy to do so, but I am not aware of any irregularities in the Procurement Department; on the contrary.

6.8 The Deputy of St. John:

In the answer to written question number 7 I note that the expenses are not broken down that I really asked for, other than lump sums like for travel for the Harbour Chief Officer of £10,000, £6,259 for accommodation, another £5,000 for meals, *et cetera*. All of this looks very extravagant compared to, shall we say, the Chief Minister's Office with a total bill of only £6,300 and others, with Education only £1,800. Please explain how one Chief Officer can run up such large accommodation bills and hospitality bills and travel bills?

Senator P.F.C. Ozouf:

I think that it would be fair to say that first of all I will be accountable for the accounting, but I am not going to be accountable for the decisions within the department. I have certainly looked at some of the breakdowns of this analysis and there are some differences of exactly what the Chief Officer and his P.A. (Personal Assistant) are actually paying for, so I think it is important not to assume that this is Chief Officer expenditure and travel and expenses because they may well be paying things for the other members of the department. Certainly there are legitimate questions about the level of travel spent, but it is quite obvious that as far as the Airport and the Harbours are concerned that are dealing with route development, that are attending maritime conferences, there is going to be a high level of spend, but it is the Minister who should be accountable for that spend by questions to the relevant Minister.

6.9 Deputy D.J. De Sousa:

At the presentation yesterday I did mention about the quantitative easing that has been talked about between the U.S. and U.K. With reference to that, does the Minister consider that the recession in Jersey is over? Does he not consider that we should be looking at possibly more stimulus input in order to boost the economy? Is there any evidence that the cuts that are being proposed in Jersey will not endanger our recovery from the recession?

Senator P.F.C. Ozouf:

Certainly the talk at the I.M.F. was very much about Q.E.2, the second wave of fiscal stimulus, of quantitative easing, which has been proposed by the Federal Reserve and now the Bank of England, too. I do not think the 2 things should be linked in terms of a local context. Everybody has said that the global economic outlook is going to be sluggish over the next 2 to 3 years and certainly we are going to see slow growth in the U.S. and the United Kingdom for some time. That is not stopping the United Kingdom from making the necessary adjustments in terms of fiscal consolidation and spending review, which we will see the results of the U.K. spending review on the 20th. I can assure the Deputy that we take advice, and I take advice, from the Fiscal Policy Panel and our Economics Unit on the effects of any withdrawal of money within the Jersey economy and I am perfectly satisfied that nothing that is going to be proposed in the budget is going to damage the economic recovery. In fact, it is important that we boost enterprise and we do things like growing our financial services industry, which is what I was doing in New York on Thursday, and that we bring a small amount of new business to Jersey. That is what is going to put the economy back on its feet and put people in jobs. I have to say that this Assembly was right, I think, to support fiscal stimulus in the £44 million; it meant that less people have been out of work but we need to continue to be vigilant throughout next year. I do not think the Jersey economy is going to recover strongly, certainly for 18 months or so, but that does not mean the decisions we are taking are the wrong ones.

6.10 The Deputy of St. Mary:

The cuts imposed on private school funding have elicited howls of protest. Is the Minister, in the absence of any genuine public consultation as he has shown in his answer to my written question number 1, before the cuts now going to use the 'wailometre' method of judging which cuts to pursue and which cuts to abandon? In other words, the louder people scream about a particular cut the less likely it is to be implemented?

Senator P.F.C. Ozouf:

I do accept that perhaps the manner in which the issue of private sector grants for private schools has been done has been unfortunate in terms of the way that it has been ... I sympathise with the Minister for Education, Sport and Culture in many ways in some of the things that he is doing and I think that we have to, as a Council of Ministers, say very clearly what the position is in relation to independent schools. I absolutely support the independent sector. I think the independent sector - particularly in the faith school area - provides an education which is not available within the main stream and I would not want to see any withdrawals of funding for particularly the faith schools to result in children either leaving those schools or not having the opportunity of continuing their education or their siblings, but we do need to be targeted and there is an ongoing dialogue that the Minister for Education, Sport and Culture needs to ensure that his target of withdrawal of funding does not have unintended consequences for his own budget or the schools. That is going to require consultation of which many of the proposals in the second stage of C.S.R. are going to require. The budget is indicating a direction of travel and an envelope of spending for departments of which there is an awful lot of work that flows from that. The budget is not the end of the matter; it is the start of it.

6.11 Deputy R.G. Le Hérissier:

Given the Minister's meeting with Mr. Osbourne, would the Minister say now that he is totally supportive of that for which Mr. Osbourne stands, or that he now feels he has to distance himself?

Senator P.F.C. Ozouf:

I had an engaging and positive conversation with Mr. Osbourne and, indeed, I think Mr. Osbourne... I am not entirely of that sole Conservative Party view of the world, I am more of a Coalition Liberal myself. But I completely agree with Mr. Osbourne's analysis of what is required for the U.K. public finances and, indeed, we are correct in suggesting that our public deficit, and

our deficit without any debt but our current deficit, should be eliminated in 3 days ... **[Laughter]** ... within 3 years.

The Deputy Bailiff:

Well, that is probably an appropriate moment to announce that the 15 minutes allowed for questions without notice to the Minister for Treasury and Resources have now come to an end.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Deputy Bailiff:

There is nothing under J. Under K, the Chairman of the Corporate Services Scrutiny Panel will make a statement regarding Jersey Development Company proposals.

7. Statement by the Chairman of the Corporate Services Scrutiny Panel regarding the Jersey Development Company proposals:

7.1 Deputy C.H. Egré of St. Peter:

Following that miracle **[Laughter]**, the sub-panel has issued an interim report in preparation for the debate on P.73/2010. The proposition presents proposals for structuring the planning, development and implementation of major property and associated infrastructure regeneration projects throughout Jersey. The proposition was lodged by the Council of Ministers on 7th June 2010 and has been deferred by the Chief Minister twice in order for the review to be carried out and completed, for which the sub-panel are very grateful. It is with great frustration that the sub-panel has issued an interim report as opposed to a final report which would have presented its full key findings and recommendations. As Members will see from the interim report the sub-panel identifies a chronological order of events between it and the Chief Minister's office. During the sub-panel's evidence gathering stage, it was heard at a public hearing with the Minister for Treasury and Resources that existing contractual relations make a clear separation between the Waterfront Board and the new States of Jersey Development Company impossible. Bearing this in mind, the previous sub-panel recommended - in its report S.R.9 of 2009 - that prior to the debate the Chief Minister would ensure that the proposition is amended to show without any room for doubt that the Jersey Development Company would not be the same as the current Waterfront Enterprise Board. One of our terms of reference was to assess whether the accepted recommendations made in S.R.9 of 2009 had been followed and implemented by the Council of Ministers. The sub-panel asked the Chief Minister on 5 separate occasions for the contracts of the executive directors of W.E.B. (Waterfront Enterprise Board) in order to assess the exact reasons why a separation cannot be made between the 2 companies. Scrutiny is an objective factual process. The sub-panel has not singled-out any one member of W.E.B. In order for an informal debate to take place and to present its key findings and recommendations, the sub-panel remains of the view that access to the contracts is required. The sub-panel received an email from the Chief Minister on 29th September inviting its members to meet with the board of W.E.B. to view the contracts. It was with great surprise then that during the meeting W.E.B. presented the sub-panel with a single paragraph from one contract in particular. The questions remained unanswered. The sub-panel looks forward to working with the Chief Minister and the department to overcome this issue.

The Deputy Bailiff:

Are there any questions of the Chairman?

7.1.1 Senator A. Breckon:

In his statement the Chairman has said existing contracted relations make a clear separation between the Waterfront Enterprise Board and the new States of Jersey Development Company

impossible. Also, some Members will have received a statement from the 3 States directors; the Constable of Grouville, the Constable of St. Peter and Deputy Noel. In there they say: "The staff have been contracted on the basis that W.E.B.'s role will be geographically broadened - geographically broadened, I am not sure where they are going there - to become the development agency for the States of Jersey." Would the Chairman like to comment on whether he thinks that is wise considering we have not debated this yet?

[12:30]

The Deputy of St. Peter:

The simple answer to that is, no, I do not think it is wise and that is one of the reasons why, as a Scrutiny Panel, we wish to investigate this to the full and complete a full report before a proper debate takes place.

7.1.2 The Deputy of St. John:

Can I ask the chairman of the sub-panel whether he agrees with me that it is inappropriate to debate something until scrutiny have finished all their work?

The Deputy of St. Peter:

Yes, I am of that opinion.

7.1.3 Deputy J.A. Martin:

I was at the presentation yesterday. Could the chairman of the Scrutiny Panel show any light on to it and say ... if we have to debate this today, have we expanded W.E.B. into a bigger company or, as we were explained yesterday, has W.E.B. less powers that will be subsumed into a bigger company called the States of Jersey Development Company, in fact they will only be a developer? So, I think what I am trying to ascertain from the Chairman of the sub-panel is, is he clear exactly where we are going with W.E.B. and the States of Jersey Development Company and if he has not already had sight of many of the papers, should we ... the same question is should we even be proceeding with this debate later on today?

The Deputy Bailiff:

Are you any clearer than the Deputy, Chairman?

The Deputy of St. Peter:

I feel as though I ought to be. As the panel understand the situation at the moment, if this proposal were to go through, the board of W.E.B., in its current form, would become the directors of the new company, S.O.J.D.C. (States of Jersey Development Company). As has already been pointed out, one of our original recommendations is that there should be an absolutely clear division between the setting up of the new company and that of the old company, W.E.B. It is obvious to me, and I would think to most Members, that if the board of W.E.B. moves in to take over the S.O.J.D.C.... but that clear break does not appear to have taken place.

7.1.4 Connétable D.J. Murphy of Grouville:

I understood that the Deputy was going to ask for a deferred debate on this. Is this correct to defer this debate?

The Deputy of St. Peter:

That is a decision for Members of this Assembly. All I have done is made a statement at the moment of where we stand.

The Deputy Bailiff:

The further question would be whether you are going to ask for one.

The Connétable of Grouville:

No, he did not.

The Deputy of St. Peter:

I think I have already said that I do feel, and I think the panel feel, that we should not go ahead with this debate until the review is complete.

7.1.5 Deputy R.G. Le Hérissier:

In the last sentence or 2, the Chairman mentions how he hopes to resolve the issue. Can he tell us, in some detail, how precisely he does intend to resolve the issue?

The Deputy of St. Peter:

I would hope that the Chief Minister will be true to his word in the letter he sent to us, whereby he said that the contracts will be made available to the panel to review in order that they can make that decision - that objective decision - as to whether those contracts interfere with the setting up of the S.O.J.D.C.

7.1.6 Deputy P.V.F. Le Claire:

Part of the elements of W.E.B. at the moment are in contest ... for the public of Jersey, which we own the shares of, are in relation in some aspects to the remuneration of the directors of W.E.B. Given that the Scrutiny Panel has been unable to look at the contracts, therefore, is it the case now, then, that the same bonuses and remuneration might be augmented, or multiplied, by a significant factor if this is just subsumed into a new company rather than merged with, or *vice versa*? Also has the President of the sub-panel considered subpoenaing the information that he requires?

The Deputy of St. Peter:

Firstly, it is not the role, or within our terms of reference, to discuss the actual remuneration of the executive directors of W.E.B. Our role is to see if there is anything within the contract that would stop the separation between W.E.B. and that of S.O.J.D.C. With regard to subpoenaing, I would hope we would not have to take that level. I would hope now that the Chief Minister would take heed of what has been said and re-emphasise to W.E.B. the need for us to see those documents.

7.1.7 Senator P.F.C. Ozouf:

Does the panel Chairman not accept that there is some considerable frustration, indeed sadness, that this issue has taken so very, very, very long in order to resolve? Does he accept that from the Ministerial side, all of which scrutiny wanted in terms of the proposition has been met by the new proposition? Does he not agree that the issues that he says that are to be resolved can, will and, indeed, must be dealt with during the transitional phase before the new company comes into life with the adoption of the articles of association and States decisions in terms of appointment of new directors? If not, why not?

The Deputy of St. Peter:

In answer to the Minister for Treasury and Resources' first question, I would remind him of the fact that the Ministerial side were awaiting the DTZ report. If one looks at the chronology which has now been made available to all States Members, that started in January. I was not invited to meet the Chief Minister until July. Therefore, the initial delay had been caused by a problem which the Chief Minister alluded to in that meeting. We had made every effort, as a panel, to attempt to get our report out early. If one looks at the chronology within the report, one can note that the delays have been caused in a failure of the Executive to provide us with the required information in good time.

Senator P.F.C. Ozouf:

He did not answer the second question that I asked about dealing with the issues in the transitional phase before the new company is actually brought into life.

The Deputy of St. Peter:

I believe the view of the panel, which may come out in the final report if we can get it out, would be that if you start a new company, you start it on the proper foundation with everything put in place, not set a ship sailing with known deficiencies.

PUBLIC BUSINESS

The Deputy Bailiff:

Very well. The 10 minutes which are allowed for questions have now expired. I am sorry, there are 4 Members down to ask further questions but the time allowed under Standing Orders is now up.

8. Jersey Financial Services Commission: re-appointment of Commissioner and Chairman (P.129/2010)

The Deputy Bailiff:

Although we have some 7 or 8 minutes left before the Assembly would normally be expected to adjourn, I am wondering whether it might be convenient to Members to deal with P.129/2010, which is, after the projet is read out, to be dealt with *in camera*. Very well, I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are opinion: (a) in pursuance of Article 3(2)(a) of the Financial Services Commission (Jersey) Law 1998 to reappoint Mr. Clive Stanley Jones as a Commissioner of the Jersey Financial Services Commission with effect from 23rd October 2010 for a period of 3 years; and (b) in pursuance of Article 3(2)(b) of the Financial Services Commission (Jersey) Law 1998 to reappoint Mr. Clive Stanley Jones as Chairman of the Jersey Financial Services Commission.

The Deputy Bailiff:

This is a debate which needs to be had *in camera* so I must ask members of the public and the media to withdraw.

[Debate proceeded in camera]

[12:45]

The Deputy Bailiff:

Very well. The proposition is made. The States will now go out of *camera*. [Aside]. I am very pleased to note we are now open to the wider world and the debate having been taken, all those Members ... The appel is called for. Any Members who are not in the Chamber are invited to return to their seats. I will ask the Greffier to open the voting on the proposition of the Minister for Economic Development, P.129/2010. I wonder if the Chief Minister might see that one of our absent Members appears to have voted. **[Laughter]** Very well, in the circumstances I am going to ask the Greffier to reset the voting and ask Members to vote again. The Greffier has now opened the voting once more.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator F.E. Cohen				

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. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (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 S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
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 D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Deputy Bailiff:

Finally before we adjourn, I can announce to Members that there has been lodged a States Members Remuneration Reconsideration of 2011, increase and repeal of Article 44 of the States of Jersey Law 2005, second amendment in the name of the Deputy of St. Mary.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

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

[12:48]

LUNCHEON ADJOURNMENT

[14:15]

PUBLIC BUSINESS - resumption

9. Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010) - proposition to defer debate

The Deputy Bailiff:

We now return to Public Business and come to “Property and Infrastructure Regeneration: the States of Jersey Development Company Limited” - P.73/2010 - and I ask the Greffier to read the proposition.

9.1 Deputy D.J. De Sousa:

Sorry, can I just interrupt there, please? We would like to call for a reference back on this. We did ask the Chief Minister a little ...

The Deputy Bailiff:

If I may say so, we will call the proposition first and you can make whatever application you wish to make.

Deputy D.J. De Sousa:

I am sorry, I was told that it was before it was read.

The Deputy Bailiff:

Do you mean a reference back, Deputy, or do you mean a deferral?

Deputy D.J. De Sousa:

It is a reference back.

The Deputy Bailiff:

If it is a reference back, then we will certainly take the proposition.

Deputy D.J. De Sousa:

Sorry, it is a deferral; I have got the wrong terminology. Sorry about this, I have not done one before. It is for a deferral of the debate because we did ask the Chief Minister to delay the debate until we completed our scrutiny report. We have been unable to do this so it cannot be a fully informed debate today. So therefore I am calling for a deferral.

The Deputy Bailiff:

Right, is that proposition seconded? **[Seconded]** Is this opposed, Chief Minister?

9.2 Senator T.A. Le Sueur:

Yes, I oppose it.

The Deputy Bailiff:

If it is opposed then I think I will ask Deputy De Sousa to propose it properly. Right, Deputy De Sousa, would you like to propose your proposition for a deferral?

9.3 Deputy D.J. De Sousa:

Yes, I would like to propose a deferral on this debate. As I say, we have not been able to get all the information, so I propose this.

9.4 Senator T.A. Le Sueur:

As I have just said, I clearly oppose this deferral and I am at a loss. I am not sure if the Deputy is speaking in her own name or as a member of the Corporate Services Scrutiny Sub-Panel. But when I read the executive summary of the sub-panel published very recently, it said this is an interim report and the sub-panel will present its final report after the debate on 12th October. Now, if they are saying that they will present their report after the debate today that seems to me to presuppose

that there is going to be a debate today, otherwise we are never going to get their report. But, in any case, the reason which the Deputy has just alluded to for seeking a delay is in order to get further information. Well, I have provided the panel with all the information I can. I have provided them with the opportunity, which they have taken, to visit the board of the Waterfront Enterprise Board and obtain all the information they require from that board. If there is further information which the Scrutiny Panel requires, they have not at this stage raised that with myself. On that basis I have to assume that there is none. If it is purely to do with the contractual arrangements between the company and its employees, that is not an issue which is particularly germane to the proposition. But in any case, the panel have had the opportunity to get that information from the board and have received from the board all the information which they asked the board to give them. On that basis, and with the knowledge that this matter has been going on for longer than is necessary and the fact that I can deal with any of the issues relating to the questions during the course of my speech - and so, I am sure, can other Members of the States - I have to say that supporting this move to defer gets the States no further forward at all. I appreciate there are some people who would do anything rather than have to make a decision. I suggest that is not good politics. This is an issue on which we can make a decision and on which we should make a decision. I urge Members to reject the suggestion of having a further deferral to a topic which has been on the stocks since 2007.

The Deputy Bailiff:

Now, before inviting Members to speak, can I say from the Chair that what we should try and avoid, if possible, is a debate on the proposition twice. So the Members who are now going to be invited to speak should speak only as to whether or not it is necessary to have further information in order to debate the main proposition properly.

9.5 Senator A. Breckon:

I hope to do exactly that with the direction that you have given. I think where Members may wish to apply their minds is where they are comfortable or uncomfortable. There was a statement made this morning by the Chairman of the sub-panel, Corporate Affairs Scrutiny Panel, and in there it said during the sub-panel's evidence-gathering stage it was heard in a public hearing with the Ministry for Treasury and Resources that "existing contractual relations" make a clear separation between the Waterfront Enterprise Board and the new States Development Company impossible. Now, I think what the Scrutiny Panel is trying to establish is what is impossible and what deals have been done or have not been done. Now, I have just heard what the Chief Minister said, but I am uncomfortable because also in the statement from the 3 Members of this House who are members of the board of W.E.B., the Constable of Grouville, the Constable of St. Peter and Deputy Noel, they said in their statement which is dated yesterday: "The staff have been contracted on the basis that W.E.B.'s role would be geographically broadened [I am not sure exactly what that means] to become the development agency for the States of Jersey." Now, where my discomfort is, is what deals have been done and if we decide not to do it, how much, exactly, will it cost us? Now, if that could be millions of pounds, if somebody has got us hamstrung and tied-up with a contract, then I would rather know now. We might be in a situation where somebody, maybe the Chief Minister, is going to stand up and say: "Well, we have to do this now because we have already agreed this." There have been some sort of cosy deals done and all this House is doing, despite other assurances, is rubber stamping something that somebody has already agreed, not in a smoke-filled room because you cannot do that anymore, but in some backroom somewhere. I, for one, am uncomfortable with that and if the Scrutiny Panel takes another 6 weeks, I believe that deferment is worthwhile because we can then say: "Well, these are the conditions", not some paragraph out of ... we want to know, we might have to pay for somebody to live somewhere for the rest of their lives. I would like to know what is in a contract, what we are entitled to pay and what we are not, because if somebody has already tied that up at this stage, then they know something, perhaps, that we do not. I understand there may be some confidential issues, but for me

a deferment is not a problem so that this House can go forward with confidence. I know it has been deferred a number of times. The other thing, regarding deferment, if you asked anybody: "Would you like to model something on W.E.B.?" with respect, they would say: "No." So, is this the perfect example? Where is our investment in all of this? Perhaps we all need a few more details before we can go forward. So, for that reason - and I hope I have not strayed from your direction - I certainly will support a deferment.

The Deputy Bailiff:

Deputy De Sousa, I am looking at Standing Order 87(2)(b) which enables a Member of the States to propose, without notice, that a proposition listed for debate at the present meeting is to be deferred to another meeting day. Do you have another meeting day in mind to which you are proposing this be deferred?

9.6 Deputy D.J. De Sousa:

It depends on how quickly we get the information, but hopefully by the end of November, I would have thought.

The Deputy Bailiff:

Should Members see the proposition as one to defer until 30th November?

Deputy D.J. De Sousa:

Yes.

9.7 Senator B.I. Le Marquand:

Chair, surely this is a Standing Order 83 proposition, not 82. Sorry, I am putting it respectfully to the Chair that this is Standing Order 83, not 82.

The Deputy Bailiff:

I spoke to Deputy De Sousa earlier and asked her whether it was a reference back, in which case we were going to read the proposition. She said no, it was a proposition to defer, so I think it is 87.

9.8 The Connétable of Grouville:

When I started this I was wearing 2 hats. I was wearing my Corporate Services Scrutiny Committee hat and my director of W.E.B. hat. I found that because of the report that came out - I read it in the morning - I had to offer my resignation to my chairman because I found that I was not satisfied at all with the report and I was not satisfied with the fact that I had to speak against the scrutiny report. The Scrutiny Committee have had this for 4 months and the net result is 6 pages, 6 pages of report. The rest of it is introduction and composition of the committee and appendices. So if it has taken them 4 months to get to 6 pages, I hate to think how long it will take them with the rest. The problem we have had - I will not say dispute - in dealing with the panel has been because we have to obviously deal through the Chief Minister, quite rightly. We have been asked for reports, we have been asked for information; we have given it freely, we have given it whenever we can. We have invited the panel down; only 2 turned up to talk to us. The whole board was there. We gave the whole morning away, saying: "Right, what do you want to know? What do you need?" We gave them everything we had. Now we get down to this nitty-gritty bit about the actual contracts of the staff. They have continually - continually - told us they want to see the contracts for the executive directors. Now, a cursory glance at W.E.B., a cursory glance at the accounts, would tell you there is only one director, one executive director; only one. That is why we have taken the view that this is a bit of a witch-hunt against one person and that is what it seems to be from the directors of W.E.B.'s point of view. We have given everything. I do not know what else they want. They have not come back to us and said this is the information, listing it down. We have nothing to go on. What do you want from us? We have given you everything. So, I, obviously oppose this referral back.

[14:30]

9.9 Deputy J.A. Martin:

I thank the Constable of Grouville and the other 2 States Members for their bullet points today. The Chief Minister said: "Is it just a matter of contractual information that is wanted?" This is from the Constable of Grouville and the other 2 States Members, where it has already been said there could be conflict. Are you a States Member first or are you sitting on the company of W.E.B.? Well, from this, I am still not sure which one. But I would just like to draw everyone's attention to 1.23 and it follows on from what Senator Breckon was saying. It states: "It is worthy of note that all staff since mid-2006 have been appointed on the basis that there would be an expansion into W.E.B.'s role." I think scrutiny is asking what that expansion is; what the terms of contract are. Are we not being sold another pup, except it is called the States of Jersey Development Company and not W.E.B.? We were told yesterday: "Trust me, I am the Minister for Treasury and Resources who is going to keep these in place. Trust me, I am the Minister for Planning and Environment who is going to bring outlines of master plans to the States." Unfortunately, after next October we do not know who those people are going to be. Do never rely on a person. We all remember the ex-Deputy who was Assistant Minister for Planning and Environment, Alastair Layzell; okay, I mentioned his name. He made many promises on the last Island plan; he could not carry any of them out. So be careful what you are promising. This does say it is not something ... we are in this pickle because we cannot get out of the contracts we had with W.E.B. They were renewed after 10 years in 2005, very wrongly for another 10 years, I would presume. Now this is the way we get out of it: "Trust me, I know what I am talking about." That is what they are telling us. Sorry, we need to see ... or if we cannot, it is commercially sensitive, I need to be satisfied the Scrutiny Panel are satisfied. So it is not something that can be left to another day. I am very sorry. I think the Chief Minister and the Minister for Treasury and Resources should get together, they should have done this over lunch and they should have withdrawn. They should make sure this information is here. **[Approbation]** Thank you.

The Deputy Bailiff:

Does any Member wish to speak or should I ask Deputy De Sousa to sum up.

9.10 The Deputy of St. John:

I would be remiss in not supporting a fellow chairman of a Scrutiny Panel when they are asking for information.

The Deputy Bailiff:

This is a straightforward matter?

The Deputy of St. John:

Yes, I am, it is straightforward, hence it is important that this House realises that scrutiny can only do their job if they are given the information. From what I have seen in that report, which has been criticised by the Connétable of Grouville as being 7 pages, it means that the information has not been forthcoming from the requests made, given that it was June before they started their review. This has been asked for since the beginning of the year. It is totally wrong to take criticism from a former scrutiny member who decided to choose where he was sitting between whether it was W.E.B. or whether it was a Scrutiny Panel. This is the Connétable of Grouville. It is totally wrong to take criticism from him when he decided to choose to sit ...

The Connétable of Grouville:

Can I ...

The Deputy of St. John:

I am not giving way. It is totally wrong to take criticism in the Chamber from him in the way he has given it. That said, I think all the fault lies at the foot or at the doorstep of the Chief Minister and other Ministers - the Council of Ministers - for making sure that every bit of information was available including contracts of employment if that was requested, because that is able to be received. Thank you.

The Connétable of Grouville:

I am sorry, can I now object to the Deputy's criticism of me? For a man who ...

The Deputy Bailiff:

You are not allowed a second speech.

The Connétable of Grouville:

Sorry?

The Deputy Bailiff:

You are not permitted a second speech under Standing Orders.

The Connétable of Grouville:

It is not a second speech. It was just referring back to the Deputy's speech.

The Deputy Bailiff:

It sounds very much like a second speech to me.

The Connétable of Grouville:

Not really. I was just going to say that we gave ... information should be asked for.

9.11 Senator S.C. Ferguson:

Can we keep personalities out of this, please? This is merely a question of evidence that we heard in a scrutiny hearing which we are trying to follow up. The process is that we go through the Chief Minister. Now, we obviously did not get all the information that we required from the organisation and, therefore, we have gone back to the Chief Minister and asked for it again. Because, after all, this is a States-owned body and it is taxpayers' money. If we are given the information that we require, I need to consult with the rest of the panel but I have no doubt we can finish the report more quickly. It is a very simple question: "Please can we have the information so we can finish?" We really do not want to go through all the hoops of issuing a summons, as we are entitled to, under the law.

9.12 Deputy A.E. Jeune:

I really do believe that scrutiny is absolutely important and we should all work with our Scrutiny Panels. What I cannot understand is why the information they have requested, in full, has not been given to them, albeit it may have been given confidentially? But then on the other hand, one of their Scrutiny Panel was sitting on the board overseeing this **[Interruption]** ... you were not part of it, I beg your pardon then. If somebody can clarify why they just cannot be given the information in full, in confidence if necessary, and we can all come back in a couple of weeks with it. Thank you.

9.13 Deputy M.R. Higgins:

As a chairman of scrutiny, I also want to say that, to me, this is fundamental; it is about whether scrutiny is able to do its job. I do feel that too often Ministers either delay or do not provide information or use confidentiality clauses and try to hide, I think, the truth from States Members. The Chief Minister said a few moments ago this is not about the current management. But yesterday at the briefing it came over to me, quite strongly, that that was a key issue. It was that

basically they have dug themselves into a hole with the particular organisation they have and the individuals they have and they are trying, desperately, to get out of it, but I am not convinced on what I heard yesterday that they are going to. I think they are going to dig an even deeper hole. So, to me, this is fundamental. It is about scrutiny being able to do its job and I will certainly support Deputy De Sousa on the reference back. We must get the facts before we make another terrible ... sorry referral, before we make another gigantic mistake.

9.14 The Deputy of St. Martin:

Very short. One of the reasons I no longer serve on scrutiny is because I felt that we were wasting our time. The Executive had no respect for scrutiny. Here we have another example this afternoon. If scrutiny is to have any meaning, we have obviously got to support Deputy De Sousa. What we have here is an interim report; an interim report is only half a report. We need the facts. We have just spent well over £1 million on the actions taken by one interim report. So I would ask Members not to waste much more time. They should support Deputy De Sousa because it makes sense; we do not have the facts.

9.15 Deputy M. Tadier:

I just wanted to talk very quickly about what the consequences would be if we do not approve this deferral. I think, as it has already been said, it does send out a very mixed message about scrutiny. We have heard in the context of other debates ... let us think about the remuneration debate where the States said: "We are not going to debate our own pay because we have a special body which is set up to deal with that. They are the experts and they look at it thoroughly, evidence based." Similarly, we will probably hear similar arguments in a few weeks, or whenever the proposition comes in about increasing the minimum wage. Some Member will put a proposition in there; the argument will come back. On this occasion it is an argument I will not agree with in this context, but they will say: "We have a body already which deals with that and we should not be trying to second-guess them." I think it is exactly the same with scrutiny. Scrutiny is set up in order to look at it from an evidence-based point of view. I have not yet become completely cynical about scrutiny in the same way that my colleague the Deputy of St. Martin has. I am starting to get that way I think it has to be said. But the question is in a week when many of us have been on school visits encouraging students of the Island, telling them about the importance of scrutiny, what kind of message does this send out if, first of all, scrutiny is not getting the information it requires to do its job and, secondly, when scrutiny speaks out after reflection, that it is just dismissed? I would also point out that looking across the Chamber to my colleagues Deputy Egré and Senator Ferguson, these are not people who can easily be caricatured as wreckers in any way. These are people who I think that label does not fit. So when these speak I am sure that it is not politically motivated. One would hope that scrutiny is never politically motivated, but certainly I do not think that is a charge which can be put on here. Another consequence, imagine if this is not deferred today, if it is debated. Judging by the mood of the Assembly, it is quite possible that it would just be defeated. At which point we are looking at, I think, a 6-month period before it can be re-lodged and re-debated. So, in the interests of commonsense and pragmatic bridge-building politics, I would ask the Chief Minister just to withdraw this now, save a defeat, and re-lodge it when proper liaison and discussion has ensued with scrutiny and when they have the information that they require.

9.16 The Connétable of St. Brelade:

Just briefly, I wonder if the Greffier would clarify when this proposition would run out of time because it strikes me that it could well get very close to it.

The Deputy Bailiff:

It was lodged on 7th June, so it is 6 months from there.

9.17 Senator P.F.C. Ozouf:

My good friend the Deputy of St. John was mouthing to me that it was my fault. [Laughter] We often mouth words. I think I would just correct him and say: "It is going to be my fault if the proposition is passed." I think there is frustration. I understand Members' concern about the frustration because from the Ministry for Treasury and Resources' point of view, or from the Ministerial side, this issue has been going on. The Constable of St. Brelade is right to ask when the lodging was. The chronology of the debate, which I only saw this morning, shows that this issue has been going on far beyond or far earlier than June of this year. In fact, it has been going on ... I have never known a proposition that has been gone over in such detail and has been scrutinised not once but numerous times by a panel. That is the level of frustration that there is. I think that we are doing a disservice to taxpayers when we continue to have a proposition which is in gestation, as it is, but also the organisation. I am concerned that we are not going to achieve our objective of this Assembly in delivering what we need to do in terms of development on the waterfront in the way in which we are doing. We have an interim chairman. I do not know whether he is a chairman or an interim chairman; certainly he was supposed to be there only for a matter of months. He has been there for a significant period of time. I know that there are strongly held views about some of the individuals and some of the players in W.E.B., but there are staff members in there who have an uncertain future and I think that it behoves this Assembly to make decisions properly, in a timely way. This debate, I sense the mood and it will be up to Members to decide. I would just say 2 things. W.E.B. needs to get on with dealing with some really important issues for this Island, Esplanade Square and other developments on the Waterfront. Certainly I have been unwilling in the responsibilities that I have over W.E.B. currently to make decisions within the existing structure of W.E.B. It is unclear, it is fuzzy and it is not right. The proposition before Members clarifies the whole situation with W.E.B. It puts the responsibility for shareholding within the Ministry for Treasury and Resources. It puts the Minister for Planning and Environment in a very clear position in a way that was never done in the past. If the Assembly asks for this proposition to be debated and approves it, I assure Members that over the transitional period we will deal with the issues that Members are concerned about in terms of the Executive and contracts and all the rest of it, just as we do with other departments. I am not criticising the Chief Minister's Department at all, but we are equipped to deal with issues of governance and companies, *et cetera*. I want to see S.O.J.D.C. happen, but I want to see it because I think it will be a better custodian of States assets and we will do a better job in the new structure than what we have at the moment. I think this issue has been going on for long enough. It is up to Members, but I think that they can vote against a deferral. They can use the opportunity of the transition period to deal with the issues that they want. The Scrutiny Panel has already said they agree with S.O.J.D.C. in its concern. The debate is about the transition. Well, let us sort out the transition properly. The debate today is not just the end of the matter. I urge Members to vote against the deferral and put their faith into the transition period and use their abilities to make decisions on their own in the next few months.

The Deputy Bailiff:

There is a rather worrying sign. I have a number of Members wanting to speak on what is a straightforward proposition; should we debate this today or not?

[14:45]

9.18 The Deputy of St. Peter:

I would encourage people to possibly listen to the speech I am about to make and if they have nothing further to add, not to add it. I would just refer to what the Minister for Treasury and Resources said. Yes, we also want to see a structure that is in place that is fit for purpose. That is the whole purpose of making sure that our review is complete. If I can just answer some questions that have been put in my direction, this has been going on "for 4 months", there has been a delay of 4 months. I would remind the Assembly as I did this morning that the original delay of 6 months was because of a purported problem with the DTZ report. As to the 6 pages of the report, the reason why those 6 pages are there, plus all the annexes, is to indicate the problems that the panel

have had over the last period. It is not supposed to be a report that says exactly what the whole view is with regard to the proposal for the S.O.J.D.C. Object is the wrong word. I would like to comment strongly when comments are made in this Assembly about individuals. The issue for me - and this is a personal issue - when someone says on the floor of this Assembly that at a meeting on a Friday that "only 2 turned up" it is a disservice to me. I am afraid I was ill. I should have been there and the States were aware of that because I was ill during the week. I would have been there but I, literally, was too ill to attend. The other 2 members of my panel did. We have today received a 10-page response to the report from the Chief Minister's office. This is, in its own right, a very good reason to defer so that we can digest that 10-page report. We also want to finish the job that we started and if we can defer this until November we will work our level best, as we have tried to do over the summer period, to get this completed. I certainly endorse the proposition and would ask other Members so to do.

9.19 Deputy G.P. Southern:

Very briefly, the Minister for Treasury and Resources has just advised this Chamber to buy a pig in a poke. I suggest we take a good look at the porker.

9.20 Deputy P.V.F. Le Claire:

This has, indeed, been a long road. For those of us that have been fighting the catastrophe of W.E.B. over the years it has been a much, much longer road. The Chief Minister said in his response to this debate today that some Members will choose anything not to make a decision at all. It is absolutely appalling in my view for the Chief Minister of all Members, who is the most experienced and the most highly regarded, to make that suggestion on the floor of the Assembly. During the period of the first development on the Waterfront, people such as ex-Minister Syvret and I, and the Constable of St. Helier, were lambasted as wreckers for bringing to the attention of the Assembly the issues that the Assembly readily recognises today as facts, that we were getting something that was inadequate but we were being forced and coerced as individuals to support the drive, the drive of the Executive, the drive of the politicians at the helm. Today we are being asked again to support the drive of the politicians at the helm. For the first time I will say to them: "I am most likely going to support the proposals because they have been the most scrutinised and the most worked through for the first time." But I cannot turn my back on the process that allows me to come on board just because, once again, we are hearing: "We have to get on with this; it has taken a long time". We never heard anything like that when it came to last week's debate on migration. I strongly suggest a small delay of this period will give us all the confidence to give W.E.B. and the future boards the confidence it desires.

9.21 Connétable J.M. Refault of St. Peter:

Somewhat awkwardly, I stand today to talk against my Deputy of the Parish of St. Peter. It has been a very frustrating position for the board members of W.E.B. to be in, in that we believe that we have done as much as we possibly can do within the realms of commercial law and other things to support the Scrutiny Panel in all the work it is doing. This is not about scrutiny. This is not about undermining the role of scrutiny. It is not about running roughshod over scrutiny. It is exactly the opposite. Just bear with me one moment. Can I just quote from one letter, just to give you an example of how we have tried to be overly helpful in some respects to the actual Scrutiny Panel? This letter is dated 10th August from W.E.B. to the Corporate Services Scrutiny Sub-Panel: "I have received correspondence from the Scrutiny Panel clerk. I understand that you wish to hear evidence from me as managing director of W.E.B. at a public hearing of the sub-panel, 10.30 a.m. on 20th August when you will hear evidence from the acting chair, Jurat John Tibbo. Other directors of W.E.B. will attend but may wish to give evidence on specific matters also. I understand you have requested the other directors attend as observers only. The directors believe that in the spirit of open governance and reasonableness they should be allowed to give evidence as their input would be beneficial." We were not allowed to speak at that scrutiny hearing. On 1st October, at the request of the board, we spoke to the Chief Minister and suggested the board opened

its doors to the Scrutiny Panel, and we did. Deputy Egré was right, he was ill. I called him as ill at the States a few days earlier and he was ill that day also. But the other members of the panel came down with their clerk and towards the end of the meeting ... and you will see in the packet that you have today, towards the back of it, the one with the 3 signatures on the front, the minutes of that meeting. If we go down to 2.21, it is reported that I, Constable Refault, asked the scrutiny sub-panel if there was any further information they requested. Now, I do recall asking that question twice; it is recorded once. However, Deputy De Sousa did rightly comment that they did not at that time but they were having a meeting at 2.00 p.m. later that day and that as a result of that they may have some more questions. The board of W.E.B. said: "Fine, if there is anything else you need, give us a call, we will fill in the gaps for you." They then stayed on after the board meeting and had a very good briefing from the Chief Executive and the Finance Director of W.E.B. So, I think for them to stand up and say that they have not been given all the information is ... we have tried. Certainly W.E.B. have tried. I cannot comment from the Chief Minister's Office, but from the association we have had with him and the working on this, I believe he has done his best as well in perhaps sometimes trying circumstances. I think one of the main sticking points appears to be about the personnel contracts, but the personnel contracts are not the main block to moving forward; it is the commercial contracts for third-party people, with property owners, leases, and all of those sorts of things. As you heard yesterday, those of you who were at the briefing yesterday afternoon, a considerable amount of work would need to be done to renegotiate those and needs the agreement of other people to do it. That is why W.E.B. has to remain. Those are difficulties and shutting W.E.B. down today and starting up S.O.J.D.C. (States of Jersey Development Company) on Monday, those are fundamental difficulties not insurmountable, extremely costly, because it requires other people to be party to those and in agreement and they may want to charge a nice little fee to be accommodating and that fee could be more than we would wish to pay. With regard to the personnel terms and conditions of service, those terms and conditions were worked out. You will see at the back of the pack printed out with the 3 States Members' names on the front a timeline. Can I draw your attention to that timeline. You will see that the contracts that all the current staff have were set up before all but one of the current staff were in office. The only person that remains in office from the previous W.E.B. - the W.E.B. that delivered what we see down the Waterfront today - is the P.A. (personal assistant) to the Chief Executive. The rest of the executive all came into office after the terms ... sorry, they were all employed under contracts which indicated that they were being employed to carry out the role of what we are now calling S.O.J.D.C. It was originally Jersey Property Holdings Developments Limited, then it became Jersey Enterprise Board and now it is S.O.J.D.C. But those contracts were developed specifically for those members of staff to be employed for the role of what we are bringing forward today and what the Chief Minister is bringing forward today in his proposition. The dangers, in my view, of delaying this yet further is the amount of uncertainty it produces in our potential clients. Without going into confidential information, there are a number of financial institutions who are looking very longingly towards the Waterfront for setting up new large floor plan offices. We have already lost one of those about a month ago because we cannot make a decision. These are people that will come in, bring staff with them that will stimulate our economy; the fiscal stimulus alone of doing the developments is absolutely timely to get it working and working now. We are denying that opportunity. The longer we prevaricate the less confidence there will be in the Jersey products. Deferring this now again is only going to help to weaken our trading position in that respect. I think it is very difficult for me to talk ... there is one item; I do not know whether through the Chair the Attorney General can help with regard to personnel contracts, whether there are any data protection issues, because I think that is the main sticking point from the Scrutiny Panel. So whether the A.G. (Attorney General) can help with that one?

The Deputy Bailiff:

What is the precise question you want the A.G. to help on given that we are only deciding whether to debate it today?

The Connétable of St. Peter:

No, is there a data protection issue in releasing the contracts, but I believe that is the item that is outstanding for scrutiny.

The Deputy Bailiff:

Attorney, can you help on that point?

The Attorney General:

I am sure the Assembly will understand I am not familiar with any of the contracts in question. As a matter of general principle, however, an employer owes to its employee a duty of trust and confidence and consequently the disclosure of private information should be seen in the light of that. It can of course happen in certain circumstances, but generally as a contract of employment will amount to personal data, it is covered by the Data Protection Law and the principles that apply. It will be necessary to consider the principles in rather more detail to give any general advice, but there are certainly data protection questions that would have to be taken into account before any decision was made to disclose confidential information.

The Connétable of St. Peter:

Thank you. Thank you to the A.G. through the Chair. I think the one last point I would like to ask the proposer of this deferment motion to identify is exactly what information is the Scrutiny Panel still awaiting. If we knew that we may be able to give that within the next half an hour. That would be very helpful. Thank you.

9.22 Deputy E.J. Noel of St. Lawrence:

I just stand briefly to share my support to my fellow States W.E.B. directors because as far as we are aware there is only one piece of information that via the Chief Minister has been requested that the Scrutiny Panel has not had and that is the full employment contract of the Chief Executive. But as the Attorney General has just pointed out, we need the authority of the personnel to release that full information. So far, that member of staff has been very accommodating and has allowed for extracts - the relevant extracts, the extracts that were asked for - to be disclosed and we have done that. As a board of W.E.B. we have done everything that scrutiny have asked of us.

The Deputy Bailiff:

Deputy Noel, you have kindly declared an interest as a director of W.E.B. It is not a financial interest, as I understand it, and presumably although I think it has not yet been declared, the other directors of W.E.B. would like to declare those interests formally for the purposes of Standing Order 106.

The Connétable of St. Peter:

I so declare my interest as a director of W.E.B.

The Connétable of Grouville:

I also declare my interest.

The Deputy of St. Peter:

If I could just take your advice. Am I allowed to ask a question of the Attorney General based on what I have just heard?

The Deputy Bailiff:

Well, only if it goes to the question of whether we should be debating this issue or not. Does it? If it goes to that.

The Deputy of St. Peter:

It is just to clarify a point that the Attorney General has made because I did see him squirm a little bit over the information that was just given.

The Deputy Bailiff:

The Attorney General never squirms. [Laughter]

The Deputy of St. Peter:

I will change my glasses. The issue for me is the confidentiality element of it. We made it very clear to the Chief Minister that the information that we requested was totally under a confidentiality agreement and it would remain that way.

The Deputy Bailiff:

Do you have anything extra to add, Attorney?

The Attorney General:

I do not, no. I am not sure what the point ... what question that that in fact leads to. I am sorry, I am ...

[15:00]

The Deputy of St. Peter:

The question it leads to, would we then be able to have access to that information as a States Member?

The Attorney General:

The question of access to information, I think, does not necessarily depend upon whether it has been received in a confidential capacity. One has to look at the legal gateways through which information passes. For example, one could not obtain information simply by dint of being a shareholder. Whether one can obtain information by dint of being a Scrutiny Panel by using the various laws available to it is something that I do not comment on and would not propose to do so during the purposes of this particular small part of the debate. But it does seem to me that the first thing to be considered is what are the legal gateways through which information of that nature can pass and then what are the principles that apply in determining whether or not they should pass. I was only talking to the principles that might apply, data protection principles, when I answered the question initially.

The Deputy Bailiff:

Very well. We come to Deputy Trevor Pitman who I expect is going to be making the last speech before I ask Deputy De Sousa to sum up.

9.23 Deputy T.M. Pitman:

Barely even a speech. Could I just ask for clarification for myself and probably the listening public; the difficulty, is this around the contract of the gentleman who is paid more than Barack Obama to oversee our Waterfront development?

The Deputy Bailiff:

Deputy De Sousa, do you wish to sum up?

9.24 Deputy D.J. De Sousa:

I will try. I thank all Members for speaking that have done. I will not go into detail on every one, but I will try and incorporate everything that has been said. Firstly, can I reply to the Chief Minister who spoke. The interim report that we did has a catalogue of instances when we requested information. It also has a catalogue of when we were finally told that we would get that information. When we turned up to receive that information we did not get it. We got an extract

out of it that they thought would be relevant to us. Can I just say that scrutiny is an evidence-based process. All we are trying to do here is gather the evidence to do the report. As many Members have said, there are concerns around W.E.B. expanding into S.O.J.D.C. and we have taken over 4 months to compile what we have of the report because of the catalogue of delays that we had in getting the information we wanted to assist that programme. Hopefully now with the deferral, if it gets through, we will be able to gain that information we need to complete our report so that this can be debated by the end of November. We have not made up our minds; scrutiny is evidence-based. We want all the evidence so that we can now write our report and then we can come back and say to the House: “Yes, this is the way forward” and they have the evidence to back up any arguments in voting for it. That is all we are asking for is more information.

The Connétable of Grouville:

On a point of clarification, can I ask the Deputy, several of us asked her for a list of the information that they require. Could we please have that?

Deputy D.J. De Sousa:

I am sorry, but I thought it was clear. We have asked since the first letter went out to the Chief Minister on 25th August asking to be able to see the Executive Director of W.E.B.’s contracts due to an issue that had been raised in a hearing that we had. Then another letter went out on 10th September making the same request. Finally, a third follow-up letter went out on 16th September and on 20th September we had another letter saying that the Chief Minister did not think this was relevant information. Our Scrutiny Officer sent another letter explaining why we needed this information. We were eventually told on 27th September that we could see these contracts. When we turned up to see them we were given reasons why we could not. We had a very informative discussion with the board of W.E.B. Sorry, is something wrong?

The Connétable of Grouville:

Yes, I asked for a list of the information you needed, not a list of the timescale. Is there anything else apart from the contract?

Deputy D.J. De Sousa:

I have described it: it is the contracts.

The Connétable of Grouville:

Just confirm that is the only thing outstanding?

Deputy D.J. De Sousa:

Yes, that is the only thing remaining. Can I call for the appel, please.

The Deputy Bailiff:

The proposition is to defer the debate on P.73 until 30th November 2010. The appel has been called for. I invite Members, if not in their seats, to return to them and I ask the Greffier to open the voting.

POUR: 24		CONTRE: 24		ABSTAIN: 0
Senator B.E. Shenton		Senator T.A. Le Sueur		
Senator J.L. Perchard		Senator P.F. Routier		
Senator A. Breckon		Senator P.F.C. Ozouf		
Senator S.C. Ferguson		Senator T.J. Le Main		
Connétable of St. Helier		Senator F.E. Cohen		
Connétable of St. John		Senator A.J.H. Maclean		
Connétable of St. Saviour		Senator B.I. Le Marquand		
Deputy R.C. Duhamel (S)		Senator F.du H. Le Gresley		
Deputy of St. Martin		Connétable of St. Ouen		

Deputy R.G. Le Hérisier (S)		Connétable of Trinity		
Deputy J.A. Martin (H)		Connétable of Grouville		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy of Grouville		Connétable of St. Clement		
Deputy of St. Peter		Connétable of St. Peter		
Deputy P.V.F. Le Claire (H)		Connétable of St. Mary		
Deputy S. Pitman (H)		Deputy J.B. Fox (H)		
Deputy of St. John		Deputy of St. Ouen		
Deputy M. Tadier (B)		Deputy J.A. Hilton (H)		
Deputy of St. Mary		Deputy of Trinity		
Deputy T.M. Pitman (H)		Deputy S.S.P.A. Power (B)		
Deputy T.A. Vallois (S)		Deputy I.J. Gorst (C)		
Deputy M.R. Higgins (H)		Deputy A.E. Jeune (B)		
Deputy D.J. De Sousa (H)		Deputy A.T. Dupré (C)		
Deputy J.M. Maçon (S)		Deputy E.J. Noel (L)		

The Deputy Bailiff:

I therefore ask the Greffier to read the proposition.

10. Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010)

The Greffier of the States:

The States are asked to decide whether they are of opinion: (a) to approve the proposals and structure of the new Property and Infrastructure Regeneration process as set out in paragraphs 3-12 of the report of the Council of Ministers dated 7th June 2010; (b) to approve the new Memorandum and Articles of Association of the States of Jersey Development Company Limited as set out in Appendix 2 to the said report, which fundamentally reforms the role and remit of the Waterfront Enterprise Board Limited in accordance with the arrangements set out in the said report; and (c) to authorise the Greffier of the States for and on behalf of the States of Jersey to pass, together with the Treasurer of the States, one or more special resolutions of the company to adopt such Memorandum and Articles of Association.

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

The last time I spoke about this subject I said that the proposition was like a baby elephant in that it had taken a long time at gestation stage. Well, that was a year ago and I am not sure what I can think of, or which animal I can think of, which requires a 3-year gestation period. What I can say is that such a long gestation period is not good for anybody, not for the directors and employees of the Waterfront Enterprise Board who currently face an uncertain future; not for the taxpayer since the returns the company will give are jeopardised by the inaction that the delay inevitably causes; not for us, as States Members, who are perpetuating a corporate structure that most, if not all, of us agree is flawed and needs changing. Now, this proposition, I have to say to Members, is somewhat counter-intuitive. There is a general feeling of unease about the current arrangements for W.E.B. and I think a certain feeling that what we are doing here is perpetuating and accentuating that. That is not the case. That is what will happen if we do nothing. If we do nothing, if we reject this proposition, W.E.B. will continue in its old, unsatisfactory form for the foreseeable future. What I wanted to see, what I hope Members wanted to see, what indeed even the Board of Directors of W.E.B. wanted to see, is a replacement for W.E.B. and that is what we have been doing since 2007 when the previous Council of Ministers lodged a proposition to set up what was then termed the Jersey Enterprise Board. That proposition was subject to review by the Corporate Services Scrutiny Panel and they reported back in June 2008. Their comments raised so many issues that the Council of Ministers decided to rethink the entire proposition. Accordingly, in June 2009 the Council of Ministers lodged revised proposals to set up what is now the States of Jersey

Development Company and those proposals were again the subject of a review by the sub-panel, the current Corporate Services Scrutiny Panel, using their same panel adviser and with the same chairman. When the sub-panel reported back in October of last year, it advised that the new arrangements were a significant improvement on what had briefly been proposed, but expressed a number of outstanding concerns. Although none of those were major issues, I was happy to commit to address all those recommendations to the satisfaction of the sub-panel before the company became operational. Members may recall that back in November 2009 the proposition was referred back as the Assembly wished the work to be completed in advance of the debate. So it was back in November 2009 that the work first started and in that respect I would refer Members to my response to the sub-panel, which was published on 20th October 2009, in which I acknowledged each of the concerns raised by that sub-panel. In accepting all the recommendations of that sub-panel, the Council of Ministers commissioned a second review - an independent review - from DTZ Limited to address the issues raised. That report was published in June of this year. At the same time, the Council of Ministers issued a revised report and proposition, which simply reflected the recommendations of the Corporate Services Scrutiny Panel back in November 2009 and tidied-up the fact that since that time there had been various amendments to the proposition and it was getting very confusing. I must stress that the new proposition did not alter any of the central features of the original P.79/2009. I repeat that, it did not alter the main features of the previous proposition; it simply strengthened and clarified the original proposition in response to scrutiny recommendations to make the distinction between W.E.B. and S.O.J.D.C. clearer. I hope that this proposition now makes that distinction clearer. I am grateful to one of my Ministerial colleagues who yesterday summarised it to those Members who were at the presentation by saying that it is like an old company having new rules. That is all it is. We are giving a new set of rules to the old company. A new set of rules that are better, not just for the company, but better for us as owners of that company and better for the social planning obligations that we also have to fulfil. So, I was a bit surprised that the sub-panel decided to undertake a full review of the proposition, which, as I say, was based to a very large extent on the previous P.79. I tried to remain supportive of that process, as the Chairman knows. I have provided what information I believe is relevant to the review and I agreed to defer in order to give the panel more time to do their work. Through the recently published interim report Members will be aware that the sub-panel still believes there are many issues to be resolved. I will address those later, but there is a serious question in my mind about how much longer this should go on. I am grateful for Deputy De Sousa for clarifying that the only issue outstanding in their mind is that of the employment contract of the one executive director. We have already responded fully to the concerns and the issues identified by the Comptroller and Auditor General, 2 previous reviews by the Scrutiny Panel, and the DTZ review. We now have a third Scrutiny report and I am getting a little bit frustrated. If I draw Members' attention to the timeline, which they should have received today, they will clearly see how this process has gone so far. But as I have tried to say, the States of Jersey Development Company is far more than just a rebranding proposal. The company will be very different from the present Waterfront Enterprise Board, both in its remit, its accountability and its composition.

[15:15]

I know that many Members initially had a concern that the Jersey Development Company was just the Waterfront Enterprise Board by another name. I hope that those who attended the presentation yesterday afternoon, or have been listening to what I have been saying today, or those who have studied the proposition carefully, will realise that this is in fact a very different animal. This proposition represents a fundamental reshaping of the Waterfront Enterprise Board. In particular, it will have a new and strengthened Board of Directors who will be responsible for carrying out the future remit of the company and my objective is to ensure that this Board of Directors is made up of persons with suitable and proven abilities. I am also aware of the concerns expressed by certain Members over the current operational strategy. It will be for the new Board of Directors who will be responsible for ensuring that the executive structure and resources are appropriate for the

company's revised remit. One of their first tasks will be to review their structure and propose such changes as they think necessary. If I were to convert that into layman's language, what I am saying is that if we need to change the existing arrangements we can only do that in the context of a new company. To find such directors will take a little bit of time and I do not expect to be able to come back for suitable nominations before January or February next year. Those appointments importantly have to come to this House for approval. It is States Members who will approve the appointment of the directors of the States of Jersey Development Company; that I expect to take place in February or March next year. It is my view, and I think the view shared by many Members, that the sooner we can move away from the current Waterfront Enterprise Board model into an improved model the better it will be for everyone. There is no point in an ongoing delay. This improved model is vital to deliver regeneration in Jersey and it has been subject to independent review and scrutiny. As a shareholder we have an important responsibility to the Waterfront Enterprise Board to bring some certainty to its future. We have already heard about how one contract has been lost because of that uncertainty. Interim board arrangements, including an acting chairman, have been in place for too long, over 2 years now. Staff have endured 3 years of uncertainty and speculation about the company's future. I have to say that if this proposition were to be rejected we would be left with W.E.B. in its current form. That is a state of affairs that I do not think any of us would feel is in the best interests of the Island. I repeat, leaving W.E.B. in its current form would not be in the interests of the Island. If I now turn to the proposition, the aim is to provide the States with property development expertise, to undertake the redevelopment of certain defined areas. The aim is to maximise the site value while at the same time retain the land in States ownership. So, although title to the land may pass temporarily to the company for the purpose of assembling and financing the development, once the site has been developed the land and any buildings on it can and will be returned to the public or parish ownership. The asset protocol supporting this is shown on pages 67-69 of the report and proposition. So there are good and practical reasons for proceeding in this way. Property development is a commercial activity. As we know, the States is not very good at carrying on commercial activities. It does not have the relevant expertise, the speed of decision making, or the flexibility to best operate in a commercial and competitive environment. It is also better from a presentational point of view for the States not to be involved directly in borrowing or raising finance, but instead aiming to achieve this through the medium of a limited company of which it is the 100 per cent shareholder. The proposition therefore provides a permanent, properly constituted arms-length delivery vehicle under public control. Experience in the U.K. and elsewhere has shown that this is the best way of achieving the desired objective. I do stress however that a new company is intended to be a delivery vehicle and nothing more. It is not a speculator, nor is it a planner. It is there to deliver our aims, the aims and objectives of the States, in the best possible way. The aim is to have a company with clear responsibilities, clear transparency and accountability, and one which avoids potential conflicts between master planning and delivery. In that respect, the States of Jersey Development Company will be fundamentally different from the structure which is intended it should replace. However, and above all, it must recognise and reflect the fact that the States has to retain overall control for what should happen to any site and also when that should happen. It is a clear objective of the proposition - at least I hope it is clear; it should be absolutely clear - that the States remains in primary control of that policy. The structure that I am proposing and of which the S.O.J.D.C. are presently one part, albeit an important and necessary part, has to provide a clear responsibility from the top down. It is the States that will set out and approve the Island Plan. It is the States that will set an overall regeneration strategy. It is the States that will identify particular regeneration zones. It is the Minister for Planning and Environment who is responsible for approving the master plan or plans within each regeneration zone, although he may choose to bring that plan to the States for ratification. It is the Regeneration Steering Group that will receive political and public input into draft master plans and then provide political oversight for the ongoing delivery of the approved plan. Finally, it is the States of Jersey Development Company which comes along at the end of the process and provides the vehicle for delivering the preferred solution. I hope that the coloured

slides shown to Members who attended the presentation helped to show how this will occur. I had hoped that copies might be available to all States Members, but they do not seem to be, but those Members who attended the presentation yesterday will be clear just how you get that separation between the different planning and accountability processes. Because political accountability does fall to the Minister for Treasury and Resources. Just like any other States-owned company he will establish a formal memorandum of understanding with the company, which represents a model of best practice for the shareholder. But it is not the Minister for Treasury and Resources himself who enters into that memorandum of understanding; he does it on the basis of what is before us today. That memorandum of understanding is included in the proposition on pages 34-41. Members are invited to look at that, but it sets out the responsibilities and the reporting requirements, it sets out the minimised risk to public finances, and ensures that the activities of the company are conducted within States policies. So those arrangements are consistent across all the States-owned companies. Crucially, the memorandum of understanding provides the Minister for Treasury and Resources with the opportunity to approve the level of remuneration of the directors of the company, which again is the practice with other wholly owned States companies. It is the Minister for Treasury and Resources who approves the level of remuneration. The Minister for Treasury and Resources will also be responsible for appointing a non-executive director to represent his interests and by extension those of the States as a whole. Finally, to the extent that States assets are transferred to the company, he would ensure that those assets are transferred in accordance with agreed protocols and will report such transfers in accordance with the normal procedures of Standing Order 168. In other words, it is treated just like any other property sale by the States. If any further oversight should be required then the Comptroller and Auditor General has full powers of review and scrutiny of the company's affairs. As Members can see, and I hope can understand, from what I have been saying over the last few minutes, this is a fundamentally different animal than the current Waterfront Enterprise Board. But I would not want to give the impression that the current board of W.E.B. have failed in their activities. On the contrary, within the remit they were given, or in some cases a remit they had to work out for themselves, they have achieved a variety of developments in and around the Waterfront area, although I do appreciate that there will be different views about some of the aesthetics of some of those buildings. The DTZ review, which was published in June of this year, includes within it an assessment of W.E.B.'s performance. That review does identify areas where W.E.B. could have done better and recognises that some mistakes have been made, but it does conclude that W.E.B. has performed better than perception allows. The report identifies the considerable constraints the company has operated under, including confusion over its role, a lack of continuity in leadership, inappropriate intervention, disputes over land, and a high degree of interest in activities. But within those constraints, DTZ conclude that W.E.B. has successfully delivered public realm and other developments, achieved significant uplift in land value, has been commercially astute, has a lean organisational structure, and is financially secure. Although W.E.B. currently has scope to have 7 directors, I am sure that many Members share my view that the breadth and depth of expertise across the board is not as great as it should be for such a large and commercial operation. In particular, it has not always been easy to appoint 3 States directors with the relevant skills, although I do pay tribute to those who are currently serving on the board and others who have done in the past. I think at the present time we have a Board of Directors of whom we could be proud in doing what they are doing, even though I believe that what they are doing needs to change. **[Laughter]** That may sound slightly odd to Deputy Le Hérissier, but I think it is absolutely the fact; we want the remit of W.E.B. to change. The only way we will do that is to have this new company. So indeed the Comptroller and Auditor General made some recommendations about the wisdom of having States Members on the board of such a company, or indeed any company owned or controlled by the States. That was the view of the States themselves some years ago when it resolved that States Members should not normally sit on the boards of companies, unless they possess relevant expertise. In other areas, such as Jersey Electricity and Jersey Water, steps have been taken to ensure that there is no longer a mandatory requirement for States directors and this proposition would put the new company into exactly the same position. I

do want to emphasise it does not preclude the appointment of a States Member if they have got the right expertise. An example of that was the former Deputy Ryan as the Director of Jersey Electricity. Similarly, the director nominated by the Minister for Treasury and Resources may happen to be a States Member, but that is not a requirement. What is a requirement is that each and every director should be appointed on their merit and on their ability to contribute to a balanced and informed team. Appointed, I would add, within the auspices of the Appointments Commission for such roles. I began my speech by referring to the involvement of the Corporate Services Scrutiny sub-panel and I should like to conclude by acknowledging the help that they and their adviser have been to me. As Members will have seen, throughout the process I have not only tried to respond to all their comments and recommendations, but up until now I have accepted each and every one of them. So while I may have to differ from them in this one occasion I would not want to do other than reflect the fact that over the years we have taken on board most, if not all, of their comments and the proposition before us today is the distillation of the joint working between myself and that sub-panel over that period. I would also like to thank the States Directors of W.E.B. for the other information that they provided.

[15:30]

But I think in summary and in conclusion there are some fundamental issues that this proposition seeks to address. They include resolving the conflict between W.E.B.'s role in master planning and to the subsequent delivery; ensuring that master planning is comprehensive and led by the States and specific policies of the States. It is providing appropriate arrangements for accountability and, finally, it is focusing the company on one single remit, that of delivery. I reiterate that through building on the current corporate structure we can fundamentally reform the current arrangements to reform and address these and to make a significant difference from where we are today. The new company will be working to a clear States direction. There is a clear division of responsibilities understood by all. There is a proper co-ordinated approach to regeneration. The company would be focused on delivery and will not be involved in broader activities such as master planning. The company will have a new and experienced Board of Directors whose first task will be to ensure that the executive is fit for purpose in its new role and there is improved accountability and transparency with the company accountable to the States through the Minister for Treasury and Resources. The job will not be completed today. The appointment of a new Board of Directors and a chairman is of critical importance. The sooner this process is commenced the better. I am prepared to cast the net as widely as necessary to make sure the Island gets the best team it needs for this organisation. When I gave evidence to the Scrutiny Panel I said I was determined to ensure that what was proposed to the States as a replacement for W.E.B. should be totally fit for purpose. I am totally satisfied that what is before us today is the outcome of many, many months of deliberation by a number of parties. I believe we have now got it right and it is time to focus our resources on delivering the fundamental reform which I think all Members believe is necessary. I therefore hope that Members agree that the new operation will be a significant improvement on what we have now and I propose this proposition.

The Deputy Bailiff:

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

10.2 Deputy T.M. Pitman:

As I am sure that there are likely to be many speeches going over the same ground again and again and again, I personally am just going to listen and constrain myself to just a simple question, which I hope the Chief Minister will clarify. The Chief Minister has just told us again about how what is being proposed is a very different animal ...

The Deputy Bailiff:

Deputy Trevor Pitman, I am so sorry, I am at fault because there is an amendment in the name of Senator Shenton, which I am reminded about, which ought to be taken first. I have cut you off. In the absence of the Deputy of St. John [**Laughter**] you have not lost your right to speak later on.

10.2.1 Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010 - amendment)
The Deputy Bailiff:

There is an amendment in the name of Senator Shenton, which I will ask the Greffier to read.

The Greffier of the States:

Page 2, paragraph (a), after the words: "As set out in paragraphs 3-12 of the report of the Council of Ministers dated 7th June 2010", insert the words: "Except that (1), in paragraph 7 (Regeneration Steering Group) in the section headed 'Composition' on page 11, for the words: "The Connétable of St. Helier" substitute the words: "A Member of the States elected by the Assembly with a St. Helier mandate (namely a Senator, the Connétable of St. Helier, or a St. Helier Deputy)." (2) In paragraph 7 (Regeneration Steering Group) in the section headed 'Composition' on page 11, for the words: "A co-opted Connétable for a parish in which a major regeneration scheme is taking place" substitute the words: "A Member of the States elected by the Assembly."

10.2.2 Senator B.E. Shenton:

I should be fairly brief. I thought this was a fairly commonsense amendment. I think when you are setting up a structure it is important to think ahead and not look at the current constitution of the Assembly and say: "Well, let us head it up like this. Constable Crowcroft is a good chap and so on, so this should work." One would hope that if we do pass this company structure that it will go forward for many years and far beyond the life of this particular Assembly. What struck me is that we were sending ourselves a little bit down a cul-de-sac with our preference for the Constables of the particular Parishes to the detriment mainly of the Deputies of those Parishes, who I think are just as able to represent the wishes of their constituents. Look, going forwards you may have a situation, for example, where the Constable of St. Helier - the future Constable of St. Helier - is a significant landowner or owns significant business interests, which would rule him out of taking the role that has been put in place. Similarly, a Parish Constable may again be conflicted and again rule him out. Furthermore, in future elections, we may have on the Deputies' benches, for example, a retired property developer or planning officer or someone with considerable experience in this area who may be more suitable for the task. So all I am saying is let us not send ourselves down a cul-de-sac. I think if it does come to the Assembly in many occasions it will probably be the Constable that gets elected, but let us not tie our hands behind our backs and say that it must be the Constable to represent the Parish when we have many other good representatives within the Assembly. I thought it was a commonsense approach. I was surprised it was rejected by the Council of Ministers, but there you go. If they want to restrict it to Constables then so be it, but it could cause serious problems in the future and I put forward the amendment.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Chief Minister.

10.2.3 Senator T.A. Le Sueur:

Yes, perhaps I should explain why it is that the Council of Ministers decided to oppose this because this is a matter which to me is pretty peripheral to the central matters we are discussing today. I am pleased that the Senator appears to share the view that some form of Regeneration Steering Group is a vital part of the overall plan of the States of Jersey Development Company. I hope he therefore also supports the whole thrust of the need to move away from the current position as soon as possible. I say this amendment is peripheral because to me the important issues are setting up the Regeneration Steering Group, to make sure that there is a suitable and balanced cross-section of representation from those most directly involved. Hence, the Senator and I appear to be agreed that

the membership should include the Chief Minister, the Minister for Treasury and Resources, the Minister for Economic Development, the Minister for Transport and Technical Services and a representative of St. Helier. I am proposing to co-opt on to that group, depending on where the regeneration is to take place, the Constable of the Parish involved. The Senator, on the other hand, follows the same general principle, but suggests that the Parish representative could be effectively any Member of the States elected by the Assembly. Like him, my guess is in most cases the end result will be the same and that the additional representative would be the Constable of the Parish. Why is that? Because it is the Constable who generally heads the Parish Roads Committee and is responsible for providing the other services needed by ratepayers in his or her Parish. No other States Member is ever quite so involved in that respect. That is why my proposition acknowledges the fact and proposes the relevant Constable. The proposition is worded in the spirit of trying to get the right person for the job. It is not an issue over which I would lose too much sleep, but realistically, if we wanted to uphold and strengthen the Parish system and the involvement of the Constables in the activities of the States, then this to me is truly a good example of where they could and, in my view, where they should take part. I therefore urge Members to reject this amendment.

10.2.4 The Connétable of St. Brelade:

Just briefly, in the interests of probity, would you guide the Connétables on whether we should be voting in this amendment or not?

The Deputy Bailiff:

There is absolutely no reason in my view why you should not vote in this amendment. You are able to vote on this amendment if you wish to. The Connétable of St. Helier.

10.2.5 The Connétable of St. Helier:

I am going to leave un-referred the, I think, less than generous remarks made by the Senator in his report and just focus on something he said in his proposing speech, which is that Deputies are just as able to represent their constituents as a Constable. I absolutely agree with that in terms of ability and indeed in most Parishes, or certainly at least in St. Helier, we work very close together - we have just come out of a meeting at lunch - but the Deputies and the Constables work extremely closely together. I think what the Senator is missing in his amendment, and I think it was touched on by the Chief Minister, is that the Constable is responsible to the Parish Assembly in a very unique way that the Deputies are not. The constituents of the whole Parish, regardless of which district they live in, can summon the Constable by means of what is called in Guernsey a requete; I am not quite sure what we call it here. They can summon the Constable and require the Constable to do things. I think that unique democratic tool in the hands of constituents is going to be very important if this proposition is accepted, amended or not. It is going to be very important that people who have concerns about the activities of this new body for development can get their views known. That is not going to happen if the Constable is not present in this committee somewhere. Now, it is true that if part 1 of the Senator's amendment is accepted and part 2 fails then you will still have the Constable involved in the steering group, so I do not have as much of a problem with part 1 of his amendment as I do with part 2. I think it is absolutely essential that the Constable of every Parish is involved in any regeneration discussions as the Chief Minister so said that they can go back to the Roads Committee, but more importantly, so they can go to the Parish Assembly where the Constable can ask the ratepayers or the parishioners whether they support his or her role on that group. As the Chief Minister says, it probably does not make a great deal of difference in the long run and it certainly is not about individual personalities and their attendance record, whether that is true or false. It is simply about making sure that all constituents in a given Parish, particularly where there are a number of different Deputies and different districts, can have their views properly attended to. So I will not be supporting the amendment.

The Deputy Bailiff:

Does any other Member wish to speak? Senator Perchard.

10.2.6 Senator J.L. Perchard:

Just briefly, the proposal to form the Regeneration Steering Group and the suggestion quite rightly that the Waterfront Enterprise Board or its successor should not involve itself in master planning are absolutely fundamental to developing a successful Waterfront and not only as a successful Waterfront but other projects that we may wish to develop in the future. In no way does the Regeneration Steering Group or the suggestion of a master plan have anything to do with the formation of a new company. I think the Chief Minister linked the 2 and they are not necessarily linked. We could have a Regeneration Steering Group tomorrow and we can have a master plan the day after. They are not linked to the proposition about the States of Jersey Development Company, so this is peripheral. It is very peripheral. We have got the Constable of St. Brelade who is also the President of T.T.S. There may be a position some time where he feels that he cannot do both, but conflicted; well, he will not be the first Member to be conflicted on a point. Presumably, he would look for an able Deputy in his Parish to take his place, quite reasonably.

The Connétable of St. Brelade:

If the Senator would give way, that would certainly be my approach.

Senator J.L. Perchard:

Quite reasonable and understandable. Similarly, as the Senator, when making his amendment, described conflict. So this is peripheral to the main event. This is about the Regeneration Steering Group, which we must have, and a master plan, which we need. I am not really sure which way to vote, but I do not think it really matters.

The Deputy Bailiff:

Does any other Member wish to speak? Deputy Martin.

10.2.7 Deputy J.A. Martin:

Yes, briefly. I am quite saddened to hear that Senator Perchard thinks it does not really matter. Who best to represent the Parish than the Constable, especially after comments made this morning by the Minister for Planning and Environment. He seems to think that open space will be alleviated by giving people a few extra feet to live in in their flats, so you are a prisoner with 2 extra feet of accommodation, but you might be 5 storeys high. The Constable of St. Helier - and it is not this particular Constable maybe; it might be another one, because me and this Constable do not always agree - I think he has now reached a point of it is cramming and not planning St. Helier. We need it.

[15:45]

It makes me laugh about the second one yesterday; it should be a Constable or States Member. Well, obviously you would not want the Constable of St. Clement in if it was something in St. Clement, would you? You would want another States Member because nothing is going to happen in St. Clement. That is just the ... and the Minister for Planning and Environment agrees. I do think it is peripheral because it is amending the report, but it does go ... I mean this goes ... do not be under any illusion where we are being told if you pass it - I am still not convinced - the Regeneration Steering Group ... and its difference. You have the States Assembly, you have the Council of Ministers in the ... on page 9, you have the little arrow which adjoins us. In DTZ's report we, the States Assembly, sit overarching with no little arrow adjoining us to the Council of Ministers. Then the Regeneration Group. Now, where is Housing in this? I think the Deputy of St. Martin asked a valid, valid point this morning from the Minister for Planning and Environment. He was directed by you not to answer it. But the Minister for Planning and Environment himself had already mentioned how many houses he was putting on the Waterfront. The Deputy then asked: "How many would be for social rented?" We will not get this answer. I want more on this.

It is going to have to be the Council of Ministers. So when we are looking at ... we will have the discussion because Senator Shenton has brought this, I do not think this is right. I do not think a lot of it is right. But as it goes, at the moment, I would support the *status quo*. I would rather see the Constable for the Parish because the majority ... let us know where we are going here. We have just heard that 2,500 homes are planned in the next year or 2 in St. Helier. So the Constable has got my support and I do not really understand when the Senator was amending this he should have really said it should be ... that bit should be the Council of Ministers plus a couple of Constables because that is who needs to be involved and the Minister for Planning and Environment. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak? The Minister for Planning and Environment.

10.2.8 Senator F.E. Cohen:

I do not know what I have done to upset Deputy Martin today, but whatever it is I sincerely apologise. I would just like to clarify that every development that we have proposed, including the areas to be covered by the S.O.J.D.C. should this be approved, will seek to provide generous room sizes, private amenity and public amenity space, together with excellent architecture. I would urge her and any other Member who doubts that to come to Planning and have a look at the schemes that are presently being proposed. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak? The Deputy of St. John.

10.2.9 The Deputy of St. John:

I am going to take issue with the last speaker about excellent architecture. Given we have seen, or we are seeing, proposed for the north of town what I call the Wormwood Scrubs of Jersey, you have seen the work we have turned out with the Energy from Waste Plant, which is supposed to have been redesigned by some world-renowned architect, which we finish up with a carbuncle on a boil, and it goes on. So I do not listen too much now to what the Minister is saying in that respect. But I do respect the Minister for his views about a Connétable in the Parishes knowing what his Parish needs. Therefore, I would not be supporting the proposition here, or the amendment to the proposition, because I believe a Connétable in the Parish does have a much closer working relationship with his Parish and knows what is required. He is the person who sits with the Roads Committee and all the other elements within the Parish and therefore he knows what his Parish wants more so than the Deputy. I chair a working party in St. John to do with the redevelopment of St. John, but that said, the Connétable is a co-opted member and he brings all sorts of additional knowledge to that panel. I believe that by adopting this you are watering-down the proposition, the main proposition, so therefore I will not support the amendment.

The Deputy Bailiff:

Does any other Member wish to speak? The Deputy of St. Mary.

10.2.10 The Deputy of St. Mary:

I was wondering whether or not because I do think that Senator Shenton, the proposer of this, has got a very good point when he asks us why do we think that for some reason Constables have some kind of special position. I recognise what the previous speaker said, but it is still very restrictive the way it is set up now. Deputy Martin said: "Well, it is only a paragraph" but in fact the paragraph in the report is mentioned in the proposition, so we are approving, as far as I can see, this particular paragraph: "If we go ahead the Regeneration Steering Group will comprise the following people: one of whom is the Constable of St. Helier and another is a co-opted Constable for a Parish in which a major regeneration scheme is taking place." There is no room for manoeuvre if that particular Constable is unsuited or does not want to or is not interested in that particular aspect, that

is it; you have still got to have that particular person. The amendment does not stop the States electing that Constable. It would be very odd, in fact, if the States elected someone who was not the Constable or the Deputy for that Parish; it would be absolutely extraordinary. It would send some sort of signal to the people outside. So I think this amendment gives the States more flexibility. I am certainly going to vote for the second part because I do believe that the special status is overrated and you cannot tie yourself down in that way. The Constable of St. Helier... I am still waiting for the summing up there because I think that role is a bit different from other Constables because it is such a big Parish and such a big organisation. He or she may have a specific role and it might be right to have him or her written in. So I will wait to hear the summing up on that. But I do not think that Senator Shenton was wrong to bring this. This is a very important issue as to who sits on the Regeneration Steering Group, given that it is tied-down in black and white in this proposition.

The Greffier of the States (in the Chair):

I call upon Senator Shenton to reply.

10.2.11 Senator B.E. Shenton:

Thank you. The Deputy of St. Mary is right. What we are discussing here is something that is set out within the proposition itself. It is not in the report; it is in the proposition. It says: “The Steering Group will comprise the Chief Minister, the Minister for Treasury and Resources, the Minister for Economic Development, the Minister for Transport and Technical Services, the Constable of St. Helier and if there is another Parish involved a co-opted Constable.” What I am saying is most of the time you will elect the Constable. If it comes to the Assembly you will elect the Constable. But there may be instances in the future - and I have not got a crystal ball; it seems that some Members have but I have not got a crystal ball - where a Constable for one reason or another may not be suitable, be it the fact he is conflicted or be it the fact that he is of poor health or something like that. There may be an instance in the future where the Constable of St. Helier is not the right person for the job. It does not give room for him to co-opt anyone else on. So what this House is saying is that if we want the Constable of St. Helier on it, and if he is not suitable for one reason or another, we would rather have no representation for St. Helier at all. That is what we are saying. We are saying: “If you do not pass this amendment and the Constable of St. Helier, for one reason or another, cannot sit on the board, you will have no representation for St. Helier.” All this amendment does, it says that 99 times out of 100 you probably will have the Constable or the co-opted Constable but give yourself a little bit of room because who knows what is going to happen in the future. That is all it is saying. It is not saying anything else and that is why I thought it is a commonsense amendment. It does not really affect anything apart from give you a “get out of jail” clause in the future if the Constable is not the right person for the job. I put forward the amendment.

The Greffier of the States (in the Chair):

Yes, the appel is called for on the amendment of Senator Shenton. If Members are in their designated seats, I will ask the Greffier to open the voting. Senator Shenton has rather late in the day requested that the 2 parts are voted on separately so I think I will need to ask the Greffier to stop the current vote to allow 2 votes to be taken. I think it is in order so, Senator Shenton, you wish firstly the Assembly to vote on part 1 of your amendment which relates directly to the Connétable of St. Helier and substitute that with any St. Helier representative or with a St. Helier mandate, and if Members are in their seats the Greffier will open the voting on paragraph 1.

POUR: 24		CONTRE: 19		ABSTAIN: 0
Senator P.F. Routier		Senator T.A. Le Sueur		
Senator T.J. Le Main		Senator P.F.C. Ozouf		
Senator B.E. Shenton		Senator F.E. Cohen		
Senator J.L. Perchard		Senator A. Breckon		

Senator S.C. Ferguson		Senator A.J.H. Maclean		
Senator F.du H. Le Gresley		Senator B.I. Le Marquand		
Connétable of St. Ouen		Connétable of St. Helier		
Connétable of St. Mary		Connétable of Trinity		
Deputy of St. Martin		Connétable of Grouville		
Deputy R.G. Le Hérisier (S)		Connétable of St. Brelade		
Deputy J.B. Fox (H)		Connétable of St. Saviour		
Deputy J.A. Martin (H)		Connétable of St. Peter		
Deputy G.P. Southern (H)		Deputy R.C. Duhamel (S)		
Deputy P.V.F. Le Claire (H)		Deputy of St. Ouen		
Deputy S.S.P.A. Power (B)		Deputy of Grouville		
Deputy S. Pitman (H)		Deputy J.A. Hilton (H)		
Deputy of St. John		Deputy A.E. Jeune (B)		
Deputy M. Tadier (B)		Deputy A.T. Dupré (C)		
Deputy of St. Mary		Deputy E.J. Noel (L)		
Deputy T.M. Pitman (H)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Greffier of the States (in the Chair):

Very well. I will ask the Greffier to re-set the voting system and the second vote will then be on paragraph 2 which relates to substituting the words “A co-opted Connétable for a Parish” with the words “a Member of the States elected by the Assembly” and the Greffier will open the voting.

POUR: 21		CONTRE: 22		ABSTAIN: 0
Senator P.F. Routier		Senator T.A. Le Sueur		
Senator T.J. Le Main		Senator P.F.C. Ozouf		
Senator B.E. Shenton		Senator F.E. Cohen		
Senator J.L. Perchard		Senator A.J.H. Maclean		
Senator A. Breckon		Senator B.I. Le Marquand		
Senator S.C. Ferguson		Connétable of St. Ouen		
Senator F.du H. Le Gresley		Connétable of St. Helier		
Deputy of St. Martin		Connétable of Trinity		
Deputy R.G. Le Hérisier (S)		Connétable of Grouville		
Deputy J.B. Fox (H)		Connétable of St. Brelade		
Deputy J.A. Martin (H)		Connétable of St. Saviour		
Deputy G.P. Southern (H)		Connétable of St. Peter		
Deputy P.V.F. Le Claire (H)		Connétable of St. Mary		
Deputy S.S.P.A. Power (B)		Deputy R.C. Duhamel (S)		
Deputy S. Pitman (H)		Deputy of St. Ouen		
Deputy M. Tadier (B)		Deputy of Grouville		
Deputy of St. Mary		Deputy J.A. Hilton (H)		
Deputy T.M. Pitman (H)		Deputy of St. John		
Deputy M.R. Higgins (H)		Deputy A.E. Jeune (B)		
Deputy D.J. De Sousa (H)		Deputy A.T. Dupré (C)		
Deputy J.M. Maçon (S)		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		

The Greffier of the States (in the chair):

Very well, so the debate resumes on the principal proposition as amended by the first part of that amendment.

The Connétable of St. Peter:

If I may, a point of information for the Chamber relative to the debate. Now that the scrutiny sub-panel has identified the one item that is blocking them moving forward, the Chief Executive of W.E.B. is on his way to the States building at the moment to share the content of his contract with the Chairman of the scrutiny sub-panel to enable them to move forward and hopefully bring this matter to a close today. [Approbation]

10.3 Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010)

The Greffier of the States (in the Chair):

I am not sure if that was a speech or not, Connétable, but thank you. Does any other Member wish to speak on the proposition?

10.3.1 Deputy T.M. Pitman:

I am sure I do not need to start again because I know that everyone hangs on my every word [Laughter] [Aside] but I will put you through it anyway. The point I wish to make with ... I do believe we are going to go over and over the same old ground and that is why I am really going to just constrain myself to a question and listen. As I was saying, the Chief Minister has told us again about what is being proposed here being very difficult. He is probably correct; a very different animal. He has also told us, as I recall, that it will be up to us to appoint directors if and as we are satisfied. I would assume that is through the Minister for Treasury and Resources perusing contracts. Could he then simply clarify for me in his summing up that, in stark contrast to what he has said, the States will have no power to curtail or to make more realistic the remuneration contract of the individual - the Chief Executive - currently being paid more, as I said, than the President of the United States for what, in all fairness, does seem very little coherent progress. How indeed will that individual be held politically accountable as I believe his contract is already signed? Scrutiny have not been able to see it yet, although we hope they are going to, and I think there will be no way out of that, so could the Minister please clarify that when he sums up?

10.3.2 Deputy J.M. Maçon:

Quite simply, and I am going to make myself very clear, we have seen what the likes of W.E.B. have done to the Waterfront. If the Chief Minister really thinks I am going to unleash that on the whole of the Island and my district and my Parish, I am not going to do it. I will not be supporting this proposal. [Approbation]

10.3.3 The Connétable of Grouville:

I am going to be very short this time. I would ask the States to back this. This is an ongoing situation now where we have the tenants available, we have the financing available, the expertise is available. There is absolutely no point in us handing it over to developers who will pocket the profits, the profits which should stay in Jersey, should stay in W.E.B. I know there has been a little bit of an argument about dividends. Well, when you invest in a company, you do not necessarily take the dividends out. You sometimes leave them in and reinvest and roll it on and that is what is happening here. I think you are going to find that you are going to end up with a huge company down there which is going to be a huge asset to the States of Jersey and for the Treasurer's balance sheets. Unfortunately, the public perception of W.E.B. has suffered through a lot of inaccurate and biased reporting in the media and this is an opportunity to move forward now with a profitable and iconic development which we can all be proud of.

[16:00]

It can only be good for Jersey with the profits going into the taxpayers' pockets. The building work can be carried out by us - by us, I say the States of Jersey - with the benefit and security of the tenants who are already virtually signed-up or ready to sign-up. It obviates a risk, attracts the

financing at the cheapest possible cost, and I ask Members to please vote for this to take us forward and to secure to a large extent the future of the finance industry in Jersey.

10.3.4 Deputy P.V.F. Le Claire:

I will agree with the Constable of Grouville 100 per cent on the latter part of what he said, that we do need to get behind the finance industry and I think, having reflected on the state of the situation in terms of the economies of the world recently, there is a growing concern that all of the indicators from outside of our jurisdiction are that there is some more stormy weather on the horizon. I have contemplated for the last few weeks ways in which we could possibly diversify ourselves to employ the people that live here and to provide the services for the people's needs here and I cannot come up with anything. I have normally got a very good imagination. I do try to think outside the box but I cannot for the life of me think of anything else that is going to tick the box other than a continued commitment to finance in at least my lifetime. It is rather a sobering thought really but that is the geography of the land and where the geography of the land says grow apples, you grow apples and where the geography of the land says dig potatoes, you dig potatoes. Our geography at the moment is clearly in diversifying and encouraging the finance industry in as many ways as possible, not overwhelmingly so that one spews out gush towards them because I do think that they need to be held accountable in some areas, but I do think they need our support. The first part of the Constable's speech I think I am going to have to agree to differ with him on. I do think up to now W.E.B. has been a series of disasters, personally. I think it is catalogued and I think the media has a great part to play in helping us recognise what has gone so badly wrong before. So for one part of his speech, I am totally on board with the Constable of Grouville, but as for lambasting the media or chastising the media, he knows as well as anyone does that I do not hold back. When I want to criticise the media, I do so, but I do think it is right that we do owe something to the media, the *Jersey Evening Post* and BBC Radio for highlighting the issues on the Waterfront for us over a long period of time and sticking with the debate when many States Members just purely shut up and closed their ears and voted blindly. The Scrutiny Panels have done an excellent body of work in making sure what is to go forwards is going to be as strong as possible. So I am going to congratulate the Executive on doing something that has been positive with the caveat that there is concern among the public, and I am sorry to say this, about the levels of remuneration and the possible transfer of those levels of remuneration, but it is time we did get behind something that was workable. I am comforted by the words of the Constable of St. Peter who lets us know that the Chief Executive Officer is working his way over here to show us the details of the contract. That satisfies my concern that the boxes will be ticked in that respect. I think it is time to move forwards but it certainly is not a time to criticise the media in this instance. They have done a very good body of work in making sure we have been on the ball this time because we certainly have not been on all of the other previous occasions. W.E.B., up until this stage, I am sorry to say, has been an unmitigated disaster.

10.3.5 Senator A. Breckon:

Just looking through, I did have a look at the proposed Memorandum of Understanding between the Minister for Treasury and Resources and the States of Jersey Development Company. Although he is not here, sometimes I have some sympathy with the Minister for Treasury and Resources because he is between a rock and a hard place. He is representing the public interest, the shareholder interest, returns on capital and all sorts of things and some of those matters are not reconcilable, they are just not, and I think somewhere he is looking for his "get out of jail card" as it were. What it says is that: "The States of Jersey by their Act dated 12th December 1995 approved the establishment of the Waterfront Enterprise Board Limited. Their Act dated 14th December 2005 approved the extension of the company's original tenure. Their Act of that date agreed that the role and remit of the company should be extended to allow it to undertake from time to time the regeneration of redundant States of Jersey assets within designed regeneration zones and, where appropriate, to act as the preferred developer for Jersey Property Holdings projects, either via joint

ventures with third party developers or directly.” I believe that there is some tension there about how that and if that and will that happen. Members with longer memories may remember Havre des Pas swimming pool. We had a problem there and it was given to W.E.B. as a project to sort it out. The old abattoir, I think, came under their remit and also the old tourism building. I think we gave them that on a 99-year lease for £1 and then the next day we started paying them £110,000 a year rent and then we moved to the other end of the building on a similar deal. They were also responsible for the bus station and there are various other things. If we look at the Waterfront and what they have achieved, we think of pizzas and chicken and a cinema when we already had 2 - pasties, okay, I forgot that - and, of course, we have the leisure pool which we are subsidising to the tune of about £400,000 a year. So it might be said we have lots to be grateful to them for but then others may differ from that, especially if you do not like pizzas or chicken or pasties. So what do they do? Now, I think it was the Constable of Grouville has just said about this asset and rolling-on and public benefit. Maybe I have missed that bit because I have not seen the returns on any of this and if you look where the old abattoir site is, the Minister for Planning and Environment is not here but maybe it was before his time anyway, I am not sure how that office block appeared but it certainly did and now there is another one round the corner. So there is some income somewhere and I am not sure where it is all going and what the public benefit is. The reason I say that is what would be the public benefit of W.E.B. Mark 2, 3, 4, whatever it may be, of being the preferred developer, our prime mover out there making stuff happen? I do not see it as their being proactive and I really get worried when I see these boards setting up. I have looked back recently at what we have done and what we have paid for boards at postal and telecoms and other places and I wonder sometimes if it is “jobs for the boys”, as it were. There are no girls. That is not sexist; there just are no women there. It is jobs for the boys. In there, you will see that there are things about what directors will get, who agreed. I think with remuneration things, it is case of somebody is on one and somebody else is on another. I have some real discomfort with where public money might be going here. If we go back to the sad old, bad old committee days, we used to do this for fun and I am not sure what we have gained from telecoms or what we have gained from postal by doing this magic roundabout with a regulator. I am not sure what we have done at all. We have spent a lot of money but then we have put other people under pressure and the reason I say that is perhaps we are going there with this as well. Then the question is where are the checks and balances? Now, supposing, for example, we said that the Girls’ College site or South Hill, we are going to give them to this company to do something. How would they do that? Now, on one hand, people say: “No, sell it, get the money and do something else.” I am not sure what, take the bends back out of Victoria Avenue maybe, but then we could do something else with the money. The other thing is we have got some very, very valuable assets if we think of the Overdale site, not the top bit, the bottom bit, and then perhaps St. Saviour’s Hospital site. So there are opportunities to do that but is this organisation going to do that, W.E.B. Mark 4 or 5 or whatever it is? I am not convinced. At the moment, I do not have enough confidence in their track record in what they have done to say: “Well, yes, this is the thrusting machine that is going to do that. It is aware of all the things,” if we look at things that have been on and off and I think perhaps on occasions we have been starved of information as well. That is not that we should know everything, and I have some sympathy with States Members that are on the board because, again, they are conflicted, I think, whereas they are representing the public interest but then they are governed by other things that restrict what that is. So I think if we can move away from that, that in one instance is not a bad thing, but then somebody needs to have a handle on what is going on if, indeed, anything is, and how the deals have been put together. I would ask Members to remember that these are our assets and this is our business that we are handing over for somebody to do. Although there is some political input in this - and we have touched on possibly widening that a bit - I still really have some concerns about moving forward with an organisation that has W.E.B. as the nub of it. Now, that is perhaps because the people who have been involved have been frustrated in the past with clashes between chairman and members and planning and developers and other things so perhaps we have created a camel to start with. That is not to say that we need a few more of them. So, for those reasons, in its entirety,

I will not be supporting this because I do not feel comfortable with it to proceed as it is. We did have some good old, bad old ways of doing things but I am more comfortable with that because we will not get another chance with this unless we flatten most of what is down on the Waterfront and start again and it is not really likely that that is going to happen. Then we are stuck with it, with a hotel that has won some award which is not very complimentary and we now have someone going to cover it up with a block of flats and we have done the same on the other side. Senator Shenton may remember his father at the time when we talked about this, it was a case of we will just leave it grassed over. It will save us building in the countryside. These will be houses and places to live for people and I do not think any of that has been delivered. I think generally we have been let down by what is there and I am uncomfortable, as I say, with the W.E.B. also in entirety so I will not be supporting this.

10.3.6 The Deputy of St. John:

I have to ask are we being misled by the Connétable of Grouville? I hope not but it looks as if we are. Before he jumps up on his seat, let me finish my speech please. Where are the profits shown on the States accounts that W.E.B. is returning so much to the Exchequer because I have not seen them? They may be there somewhere but I have definitely not seen them. You can produce bits of paper and the like and say: "This is what we are making," but let us see them on the bottom line. Let us let them be shown in our accounts and annual reports. I have got concerns. I hear what Deputy Le Claire had to say. Where are we in the action? We are here because of the actions of the Chief Minister and the Minister for Treasury and Resources because we only have one string to our bow and I blame those 2 Members of this House in particular. We had more than one string to our bow and in 2005 the Chief Minister, who was then our President of equivalent to Treasury, and the Minister for Treasury and Resources, who was his Deputy - the Assistant Vice-President of the committee of the day. I, along with the President of the Committee of the day were summoned to a meeting in Cyril Le Marquand House where we were told by a member of the Postal Committee that we had to basically shut down operating in our fulfilment businesses because some directive had come from the U.K. and it was going to affect our working relationship with the U.K. if we kept on allowing Tesco and others to run their fulfilment business from the Island. They took away a string to our bow which I am sure at this time would have been very useful to keep unemployment figures down because they were big players. What do they do? We were told they were not allowed to operate in the Channel Islands. It would be uncompetitive and the like and what do they do, some of these people? Move into Guernsey. We lose a string to our bow caused by 2 of our Ministers on the Council of Ministers.

[16:15]

I have got far more trust in the board of W.E.B. than I have in the Council of Ministers. **[Approbation]** Whether the Connétable of Grouville stamps his feet or not, I am not sure if that is in praise or if it is otherwise, but that said, I do not have a problem but I do have a problem with the interference of States Members because ever since W.E.B. was constituted, and call it whatever name you will, States Members have been interfering because over the years I have seen some beautiful designs come out of that group of people, whether it was under Mr. Clarke as the Chairman, Mr. Filleul as the Chairman or others. There have been some lovely plans come out and I can remember one in particular where the plan was for the Waterfront with the canals and the like. It was properly designed and it would have been a credit to this Island. Instead, because of the Minister for Planning and Environment and the Assistant Minister ... sorry, the President and Vice-President of the day interfering - and they did in a big way - we finish up with a carbuncle on the boil that we have. If we are doing something, we have got to make sure it is really at arm's length from politicians. We must not let our current Minister for Planning and Environment get anywhere near it because he will bring in some other expert, a well-renowned architect from overseas, to tell us what we already know and we finish up yet again with - I do not want to keep on using the same words- the bit of a fiasco that we have where we have things designed for us which our own local

architects could do a lot better, a lot better, and yet we have to go off-Island. I am really surprised at our Minister for Planning and Environment not being in the Chamber to hear me have a go at him [**Aside**] but that said ... yes, I am surprised that the Minister is not in the Chamber because it is by interference of the Ministers for Planning and Environment today, the Presidents of the Planning Committees of the past, that we have a problem. If we are going to put a board together, leave that board to get on with the work and get on with it. The planning authorities should say: "Yes, this is acceptable or not acceptable," but they should not come along with their own plans. Yes, they will be given models and they can say: "Yes, we do not agree with this," but we do not expect to see them redesigning. I went to meet the Managing Director of W.E.B. several weeks ago and I was shown a model of the Esplanade Quarter which, in fact, was not the model I was shown on Monday of last week at the planning office. When I referred to the model I was shown 10 days prior to that, I was told by the Planning Officer that this model did not exist: "You cannot have seen another model." Well, I know what I saw and, in fact, so much so it created a bit of an eruption because I had 5 or 6 emails from the Minister for Planning and Environment over the next few hours wanting to know where this model was, when I had seen it, how I had seen it because he had not seen it [**Laughter**] and I thought what a total fiasco. I am not surprised they did not want to show it to him because he would have probably wanted to redesign it again. [**Laughter**] Then even one of the directors had been got at from W.E.B. and said it did not exist. He even said it this afternoon in the Members' room although another director did accept that it existed. So where are we? Are things having to go ahead behind closed doors because the Minister for Planning and Environment and his department are redesigning things on the hoof as we go along? That is what is worrying me. We need to get the Planning Department out of the equation other than just do their job, not get involved in redesigning the entire Waterfront yet again. It worries me to give any more influence to the Minister for Treasury and Resources who we all know is a very slippery character. [**Laughter**] [**Members: Oh!**] I have had him in front of me on a number of occasions over the years [**Laughter**] to answer questions at a Scrutiny Panel or 2 or 3 and while you and I, as genuine people, will answer the question forthright, it takes you 20 minutes to get an answer out of the Minister and he had only allocated an hour to the interview on that occasion. So we can spend 8 or 10 hours we may have had to spend with him but we did not because we found him a hostile witness. [**Aside**] So where you and I would be doing what was right we believe for the Island, not playing at politics because that is not what it is about, we are doing what is right for the people of Jersey, when we call the Ministers to account for their actions or whatever the position they were in at the time, Chairman or whatever, we expect them to be honest with us and give us the information. We heard earlier today from Deputy De Sousa about the difficulties she was having in getting information from the Chief Minister's Office.

The Greffier of the States (in the Chair):

You will be careful, Deputy, will you not, by not imputing dishonesty by implication?

The Deputy of St. John:

No, no, I am not saying they are dishonest. I am just saying they take 20 minutes to answer a question that could be answered in 2. That is done deliberately. That is why I call the Minister for Treasury and Resources "slippery" [**Laughter**] and that is the only way I can really describe him.

The Greffier of the States (in the Chair):

There are other less personal ways to describe him.

The Deputy of St. John:

Well, I am sure there is, but I am only a retired plumber and therefore I am used to slippery joints and the like. [**Laughter**] That said, I do worry that we are putting too much authority into the hands of that particular person or whoever the person is at the time. It may not be our current Minister for Treasury and Resources. It may be the Minister for Planning and Environment who might move across but then you would be looking at it from a different angle. [**Laughter**] [**Aside**]

I did not mean any disrespect obviously to the Minister for Planning and Environment. I know he has a lawyer sitting between him or should have a lawyer between him and the ... sorry, I am ... can I have a drink of water, Sir? Excuse me just a ... **[Laughter]** **[Aside]** Right, where was I? Let me get back to my ... **[Laughter]** **[Aside]**. I think I have been distracted enough by Members and this is serious and I am concerned that we are putting too much power into the hands of a particular Minister of one department with this. If we are going forward with this, we need to do it in such a way that we take away a lot of the political influence and, as I said before about the Planning Department, yes, they should deal with due process but no more. They should not be bringing in master planners from outside. I am sorry, Minister, you should have been around earlier to listen to it, so through the Chair, Sir, I do not want to repeat myself.

The Greffier of the States (in the Chair):

No, nor does anyone. **[Aside]**

The Deputy of St. John:

That being the case, I will not add any more fuel to the fire but I will sit down.

10.3.7 Deputy R.G. Le Hérisssier:

Aside from the humorous intervention, I would suggest the Deputy of St. John has got totally the wrong end of the stick. I was not prepared to participate. The whole issue that was argued very effectively in this Assembly and where the case, I think, was nearly won, the whole issue about the hotel or the allegations made was that the decision about the hotel was one where the Planning Committee of the day was put under extraordinary duress in order to reach a decision, and in the end they wobbled, so to speak, or caved-in. That was the case put by former Senator Ted Vibert, as I recall, and it is a totally different case from the one that has been put forward by the Deputy of St. John. What it showed was that it is important that the Planning Department retains its independence and fights and fights its corner because all politicians ... and we have heard of the Deputy of St. John meeting all these models at the Planning Department. **[Laughter]** We have heard, and what was he doing there?

The Deputy of St. John:

A correction, Sir.

Deputy R.G. Le Hérisssier:

He had become yet again another Minister for Planning and Environment. We already have 52 Ministers for Planning and Environments. He became the 53rd. It is quite extraordinary. He cannot have it both ways. He cannot say the Minister for Planning and Environment is not to intervene, yet we preside over a system where Members put their finger into everything and they believe they are experts on everything. **[Approbation]** It is total chaos and in a sense, quite frankly, I would prefer there was most direct political control in the sense that it would at least be explicit and it could hopefully be accountable to this House because that has been the fear of W.E.B. and that has been the fear of people if W.E.B. morphs or it transmutes into a super W.E.B. or a super quango. The fear is that we will have an even greater concentration **[Aside]** **[Laughter]**... even I am susceptible to the Deputy of St. John's syllogisms. There will be a greater concentration of power and it will make it worse. It will be even more remote from this House and we will not be able to hold it accountable. That is the real fear but the enemy in this particular mix is not the Minister for Planning and Environment. The Deputy of St. John has got totally the wrong end of the stick.

10.3.8 Deputy J.A. Martin:

There were 2 totally different ends of the spectrum there and I think I am somewhere in the middle. I have been reading this report and the report from the 3 States Members who are today acting as employees of W.E.B. and on page 6 I would like to bring us back to the proposition. It is the role

of the Assembly and there are 4 bullet points. Really, what we have here, our role stops at bullet point 1: "Determining the Island Plan and any amendments thereto. Appoint non-executive directors of the States of Jersey Development Company." The fourth one and the last one is: "Ensure all elements of the process are open and responsive to scrutiny." We can see that the last bullet point has already fallen foul because a very, very important document to everyone concerned was not produced. Someone is running over with it now. I do not know why they were not running over with it a week ago so scrutiny ... or 2 weeks ago. It absolutely beggars belief that we have this. Scrutiny is just brushed aside until somebody in this House ... you get a 24/24 vote of not having the debate and suddenly the Managing Director can sprint over here or get one of his runners to do so. Absolutely unbelievable. On page 11, it says ... again is this political? Are we going one way or the other? I am told it is a totally different animal. It says: "Other than receiving regular progress updates and approving any changes to the agreed plans, the Regeneration Steering Group has no direct responsibility for operational matters." So really, you agree a plan. Obviously they are going to consult with the Constable of St. Helier or whoever representative it would be and: "This is what you want there," and it will start in St. Helier because that is where W.E.B. is. Then it goes on. I have already mentioned I think it is too narrow who will be on it. It is all about money. It says there over the page there are lots of plans in place to underpin this like the States Strategic Plan. There is no Social Policy Plan on that page but it is supposed to be incorporated in the States Strategic Plan. Well, we know what comes out when it is social or money. It is always money. But I really read carefully and I really will have to read the whole paragraph, because I presume that most people listening have not read it, is point A on page 12: "The States of Jersey Development Company Limited. Building on the corporate structure already in existence in respect of Waterfront Enterprise Board Limited, the Council of Ministers wishes to propose that the restructure company to be known as the States of Jersey Development Company Limited, in conjunction with private sector, acts as the developer of property assets belonging to the public where the asset is not otherwise required to meet States needs," *et cetera*.

[16:30]

This is the part: "The restructured company will, in accordance with the arrangement set out in this report, continue the activities of the Waterfront Enterprise Board Limited in developing St. Helier Waterfront, but will also purchase and develop property assets that are required to achieve the regeneration strategies of the Regeneration Steering Group." So what is it? Is it a camel with an extra hump or is it a camel with no humps? I am very confused. This is exactly what it is and yesterday ... I am sorry that Deputy Le Claire ... he knows what W.E.B. has been like for years because me and him have worked with the Waterfront and problems that have been down there. He was not there yesterday and he explained he had to be somewhere else. That is fair enough. But there were some really good ... well, we tried to have some really good discussions and I said to the Chief Minister then: "You either take the criticism now, you have the explaining, or you are going to have a very, very long debate." We did not really get a lot of answers. This new company which I am told is new, everything, and it goes back to what the Deputy of St. John ... please take personalities out of it. I am not criticising the Minister for Treasury and Resources. I think this Minister for Treasury and Resources is probably able well enough to take most people to account but what about his predecessor? You do not design a job description round the person. It should be for anybody to be able to take on. We know we have had weaker Ministers for Treasury and Resources. We may have had stronger ones but we do not work like that. You should not be working like that. The Minister for Treasury and Resources should not be the one to hold it to account. The States of Jersey do not seem to be involved anywhere only if things start to go wrong. Then there are things that have gone wrong at Telecom. There are things that have gone wrong with Jersey Post. We go to the Ministers for Treasury and Resources, other States Members go and ask if they will get involved. No, they will not. So I do not know how far things have got to go wrong. I do like the bit that ... I think the Constable of St. Helier already has loads and loads of questions of Jersey Property Holdings and it is all going their way. The 150-year leases are all

going their way except for Harbour Reach. There are very nice offices down Harbour Reach and it says: "Should be retained in the States of Jersey Development Company. It may be expedient for the States of Jersey Development Company to retain this asset while it continues to occupy it." Well, very nice offices at no rent if you can get it because it says rather than transferring it to J.P.H. (Jersey Property Holdings) and leasing it back. Well, I used to remember W.E.B. when they had the tiny little offices down at the back of Commercial Street. Have we not gone up in the world, lovely, lovely. As I say, there were lots of things yesterday that certainly were not explained to me. I think it is the case and it is up to many States Members. W.E.B. was no good. The Jersey Development Company was ... there was lots to be done ... oh, Jersey Enterprise Board, sorry, that was the other name and I really like the Deputy of St. Mary's name. He calls it "Son of W.E.B." and this is what we seem to be developing. We are told, if you listened yesterday and you are listening today, this might not be the best but let us hope it is better than what we have got. I really am not convinced. I see that tier, this tier; then it goes down to that tier. I am told we need to pay more experts more money to do less work with more property so they will not have any involvement in the design or anything. They would just go out there; they will find the best price so it can be developed but lots more of it. As Deputy Maçon said: "Would you let them into St. Saviour?" No. **[Laughter]** It is not about the design. As the Minister for Planning and Environment always says, architecture is subjective and there are lots of things I might like he will not like and *vice versa*. It is about the absolute. They have put things down the Waterfront. It says in here we have had bars; 2 massive big bars have shut down. One very astute company have bought a very strategic small bar on the Waterfront. Now, we did not keep that. It was sold and they have taken over the lease. Only one bar left on the Waterfront. It is all very worrying what has happened and DTZ said ... they show us this States of Assembly and then you get a chart where it is a tick if it is positive, a square if it is neutral, and a star if it is weak or uncertain. Well, I would suggest even a lot of the neutrals. It says: "We believe that the proposal papers should clarify whether funding of third party land purchases will be from the States of Jersey Development Company and States of Jersey Fund or will include private funding." Well, what does that mean? What does that mean? We were told yesterday we have really got ourselves in a total pickle and Senator Breckon pointed out we were in this pickle in 2005 and what did we do? We extended it for another 10 years under the same Articles. Now you come back today and this is not since only the last 2 years. This has been going on since 2007 when they knew that they had made a mistake and we are here. It is basically hold your breath, sneeze and let us hope that this is going to be better because after we pass it today, you go right back to the beginning and in the first Board of Directors' meeting they will get together and decide their remuneration. Now, that is not a big point; why should they not decide their remuneration? The only person who can agree to it or deny it is the Minister for Treasury and Resources. We already heard again yesterday these are going to be very, very important people; they have got to have an expertise. We have no good expert developers in Jersey, I presume, nor architects. Same point as Deputy of St. John. There is too much in here. Yes, we know; we know W.E.B. have not done its best and I certainly agree with that but do I believe that this is a better way forward? Nobody, not yesterday afternoon and there was quite a good discussion; today, no. Today I hear about the Waterfront, no social housing. Do you know why we developed the Waterfront? We reclaimed land. We reclaimed it for working people - working people and housing - and obviously now it is a prime site, I mean like the other prime site opposite, they put the incinerator on it and kept it really prime so you can go and watch it. It beggars belief to me, and there is nothing in here because W.E.B. have given £50,000 for La Motte Street. Now, since the last time I looked, La Motte Street was not on the Waterfront. It may have been 200 or 300 years ago but it is certainly not now. **[Laughter]** So there is nothing in the Articles. I listened to the ... it was not a threat, it was: "We have tenants waiting. We have money out there. Our hands are tied from the Constable of Grouville." Well, what has W.E.B. been doing for the last 15 years? They have been doing exactly that, badly. Does this make it any better? I do not believe it does, and I am really quite upset that we had to debate this today because there would have been time to have more questions on this. We had a very brief discussion for an hour and a

half yesterday but there was so much unanswered. Do you want to give more land to the same company? Read that 8 of the proposition. It is the same company. Planning will only be able to agree under Planning Law. They might have all these great designs in their heads. The developer will come down to the bottom line. The bottom line will be ... the Minister for Planning and Environment is shaking his head. Of course the Minister for Planning and Environment is already at the front of the game because he has said: "Minimal room sizes must be 2 square metres bigger." So he is already ahead of the game when you are talking about minimum sizes for one and 2-bedroom flats. It really beggars belief but that is for an aside. Nothing that I heard yesterday convinces me. You are giving much more power to one person who directly answers to the Council of Ministers and do not believe that the States of Jersey, us, the public, will have any say after the Island Plan is passed and you appoint the board. That is all you will do, appoint or reject, and I have never known a whole board being rejected in this House yet. It never happens and it never will. So I am very sorry; I am not prepared to hold my nose and just vote pour for this. It is a definite no and I do not even care what the Minister for Treasury and Resources says or any of the other Ministers. I cannot be convinced. We have something that is not an animal that will turn into a monster.

10.3.9 Senator F.E. Cohen:

Not only am I getting a tough time today from Deputy Martin but now my dear friend the Deputy of St. John seems to have joined in but I will put him straight on a couple of issues. Firstly, the Deputy of John seems to be complaining vociferously about the proposals for the Gas Company site adjacent to the new Town Park. The proposals shown so far represent block drawings. They are not architecture and that has been made very clear to the Deputy of St. John on a number of previous occasions. In fact, all he sees is, in a very simple form, classical terraces as described by Naish in London or John Wood in Bath and there is nothing to mean that we should not be able to deliver classical terraces of similar excellence and that is what certainly we intend to do from the planning side. As far as the E.f.W. building is concerned, it is enormous. I said right at the beginning that it would be impossible to hide the scale of the EfW building. It is dictated by the gubbins within and there is nothing we can do about that. It has a required minimum height; it has a required minimum size and the building is as small as it can be but in architectural terms, it is designed in the style of another Hopkins building, the fly tower at Glyndebourne, which was a major international award winner. The Deputy may not like it but that is what architecture is. [Aside] It should be competent but he may not like it. It is not designed specifically to appeal to the Deputy of St. John. It is a modernist construction and it is an industrial construction and very hard to hide. Moving on to the issue of master planning and the Waterfront, it is absolutely imperative if the Waterfront is to ever progress from the sorts of buildings that we all detest that the independence of the Minister for Planning and Environment is retained throughout the process. Master planning should be the job of the Minister for Planning and Environment and the Minister for Planning and Environment should sit apart from the other processes because it is master planning that drives the eventual buildings and the eventual architecture and it is vital that the master planning is divorced from commercial interests. If master planning is passed to the commercial developers, master planning will not be in the interests of the Island and interests of the community. It will be in the interests of maximising developer profit and possibly that is what we have seen so far. In fact, the buildings that are currently proposed or have been proposed during my term as Minister I think will be excellent on the Waterfront. The Westwater Scheme by Robert Adam and the Zephyrus Scheme by Hopkins, both of which I think the Deputy has previously said he supports, are excellent pieces of architecture and there is an example of how the Planning Department has to interpose its principles upon the development being that we have to ensure that once the buildings are approved that they are not value-engineered. The usual mechanism of development is that a developer will say anything, and that includes W.E.B., in order to get the planning consent and then immediately they have got it in their hands, they then start to value-engineer, reduce the costs of the building and reduce the architecture, and that is our job to make

sure that that does not happen in the case of the Waterfront and in the case of other buildings. So there is an example of why we must ensure that master planning remains the remit of the Minister for Planning and Environment. Indeed, we have some dispute at the moment with the Waterfront Enterprise Board in relation to changes they propose to the Master Plan and I have absolutely insisted that any changes that are proposed to the Master Plan come through the author of the Master Plan, being Hopkins Architects, because all master plans have consequential effects and a change at one part of the Master Plan can have significant effects at the other end of the Master Plan and I intend to remain absolutely robust and will not buckle under any pressure in relation to changes to the Master Plan. I think I have demonstrated so far that we do not buckle under pressure as has happened in the past and with the results of the particular buildings that many of us detest on the Waterfront. So I hope I have explained to Members the importance of retaining the importance of master planning and retaining the control of master planning within the Planning Department and under the control of the Minister for Planning and Environment.

[16:45]

10.3.10 The Connétable of St. Helier:

I am pleased to follow the Minister for Planning and Environment and I am pleased that he does buckle under pressure, particularly in relation to master planning. My reservations about this proposition are affected fundamentally by a couple of developments in St. Helier in particular which have rather knocked the stuffing out of my confidence in how we, the States Members, can represent our constituents and achieve our aspirations. The development of the incinerator which many current Members of the Council of Ministers have responsibility for, because they were part of a collection of Members who pushed that through the Assembly, but more recently the fact that I and the St. Helier Deputies had to really struggle to persuade the Minister for Planning and Environment not to cram any more buildings on to the Town Park site. We lost the debate. How did that affect my confidence as Constable? Thankfully the Minister for Planning and Environment buckled under pressure and he amended the Master Plan so that we have, as I mentioned this morning, what the consultant designing it calls “a very, very tiny park”. It would have been much more so if the Minister for Planning and Environment’s vision of Adam-style terraces had been pushed through. So the Minister for Planning and Environment used the words “master plan” several times in his speech and I am pretty sceptical about whether the machinery of government that we have in this Island really delivers master planning of the kind he mentioned. Someone on “Talk-Back” this Sunday ... when I thought the Minister for Planning and Environment was very good on “Talk-Back”, particularly in relation to heritage and historic buildings and the need to protect them, but somebody rang up and said: “Well, up here in St. Helier, we had a Master Plan 15 years ago that showed St. Mark’s Road and Stopford Road with leafy wide pavements,” and he is absolutely right. These visions are produced by politicians. We had EDAW, we had the Urban Character Appraisal. They keep coming and yet the things that really matter, the need to protect our Waterfront, to protect the coastline, we get completely wrong. So I do not have a lot of confidence that this new structure is going to be any better than the one that has given us W.E.B., not directly, of course, giving us the incinerator but certainly some of the other less than ideal buildings on the Waterfront. As someone said to me the other day when I was discussing the Odeon with them, they said: “Would it not be nice if we could bring the cinema back to the Odeon?” and we agreed what better complementary use of the Town Park than to have the cinema running next door, and while we are at it, let us put the swimming pool back on Fort Regent where it worked much better as well. **[Approbation]** So, as I say, I do not have a lot of ... the most encouragement I have had today is as a result of Senator Shenton’s amendment. We appear now to have 2 elected representatives of St. Helier at work on the Regeneration Steering Group but if I read the amendment correctly, we now have the co-opted Constable for the Parish concerned which, in this case, is St. Helier and then we have an elected Member of St. Helier also on that team. Let us hope that with 2 Members or with a Member plus the Constable, we can perhaps have a bit more success than we have had in the last year or so in making sure that if this structure goes

through, that W.E.B. listens to what is best for St. Helier. Deputy Martin mentioned in her speech that I was beginning to turn as far as my commitment to placing all development in St. Helier goes and again, I think she is right. What is quite clear is that while it is totally more sustainable to concentrate housing in the built-up area, there are some very important caveats and one is that you provide sufficient open space. Some very slippery answers this morning about open space really did not give us any encouragement that if you are going to put another 5,000 people at least, dependent on a very, very tiny Town Park, then there is not going to be much more room for them just to stand shoulder to shoulder. Let us not worry about the kind of facilities we are going to provide. It is just going to be a place like ... so I do have real concerns and I am not convinced ... what we have at the moment is not ideal but at least, if you like, we have the opportunity for States Members to bring matters here and to try and fight to get things put right. I am not quite sure how I am going to vote on this at the moment so I am going to wait and hear some of the other speeches but, as I say, my confidence in the ability of the States and its creations to do the best for St. Helier has taken a knocking in the last year and I will need some assurance that this structure is going to be any better at delivering what is best for the town than the previous one.

10.3.11 Senator S.C. Ferguson:

I suppose with regard to J.D.C. (Jersey Development Company), there are basically 2 problems. What format should the new organisation take and what is the best mode of transfer to the new company or the new organisation? The Council of Ministers suggested one way and we suggested another. Earlier, the stumbling blocks appeared to be something to do with the Employment Law. It would, for the purposes of the debate I think, be useful if the Minister could indicate when, how often and for which quangos he has, in fact, exercised his prerogative regarding votes in the A.G.M. (annual general meeting) regarding the various remunerations. But on what basis does he assess the level of remuneration? Past experience does not really give us perhaps all the comfort we should have. I will speak for myself as a member of the panel - the Chairman will obviously speak for himself too and the Vice-Chairman - but we did not have problems with the format of the new company. There have been controls set up to safeguard the interests of the taxpayer. It should be noted that W.E.B. or J.D.C. are both effectively quangos. They are set up by government using public assets and, therefore, through the Minister for Treasury and Resources and Council of Ministers accountable through the States Assembly to the public whose money it is. Now, the Chief Minister described it as one old company with new rules and I am rather reminded of the parable about putting new wine into old bottles. Not recommended. The Chief Minister also questioned the need for a full review. This is a business dealing in millions of taxpayers' pounds and it is only right that we should review it. Frankly, we did not expect to take so long. We have got other things that we are working on at the moment like the F.S.R. (Fundamental Spending Review) and C.S.R. 2. We are working quite hard. Some of us did not go away in August; we were working. But the question is as to the mode of transition. The Council of Ministers wants one method, we want another; but I say old wine in new bottles. We happen to think our recommendation is more straightforward and would enable the changes to be perceived as beneficial. Perception is important and you ignore it at your peril. The Chief Minister talked of uncertainty. When you are dealing with a great deal of taxpayers' money, a little caution is predicated and the Chief Minister talked of the need to have the ability to borrow. Yes, it will be secured by the land but in the end it is taxpayers' money at risk and the loans will effectively be underwritten by the States. It therefore behoves us to review such vehicles and make sure that they are fit for purpose because at the moment, W.E.B. has not paid any dividends to the States so we are looking at jam tomorrow. It is therefore extremely important to ensure all the T's are crossed and I's dotted which was another review reason for a further scrutiny. Deputy Martin mentioned reporting changes in existing contracts. I do happen to know of a change in an existing contract prior to the current board being in place, I might add, which made a significant difference but one which was not, I do not think, picked up by most of the board. Senator Breckon is unhappy with the transfer of property. The other critical part of the transactions is the transfer of property to

S.O.J.D.C. from Property Holdings and the valuation thereof. This is set out in the proposition on page 67, Appendix 7. One of the things we did establish was that there was a considerable amount of work done by Property Holdings to ensure that the assets are safeguarded because basically the success of this company will depend on the strength of the board, particularly the new non-executives and Chairman, the transfer mechanisms for property and the strength of the Director of Jersey Property Holdings. It should not depend on personalities but to a degree it will. As I have said, we have a difference over the mode of transition. I am waiting before I decide to hear the Chairman of the sub-panel with his current update for the States.

10.3.12 The Deputy of St. Mary:

I think the issue here is the huge credibility gap that there is and that is what is driving people's concerns. On paper that diagram looks as if it makes sense but then we heard Deputy Maçon memorably saying: "I do not want them in my Parish." That just illustrates just how big the gulf is. Now, I want to start by looking at what we can learn from W.E.B.'s performance so far and I have got a little note to myself: "Do it on the cheap." That is basically what has happened and I will remember right at the beginning of the W.E.B. saga reading Senator Frank Walker in the paper saying: "It will not cost a penny of public money," and I thought: "That is it, the Waterfront will be a disaster," and so it turned out to be because if you are not prepared to put that extra bit in, if you are not prepared to ... the Minister for Planning and Environment has just told us that in terms of the Master Plan he is going to make sure of this and make sure of that but if you are not prepared to put that investment in for the public, you are going to get the cheapest cinema in the world and you are going to get Burger King and all the rest of the horrors that we have down there. So that is the first lesson and I am not sure we have learned it. Right in the opening speech of the Chief Minister, we heard the phrase "maximise site value", that there was no qualification, there was no: "and the public has an interest in how the land is used". There was nothing about social aspects, community aspects, nothing about all those types of things. Just maximise site value. So what bothers me is that buried in this is the wrong basics and that leads to the lack of trust. So I like to hear from Ministers about the role of the steering group which as someone, I think Deputy Martin, pointed out has the Ministers for E.D. (Economic Development), Treasury and Resources and T.T.S. on it. It does not have input from Housing or Health or Education, lifelong learning. It is all hardware. It is all the people who view the super quango side of things and not the social and community side. So maybe the Chief Minister will tell me that we can control the R.S.G. (Regeneration Steering Group) or that the Council of Ministers will keep an eye and bolt those things in. Maybe he can tell me that. Maybe he can persuade us that the community's interests will be looked after. It is not just about money, as Senator Ferguson suggested it was. I am not saying she thinks it was but it sounded like that when she said "the public whose money it is". The public whose assets they are. The public whose space it is in a sense, although I think there is probably a higher authority but never mind. The way we conceive of it is that the public have access to this land space and it is for their benefit that we are doing all this developing of one kind of another.

[17:00]

But if I do get those assurances, if we do get those assurances from the Chief Minister or from other Ministers, can we believe them? Can we believe them? There is one of the Ministers smiling at me but this is the real point. Let us have a look at the credibility stakes relative to this issue here, the whole saga of scrutiny. We have heard in the debate about deferring this debate anyway about this long drawn-out process to get information and then we learn that a vital document is going to be produced to the Chairman of the sub-panel today, on the day of the debate. It is just extraordinary and it reminds me very clearly of exactly the same that happened in the incinerator debate in the rescindment when a document that was written on 20th January came to this House on 24th February because they did not want us to see it before, and that just rings little bells. I do not know what the Chairman of the sub-panel is going to say. I do not know whether he is happy with what he saw but the point is the process is absolutely incoherent and wrong. So that is the first aspect of

credibility. The second I have here is we have just heard this morning we have a Chief Minister who can read, who can take a month to digest a report although he has not digested it yet, and can make it mean what he wants it to mean and I am referring to the *Napier Report*. He says that there is ... I think his words were: "Napier suggests that there could have been procedural errors in the suspension process." That is not what Napier wrote and you cannot interpret Napier in that way. He did not suggest that there "could have been" procedural errors. He said that there were procedural errors. So I have real problems again with believing what I am told from the other side of the House and this matters because what is in here is a diagram and behind the diagram is values and belief and whether we think it is going to work out in the right way. We were told by the Chief Minister that he did not want to give the impression that the board of W.E.B. had failed and then he referred to the DTZ report which said, according to him, that mistakes had been made but that the performance of W.E.B. had been better than the perception. But I seem to remember that the DTZ report was got at, that the report that we see is not the report that they wrote. So there we have another little case of the facts being bent, of us not getting the information as it started out. Not only do we tell our consultants which ...

The Connétable of St. Peter:

I am terribly sorry, Sir, but I think that is really disrespectful to the current Board of Directors to suggest that we "got at" DTZ. DTZ were never "got at" by either W.E.B. or the Board of Directors. W.E.B. never had any contact with DTZ other than at their request. Every comment that went back to DTZ from the board of W.E.B. went through the Chief Minister's Office. W.E.B. did not tamper with the DTZ report. I would like that on record and I would ask the Deputy to withdraw that comment which is very disrespectful to other States Members.

The Deputy of St. Mary:

Can I repeat what I actually said which I have got the words down here but DTZ ... the DTZ report was got at. I did not say DTZ were got at but the report was altered. I did not specify how that happened or by who indeed, but it was, I am reliably informed, and it was in the paper... [Aside] That does not make it true but I am more reliably informed than that that about 30 changes of tone and content were made. So I just lead that again. Not only do we have consultants who report in the way that they are wanted to report, because that too is evidenced, we know that that happened, it has happened at least twice to my knowledge, but in this case the report was itself altered. The fourth gap in credibility, the reason why it is so hard to accept what the Council of Ministers are telling us is when the Chief Minister said that they accepted every recommendation of the panel's reports. In fact, the very first version of "Son of W.E.B." was completely overthrown and they started again and that does not give me much confidence. There should surely be some recommendations that you say: "Well, we have got it right," but apparently not. Apparently we accept every notion that the Scrutiny Panels ... every improvement that they come up with. Why were those improvements not in in the first place? There is a bit of a "hmm" there, a "hmm" factor. Finally, I basically personally have little faith, I am afraid, in the Chief Minister and the way that he relates to this House. It feels more like another speech but it is relevant to this. Time and again ... I will not go through the list ... but time and again I have got 4 examples here ... the Chief Minister has misled the House and that does

The Deputy Bailiff:

Deputy, I am sorry, that is not an allegation that should be permitted to stand unless you are going to justify it and it does seem to me that it is not, on the face of it, relevant to the debate which we are presently having.

The Deputy of St. Mary:

Yes, Sir, the whole thrust of my speech is credibility because, as I say, this diagram on page whatever it is which we are talking about basically, page 9, depends on the faith we have in the set-up that is behind it and the values and the people. I accept the fact that people will change and so

on but the values may very well remain and I can indeed justify that statement. For instance, the population figures in the main population debate in the Strategic Plan were massaged; 2,800 people were airbrushed out by changing the start date and the finish date of the figures and the Stats Unit had a very small little caveat so they cleared themselves but the fact is that Members were given figures that were misleading. The Chief Minister told us that the consultation in regard to population showed that people were content with 100,000. When challenged, that claim evaporated because that consultation had not happened. It could be inferred but there had not been consultation but he has claimed that there was. The petition for the park was for underground parking as well as the park and that was not true and the main [Aside] ... well, it was not true, it is not in the petition ... and the car park and the flats on the Town Park would not create any delay which made me ... I was flabbergasted that you could have a park with an underground car park and flats and there would be no delay because that had to be said because that was part of the case but it was not true and, therefore, the credibility gap is substantiated. It really is very, very difficult for us to believe in assurances. We have had the assurances. We may even get more assurances about the community aspects of development, that is not just about hardware and it is not just about money, but I think the credibility gap is so vast that it is unlikely that I can vote for this as it basically is going to embody the values of the Council of Ministers that I cannot agree with.

10.3.13 Senator T.A. Le Sueur:

I do have to rise to express my concern. I am normally very tolerant of people's opinions and accept the rough and tumble of politics, but the Deputy accuses me of misleading himself and presumably by inference, extension, misleading the House as well. He has quoted different examples of where he believes the House has been misled. I have refuted all of those and explained why. I believe in the context of this debate the matter is meaningless anyway but I would not want it to be inferred that I intentionally misled the House in any way. [Approbation] If the Deputy feels that he has misinterpreted what I have said or I have misinterpreted what was expected, he is entitled to his opinion. I do not believe he is entitled to claim that I have misled the House.

The Deputy Bailiff:

Chief Minister, the Standing Order is that a Member should not impute improper motives directly or by innuendo to any Member of the States and that is generally taken to mean that one should not say that a Member has deliberately misled the Assembly. On the explanations which the Deputy of St. Mary gave, I reached the view that he was not actually accusing you of deliberately misleading the Assembly but I am sure that that is right, Deputy, is it not? It appears he is nodding that he is not making that allegation. [Laughter] [Aside]

Deputy A.E. Jeune:

Can I ask for a point of clarity, if I may? The Deputy, when he was speaking, if I understood him correctly said that the DTZ report had been altered. Could he please identify what had been altered?

The Deputy Bailiff:

Deputy, do you wish to answer that?

The Deputy of St. Mary:

No, all I know is that it has been altered. I do not have the details personally. I just know that tone and content [Aside] ... if everybody here knows everything directly by personal experience, then I will eat my hat. [Aside]

10.3.14 Deputy M. Tadier:

To try and help proceedings, I notice that the Deputy of St. Peter is back in the Chamber and I might ask if he could perhaps leapfrog other speakers if Members are agreeable because I think the

information he may have might influence the course of the debate. Obviously, I would like to reserve the right to speak but if the Chair and Members are happy for that, I think it might be sage.

The Deputy Bailiff:

There are 3 other speakers before the Deputy of St. Peter.

Deputy M. Tadier:

If not I will proceed but I ...

The Deputy Bailiff:

Are you happy to give way?

Senator J.L. Perchard:

Only if the Deputy of St. Peter would prefer that we did.

The Deputy Bailiff:

Deputy Noel, do you wish to give way? Do you wish to speak now? Deputy of St. Peter, do you wish to speak now?

Deputy M. Tadier:

That is fine, Sir, I just thought I would give the option there. I have no problem. I will not speak for a long time. I thought particularly Deputy Martin, as is often the case, spoke very eloquently and gave a very compelling case as to why we should really think hard and reject this proposition, certainly at this time. Looking round the Assembly and I know certainly from the previous vote which was very close, in fact, it was the same, it is almost a shame that Deputy De Sousa had not brought a proposition not to defer the debate and then obviously that would have got won but, of course, such a proposition is not possible under Standing Orders, I doubt. **[Laughter]** But that just goes to show how much on a knife-edge it was. It was just a device by which we could quite easily have been not debating this now and I suspect some Members may wish that were the case. **[Aside]** Yes, to continue in that vein, if Members have a nagging suspicion at the back of their minds, and I know looking around the Chamber there are Members here who are really not certain about how they should vote for various reasons and I can understand that, I would say first of all that there is a need to be consistent. Members who were not happy at the very start that they did not have the information, that they wanted it to be deferred, nothing should have changed for those Members now so I would expect at least to have 24 Members in the House who are going to vote against this proposition for the sake of consistency, of course. That does not mean that those who voted to have the debate necessarily need to vote in favour either because it is quite possible to want to have the debate and to reject it. So if we all apply logic, then certainly there is no reason that this proposition should stand. Of course, I suspect real politic is slightly different to that. So if Members do have a nagging voice at the back of their minds, I suspect that it is probably better to err to the side of caution. We have heard various Members speak of the various problems of W.E.B. One only needs to think of Fort Regent, of the Chinese parliamentary language here, but it was a mess. Members of the public can put expletives and adjectives before that if they want to but we are in the position where we are now subsidising a swimming pool at the Waterfront but let us not go on about that too much. I would suggest that Members should err to the side of caution. You marry in haste, as the expression goes; you repent at your leisure. I think just waiting a little bit longer to make sure that scrutiny have got the facts that they want to have so that the due process can have been seen to have been done is the correct way to go. Nothing will really matter if it is delayed for perhaps a period of time but what will happen if we make the wrong decision today is that the consequences could be devastating. I would ask Members who were in the House at the time before W.E.B. was up and running whether they might have voted differently if they had known how the situation at the Waterfront was going to end up. I suspect many of us, if we had been in that position, would have probably made different decisions. So I would urge Members to

reject this proposition for the reasons that have been given. I would also just give a warning again about what this means for scrutiny.

[17:15]

I would suspect that if this does go through today, I would urge every scrutiny member to really reconsider their position on scrutiny, whether it is worth being on scrutiny at all. We know this has got to be debated, the format of scrutiny, but either way I would say that if the States as a whole is not going to listen to scrutiny, and I think there is a reason that the Troy Rule, as it was called, does allocate more into the non-Executive than into the Executive, there is a reason for that. I would suggest that if it does go through today, on a personal level I am going to have to perhaps be steered towards the position of other Members and colleagues like the Deputy of St. Martin who seems to be being a lot more productive as a non-scrutiny Back-Bencher than on scrutiny, and I think that is one of the very real consequences today in addition to the potential mess of this going through. Let us not railroad process. Process is there for a reason. It is not about whether we are getting behind the finance industry, *et cetera*; it is not about these things. We can do that anyway once we have a good proposition which has been correctly scrutinised. I think that is what it is about. It is about giving our confidence to the scrutiny to do its job that it should be allowed to do with the information. It is not about a managing director turning up on the very day of a debate because he has been forced or embarrassed to do that and probably compelled to attend by a Minister. It would not surprise me. But this is not the way to do business and I think if we are to regain the respect of the public we need to be doing things properly. Let us come back with a proposition which has been scrutinised where both sides of the House in the terms of Ministers, States Members, but also scrutiny, are all satisfied so we can endorse this without any bad feeling.

10.3.15 Deputy E.J. Noel:

Together with my fellow States Directors on the Board of W.E.B., we have been in post for a little over 18 months now. Our appointment was to be a temporary one with the aim of moving W.E.B. from its present structure to that of the proposed S.O.J.D.C. The new structure has a narrower scope than the scope that W.E.B. currently has but it has potentially a wider geographical remit, i.e. that other sites within the public ownership can be developed and the profits on those sites returned back to States coffers. Appropriate checks and balances have been put in place and the enhanced accountability is there and it is set out in the proposition. I fully support this proposition as the Island requires a delivery vehicle whose remit is to develop sites within development briefs that are given to it, not drafted by it. There is much work that needs to be done to deliver a modern financial quarter, suitable housing development - including social housing - and ongoing delays are just simply not warranted. We do have significant interest in securing a modern financial quarter on The Esplanade site, fully funded from outside sources other than the States, but we only have a limited opportunity, a limited window, to exploit that. Senator Breckon reminded me of Monty Python's famous sketch within their film "The Life of Brian": "What have the Romans ever done for us?" Yes, duplicate the word "W.E.B." for "Romans". S.O.J.D.C. will provide us the opportunity to access the developer's profit as opposed to selling-off the land for a developer to then extract the profit from that. It will also provide us with other gains in the public realm. Islanders deserve to be allowed access to those profits. My good friend the Deputy of St. John, who is vacant at the moment from his seat, referred to the figures; where was the proof of what W.E.B. has delivered to date? Well, W.E.B. auditors, PwC (Pricewaterhouse Coopers) and DTZ, have both confirmed the values achieved; some £89 million worth of value has been achieved. The good Deputy of St. John also referred to 2 models, one of Westwater and Zephyrus which was produced earlier this year and has been shown to the Planning and Environment Department and to many other people. The second model that he referred to is an old model that was produced back in 2005. That was one of the early models of the entire Waterfront area and, indeed, a large proportion of the south-west part of St. Helier.

The Deputy of St. John:

Correction, Sir, if I may? Can I correct what I said, Sir? I saw 2 models. Yes, there were 2 models at that office of W.E.B. The other model I referred to, in fact, was the one I saw at Planning, which was not the same model as the Assistant Minister is talking about.

The Deputy Bailiff:

At least the public knows you are back in the Assembly, Deputy. **[Laughter]**

Deputy E.J. Noel:

I think the Deputy of St. John here could be accused himself of being a bit slippery. I will say no more. My good friend and colleague at H.S.S. (Health and Social Services), Deputy Martin, wants more time for questions to be answered. Well, I first wrote a version of this speech over a year ago so how much more time do Members need? The Deputy of St. Mary referred to the credibility gap. Well, looking back will not solve his dilemma. Over the past 4 years, we have not had a repeat of the cinema. What has been delivered has been of significant value, both in terms of monetary value and in terms of aesthetics in the quality of the buildings produced. The Deputy of St. Mary's definition of credibility appears to be different to mine and I believe to that of many other people. Deputy Tadier referred to the swimming pool and I would just like to remind Members that to close Fort Regent and to build a pool on the Waterfront was a decision of the States. It was not a W.E.B. idea. It was not a W.E.B. decision. W.E.B. were instructed to deliver it and that is what they did. All those Members who wish to register a protest vote against W.E.B., be it due to its past or its present actions or indeed inactions, or protest against certain individuals, then the way to register such a vote is to support this proposition, not to reject it. If there are issues with the Chief Executive's contract, and I say if there are, they will be dealt with during the transitional period following the appointment of a new Chairman and a new Board of Directors. Islanders deserve to benefit from the development of its assets and S.O.J.D.C. is a suitable vehicle to do that as it allows Islanders to access the profits on those sites that it no longer needs, profits that can be reinvested into other Island infrastructure or can be returned in cash to the Treasury to invest in our other services. I urge Members to support this proposition to allow progress to be made for the benefit of all Islanders, be they current or future.

10.3.16 The Connétable of St. Peter:

Initially, I need to declare again, just to make sure, that I am a member of the board of W.E.B., Waterfront Enterprise Board. Quite disturbing some of the comments that have come from some of the Members who are in the Chamber today and, as Members will recall, I was quite agitated at what I thought was the impugnation of the Deputy of St. Mary on the board of W.E.B. and I still maintain my point. However, moving onwards from that very quickly, and I am just picking up the item on the leisure pool complex. I do happen to have with me the actual timeline on that. It goes back to 1989 when the Sports, Leisure and Recreation Committee got Pickering and Torkildsen Associates to report in, who identified the need for a leisure pool. Later on, 1995, Tourism Investment Fund approved an outline development for brief for the pool and P.57 of 1996. This States Chamber gave approval to the zoning of 12 vergées of land on the Waterfront for a leisure pool. That underlines the point that it was not done by W.E.B. W.E.B. was instructed by the Members in this Chamber to deliver that.

Deputy M. Tadier:

May I clarify? The point I am making is that the swimming pool and the Waterfront were connected very closely insofar as that the swimming pool was seen to be necessary as an anchor for the Waterfront and so it is relevant and it was on that basis that States Members, I believe ... and that is what our Scrutiny Panel looked at when they looked at Fort Regent and the issue of the swimming pool and it was on that basis that States Members supported it because, as a whole package for the Waterfront, it was deemed necessary. That is what we found to be the case as a Scrutiny Panel, which I am sure will be rejected because Members have no respect for scrutiny, it seems.

The Connétable of St. Peter:

I think I will move on anyway. If the Deputy would like my timeline, he is more than welcome to have a look at that. Certainly with regard to the developments going on at the Waterfront that W.E.B. are trying to produce, let me just go back a little bit from this. What we are here to debate today is not whether this is about scrutiny or not scrutiny. It is not about whether the Chief Executive is paid too much money or not. It is about should we produce a company which is going to deliver the developer's profit to the States and people of Jersey? Can I say that again? The company of J.D.C. will generate the profit, the developer's profit, which currently goes into the hands of large developers and that money will come back to the States of Jersey. States of Jersey, the people of Jersey, currently owns W.E.B. and will continue to own J.D.C., all its assets, including its financial assets that it holds. When we talked about dividend, we own the money. We own the company. We own it already. It sits within their account and gives them money to be able to work. That is why they hold that money. Somebody was talking about reviews earlier on, can we have some more reviews. Well, the C. and A.G. (Comptroller and Auditor General) did a review. DTZ I think have done 2 reviews. PricewaterhouseCoopers did a review. Hassell Blampied did a review. How many more reviews do we want? This has been going on now for very many years, back to 2006 when it was first brought about, the thoughts about producing the first integration of Jersey Development Company with Jersey Property Holdings Limited Developing Company, and in July 2006, a proposition was prepared. P.89 of 2006 was lodged and in that the terms and conditions of the staff to be employed to do that was developed. Moving on to that, I do happen to have with me the job description for the new person and I do happen to have the advert that went out into all the national publications for that job and I will just read a very small part of it for you: "This is the vision to develop Jersey's future. Managing Director, Waterfront Enterprise Board, Jersey. To achieve the ongoing objectives of W.E.B. in seeking to appoint a Managing Director who will be intimate in ensuring the board's remit can be enlarged and translated into a strategic vision and acceptable plan working closely with the Chairman and board members, government representatives and all other interested parties." Back at that time, the staff who were employed on the back of 2006 and this job advert were employed for what we are now discussing today, S.O.J.D.C. It is a shame it has taken so long. It has taken over 3 years, 4 years, to get to the point where we want the staff to start doing what we employed them to do. The current Managing Director and all the staff, as I said earlier on today, came in-post, apart from one person who was a P.A. to the company. All the current staff were employed with the specific requirement in their job contracts to move into the new company, S.O.J.D.C. as we are talking about today. The one thing that we are looking to achieve here is to generate some fiscal stimulus in developing the Waterfront up on a phased basis initially to generate the opportunity for new businesses to come into Jersey and operate here and, in turn, develop profits coming back through taxes to the Exchequer of Jersey. That is the sole objective because if W.E.B. ... if we, the States, do not do it through the vehicle like S.O.J.D.C., who will do it? A private developer will do it. Who will get the profits? Not the people of Jersey; a private developer will get the profits. Whether they are in St. Saviour or St. Helier or even St. Peter, if W.E.B. is doing it, then we, the people of Jersey, will get the profits. Whether it is a large-scale event, whether it is a small-scale event, the people of Jersey will get the profits. That is what S.O.J.D.C. is all about. I am going to finish very briefly because I think my colleague Deputy Noel has said most of the salient points. I would like to talk just briefly, although it is not really germane to the proposition, but just talking about the sorts of hares that have been set running on the Chief Executive's pay package. When the 3 current States Members were appointed to the board, we shared similar concerns about the level of remuneration and we got a company to look at the Chief Executive's pay and benchmarked it against other people doing similar work both in the U.K. and looking again also into Jersey and the finances where people with the same sort of responsibilities and income-generating ability, what sort of money they want.

[17:30]

There is a report that says what he should get. There is a rate for the job. I do not like it and I know most Members of this House do not like it but that is the rate for the job. His rate for his job is the median of the sector that was benchmarked both in the U.K. and here in Jersey. We specifically asked for a Jersey component to be benchmarked into the pay. So let us not confuse which way we vote on how much the Managing Director gets paid. Let us make our decisions on do we want a vehicle of people which have come in post all the sort of things, the negative aspects that have been talked about in the Chamber this afternoon to do with W.E.B., do we want to get those people up to generate public realm benefits for the people of Jersey and profit to come back to the States of Jersey as well?

Senator T.A. Le Sueur:

It is 5.30 p.m. and some of us have engagements to go to this evening and I do think this is going to take a little bit of time to hear from the Deputy of St. Peter and for me to sum up, so I propose the adjournment.

The Deputy Bailiff:

The adjournment is proposed. Very well, the States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:32]