

# STATES OF JERSEY

## OFFICIAL REPORT

**MONDAY, 6th DECEMBER 2010**

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

[14:30]

**QUESTIONS**

**1. Written Questions**

**1.1 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE HEALTH REVIEW:**

**Question**

Following the recent appointment of a new Chief Executive of the Health and Social Services Department would the Minister inform members –

- a) whether she as Minister was part of the appointment process for the Chief Executive and whether she was part of the interview panel and, if not, would she inform members who sat on the panel and give the reasons why she did not take part in this most important process?
- b) why it has been necessary in such a short period of time to bring in consultants at a cost of some £760,000 if the new Chief Executive was selected because of her experience in other health services and would she explain why the proposed review could not be undertaken by the Chief Executive?

Would the Minister give details of the qualifications of the Chief Executive and state what role, if any, she will play in this review and will she also inform members who wrote the terms of reference of the review to be carried out by KPMG and what input, if any, the Chief Executive had in writing those terms of reference?

**Answer**

- a) I can confirm that I played a full part in the appointment process for the Chief Executive including as a member of the interview panel.
- b) It was clearly identified as part of the Independent CSR Review Report published this October that the current system of health and social services required an urgent and detailed review in order to secure a safe, sustainable and affordable health and social care system fit for the 21<sup>st</sup> century. This is a complex and detailed piece of work which needs to be completed over a period of some 9 months. To undertake this project a wide range of skills and expertise are required. These include specialist skills such as data modelling, scenario development and testing and financial analysis and planning.

The proposed review could not be undertaken by the Chief Executive as she is required to oversee all activities of the Health & Social Services Department and would not have either the personal capacity or the capacity within her team to deliver this project in the timeframe available. Nor would it be reasonable to expect the Chief Executive, or her team, to have the specialist and scarce skills sets identified above.

The Chief Executive is, however, the Senior Responsible Officer for this Project and the author of the terms of reference that were authorised by the Ministerial Oversight Group comprising of the Chief Minister, the Treasury and Resources Minister, the Social Security Minister and myself.

The Chief Executive has extensive experience in the delivery and commissioning of health and social care services previously being the Chief Executive Officer of NHS Norfolk, one of the

largest Primary Care Trusts in England. She has over 20 years' experience in Board level positions including 11 years as a Chief Executive.

The Chief Executive for Health and Social Services was awarded an MA by St Andrew's University in 1982 and an MBA by Henley, The Management College/Brunel University, in 1993. She also has a professional Diploma in Health Services Management.

## **1.2 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING EXTERNAL INCOME SUPPORT ADVISERS:**

### **Question**

Will the Minister inform members who have been appointed as external advisors on the review of Income Support along with details of their qualifications/experience in this field? Will he confirm whether he would be prepared to re-visit the terms of reference to consider the inclusion of the following –

- a) Potential interaction of Income Support, earnings and income tax thresholds;
- b) Treatment of over/under payments of benefit;
- c) Overall coverage of potential claimants/take-up rates?

### **Answer**

As previously set out, the review of Income Support will cover all significant aspects of this benefit.

The Department is making use of external advice as appropriate. The employment review is already under way and a small team from the well respected International Centre for Public and Social Policy (based at the University of Nottingham) is assisting with this task. The communications review has also started and is being supported by the States Communications Unit working with specialist advisers from the UK Department of Work and Pensions. The Housing Department is currently finalising the tender process to appoint external advisers for the Housing Transformation Programme, which includes a review of the interface between social housing provision and Income Support. Further advisers will be recruited during 2011 as other aspects of the review are developed.

The potential interaction of Income Support, earnings and Income Tax thresholds will be considered as part of the overall review of benefit levels. As this topic is also included in the current HSSH panel review of Income Support, the findings of the Panel will be incorporated into the departmental review. The treatment of over and under payment of benefit is an administrative issue which will be addressed as part of the review of Income Support administration. The overall coverage of potential claimants and take-up rates will be considered as part of the analysis of the household income distribution survey recently completed by the Statistics Unit.

## **1.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ENERGY SUPPLIERS:**

### **Question**

In the light of the recent announcement of an investigation into the increase in profit levels of energy suppliers in the UK, will the Minister inform members what profit levels exist locally, whether profit margins have grown in recent years, and what powers, if any, he has to regulate and control profit margins locally?

### **Answer**



On 26th November, Ofgem (the UK Office of the Gas and Electricity Markets) announced that its latest review of retail prices from UK energy suppliers indicated that margins had increased to approximately £90, an increase of about 38% from September. This will require further analysis, similar in nature to the one performed by EDD, when an increase in electricity prices was challenged by Senator Breckon in 2009.

### **Disclosure of profits in the local energy market**

The availability of information on energy company profits in the UK and Jersey is connected to their level of disclosure, which in turn is affected by their stock market status (or lack thereof) and their corporate structure.

The majority of local suppliers of energy are not listed on a stock market in their own right, and are integral elements of larger organisations, and so do not produce individual financial results. This means that their level of profit cannot be exactly identified.

Unfortunately, this means that the question posed by Deputy Southern cannot be fully answered.

The Jersey Electricity Company (JEC), however, is listed on the stock market in its own right and therefore produces detailed financial statements, excerpts from which are included below.

### **Profits of energy suppliers**

Jersey Gas is a major supplier of energy to Islanders. It has since the 1990s been part of a larger group of energy companies, (initially IEG and then later Prime Infrastructure). These groups report profits and apply many costs as a whole, and so no specific Jersey-only profit figures have been available since Jersey Gas was a separate company.

This means that no profit level for Jersey Gas can be determined. However, the company has reported to the Economic Development Department that it has not seen an increase in profit trends in real terms in recent years (although it acknowledges that its profits fluctuate from year to year). The company also notes that the price of liquefied petroleum gas is currently at record levels, which is affecting the price to consumers.

The companies supplying petroleum and heating oils are in a similar situation, inasmuch as part of larger groups they do not report their profits individually. It is not therefore possible to determine the exact margin which they charge on energy supplies.

As noted above, a great deal is known about the profitability of the JEC. In the last published accounts of the JEC its Energy business profits moved up by 6% from £6.3m to £6.7m. In January 2010 the JEC reduced its tariffs to customers by 5% and recently announced a freeze in its tariffs until at least 2012.


The recently announced movements in energy prices for four out of the top six energy suppliers in the UK were as follows:

<b>UK Energy Price Increases Q4 2010</b>	<b>From</b>	<b>Electricity % rise</b>	<b>Gas % rise</b>
EDF	October	2.6%	-
ScottishPower	November	8.9%	2.0%
Scottish & Southern	December	-	9.4%
British Gas	December	7.0%	7.0%
<b>Average</b>		<b>6.2%</b>	<b>6.1%</b>

Source – UK press/company websites

In general terms the JEC seeks to achieve a return on assets invested of around 7% which is required to fund Island infrastructure needs and its tariff comparisons with other areas, as at July 2010, **prior to the recent UK rises**, was as follows:

**Domestic single rate customer using 3,750 kWh p.a.**

Including all taxes	Pence per kWh	% difference
<b>JERSEY</b>	<b>13.84</b>	
Isle of Man	16.40	18%
Guernsey	16.21	17%
EU 15 Average	15.45	12%
Northern Ireland	15.03	9%
UK	12.50	-10%

Source - IPA

**Powers of the Minister to regulate profit levels**

The Minister has no direct powers to control the profit levels that are generated by the energy suppliers. However, the Jersey Competition Regulatory Authority (JCRA) has powers under the ‘Competition (Jersey) Law 2005’ (Part 3) to take measures to stop companies abusing a dominant position. Were it to be established that excess profits were being generated by a monopoly energy supplier in the local market, this would fall within the definition of such abuse.

The States Assembly itself has powers to affect the tariffs of both electricity and gas under the ‘Electricity (Jersey) Law 1937’ (Article 22) and the ‘Jersey Gas Company (Jersey) Law 1989’ (Article 89) respectively.

**1.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING RENTAL ACCOMMODATION:**

**Question**

Will the Minister inform members what the total provision of accommodation for social rental housing for single persons or couples without children exists in the public and housing trust sectors, giving the proportions of ‘bedsits’ and 1-bed flats in each? Is the Minister aware of the equivalent figures for private sector rentals? Will the Minister further indicate what levels of provision of new units of single accommodation are planned over the coming 2-year period? What policy, if any, does the Minister have over the provision of ‘bedsit’ accommodation in the public sector?

**Answer**

The Allocations Policy for States rental homes generally excludes single people or couples under 50 years of age, without children or serious medical conditions, from qualifying for social housing. This is to ensure that the stock is used for those most in need.

The numbers of bedsits and 1 bedroom flats in each of the public and Housing Trust sectors is set out in the table below.

Unit type	Number of units – States Rental	Number of units – Housing Trusts	TOTAL
BEDSIT - FLAT	297	16	<b>313</b>
BEDSIT BUNGALOW	19	0	<b>19</b>
<b>TOTAL BEDSITS</b>	<b>316</b>	<b>16</b>	<b>332</b>
1 BED BUNGALOW	39	0	<b>39</b>
1 BED FLAT	1,623	496	<b>2,119</b>
1 BED HOUSE	25	25	<b>50</b>
1 BED MAISONETTE	3	0	<b>3</b>
<b>TOTAL 1 BEDROOM UNITS</b>	<b>1,690</b>	<b>521</b>	<b>2,211</b>

The Housing Department does not regulate or monitor the private rented sector and I have no reliable evidence of the numbers of such accommodation types.

The delivery of new accommodation is overseen by the Planning & environment Department and they have been able to confirm the following supply of bedsit and 1 bedroom accommodation.

Occupancy Classification	Flats (Incl. studios & bedsits)	Houses (all types)	Total
<b>Category B Homes with permission or Under Construction</b>	489	54	543
<b>Known Social Housing Commitments</b>	44	(19) demolitions	25
<b>Known First Time Buyer Commitments</b>	0	0	0
<b>Known Life Long Homes Commitments</b>	2	0	2
<b>TOTAL</b>	<b>535</b>	<b>35</b>	<b>570</b>

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It should of course be noted that just because a development has planning permission doesn't guarantee that it will be developed, let alone developed in a short time frame.

As for future policy on bedsits in the social sector. Bedsits do I am sure have their place, albeit that I believe, it should be limited. It is fair to say that as a form of long term housing they do suffer from limitations, particularly for couples, and offer minimal living space and privacy. The development of bedsits should not feature in new build social housing schemes. Where they are already present on existing sites my Department will actively seek to improve them so that they offer full 1 bedroom flat standards. This might sometimes, but not always, necessitate that 2 bedsits be converted into 1 larger more suitable home.

### **1.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ONCOLOGY SERVICES:**

#### **Question**

Will the Minister inform members what progress has been made in improving delivery of treatment in the oncology service, and in particular –

- a) In refurbishment and modernization of the facilities; and
- b) In ensuring that the funding of the service has been protected from CSR reductions?

Will she further inform members what current waiting lists and times exist for oncology treatment both on and off-island?

#### **Answer**

Given the ongoing and increasing demand for Oncology services and advances in new drug and chemotherapy protocols, the service regularly reviews the treatment regimes given to individual patients, both locally and in the UK. Two additional chemotherapy nurses and a middle grade doctor were appointed in 2007 and 2010 respectively to provide added support for the service.

The present Oncology Unit was opened in 1995. Since that time the continuing rise in clinical activity has meant that the service has now outgrown its current footprint. Plans are in development to provide larger and more appropriate facilities for this service in 2011.

I am pleased to confirm that the Oncology Service has not been affected by the Comprehensive Service Review (CSR).

I can also confirm that currently no patients are held on a waiting list pending local treatment. Patients requiring specialist treatment are referred to appropriate tertiary centres in the UK and are managed within UK national guidelines for such treatments. These patients are fully supported by specialist liaison nurses who monitor their progress along their particular clinical pathway and ensure that they are followed up upon their return to the Island.

## **1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING ZERO/TEN:**

### **Question**

Will the Minister inform members how the deemed distribution provision under Jersey's Zero/Ten tax system can comply with tests 1 and 2 of the EU code on Business Taxation, given -

1. Whether advantages are accorded only to non-residents or in respect of transactions carried out with non-residents;
2. Whether advantages are ring-fenced from the domestic market, so they do not affect the national tax base;
3. Whether advantages are granted even without any real economic activity and substantial economic presence within the Member State offering such tax advantages.

Will he further state how the application of the zero rate to International Business Companies (IBC) accords with test 3?

The Minister stated the following in his press release on 23<sup>rd</sup> November 2010 -

“Jersey has been told that there was consensus on the part of Code Group members in support of the Commission's paper and that the present 0/10 regime, as it stands, was harmful.”

Given the continuing controversy over zero/ten, does the Minister believe his actions have produced stability in business taxation matters?

Will the Minister inform members what “alternative anti-avoidance measures” to the use of deemed distribution he has under consideration which might comply with the Code?

### **Answer**

Jersey's position continues to be that the deemed distribution regime does not fall within the scope of the EU Code of Conduct on Business Taxation, as they are a personal tax measure. The tests contained within the Code do not therefore apply.

Companies that are subject to the International Business Company (IBC) regime are subject to tax at rates of 30% on their Jersey-source income and rates of between 2% and 0.5% on income sourced outside the Island. Jersey has committed to phase out the IBC regime. No new IBCs have been permitted since 2006, while existing IBCs may continue to claim the status until 2011. After that date, existing IBCs will be taxed under the zero/ten regime. It is anticipated that the majority of these companies will be subject to the 10% rate of company tax.

Jersey's business community and its residents need to be certain that whatever action is taken in response to the EU Code Group review has been carefully considered, and its implications fully understood. The Minister for Treasury and Resources is taking steps to ensure that this is done, by continuing to engage with the EU, and through the ongoing Business Tax Review. Failure to do so would be irresponsible and would certainly cause instability.

It will not be possible to say for certain what action, if any, needs to be taken in response to the EU Code Group's review until the Code Group comes to a firm conclusion on zero/ten. This is

unlikely to be before February 2011 at the earliest. It would therefore be premature to speculate on possible actions before then.

**1.7 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR THE CHIEF MINISTER REGARDING HUMAN RESOURCES STAFFING:**

**Question**

What was the total number of FTE's for human resource posts 5 years ago and what is the number now in the light of the policy of centralising the function? Where have the savings, if any, been made?

**Answer**

At the end of 2005, the total number of FTE's for HR was 63.8 across the States. However, this did not take account that of part time roles undertaken by secretaries and administrative assistants in departments who undertook some HR administrative tasks.

The HR establishment as noted in the 2010 Business Plan is 57.8 FTEs. During this period 6 FTE posts have been saved, achieved as a result of combining HR functions such as HR administrative support which is centralised in the Business Support Team.

**1.8 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING ENERGY SAVING TARGETS:**

**Question**

What energy savings targets, if any, have been set for the year 2011 for each of the secondary institutions under the aegis of the Education, Sport and Culture Department?

**Answer**

We are not in a position at this stage to set energy targets for individual schools, however Property Holdings is currently considering options in the context of energy management across the States. The Education, Sport and Culture department looks forward to taking part in that process and working with Property Holdings to implement any measures to reduce energy consumption in all facilities under the aegis of the department, including all schools.

As far as the schools are concerned, energy costs represent a significant element of their budgets, and it is therefore in the interests of the head teachers to ensure that heating costs are minimised.

Pending any changes in States energy management, consumption of water, gas and electricity is monitored by each school on a monthly or quarterly basis dependent on billing arrangements with the suppliers. The consumption of heating oil is rather more difficult to track with complete accuracy, as fuel tanks tend to be filled up when they are becoming empty, rather than at regular times during the year.

A trial study on energy consumption in a number of schools has recently been carried out by Property Holdings. The heating energy used for a given floor area and the electrical energy (small power and lighting) used for a given floor area was compared to benchmark figures available. It is now planned to extend this study to all States schools and colleges.

In general it was found that the heating performance of Jersey schools is good and the electrical performance average.

### **1.9 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING CORRESPONDENCE WITH BOAT OWNERS:**

#### **Question**

Will the Minister explain why he has not responded to letters or e mails from Marine Leisure Growth Group members St Helier Boat Owners Association dated 16th February, 18th March, 22nd March and 24th September 2010 given that his department requested consultation, and would he explain how this contributes to a good working relationship?

Will the Minister give details of how many items of correspondence are outstanding or are awaiting a reply to all the members of the Marine Leisure Growth Group for longer than 9 months, longer than 6 months, longer than 3 months, or longer than 28 days?

#### **Answer**

I would like to thank the Deputy of St John for bringing this matter to my attention. I have indeed been remiss in responding to a letter from the Chairman of the St Helier Boat Owners Association.

I have however spoken to the Chairman and I have invited him to meet with me.

I am only aware of one piece of written correspondence that requires an answer although email reminders regarding this letter have been received.

I would like to point out to members that my Assistant Minister with responsibility for Harbours & Airport and Jersey Harbours have made great efforts to improve communication with boat owners and other harbour stakeholders.

**Jersey Harbours have regular meetings with the Chairman of the St Helier Boat Owners Association as they do with all such associations.**

### **1.10 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE 'LOAD ON, LOAD OFF' SERVICE:**

#### **Question**

Will the Minister explain whether or not the 'lo-lo' (load on, load off) operation is to move to la Collette from the New North Quay, and if so, when is this planned for?

#### **Answer**

At this time, there is nothing in the agreed Jersey Harbours Business Plan to relocate the Lo Lo port operation from the New North Quay to La Collette. Concept plans have been discussed, but no firm plans have been made.

Any such plans would be subject to public consultation and indeed normal planning procedures in due course should any such concept be taken forward.

## **1.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING GOREY HARBOUR REPAIRS:**

### **Question**

Will the Minister confirm what contribution the States are making to his department's budget in respect of the cost of repairs at St. Aubin's Harbour (at a cost of £1.2 million) and also at Gorey Harbour (at additional cost), which are both historic monuments, and if there is none, would he explain why?

### **Answer**

The States have made a contribution of £150,000 to the Jersey Harbours Trading Fund in respect of the St Aubin's project as detailed in MD-TR-2009-0142 dated 2nd September 2009 for £70,000 and MD-TR-2010-0020 dated 25th January 2010 for £80,000.

The total project budget is £1.602 million further to MD-TR-2010-0163 dated 23rd November 2010 which is to be funded from the Jersey Harbours Trading Fund.

The total project budget for the Gorey Harbour project is £2.966 million scheduled for 2012. This was to be funded by the States as detailed in the States of Jersey Annual Business Plan 2011 (page 38).

As a result of discussions with the Treasury and Resources Department, it is proposed in Part B of the Expenditure Proposals for 2012 and 2013 that central funding is removed.

## **1.11 SENATOR A. BRECKON OF THE MINISTER FOR SOCIAL SECURITY REGARDING SOCIAL SECURITY CARD REGISTRATIONS:**

### **Question**

Can the Minister provide details, on a monthly basis from January 2005 to date of –

- a) the number of new or re-issued Jersey Social Security Registration cards issued to applicants;
- b) the country or place of origin of those issued with cards; and
- c) those retiring or leaving the Island and handing back cards.

### **Answer**

The table below provides information on an annual basis of individuals registered, re-registered and de-registered, categorised by British, European Union and other. If the Senator would like more detailed information it can be provided separately. For example, the Department has registered individuals from more than 50 jurisdictions during this time.

Please note that:

- British nationality includes those holding Jersey passports
- Registration numbers include children and babies as well as adults registering for work and students studying off island
- There is no formal procedure for a local resident to return a Social Security card when they retire



- Exit data is derived both from individuals returning cards but also through an administrative process whereby individuals are de-registered if they fail to make contributions or claim benefits over a given period.

		2005	2006	2007	2008	2009	2010
British	Registration	5,223	4,965	4,310	3,622	2,974	2,843
	Re-entry	2,230	2,456	2,094	2,136	2,011	1,329
	Exit	3,890	3,193	3,245	2,881	2,346	1,345
European Union	Registration	3,230	3,004	3,183	3,163	2,251	2,151
	Re-entry	1,751	2,076	2,177	2,177	2,123	1,744
	Exit	4,248	3,750	4,326	4,051	3,094	1,011
Other	Registration	399	329	391	378	289	221
	Re-entry	146	179	134	133	135	133
	Exit	376	339	349	280	278	137
total	Registration	8,852	8,298	7,884	7,163	5,514	5,215
	Re-entry	4,127	4,711	4,405	4,446	4,269	3,206
	Exit	8,514	7,282	7,920	7,212	5,718	2,493

## 2. Oral Questions

### 2.1 Deputy F.J. Hill of St. Martin of the Chief Minister regarding investigation of the previous management of Haut de la Garenne:

Now that the States Police have advised that there are unlikely to be further prosecutions emanating from the historic child abuse investigations at Haut de la Garenne, will the Chief Minister inform Members what actions, if any, have been arranged to investigate the management of Haut de la Garenne during the periods when recent convictions have shown that children were being abused?

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

I am due later in this session to make a statement in respect of the historical child abuse inquiry. I wonder if it might be simpler for me to make that statement now because questions 1 and 3 will effectively refer to that statement and if we do not answer their questions now I will answer them at that time and it may be more beneficial to the States Assembly to deal with the statement. I leave it to you, Sir.

**The Bailiff:**

First of all, just before we go on to that, the filming is meant to have stopped now. Well it is a matter for Members. We have hardly started question time so we could start again if Members

would prefer to take the Chief Minister's statement at this stage. It is a matter entirely for Members.

**Senator A. Breckon:**

I do not appear to have it on my desk, I have the other 2 statements but I do not appear to have that, I do not know if other Members have got it.

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

It can be circulated, as far as I am concerned it is the Greffier's hands.

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

Given that the Chief Minister appears to want to hijack the questions, the idea was to come in half a day earlier to deal with questions. I believe his statement should come at the end of questions once everything is done.

**The Bailiff:**

Well it is a matter entirely for Members. Does anyone wish to propose that we take the Chief Minister's statement now, or not?

**Senator P.F. Routier:**

Yes, I am prepared to propose that because I believe it will help with informing the questions.

**The Bailiff:**

Is that seconded? **[Seconded]** Very well, if you wish to take the Chief Minister's statement on Haut de la Garenne now then we would have 10 minutes questions on that and then we would revert to question time. If you want to do that you vote pour, if on the other hand you want to carry on with questions and then have the statement at the end you vote contre. The Greffier will open the voting.

<b>POUR: 42</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Connétable of St. Helier		
Senator P.F. Routier		Deputy of St. John		
Senator P.F.C. Ozouf		Deputy of St. Mary		
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				

Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Bailiff:**

Very well then, so we will ...

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

Sir, I did support the proposition but could I just make a comment and maybe it could be considered as a part of the proceedings, or a point of order in the future. Members submit questions in a limited way, we have 2 oral questions we can ask, we have to give preference to which ones we are going to ask and if Ministers bring statements at the last minute then those timetables and those schedules are negated by 10 minutes of open questions which can be asked by anybody else. So the point I am trying to make is that I put in a question about this, as did the Deputy of St. Martin, and now, rather than having them asked we are going to have 10 minutes of open questions. It might be that if Ministers are going to circulate statements that concern questions that they do so in a more advanced manner.

**The Bailiff:**

Very well. Thank you, Deputy.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**3. The Chief Minister - a statement regarding the Historical Child Abuse Inquiry**

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

The Council of Ministers understands that the historical child abuse inquiry has now been concluded. We appreciate that there are many Islanders both here and living elsewhere who have been affected by this long running inquiry and we sympathise with those people. I would like to offer the following apology. On behalf of the Island's Government I acknowledge that the care system that operated historically in the Island of Jersey failed some children in the States residential care in a serious way. Such abuse has been confirmed by the criminal cases that have been before Jersey's courts. To all those who suffered abuse, whether confirmed by criminal conviction or not, the Island's Government offers its unreserved apology. **[Approbation]** The States of Jersey has received claims for financial compensation which are under review. In March 2008 the Council of Ministers presented a report to the States which considered that, depending on the outcome of the criminal cases, it would be appropriate to hold a Committee of Inquiry. The Council of Ministers

will now consider whether there remain any unanswered questions that require further investigation. We will discuss the matter formally in the very near future and bring forward a report to the States.

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

Without being churlish I would like to congratulate the Chief Minister on issuing an apology and it was my question if he would apologise... I am very pleased he has done so. May I ask the Chief Minister what has changed in the intervening period from when I asked his predecessor to make an apology and he was unable to, to the point that has now transpired where the Chief Minister is finally able to make this welcome apology?

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

What has changed since then is that criminal cases have now been heard and I gather that the last of the criminal cases has now been concluded.

### **3.1.2 Deputy M.R. Higgins of St. Helier:**

Looking at the Chief Minister's apology, he says at the final line: "To all those who suffered abuse, whether confirmed by criminal conviction or not, the Island's Government offers its unreserved apology." The next line then says: "The States of Jersey have received claims for financial compensation which are under review." How does he intend dealing with the ones that unfortunately there was not sufficient evidence to perhaps bring prosecutions but were certainly abused? So are all the residents of these homes going to be treated equally when it comes to claims for compensation?

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

I am very reluctant to speak in any depth about potential civil claims because they are ongoing. I would simply say in broad terms that any individual can bring a civil claim about anything at any time and that claim would be judged on its merits.

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

It is very much in line with my question, in the statement the Chief Minister says that unanswered questions remain. One of the questions I was asking was what action if any is going to be taken against those people involved in the management of Haut de la Garenne? Will that be one of the considerations give by the Council of Ministers?

[14:45]

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

I am not going to speculate on the extent of the Council of Ministers deliberations merely to say that we will be deliberating and bringing you forward a report in due course.

### **3.1.4 Deputy M. Tadier of St. Brelade:**

I also welcome the apology and especially the phraseology to do with criminal convictions, which implies that just because there were cases which did not result in a conviction does not mean that did not necessarily occur. But based on that, will the Chief Minister advise if there are likely to be investigations in the cases where there was not evidence which could be proved beyond all reasonable doubt but which it may be, on balance of probability, that abuse did occur? If that is the case will there be any disciplinary action taken against perhaps current staff members, States employees who may fall into that latter category, even though they may have not had any procedures against them to do with criminal convictions?

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

That is a matter on which I am not going to speculate at this stage.

### **3.1.5 Deputy M. Tadier:**

Just a quick supplementary, perhaps more concisely, does the Minister acknowledge and envisage that there are likely to be civil proceedings coming which would not necessarily have been able to be brought criminally, and what kind of follow up procedures is the Minister envisaging for that scenario?

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

I think I have already made it quite clear that because there is the potential for civil claims, I am not going to speculate or elaborate further at this stage.

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

Given the statement and its content, will the Minister explain why Members were not in possession of this prior to being asked to vote on taking the statement prior to taking the questions in the House? That, I think, is totally discourteous of Members not being able to have had this information in their hands prior to the Minister asking for the statement to be heard.

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

This is simply a matter of good practice that I believe that States Members should be the first to receive the statement and the apology. If I had presented it before the start of the States sitting it does have the opportunity to fall into other party's hands and I am anxious that Members receive it first.

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

Given that this could have been handed out at 2.30 p.m. not nearly 2.45 p.m. I think the Minister is being a bit economical with what he is telling us, given we cannot put in-depth questions to the Minister at such short notice.

### **The Bailiff:**

So your question is, Deputy?

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

My question is in future will the Minister ensure that we have it at the moment we walk into the Chamber, not a quarter of an hour afterwards?

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

No, it was dependent entirely on the nature of the statement, were it by me or anybody else. I would point out that unless I am mistaken there is no obligation for a copy of the statement in written form to be circulated. It is merely a statement to be made by the person concerned, but I may be wrong on that one.

### **3.1.8 Senator A. Breckon:**

Can I ask the Chief Minister, he says in the last sentence: "Discuss the matter formally in the very near future and bring forward a report to the States." Could he give some sort of an assurance to the Assembly on when that will be and hopefully maybe the first quarter of 2011?

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

I would certainly hope that it would be fairly early in the near year. I was anxious to present an apology today in advance of any other activity that may be required simply to deal with that aspect of the matter. But I do acknowledge the importance of this and we will consider it at the Council of Ministers at the earliest opportunity.

### **3.1.9 Deputy J.B. Fox of St. Helier:**

Referring back to the unanswered questions, some of the questions can be answered it is just they were originally intended to become part of an independent inquiry. Are you still intending to look at those aspects while you are reviewing it with your Council of Ministers?

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

I think I have already dealt with that question and the answer is that the Council of Ministers will consider what aspects may still require review including potentially any unanswered questions.

**3.1.10 Deputy T.M. Pitman of St. Helier:**

As someone who knows individuals in Haut de la Garenne I very much welcome the Chief Minister's apology. However, with the value of hindsight, would the Chief Minister agree with me that it is unfortunate this issue became a political football and that some of the representatives in this House really became vilified and attacked for simply trying to represent the interests of those who were abused? Does he think that is an unfortunate situation and will he work to ensure it does not happen again?

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

I cannot influence other Members' thinking or actions. I believe that what I have done throughout this is to act in the way which I believe is the correct approach and the right way to go about things.

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

Part of my question has been answered in how quickly will this consideration be taken, but could I ask very much in line with what Deputy Pitman was saying, that there has certainly appeared from this side of the House a reticence for getting straight answers or at least answers to questions being asked. Will the Chief Minister consider maybe inviting some of those Members who have shown more than a keen interest in getting to the bottom of what has been going on at Haut de la Garenne, maybe consider inviting some of those people - including myself - along with the Council of Ministers to discuss the way forward so we can have a combined way forward rather than an us and them approach?

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

I will take note of the Deputy's suggestion, it may be something that is worth pursuing. It will depend on the outcome of the Council of Ministers views. I do take his suggestion on board.

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

Following on from the Deputy of St. Martin, the Chief Minister's answer was that he would just carry on with his Council of Ministers and not try to have a broader approach to this from the outset and I just want to ask the Chief Minister why he takes that view, and in particular with regard to the wider issues, not so much focusing on the victims themselves but on the fact that their stories were not listened to by all kinds of different people and that wider societal issue? I wonder if that will be included in the Minister's deliberations and whether he will not reconsider having a broader spectrum of people in on that initial discussion?

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

I do not believe I ruled out the possibility of a subsequent broader review involving other States Members, whether individually or collectively. At this stage all I said was that the Council of Ministers would consider that suggestion and take it seriously.

**3.1.13 Deputy M. Tadier:**

Does the Chief Minister acknowledge that during the Council of Ministers deliberations to consider whether there do remain any unanswered questions it would be useful to know what kind of legal advice was given in circumstances where some cases were dropped when seemingly there was

evidence, and how does the Minister intend to go about that very tricky tightrope of asking for legal advice which normally would have a presumption of confidentiality in most circumstances?

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

I am sure that the Council of Ministers will take such legal advice as it considers appropriate and necessary and if we require additional advice in that respect I am sure that the Law Officers will be prepared to assist us.

**3.1.14 Deputy M. Tadier:**

That was not quite the question. The question relates to whether any attempt will be made to find out what the legal advice was given in certain cases which resulted in them either being pursued or not being pursued, and there were quite a number of high profile cases which we do not need to mention which one would have hoped - certainly from the alleged victim's point of view - would have gone to court but did not. In order to ascertain to whether or not one needs to have an inquiry it would seemingly be useful to have that information, so can the Minister answer whether he intends to ask for that kind of legal advice to be made available to the Council of Ministers confidentially?

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

That is a question which at this stage I cannot give a hard yes or no to. It would be up to the Council of Ministers to consider what information it may or may not require.

**The Bailiff:**

Very well, that completes questions to the Chief Minister then on that statement. So we will now return to Oral Questions. Deputy of St. Martin, do you still wish to ask your question?

## **QUESTIONS - resumption**

### **4. Oral Questions**

**The Deputy of St. Martin:**

If we could take that one as the start, and could we start Oral Questions from 2.55 p.m. so any stoppage times have been added on.

**The Bailiff:**

I will take due note of your suggestion, Deputy.

#### **4.1 The Deputy of St. John of the Minister for Economic Development regarding repairs to the Duke of Normandy:**

Given that the Duke of Normandy has had to return to Holland for repairs, who is meeting the cost of the replacement tug, the staffing of that replacement and the cost of sending staff to accompany the Jersey vessel to Holland and what are the estimated costs of the repairs and hire charges of the relief tug?

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

Jersey Harbours will meet all the costs associated with the current repairs to the Duke of Normandy which are being undertaken by the tug's builders, Damen, in Holland. I am told that current indications are that the actual cost of repairs will be approximately 60,000 euros although it was initially estimated at between 45,000 euros and 150,000 euros, depending on the full extent of the damage. Four crew members accompanied the tug to Holland, 2 crew members returned to Jersey immediately at a cost of approximately £250 for flights, 2 engineers have remained on board to oversee the work. The only additional cost for these crew members will be overtime-related. The

cost of bringing in the relief tug, Goliath, are £4,000 mobilisation costs and £980 per day which includes one crew member.

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

Could the Minister tell us how much downtime our Duke of Normandy tug has had over the last 2 years, and also given that the Duke of Normandy is capable of dredging and the like, why we have had to employ a second tug to dredge the entrance across the harbour for the cable instead of waiting for our own vessel to return, or in fact hiring a tug capable of doing the multitasks that our tug was constructed for? Will the Minister give us those answers please?

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

In terms of downtime, which I assume the Deputy is referring to in relation to the Duke of Normandy, the Duke of Normandy has averaged 175 days per annum utilisation so 75 per cent of its time is fully utilised. So aside from the classification works that were recently undertaken and the refit and this existing issue, it has been very well utilised during the time that it has been employed by Jersey Harbours. As far as the dredging works are concerned, they have been undertaken during this unfortunate period where the tug has had to return to Holland because it has apparently been more suitable from a tidal perspective to get the work done to ensure the port remains open and safe.

#### **4.1.2 Deputy R.G. Le Hérisier of St. Saviour:**

Would the Minister comment on whether the accident or the problems that befell the engine were in fact highly unusual and, if so, has the cause been determined, and why is the matter not being dealt with under warranty, which apparently was an extended warranty?

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

Taking the second part of the question, my understanding is that the warranty has been extended, and indeed that was the purpose of the classification survey - the 5-year survey - to ensure that was the case. As far as the cause of this particular incident is concerned, it is unknown at the moment exactly what the cause is; however we have employed an independent engineering surveyor to look at the cause, in effect, and to report back to the Harbour Department accordingly.

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

Would the Minister concede that it was a highly unusual occurrence and a way of interfering with the engine?

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

I think that is probably correct... I mean, I am not an engineer but there are 4 hydraulic pumps I understand on board this vessel and a problem has occurred with one of those pumps. Clearly the vessel is still in Holland, until the repairs are completed we will not know the full extent and the details so I cannot really comment any further.

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

Part of my question was asked already, how can the Minister be so precise about the cost of the repair for 65,000 euros when he could not tell us what the actual cause of it was? Surely if they are still investigating or trying to find out what the cause is, the figure would not be fixed?

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

I do not think I gave a fixed figure I gave an approximate figure and that was based purely on the initial inspection. It was not clear before the vessel went to Holland as to exactly the extent of the problem. There are 4 hydraulic pumps and it depended on the extent of the damage and how many pumps were damaged and so on.

[15:00]



The early indications are that it is going to be more like 60,000 euros but indeed we cannot be absolutely precise at this stage, as I am sure Members will understand.

**The Bailiff:**

The Deputy of St. John, do you wish to ask the final question?

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

I do not know if it will be final, Sir, but I hope you will allow me, if need be, to put a supplementary because the Minister said “one pump” and in his reply just now to Deputy Higgins he was not sure how many pumps were affected. Could the Minister be more specific, please?

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

There is believed to be damage to one of the pumps but clearly when the vessel arrived in Holland and the engineers started to look at it it was obviously important to make sure there was not any further damage. Clearly the wide range of the estimates, between 45,000 euros and 150,000 euros, was taking into consideration the fact that the damage could have been more severe than initially thought.

**The Bailiff:**

Very well, then we will move to question 3 which Deputy Le Claire will ask of the Chief Minister or do you wish to queue that one, Deputy?

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

As you can see, Sir, the question was to ask the Chief Minister for an unreserved apology, which he has already given us. Instead of putting the question to him I would just like to thank him for having done so.

**4.2 Deputy S. Pitman of St. Helier of the Minister for Education, Sport and Culture regarding investigations into allegations against staff at the Education, Sport and Culture Department:**

Following the naming of a senior civil servant from the Education, Sport and Culture Department in court by alleged victims within the current historic abuse proceedings, will the Minister give Members and parents assurances that the matter has been investigated by his department?

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

I can confirm that all allegations about members of staff at E.S.C. (Education, Sport and Culture) have been thoroughly investigated by the appropriate authorities and concluded. I am not prepared to comment further. However, I do want to make it clear that I have full confidence in the integrity and professionalism of all senior civil servants in the Education, Sport and Culture Department. Thank you.

**4.2.1 Deputy S. Pitman:**

Supplementary, Sir? Could the Minister tell Members when and following what was this investigation undertaken?

**The Deputy of St. Ouen:**

The investigations have been undertaken over a period of time and, as I have said before, the investigations have been conducted by appropriate authorities and have now been concluded.

**4.2.2 Deputy S. Pitman:**

The Minister has not answered the question. When did the investigation begin and following what? There must have been maybe some complaints from former people who went to Haut de la Garenne, *et cetera*.

**The Deputy of St. Ouen:**

I do not think those details are appropriate and I have answered the question already.

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

Yes, it is very much in the line of what Deputy Pitman is asking. Could the Minister inform Members who the appropriate authorities were? Were there more than one, for instance, and if there were who were they, please?

**The Deputy of St. Ouen:**

Suffice to say they were appropriate authorities.

**4.2.4 Deputy M. Tadier:**

Yes, just to try and get some clarification because it seems to be becoming more and more obscure as we go on. If the senior executive at Education had complaints made about him, is it one of his employees that would be carrying out the investigation about him and what kind of confidence can we have that that would lead to a satisfactory outcome?

**The Deputy of St. Ouen:**

All the States employees come under the remit of the States Employment Board, not individual departments.

**4.2.5 Deputy R.G. Le Hérissier:**

Would the Minister not concede that in order to bring comfort to parents who may be concerned and in order that if we accept his case, total exoneration has occurred, it would be much better to bring this matter to a total end by a full frank and closure statement from himself?

**The Deputy of St. Ouen:**

As far as I am concerned this has already reached closure. This statement that I have made clearly spells out the fact that all issues to do with staff within E.S.C. have been thoroughly investigated by the appropriate authorities and concluded. I cannot, unfortunately, stop States Members and other individuals making allegations on behalf of the staff. All I can do is reiterate what I have said before, that I have every confidence in my senior civil servants.

**4.2.6 Deputy T.M. Pitman:**

I have got every respect for the Minister for Education, Sport and Culture but I have to say he is not exactly helping his case in inspiring confidence. No one, I do not believe, is making any allegations. As someone who worked for E.S.C. I certainly know for a fact that in the past anyone who was undergoing an investigation was suspended. Could the Minister at least let us know if this happened on this occasion? That is not to say anyone is innocent or guilty. Everyone is innocent until proven guilty, of course.

**The Deputy of St. Ouen:**

At no point was any senior civil servant suspended.

**4.2.7 Deputy M.R. Higgins:**

As the allegations, I believe, made in court, were that the person concerned carried out a criminal act, can the Minister confirm whether the police did investigate it? Was that one of the authorities? If no prosecution has been brought then you could argue that there was no case to answer but at least can you confirm that an investigation took place?

**The Deputy of St. Ouen:**

I believe that the police were involved.

**4.2.8 Deputy S. Pitman:**

Could the Minister clarify whether there is a consistent policy on suspensions within this Council of Ministers or is it left to individual Minister's judgment?

**The Deputy of St. Ouen:**

As I have said before, all States inquiries are and do come under the remit of the States Employment Board and, as such, they are the body that oversees all issues to do with staff.

**4.2.9 Deputy S. Pitman:**

It does not appear as ... recently we have witnessed a consultant at the hospital and the former Chief of Police who were suspended while being investigated and this clearly has not happened with this civil servant, why not?

**The Deputy of St. Ouen:**

I cannot answer for the States Employment Board but I would suggest that the reason for people not being suspended is that it is not necessary.

**The Bailiff:**

Very well, then we come to the next question ...

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

Sorry, Sir, the Minister's last comment could be misleading. As a member of S.E.B. (States Employment Board), S.E.B. do not make judgments as to whether somebody is suspended or not, what we do is review them.

**4.3 Deputy T.M. Pitman of the Minister for Treasury and Resources regarding an increased rate of taxation for those earning over £100,000:**

Will the Minister inform the Assembly whether, following the public consultation, the final decision not to proceed with the option of an increased rate of taxation for those earning over £100,000, was taken based on his judgment alone, a joint decision with the full agreement of the Council of Ministers or simply due to the strength of feeling expressed within those responding to the consultation document? Thank you.

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

The decision not to propose a higher rate of income tax in the 2011 budget was a unanimous one made by the Council of Ministers. Just over 1,000 individual groups and businesses took the time to respond fully to the consultation on personal tax, and for all of those responses I was very grateful. The responses highlighted the positive and negative effects that respondents thought that a higher rate of income tax would have on Jersey as a place to live, work and do business. This information helped the Council of Ministers to make this decision. This has been discussed at length in the Assembly and I have noted that no amendments to the budget have been received in proposing a higher rate of tax. I have to say that I consider this to be a matter that the States have accepted - that the position of the 20 per cent rate is going to be maintained - and that, in my view, concludes the matter.

**4.3.1 Deputy T.M. Pitman:**

Supplementary, Sir? I accept that I am always going to probably disagree with the Minister for Treasury and Resources slightly. However, does the Minister accept the opinion of the States

former Economic Adviser that there is no evidence whatsoever that high earning individuals will depart the Island if rates of taxation become progressive and, as a consequence, does he agree that such a decision as he has taken, not to introduce progressive taxation, will always be based on a simple judgment call, whether collectively with his colleagues or simple political ideology rather than based on hard fact?

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

I am pleased that the Deputy said that we only disagree on a few things, and I look forward to his agreement in relation to the majority of matters in the budget debated in the next few days. Of course there are political differences in relation to perhaps the Deputy's stance and mine in relation to progressive taxes and clearly there is no simple mathematical formula that could give either of us the answer as to whether or not the economy would be damaged or there would be a loss of revenue. It is my judgment based upon the consultation that I have received, and that is judgment backed up by the Council of Ministers of which a number of Ministers were very open, in fact even previously supportive perhaps of a higher rate of tax. It is a judgment issue. It is a judgment issue that I have made but I note again that there have been no proposals to introduce a higher rate of tax in this year's budget and I thought that was important.

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

Does the Minister not consider that the absence of any proposal to introduce a higher rate of tax for those earning over £100,000, was due to the fact that the proposal in the consultation paper was flawed in that given the structure of our Income Tax Law it would have discriminated against married couples versus those co-habiting?

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

No, I do not. I think the proposal was well discussed and well understood and indeed the consultation itself gave respondents the opportunity of commenting on other proposals. Whether or not the proposal is for a married couple or for a household or for an individual, the responses, I have to say, and the conclusion that I have reached, and I believe the conclusion of the Council of Ministers has been the same and that is that a higher rate of tax on incomes £100,000 would be overall detrimental for the economy.

**4.3.3 Deputy G.P. Southern:**

Supplementary, Sir, if I may? Since the Minister for Treasury and Resources seems to be at an advantage to us, because he has seen all of the results and the analysis thereof, will he agree to release the analysis of the overall results achieved by the consultation for examination by the Chamber?

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

There has already been an independent analysis by Involve, the charity set up to do just that of the report on the personal tax consultation, and I think that that clearly explains and documents independently the analysis. Deputy Southern and I will not agree on this issue so we can exchange views across the Assembly and I would also say that as far as the consultation is concerned, it is not only the written consultation that was important but it was also the many meetings, the public meetings and other ones to ones that I had which made me conclude that situation.

**4.3.4 Deputy M. Tadier:**

I asked the question of my own constituents once to do with residents' parking and I got a very mixed response. In fact it was my fault because the question itself was not very clear; they did not know what was meant by that question. Does the Minister acknowledge that there is exactly the same problem here, that in fact the respondents simply did not know what the implications for them would be of a higher income tax rate, even to the point where his own Assistant Minister, under questioning in this very Chamber, could not tell us whether the £100,000 limit would apply to

married couples or to individual's earnings? That is possibly why it was a meaningless question to ask.

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

I think Deputy Tadier, again, is one those Members that wants me to say that introducing a higher rate of tax on £100,000 incomes would be absolutely benign, indeed positive for the economy. Nothing I am going to say in these answers is going to convince him. The fact is, is that I was very clear in the consultation exercise that I carried out, that people knew exactly what the question was. That is why I held public meetings. I think that Deputy Tadier might have even been at the one that was almost rained on out in his part of the Island, where it was very clearly explained. I answered questions about it where you debated and ventilated the issue of householding accounts and it was very clear.

**4.3.5 Deputy M. Tadier:**

The Minister has once again done his classic distraction policy. It has nothing to do with me or whether I agree with the Minister and I do not want him to say anything. But what I do want him to acknowledge is that the question was not clear and if it was clear why could not his own Assistant Minister, while the consultation was going on, give the House an answer as to whether it was to apply to married couples or to individuals? He could not do that. How could the ordinary individual member of the public be expected to understand the question when his own Assistant Minister could not even give us an answer?

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

I cannot remember that particular answer by my Assistant Minister but I have full confidence that he understands the tax system equally as well as any other Member so I think he understood it... it may well have been under questioning. But let us be clear, the response in terms of the consultation, what was being proposed was clear, a variance of what was being proposed was clear. Again, I have to say directly, yes, the consultation was clear and the follow-up questions were also clear.

[15:15]

**4.3.6 Deputy T.M. Pitman:**

Let us be clear indeed. G.S.T. (Goods and Services Tax) is not benign either but as my question has really been stolen could I just say to the Minister, could he please release that analysis because then it might prevent a proposal for the next budget of an increase to taxation rate because if we can all be educated perhaps we will see the light and we will not go down this route? Thank you.

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

I do not think I can add anything else on what I have already said in relation to the consultation. Involve have published their report and I have answered subsequent questions about that report. I do not think there is any more information. I do not think the Deputy is going to find anything else which is going to give him the clinching arguments that he wants. As far as he is suggesting that there could be further proposals, certainly from my point of view, after having consulted on this issue, raised the question, been open to it and I regard the matter as being closed. I think that it is important that we send out a message in tomorrow's budget debate that there is now certainty in relation to tax. Yes, there are some difficult decisions to be taken but one thing our success has been built on is stability and certainty in terms of tax. I think we need to deal with the issue of G.S.T. and I think we need to deal with the issue of a higher rate of tax.

**4.3.7 Deputy T.M. Pitman:**

Can I just ask the Minister to clarify part of his answer? When he says he considers the matter closed does he mean closed *per se*, for ever, or just relating to this budget? I think the message is a bit confusing.

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

I consider the matter, as far as I am concerned in my tenure - the 3-year appointment that I have had subject to the States pleasure - in terms of the matter to be closed. I do not intend to reopen the issue of a higher rate of tax for the period of time that I am the Minister for Treasury and Resources. I think we need to send out a message so that these issues are debated, they are consulted upon, we consider the answers and then we close the matter and move on.

**4.4 Deputy M.R. Higgins of the Minister for Economic Development regarding the new baggage handling system at Jersey Airport:**

Will the Minister explain to the Assembly the current position regarding the new baggage handling system at Jersey Airport, and the role of the outside consultant and project manager employed to introduce it and the cost of these 2 posts?

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

Sir, if I may, I would like to ask my Assistant Minister, Senator Routier, who has responsibility for the airport and able to answer both this question and question number 13 to the same Member, Sir.

**Senator P.F. Routier (Assistant Minister for Economic Development - rapporteur):**

The current position is that the construction work started last month on the new baggage system and the overall project is due to be completed by May of next year. For all major capital programmes, such as the one the Deputy refers to, a number of specialist consultants are appointed to support not only the technical delivery of the project but importantly to ensure it meets the financial directions and airport governance processes. The question does not specify which consultant the Deputy is asking about, so if the Deputy can clarify which consultant is of particular interest to him I would be happy to provide the information requested in a written answer.

**4.4.1 Deputy M.R. Higgins:**

Yes, the project manager we are talking about is Capita Symonds, who have been brought into the airport, and the information that I have says that the person who was originally employed to carry out this consultancy had next to no knowledge of automated baggage systems, *et cetera*, and the airport are currently trying to find other employment for him. He is currently being used as a general dogsbody including trying to sort out fire alarm tests and all sorts. The person is going around trying to find alternative work at the airport and yet he was supposed to be an expert on this. Have Capita Symonds been brought in to do the work that he was employed to do?

**Senator P.F. Routier:**

That question is rather surprising but certainly Capita Symonds is part of the project's team, among many other consultants and their expertise is very valuable. I think if the Deputy is commenting about another member of staff, which I have to say the way he describes his work I think is absolutely disgraceful. I do not like talking about individual members of staff but obviously the Deputy has been fed some information which is totally off-the-ball and inaccurate. The gentleman he is mentioning is providing a good valuable service to the airport and is doing some valuable work.

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

I am just a little amazed at the question because I did not realise that the baggage system was that old. Could the Assistant Minister please tell us how old the system that we currently have is?

**Senator P.F. Routier:**

Yes, certainly. The baggage system was originally put in when the building was rebuilt in 1997 and in recent years it has been failing quite considerably. During this last year it has failed on a number of occasions and has caused major problems for the operation of the airport. The Department of Transport in the U.K. (United Kingdom) have recommended that the X-ray system also is upgraded because the current X-ray system is below standard for what is currently required so that is part of the work as well. But getting existing spares for the current system is becoming more and more of a problem because the people who built it originally are no longer in business, so it is becoming quite expensive to keep it running. It is beyond its life and it had to be replaced.

**4.4.3 Deputy M.R. Higgins:**

The reason for my concern and the reason why I am going on about this is that we were told that the particular person is not an employee. It was not a person who was employed at the airport, it was a consultant who was hired specifically - at a salary of £65,000 - to do particular work. The information that I have received from sources at the airport is that the person is not capable of doing it, has not been capable of doing it and, at the present time, is not doing any work associated with the baggage thing. He has been doing work at air traffic control or he has been going round to the health and safety people to find out whether he can do courses so he can become full-time employed at the airport. What I am trying to say is, does he think that the airport got value for money with this particular baggage consultant?

**Senator P.F. Routier:**

The questions the Deputy asks are very involved and I would suggest that if the Deputy wants to write to me and to ask me those specific questions I can look into it as a deeper concern. But the way he describes the person I think is out of order, and I do not believe that it is appropriate questioning within the States Chamber. But if the Deputy wants to write to me and ask me those particular questions I would be happy to answer them.

**Deputy M.R. Higgins:**

I will be happy to write to the Deputy providing he will give the answers to States Members.

**4.5 Deputy A.E. Jeune of the Minister for Health and Social Services regarding a function report pertaining to the Health and Social Services Department:**

Given the new Chief Executive of the Health and Social Services Department was appointed with effect from 1st June 2010 and was to provide a report in respect of the functioning of the department within 6 months, would the Minister advise why this has not been received by Members and advise the date that it will be received?

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

The new Chief Executive has restructured the department and has appointed 2 new managing directors; one to manage the hospital and one to manage Community and Social Services. The new team are currently completing an organisational improvement plan and I will sign it off before Christmas. I will make it available to Members as soon as I have signed the Ministerial Decision. I anticipate that before the end of the year.

**4.5.1 Deputy A.E. Jeune:**

I thank the Minister for her answer, however, P.31 was brought to this Assembly back in May and the Minister agreed with the timescale of that proposition. Similarly, on 11th May we were advised that the interim director's position was for a period of 6 months and that a new appointee would be coming through - the substantive post would be advertised fairly soon - this was in May, and we

still have the same person there. We do not seem to be getting anything within the timescales, perhaps the Minister can advise why? Thank you.

**The Deputy of Trinity:**

The new Chief Executive started work on 1st June. It has been a very busy 6 months and I said the new department organisational plan will be with States Members before the end of the year. We are working on the substantive post, of one sort or another, for the Hospital Director and a press release was done a couple of days ago regarding the substantive post for Community Services.

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

Will the Minister be drawing on the consultants, KPMG, within the reply she is going to give us later in the months or is this going to come directly from the employee we took on a few months ago?

**The Deputy of Trinity:**

Neither; the development improvement plan is coming from the Chief Executive and I will sign it off before it goes to Members.

**4.5.3 Senator S.C. Ferguson:**

Would it be fair to say that the new Chief Officer and the interim Hospital Director were dismayed by the state of affairs in the Health and Social Services Department when they arrived?

**The Deputy of Trinity:**

I can say, as we know, Health and Social Services have got many problems and many issues and some of those were highlighted by the report from Verita and some of which we are tackling now. It is one step at a time and, as I have said, the management improvement plan will be before States Members by the end of the year.

**4.5.4 Senator S.C. Ferguson:**

Supplementary, Sir? There is a concern that the KPMG report will be used to bury the Verita report, would the Minister confirm that this will not be the case?

**The Deputy of Trinity:**

Absolutely, they are 2 totally different reports. The report that KPMG are working with Health and Social Services is to look to the future of Health and Social Services within Jersey. As I have said many times a very important strategic overview.

**4.5.5 Deputy R.G. Le Hérisier:**

Would the Minister confirm whether or not the Comptroller and Auditor General's report on organisational structure, which went, in a sense, well beyond that and asked a whole lot of questions about the organisation and laid out various ways to action, has been actioned to the extent that he was calling for? A report published in April 2009.

**The Deputy of Trinity:**

Yes, I have got the report here with me. Those recommendations are going to be put into the management improvement plan... some of them are. I have not seen that plan and I know the Chief Executive has read it.

**4.5.6 Deputy R.G. Le Hérisier:**

It is wonderful that the Chief Executive has read it but what parts of it will be implemented in a concrete sense?

**The Deputy of Trinity:**



I am afraid that I do not have that information and that it is going to be put in the management improvement plan.

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

Could the Minister give us the name of that particular report and give us the reasons why she, as the head of the Health Department, has not read that report?

**The Deputy of Trinity:**

I did not say I have not read it. The date of that report is 2009.

**4.5.8 Deputy A.E. Jeune:**

It concerns me very much that the Minister, and I believe in good faith, advises the House that we are going to get things. For example, the terms of reference that I asked for last week, we were given the outlying brief for potential strategic partners, not the terms of reference. When can we have those terms of reference? They clearly presumably have been done by KPMG, who have got the rather large contract, but we do not know what is going to be behind that report and will that report be going out to public consultation?

**The Deputy of Trinity:**

There are a lot of different questions in there. The management improvement plan is an organisational review of the department. The report that Deputy Jeune is talking about - by KPMG - is a strategic roadmap for the future of Jersey's Health and Social Services, which is important to treat as overview as we go forward. That report, as it said there, is going to go out to full consultation at the beginning of next year.

[15:30]

**4.5.9 Deputy A.E. Jeune:**

May we have the terms of reference?

**The Deputy of Trinity:**

The terms of reference were in that pack that I sent to Members last week.

**Deputy A.E. Jeune:**

That is not correct.

**The Deputy of Trinity:**

I will liaise with Deputy Jeune and take it from there.

**4.6 Senator F. du H. Le Gresley of the Minister for Treasury and Resources regarding lowering the G.S.T. *de minimis* waiver to £6:**

Would the Minister consider lowering the G.S.T. *de minimis* waiver to £6 in order to assist local retailers, and, if not, why not and what is the estimated tax revenue lost per annum as a result of having a £12 rather than a £6 waiver?

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

If the Assembly accepts the proposal to increase G.S.T. I would not consider changing the *de minimis* waiver until additional research has been undertaken. The appropriate time to conduct this research would be after any changes to G.S.T. have been introduced. Based on the figures from 2009 regarding manifested goods imported into the Island, the estimated annual tax revenue lost as a result of having a £12 rather than £6 waiver with a rate of G.S.T. at 5 per cent, would be approximately £36,000. However, the number of imported items detained as freight requiring

declaration and payment could increase by 50 per cent. Based on the figures from 2009 regarding goods imported into the Island via the postal service, the estimated tax revenue lost per annum as a result of having a £12 rather than a £6 waiver with a rate of G.S.T. at 5 per cent is expected to be £10,000. However, the number of detained postal items requiring declaration and payment could increase by 400 per cent. So, I think it is questionable whether such an increase in activity could be realistically achieved within existing Customs and Immigration resources. The cost of any additional resources would be almost certainly greater than the extra revenue received.

#### **4.6.1 Senator F. du H. Gresley:**

Would the Minister agree then, to consider entering into an agreement with Jersey Post and other carriers to help collect G.S.T. on incoming parcels and packets in order that the *de minimis* waiver could be lowered to the European norm?

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

I think there is quite a substantial difference in terms of the different levels of V.A.T. (Value Added Tax) in Europe and G.S.T. I am happy to consult further in relation to this matter after the States have agreed their decisions on G.S.T. but I have to say that all of the information that I have from both the Post Office and, indeed, Customs and Immigration indicates that whether or not there is an agreement or otherwise, there is going to be a substantially increased level of costs to administer such a change. I would point out to the Senator that under the proposals that I am making, the amount of value of goods being able to be imported G.S.T. free will fall from £400 to £240 under the stand-still arrangement that I am proposing.

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

Yes, but is the Minister aware that we are losing G.S.T. payments at the point of entry because Parcelforce parcels are not examined in the same detail as parcels coming in by other means.

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

I have not been made aware of that, and if there are other arrangements that need to be placed in that. These are issues that no doubt the Customs and Immigration... which I will follow up - I am following the Senator's question - if there is an issue then we will deal with it. But I would just remind the Senator that there has, indeed, been a post-implementation review carried out in relation to all of the G.S.T. issues, including the *de minimis* arrangement, and that they reviewed all these issues and I have not, I must say, seen anything in their reports. I am happy to take that issue up if there is one.

#### **4.7 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the maintenance of departmental contingency funds:**

Further to a written response on 30th November 2010, when the Minister stated that all departments were encouraged to maintain their own departmental contingency, what is the total of the budgeted sum by year for the department in relation to such contingency funds for 2011, 2012 and 2013?

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

My written response on 30th of November stated that all departments were being encouraged to maintain their own departmental contingencies and reserves. Encouragement is somewhat different from having been able to put them in place. The proposals for contingencies form a part of the C.S.R. (Comprehensive Spending Review) principles which have been developed in order to encourage better financial management, particularly involving greater flexibility within spending limits over the 3-year period. Departments were not asked to separately identify contingency funds in their business plan submissions, so I am unable to provide an analysis of the individual budgeted sums in departments. I would add though that most jurisdictions recognise the importance of

contingencies in order to control and manage spending within proposed limits. Such reserves are essential to manage forecast variations and unforeseen expenditure, and to allow external factors which impact on the economy.

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

Yes, I agree with the principles expressed by the Minister but having served on the Health Committee, I am well aware that less important projects are often treated as quasi-contingency funds, as was demonstrated by the use of surplus endoscopy funds by the Health Department. Also, I am aware that there are contingency amounts built into projects. Can the Minister return to the departments and obtain the figures for the estimate of funds which could be moved from such projects in an emergency and, therefore, are unofficially contingency funds? Will he ask the departments what their margin for error is and how much contingency they have built into their budgets?

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

I can ask, and I am happy to engage with Corporate Affairs in relation to this issue during the course of next year. I do think this is quite a difficult issue though, and all departments will receive an annual budget, and they will be making choices as to what they are able to do in terms of completing projects as their pressures during the year become clearer in terms of what they are doing. It is quite difficult, in a sense, to say that that is definitely a contingency, because effectively, with a discretionary spend of Health or Education or Home Affairs, there will be choices that departments will make. What we are trying to do is to strengthen the whole issue of contingencies. We have set out 3 types of contingencies; D.E.L.s, (Departmental Expenditure Limits), A.M.E.s (Annual Management Expenditure) and 'Items for unforeseen'; I think that gets us to a much more clear extent to contingencies. I am happy to ask and continue to have dialogue with departments supported by Corporate Affairs.

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

I am just puzzled by these different contingencies. My understanding of the latest budget that we are going to debate tomorrow is that the contingencies are all going to be the departmental contingencies. They are going to be wrapped-into a central contingency, but that appears not to be the case. Can the Minister confirm that the departmental contingencies are going to stay as departmental? I might have a supplementary.

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

The Deputy is quite correct; that there is going to be essentially a held D.E.L., a departmental limit for use by departments if the need should arise. That is different from, I think, the point that Senator Ferguson was making; that there are going to be inevitably some discretionary issues where departments are going to release funds for different projects as their year progresses. To be able to cast every single item of expenditure a year in advance is something that is pretty difficult and I would just remind the Assembly that the A.M.E. and D.E.L. ... we are aiming to have a contingency of .5 per cent for D.E.L. and 1 per cent by 2013 for A.M.E. of which the detail has all been published in the Business Plan. These are contingencies which are based upon the best practice of other governments in the world and I would think that that is something that the Assembly should be supporting, in a world where we are going to be putting budgets under increasing new pressure.

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

Can the Minister confirm then where D.E.L. and A.M.E. are going to be held?

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

D.E.L. and A.M.E. are going to be centrally held and will form part of the 3-part plan for the contingencies, of which there is an initial set of rules that have been set out, and we have an

amendment in the Budget tomorrow from Deputy Vallois on the issue of how those contingencies are being released. But those A.M.E.s and D.E.L.s will be centrally held by the Treasury and released under the rules that we are going to be exploring in the Budget debate in the next couple of days.

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

May I ask another supplementary, because it is going to be important for tomorrow? So, under the present arrangements then, if it snows for another 2 weeks and T.T.S. (Transport and Technical Services) have run out of the funds that they have guesstimated they need for salting and gritting the roads and getting people up at 2.00 a.m. to do so, do they have to come running to the Minister for Treasury and Resources to explain that rather than do this they have got to do that and they need a bit more money for gritting? Is that now what we have come to?

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

I hope that any Ministers are not going to be running through the snow but the fact is that we are not going to be expecting departments to be literally trying to find an excuse almost in order to access those contingencies. I know that that is the concern that some Members and Deputy Vallois and, I think, Senator Ferguson, have. Certainly any contingency request would be, in my mind, in excess of £500,000 minimum... and there are going to be penalties in order to access contingencies. Departments have to manage their expenditure within their budgets but there are some things, some extraordinarily large items that we accept that they cannot necessarily budget for. This is not an issue about reducing spending, by the way; this is an issue about proper contingencies and proper budgeting, not to allow the fiscal drag of increased spending and that is a different thing.

#### **4.7.5 Deputy A.E. Jeune:**

It is probably a little unfair, this question, but I just wonder whether the Minister may have any idea how many departments, if they opened a drawer, might find a roll of £800,000.

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

I do not think many departments have a drawer with £800,000 in it. The fact is that we have had a long experience about dealing with contingencies. Back in the old days of Finance and Economics we had a General Reserve which became almost a bidding war between different departments. The money was there and so people bid within it. We then did away with contingencies; that meant that my predecessor and I had to come to this Assembly asking for Article 11(8) requests. That has been rightly criticised by the Comptroller and Auditor General. We want to put in place an annual amount of fixed expenditure, put in contingencies; have proper, difficult, tough rules associated with accessing it in order that departments can manage their expenditure in what is going to be a difficult world in the next 3 years, as we see departmental expenditure limits falling by £65 million. That is an important point about why we need contingencies, in a proper rule-based sense, than ever before.

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

We cannot improve our financial management if we do not know what spare capacity in cash terms could be available. Will the Minister find those figures and, as a corollary to that, will the Minister also supply the figures to this House of what the estimates for annual under-spend were at the end of October before the year-end spend - habitual in the public sector - is in full swing?

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

Those figures historically have been well-known by Members; I think they are in the public domain. There is always going to be, one hopes, an issue of under-spends because there will be other departments that will be over-spending and one needs to make adjustments at the end of the year in order to make the departments and the overall books balance. I think there is obviously much more to be done, even more than we have already done, in strengthening financial

management in the States, getting more information. That is what the strengthening of the Treasury has been but there is a limit in terms of just the Centre asking questions of departments. What are you spending your money on? How are you doing in terms of accounting? One can create a whole cottage industry in terms of information which is not necessarily information. I want departments to have reasonable cash limits and work within them but have a contingency in order that they can manage properly without a whole bureaucracy which is even more complex.

**4.8 Deputy K.C. Lewis of St. Saviour the Minister for Economic Development regarding the U.K. Lottery:**

Further to conflicting information in the media regarding the U.K. Lottery, will the Minister clarify whether Jersey gambling legislation prevents a person in the Island from claiming a prize in the U.K. Lottery if they win?

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

I would like to ask my other Assistant Minister, the Connétable of St. Clement, to answer this question as he has responsibility for gambling.

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

I can confirm that there is nothing in Jersey legislation which prevents a Jersey resident who has the good fortune to have a winning National Lottery Lotto ticket from claiming the relevant prize in the United Kingdom.

[15:45]

**4.8.1 Deputy K.C. Lewis:**

Only last week we passed the new intellectual property legislation; it is certainly a step in the right direction. As the Minister may know, I and many others have long since tried to start a commercial film production industry in Jersey. As many of the films in the U.K. are part-sponsored by the U.K. Lottery, if that applied to Jersey, this would go a long way in starting film production in Jersey. Does the Assistant Minister not agree?

**The Connétable of St. Clement:**

I agree that was a most fascinating question. [Laughter]

**The Bailiff:**

Certainly, I was wondering when we were going to get back to the Lottery, but the Deputy did. Are there any other questions that give rise?

**4.8.2 Deputy K.C. Lewis:**

As this would also support the Jersey Heritage and the National Trust, will the Assistant Minister be actively pursuing the U.K. to change the legislation and does this also include the euro lotteries?

**The Connétable of St. Clement:**

I am not quite sure what legislation the Member wishes ...

**The Bailiff:**

He is asking whether we can join in the U.K. Lottery.

**The Connétable of St. Clement:**

I have been asked this question many, many times and Presidents of the Gambling Control Committee and the Ministers for Economic Development have been asked this question, it has been

going on for at least a decade. For the National Lottery to be operating in Jersey would require a change in United Kingdom primary legislation. The current government and previous governments appear to have no particular appetite for doing that for whatever reason, but even if they did change their primary legislation, they would also need to have a permit from the Department for Economic Development to operate the National Lottery in Jersey. Certainly as the Assistant Minister responsible, if that scenario came to pass, I would be very reluctant to allow the National Lottery into Jersey, as much as I would personally like it, unless it could be proven that significantly improved returns could be made to charitable and cultural purposes within the Island.

#### **4.8.3 Deputy A.T. Dupré of St. Clement:**

I know I have mentioned this before but I am very keen for us to start having the summer lottery again - a large, bumper one - and hopefully the funds could go to culture. Is that possible?

#### **The Connétable of St. Clement:**

Certainly; I think we have proven once again that the Christmas Lottery has been a phenomenal success. Last year we sold out of tickets a day or 2 before the main draw and had a first prize of £651,000. We printed 15 per cent more tickets this year, we are going to run out at the same time, and have a first prize which is going to be well over £700,000, so there is an appetite for these sorts of big money draws. On the other hand, of course, we have got the scratch cards which are running throughout the year, where sales in both Jersey and Guernsey are declining. We have got to revitalise that. Now, whether it is simply by copying the format of the Christmas draw and having just 2 draws a year, bearing in mind that we will then be competing with other charities who have their other, large draws ... I think of the Hospice one, which I think happens in September; we have got to be careful not to conflict and compete with that. But I think there are other ways that we can revitalise the Channel Islands Lottery to improve the returns for the charities and if we can improve returns, maintain the return to the charities at the same sort of level, then I think we can look at putting money into culture as well.

#### **4.8.4 Deputy J.B. Fox:**

Can I just clarify from the original question that is asked; if I buy a lottery ticket in the U.K. and I win a prize, and I go back to the U.K., I can claim the prize, correct?

#### **The Connétable of St. Clement:**

That is my understanding; I have done it myself. **[Members: Oh!] £10, Sir. [Laughter]**

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

Does the Assistant Minister agree that as his colleagues appear to have no real idea of how to fill the black hole, we should change the law so we could perhaps invest some money in the euro millions and possibly wipe out the deficit in one fell swoop?

#### **The Connétable of St. Clement:**

That does not sound like very wise or prudent use of taxpayers' money.

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

I thank the Assistant Minister for his comprehensive reply and wonder if he would answer the question whether the euro millions lottery legislation also applies?

#### **The Connétable of St. Clement:**

No, I cannot do that. I believe that comes under French or some other European country's legislation of which I have very little, in fact, no expertise whatsoever.

#### **The Bailiff:**

We come next to the question which Deputy Le Hérissier will ask of the Minister for Health and Social Services.

**4.9 Deputy R.G. Le Hérissier of the Minister for Health and Social Services regarding: under-spends of £10,000 or more within the different departments of Health and Social Services**

What under-spends of £10,000 or more exist in the different departments of Health and Social Services - other than endoscopy - and what is it intended will be done with these under-spends?

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

I would like to ask my Assistant Minister to answer this question.

**Deputy E.J. Noel of St. Lawrence (Assistant Minister for Health and Social Services - rapporteur):**

I would just like to inform Members that myself and the good Deputy Le Hérissier have exchanged some emails on this matter and he has gratefully agreed that this question is more suited to written answer, and with that in mind I intend to forward further details regarding any confirmed under-spends for 2010 once they have been finally established and verified.

**4.9.1 Deputy R.G. Le Hérissier:**

Notwithstanding the Assistant Minister's reply, for which I thank him, would he not agree that finding £700,000 - which of course is the sum that can be won at the Christmas Lottery - is a stupendously convenient find and does he expect to have any finds of a similar nature in the forthcoming period?

**Deputy E.J. Noel:**

Regarding the endoscopy under-spends; this was a very specific service development where we have a high level of certainty. The planned phasing of the staff recruitment associated with the development of this service, has meant that the under-spend in this area was available to us on a non-recurring basis; i.e. that it was a one-off. As Members will be aware, this has been identified as the expected funding source for the Health and Social Services strategic roadmap work.

**4.9.2 Deputy D.J. De Sousa:**

The Assistant Minister said that he had been emailing with the questioner and that he would give more information. Could the Assistant Minister please impart that information to all Members?

**Deputy E.J. Noel:**

I am happy to do so as and when it becomes available.

**4.9.3 Senator S.C. Ferguson:**

Knowing the Assistant Minister's interest and knowledge of things financial, would the Assistant Minister be able to tell us what the overall under-spend position at the end of October for Health and Social Services was?

**Deputy E.J. Noel:**

I have received, this lunchtime, a briefing which identified that Health and Social Services Department has a forecasted but as yet unverified under-spend amounting to circa £4.4 million. However, I must stress that this is an unverified forecast up until the end of month 10 for the current financial year.

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

Given the possible under-spend of £4.4 million plus the £800,000 that was found for KPMG, which pushes it well over £5 million; does the Assistant Minister consider convincing the department for Social Security to bring a proposition to the House to take £6 million of their funding to bail out the hospital was prudent, given they have all this money in some kind of slush fund?

**Deputy E.J. Noel:**

Firstly, I would just like to correct the good Deputy of St. John on one matter; it is a total of £4.4 million, inclusive of the £800,000 that we have identified from the endoscopy service. I do not believe that to have a forecasted but unverified under-spend at this time of £4.4 million, which has been due mainly to slippage of services like the endoscopy and the full implementation of the Williamson proposals, and also some legal costs that we anticipated incurring in connection with the historical child abuse investigation; those funds will be incurred at some future date so really if we have not spent them in 2010, undoubtedly we will spend them in 2011 and the funds coming from the Health Insurance Fund are for ongoing primary care expenditure.

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

The Assistant Minister mentioned funds set aside for the historic child abuse inquiry; can he explain how those funds got into the Department for Health? I was under the impression that they would have come under either Home Affairs and/or direct from Treasury and Resources.

**Deputy E.J. Noel:**

I believe that those funds came into Health and Social Services as part of a one-off package to deal with the costs that would arise out of that particular incident. They are a one-off cost which we have not incurred in 2010 but we believe that we will incur them in 2011.

**4.9.6 Deputy A.E. Jeune:**

What is rather worrying is that on top of that under-spend we have been spending £1,000 a day on an interim hospital manager, which has now gone over the 6 months. It is rather concerning.

**The Bailiff:**

What is your question there?

**Deputy A.E. Jeune:**

Sorry; can the Assistant Minister enhance any information on that or does he just agree?

**Deputy E.J. Noel:**

I believe the question was did I find it concerning; no I do not. I believe that the fact that we have identified £4.4 million of under-spends within our budget for this year, because we have not spent all of the items in 2010 but we anticipate to spend them in 2011, is a sign of good financial management within the organisation.

**4.9.7 Connétable D.W. Mezbourian of St. Lawrence:**

Many Members will be disappointed to know that some of the under-spend is part of the Williamson Implementation Plan and I would like the Assistant Minister to advise the House how much of the under-spend pertains to that and when we can expect it to be spent in the way it was intended to be spent?

**Deputy E.J. Noel:**

The under-spend has come about through the same reasons primarily as the endoscopy under-spend; it is to do with staff recruitment. We have not recruited to those posts and hence we have the under-spend.

**4.9.8 The Connétable of St. Lawrence:**



If I may press the Assistant Minister, the staff recruitment appears to be the problem; will he update us, please, as to the exact position now? Has the department been able to recruit or are they still in the process of recruiting, because as far as I am concerned the implementation of the Williamson recommendations, I am sure, has the full support of this House and we want to know when it is going to happen.

**Deputy E.J. Noel:**

I can confirm that one of the posts we have recruited to and that is to the Managing Director of the Community and Social Services Department. I believe there are some other posts that we have not yet recruited to, as we have not recruited to endoscopy, but these are in train.

**4.9.9 Deputy T.A. Vallois of St. Saviour:**

Will the Assistant Minister undertake to provide all Members with a detailed email as to the make-up of the £4.4 million and whether these funds will be carried forward?

**Deputy E.J. Noel:**

As I said in the answer to the original question, once the under-spends have been finally established and verified, I will provide that information to all Members. Sorry, I missed the last point of your question.

**Deputy T.A. Vallois:**

Will the funds be carried forward?

**Deputy E.J. Noel:**

As with all departments, carry forwards go back to Treasury and then a business case has to be made if the department wishes to keep those funds, and Health and Social Services are no different; we will have to make a case to keep our under-spends.

**4.9.10 Deputy T.M. Pitman:**

I apologise if I misheard, but working in the U.K. I was under the impression we did not operate the same form of slippage as in the U.K., yet the Assistant Minister mentioned slippage. Could he just clarify what he said, because I may have misheard?

**Deputy E.J. Noel:**

We have slippage, of course, through items such as recruitment whereby we have not spent the money this year because we have not been able to recruit to the post. That does not mean that we do not need to spend that money, just that we have not spent it in 2010 but we expect that we will have to spend it in 2011.

[16:00]

**4.9.11 Deputy M. Tadier:**

Very quickly, the Assistant Minister told us initially that the under-spend was due to prudent management and then only a few moments later, told us that it is because they have not been able to recruit staff and that is why they have got this surplus. Which one is it and why have we been given those 2 answers which, apparently, contradict each other?

**Deputy E.J. Noel:**

The under-spend has come about because, in some areas of the department through recruitment or the inability to recruit but it is the sound financial management that has been able to identify that and to collate that information.

**4.9.12 Deputy M. Tadier:**

Does the Assistant Minister acknowledge that an inability to recruit adequate and capable staff to the hospital is not the same as good management? In fact, it is probably quite the opposite.

**Deputy E.J. Noel:**

I do not think the 2 are related, to be honest with you.

**4.9.13 Deputy G.P. Southern:**

What assurances can the Assistant Minister give to the House that next year, 2011, will be any different to 2010 in terms of guaranteeing that he has people in position that can deliver the entirety of the Williamson Plan in 2011?

**Deputy E.J. Noel:**

I am confident that, in 2011, the agreed implementation plan for Williamson will be completed.

**4.9.14 Deputy G.P. Southern:**

Supplementary, if I may, Sir. What will he do differently in 2011 that he has not done in 2010 to ensure that the right people are in the right places to deliver Williamson?

**Deputy E.J. Noel:**

We have already actioned that matter with the appointment of a Managing Director for Community Social Services. We have put the team in place and are restructuring the team to ensure that the agreed proposals for implementation of Williamson is completed in 2011.

**4.9.15 Deputy G.P. Southern:**

May I rephrase the question? The Assistant Minister seems to be having difficulty grasping the thrust. How will the Minister guarantee to put in place the right level of people in the right place to deliver the Williamson recommendations next year?

**Deputy E.J. Noel:**

I believe that we are putting the right people in place but, as comes to guarantees, I believe you cannot guarantee anything in life.

**4.9.16 Deputy A.E. Jeune:**

Would the Assistant Minister, when he produces his reply as requested by Deputy Le Hérissier, would he include with that the cost to the Health Department of staff who have either been suspended, on garden leave or any other period of inactivity throughout the year? What was the total cost? Thank you, Sir.

**Deputy E.J. Noel:**

I am happy to arrange for that information to be provided but I do not see that it has any relevance on the question that was asked by Deputy Le Hérissier.

**The Bailiff:**

A final question, Deputy Le Hérissier, if you wish one.

**4.9.17 Deputy R.G. Le Hérissier:**

Would the Assistant Minister confirm that, as a professional accountant, he was totally embarrassed that there happened to be - fortunately - £800,000 in the department which conveniently met the bill of a total management audit and that, apparently, this resource could not be found within the department? Has that not been a source of total embarrassment to a professional accountant such as himself?

**Deputy E.J. Noel:**

No. The 2 bear no relation. Of the under-spends that have been identified that come to a total of £4.4 million, the case for the endoscopy is the one that we hoped to allocate to the ... sorry, Deputy Southern, do you want to say something? We hoped to allocate it to the roadmap. It is the one that we had most certainty over. There are other under-spends but, like everything else, they are yet to be finalised and verified but the one we have most confidence in is the endoscopy one.

#### **4.10 Deputy D.J. De Sousa of the Minister for Treasury and Resources regarding the sale of States vehicles:**

Why are the States vehicles sent for auction, who decides when vehicles are sold and what criteria is in place for this? How many have been disposed of in this way over the past 5 years and how much money has been collected from the sale of these vehicles?

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

Most States vehicles are purchased, operated and sold by the Jersey Fleet Management trading operation within the States. We call it J.F.M. (Jersey Fleet Management) which is part of T.T.S. Before a vehicle is purchased, J.F.M. and the relevant user decide the expected economic life of the vehicle, given its planned use. This is usually between 6 and 10 years but there are very good reasons sometimes to vary this period. After that time, the vehicle is disposed either by way of means of a trade-in against a replacement vehicle or by public sale either by sealed tender or by inclusion in an open public auction. In recent years, the auction method has been found to be financially beneficial to the States with good returns being received. It is also efficient in terms of staff time. During the 3-year period that current I.T. (Information Technology) systems have been operating, J.F.M. has sent 94 vehicles to auction and have collected just over £280,000 from sales. Some other departments such as Home Affairs and Health operate specialist vehicles such as fire engines. Both Home Affairs and Health use auctions to dispose of vehicles as they too have found this to be cost-effective and efficient. In the last 5 years, Health have sold 39 vehicles for a total of £145,000 and the Fire Service, 6 vehicles for a total of £9,500.

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

How old does a vehicle have to be deemed or is it the mileage that they have done before they are disposed of or what other reason?

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

I am not a car salesman expert [**Laughter**] but I understand that it will obviously vary, to be perfectly frank to the Deputy, in terms of some vehicles are obviously under very heavy use in terms of some departments. So I think I do know where this question might have arisen and I have hurried out, as the Deputy would imagine, a detailed investigation into the matter in which I think that she is referring to. In terms of this vehicle that I think that she is referring to, I have its age, I have its mileage and I also have been told that it was not going to be replaced, hence it was sold and the price achieved was a good price with reference to the market value.

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

Would the Minister accept, as publicised today in the *J.E.P. (Jersey Evening Post)*, that a vehicle bought in 1998 and which only had 73 hours use was indeed a good reflection on the vehicle buying policy of the States?

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

The Deputy has an advantage over me. He obviously has more time. I have not even seen the *J.E.P.* yet and I am not sure that the *J.E.P.* is necessarily - while a good and valued local publication - the policy bible of the States. I do not know the answer to the question he raised because I do not know the question he is raising, but everything that I have seen and I have

examined and asked to be examined in detail following the Deputy's question on the disposal methods and the purchasing arrangements in the States, I am satisfied with what I found. Nothing I have seen has given me any cause for concern and, frankly, if vehicles are surplus to requirement, then the C.S.R. is working. Departments are becoming more efficient and they are disposing of surplus vehicles and surplus assets to the benefit of the public of the Island.

**4.10.3 Deputy R.G. Le Hérisssier:**

Can I have a supplementary, Sir? This is apparently an all terrain vehicle which was run by the Planning Department. Would he accept that there are serious questions to be asked?

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

No, I would not. I have answered, I have investigated, and I have had pages and pages of notes in relation to this issue in the middle of a budget debate, but I am concerned about any issue of value for money and I have to say that I am completely satisfied with the way that the fleet management issue works - and in fact this is an issue of T.T.S. and maybe I should not have been answering the question - but everything I have seen has been pukka and I am satisfied with value for money.

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

The Minister mentioned an income of £9,500 on the sale of 6 vehicles from the Fire Service. I sincerely hope - and the Minister, I am sure, can confirm - that vehicles we have been selling off cheap ... given some years ago, I put a question in this House after having witnessed a brand new fire engine being purchased at great cost to the Island and was written-off. I question why we sold off the previous fire engines for a peppercorn price - and I was told it was because of their age and we could not get the necessary parts - yet, after this new fire engine had been written-off, we bought a second-hand fire engine at a peppercorn price because the President of the day considered that it would not be prudent to bring back the cost of a new fire engine to the States. I sincerely hope the Minister can confirm that the fleets from the Ambulance and from the Fire Service and other vehicles, if they have only got very limited mileage on them, can be re-engineered. We have an excellent Engineering Department.

**The Bailiff:**

This is coming to a close, is it?

**The Deputy of St. John:**

Yes, Sir. We have an excellent Engineering Department within T.T.S. with some of the top engineers on the Island and top equipment.

**The Bailiff:**

Right, I think you have asked the question now.

**The Deputy of St. John:**

Will the Minister ensure ...

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

Sir, before the Minister replies ...

**The Deputy of St. John:**

I am not giving way, Sir.

**The Connétable of St. Ouen:**

Could I just ask the Deputy whether that was the one we sold to Sark?

**The Deputy of St. John:**

No, it definitely was not sold to Sark. Will the Minister confirm that none of our vehicles with very low mileage on could not be re-engineered?

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

I confess that I am not an expert in drains, plumbing, hoses and fire engines but what I do have is a detailed note from the department and maybe this should be the Minister for Home Affairs answering this. I am told that Fire Service vehicles, with the exception of fire engines, are kept for a minimum of 7 years but they are assessed and their life may be extended subject to condition, usage and available finances to purchase a replacement. This is based on the need to have a reliable vehicle, they are all equipped with blue lights and to obtain a reasonable resale value. Advice is always sought by T.T.S. on Home Affairs purchases before any decision is made and the Fire Service has sold 6 vehicles with the figure that I have made. I think there are robust procedures in place for all Fire Service vehicles including fire engines. Maybe that was not the time or place when the Deputy was on the Home Affairs Committee but certainly there are strengthened procedures in place that are working.

**4.10.5 Deputy M. Tadier:**

It is Christmastime and the Minister will be aware of the very good Christmas appeal. Would the Minister consider perhaps auctioning off some Members of the Council of Ministers to see what they would fetch up at Glencoe and donating the money to that very worth appeal? **[Laughter]**

**The Bailiff:**

I am going to strike out that question being amusing but not a serious question.

**Deputy M. Tadier:**

Can I get a supplementary?

**The Bailiff:**

No, you do not. You choose to ask questions like that, you do not get a supplementary. Very well, the Constable of St. John next.

**4.10.6 Connétable G.F. Butcher of St. John:**

Is the Minister aware that when the recent snowfall came down, all of the police vehicles were called back to the station and the Inspector asked where the Discovery was only to find out it had been sold? **[Laughter]**

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

No.

**4.10.7 Deputy T.M. Pitman:**

Hopefully, I can get this one by you. Being as Deputy Fox is not in the Chamber, I thought it only right that someone should ask were our police bikes sold and were they in full working order when they were sold and did we get a good price for them?

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

I used to have problems with fish in this Assembly when I used to try and do fishing legislation, so I am regretting even attempting to answer a question in relation to fleet management. It is a long time ago and I do not know the answer to the question.

**The Bailiff:**

Very well. Deputy De Sousa, do you wish to ask a final question?

**4.10.8 Deputy D.J. De Sousa:**

Just, firstly, the Minister, when answering my question, spoke so fast I could not get all the notes down. Would he please - because he definitely has some interesting information there - pass that information on; and does this money go to individual departments where the vehicles are sold from?

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

I will circulate the information to the Deputy but perhaps she would email me when she has got a concern upon these issues and perhaps correspondence in the *J.E.P.* are not always right in terms of answering their questions and, certainly, they might not always have a point. In terms of the money returned to departments, I think the answer to the question is that the money goes back to the departments because it is their asset, but I will circulate the Deputy with the detailed notes that I have got.

[16:15]

**4.11 Deputy M.R. Higgins of the Minister for Economic Development regarding staffing at Jersey Airport in the human Resources and Marketing sections:**

Will the Minister advise whether 2 additional members of staff have been employed at Jersey Airport in the Human Resources and Marketing sections and, if so, at what cost? Will he also advise whether the Air Traffic Controller employed from the U.K. but who failed to obtain his local airport qualification, is still employed at the airport and, if so, what is the cost of his continued employment?

**Senator P.F. Routier (Assistant Minister for Economic Development - rapporteur):**

The central Human Resources Department has moved one of their senior Human Resources Managers to the airport on a part-time basis to contribute to a number of major initiatives. Also, a marketing resource was employed at Jersey Airport in January of this year on a 2-year contract with specific responsibility for raising additional revenue, promotional work and marketing initiatives. The Air Traffic Controller the Deputy refers to, who has previously been the subject of questions from the Deputy during question time, has played an important role in the recent successful commissioning of the new Air Traffic Control Centre. This work will continue for a short period longer as the systems and procedures are consolidated. A decision on the Controller's future will be made in the first quarter of next year. I do hope Members will join with me in congratulating the staff at the airport for the successful commissioning last week of the Air Traffic Control Centre.

**4.11.1 Deputy M.R. Higgins:**

Will the Assistant Minister provide to Members written details of exactly what this particular person has been doing since he was recruited because the information he has seems contrary to what I have? Secondly, can the Minister confirm whether this person has been given an oral ... sorry, an oral agreement has been made with him that will enable his contract to extend beyond the written contract?

**Senator P.F. Routier:**

The Deputy is now asking for written details. I am surprised he did not ask for that in the first place with a written question and, obviously, he would have had the answers that he was looking for. It seems specifically the ... I presume I have satisfied the answers regarding the Human Resources person and the Marketing person because it just seems to be focusing on the Air Traffic Controller. The Air Traffic Controller has provided a very valuable piece of work for us and all I can say ... I believe talking about an individual in this forum is not appropriate for his contract. There is a time and a place for that and if the Deputy wishes to speak about an individual member of staff, I would be pleased to meet with him and discuss it. If he would like to write to me about what his concerns are, I would be happy to answer them.

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

The Assistant Minister referred to major projects taking place in H.R. (Human Resources) at the airport. Could he identify those projects?

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

Certainly. Members may recall it was public knowledge last year ... there was an announcement that the Air Traffic Controller Assistants ... 11 of them would be being made redundant over a period of time, so there is some work to be done over that. There is also the consolidation of all the employees within the Air Traffic Control system which does need managing very, very carefully to ensure that their new working practices are assimilated into the new system and that is the work that is being undertaken.

#### **Senator T.J. Le Main:**

Sir, could I ask a question of the Chair please? It is quite common now that questions are being asked in regard to staff - people employed - which clearly identifies them, not by name but by position, and I wonder whether you are being too lax, Sir, in allowing these questions which really is unfair where questions are being asked continuously, some of them quite ...

#### **The Bailiff:**

Very well, Senator. Thank you. Provided that the names are not used, there is nothing in Standing Orders which prevents it. It is of course a matter entirely for Members and certainly there is an argument that if one is going to refer to alleged criticisms of an individual who could be identified, it is quite unfair for that individual to do it in this Assembly without having tried first to find out the information from the Minister. Ultimately, it is a matter for Members and not the Chair. A final question then, Deputy Higgins.

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

My reason for raising these things are because, at a time when we are going through budget cuts and we are going to be making people redundant, it is absolutely essential that we are getting value for money from the people that we have employed, especially consultants. The Air Traffic Controller that I am talking about basically is being employed for £68,000 for 2 years. Let me go on further. How many manual service worker jobs could be protected or how many other services could be provided?

#### **The Bailiff:**

You are coming to your question ... your precise question.

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

Well, going back to what the Minister said, the Minister has indicated this person did valuable work. It is totally contrary to what I have heard and I would ask him to produce a written statement to the House on that exact work that person is doing.

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

The Deputy is asking questions and bringing them to this Assembly based on rumour and tittle-tattle. They really are, and I am quite ashamed to be part of this House that these sorts of questions are being asked in this forum. If the Deputy has some real evidence, I would ask him to write to me or write to the Comptroller or Auditor General if he has a problem with not getting answers from the Ministers and to really investigate in that form. To bring questions like this to this House is a disgrace.

#### **4.12 Deputy T.M. Pitman of the Chief Minister regarding the Napier Report:**

A brief question. Will the Chief Minister inform Members of the dates when Mr. Napier visited Jersey in connection with his review and could he inform us what the final total cost of the review was?

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

Hopefully, an equally brief response. I can confirm that Mr. Napier was in the Island on the following dates; 25th and 26th March, 6th to 15th April, 26th to 30th April, 7th and 8th June, 26th and 27th June. The total cost of the review is £54,518.

**4.12.1 Deputy T.M. Pitman:**

I have got just one supplementary, Sir. Could the Chief Minister advise the House whether he in fact met with Mr. Napier on all of those dates to be kept informed of how the review was progressing?

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

No.

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

Could the Chief Minister answer, bearing in mind a number of visits that were made by Mr. Napier to Jersey, why some of the important witnesses mentioned in the affidavit were never interviewed? Is the Chief Minister in a position to answer the question?

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

Mr. Napier was fully entitled to take information and advice from anyone he so chooses. It is up to him to choose who he speaks with and who he does not.

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

Yes, a supplementary. But the Chief Minister knows that part D of the affidavit was removed so, therefore, it was removed. Would it not follow then that there was no reason to interview these people simply because part D was removed? Would that not have been a better answer to give?

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

No. I have an email from Mr. Napier in which he confirms that, had he thought that it was appropriate to talk to a wider range of individuals than he eventually did, then he certainly could have done so. I am happy to confirm that no attempts have been made by anyone to restrict the scope or content of my inquiry.

**4.12.4 Deputy T.M. Pitman:**

Could the Chief Minister just clarify was the removal of that part of the terms of reference discussed with Mr. Napier on one of those visits?

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

I cannot confirm when it was discussed with Mr. Napier but I can confirm it has been discussed with him.

**4.13 The Deputy of St. Martin of the Chief Minister regarding the present complaints procedure:**

Will the Chief Minister inform Members whether he is content for the present complaints procedure whereby complaints made against Ministers are considered by the Council of Ministers and, if not, what steps, if any, is he taking to establish an alternative body?

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



I am content that a complaint against a Minister is considered by the Council of Ministers. I am not contemplating the creation of any other body. As a matter of law, it is the Council of Ministers which is responsible for dealing with complaints against a Minister. The requirement also mirrors the States Members' Code where P.P.C. (Privileges and Procedures Committee) deals with a complaint against States Members. While it is only the Council of Ministers which has to consider a possible infringement of the Code of Conduct for Ministers, there may be an opportunity to improve the process by which a complaint is considered. In conjunction with my Ministers, I intend to review the Code and if there are to be any changes, I will inform the House. The present Code of Conduct was presented to the States on 10th February 2006. By way of advice, the Ministerial Code deals with infringements or alleged infringements as follows. Article 15: "Any infringements of the Code of Conduct for Ministers must be reported to the Council of Ministers and the Council will determine an appropriate penalty. In extreme cases of non-compliance, this penalty may consist of bringing a proposition to the States calling for the dismissal of the Minister concerned."

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

I am grateful for the Chief Minister's answer. Is the Chief Minister in a position to say how soon these documents or this report will be coming to the States?

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

Sadly, not. The Council of Ministers have a variety of things to consider. It will be one of those matters for consideration at an early stage.

**4.14.2 Deputy M.R. Higgins:**

Can I ask you a question about the status of Assistant Ministers? If Assistant Ministers are not recognised in law, why is the Council of Ministers conducting ... if a complaint is made against an Assistant Minister, why should it be the Council of Ministers and why not P.P.C.?

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

Because the Code of Conduct applies to Assistant Ministers as well as the Ministers, and when they accept office as Assistant Minister they are aware that the Code of Conduct applies to them as well. It is a Code of Conduct and not a matter of law.

**4.14.3 Deputy M.R. Higgins:**

Could I just clarify that? I know the A.G. (Attorney General) or S.G. (Solicitor General) is not here but is that correct that "Minister" includes "Assistant Minister"?

**The Bailiff:**

Is that a question for the Chief Minister.

**Deputy M.R. Higgins:**

Sir, it is.

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

I fail to see the relevance of this. As I have said in my previous answer, Assistant Ministers agree to be bound by a Code of Conduct. They could have chosen not to be so bound because they are not Ministers but they voluntarily chose to be bound by that Code for, I think, very good reasons; that a Code of Conduct is appropriate for persons with that authority and dealing with matters which often relate to Ministerial function. So I think it is only fair that, although they are not Ministers in law, they should follow the same standards that Ministers have to follow.

**4.14.4 Deputy J.A. Martin of St. Helier:**

I am very sorry to hear that the ... and I am on P.P.C. I am very sorry to hear that the Chief Minister is not looking into this. When is a States Member acting as a Minister or a States Member? We have had this in the past recently. Now whose code do they come under under “discipline”? They fall between the 2 and nobody gets disciplined. That is exactly what is happening.

**The Bailiff:**

So your question, Deputy Martin, is ...? Deputy, what is your question?

**Deputy J.A. Martin:**

Well, will he consider again looking at this because it is very frustrating on P.P.C. and I presume it is very frustrating on the Council of Ministers when you have got a Minister who is saying: “I was not acting then as a Minister; I was acting as a States Member” and it comes to P.P.C. and it is a Ministerial complaint, and they are saying they are acting as a Minister and not a States Member. So they fall between the 2 stools and can the Minister assure us that this will not carry on?

**The Bailiff:**

Yes, I think you have asked the question now, Deputy, yes.

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

The fact is that the Code of Conduct for States Members applies to all States Members whether they are Ministers or not. The Code of Conduct for Ministers is an additional sanction or additional way of setting standards specifically applying to Ministers and Assistant Ministers in addition to the Code of Conduct of States Members. Where it is questionable is whether conduct or alleged infringements that fall within the remit of the Code of Conduct for Ministers or just the States Members’ one is done by general agreement with P.P.C. that we will, as Ministers, consider whether any breach of the Ministerial code has occurred. If we believe that no breach of the Ministerial code has occurred, it is then up to the Privileges and Procedures Committee to see if they consider whether, nonetheless, in terms of States Members that Code has been breached in that respect.

**4.14.5 Deputy M. Tadier:**

I think that the Minister is correct. I would share the same interpretation but my question would be would it not be simpler and would look better if P.P.C. were given the Ministerial Code to decide whether or not an infraction of the Ministerial Code, in addition to any infraction of the Code for Members in general, had been broken? If they did find that it had been infringed then action could, at that point, be taken by the Council of Ministers where I think the appropriate sanctions, if necessary, could be administered. Would the Minister consider looking into doing that?

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

I am prepared to consider looking at that. It does occur to me that, although that might have some advantages, in terms of sanctions, very often the sanction that could be applied could not be applied by the Privileges and Procedures Committee but could be applied by the Council of Ministers and, equally, the ultimate sanction - that of dismissal - can only be brought by the Chief Minister on behalf of the Council of Ministers. So there is merit in thinking about that. I would not say it is necessarily a suitable way to proceed.

[16:30]

**4.14.6 Deputy M. Tadier:**

A simple acknowledgment even as the Chief Minister has said. For example, one scenario where it could be used - and I would ask the Minister if he would agree - is that they could consider

dismissal if an infraction had occurred and then the Chief Minister himself could propose to the House that a Minister be dismissed under those circumstances.

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

Yes. As I said, I am prepared to consider that in conjunction with the Privileges and Procedures Committee but I would point out that if a proposition to dismiss a Minister were to be brought then I think the Council of Ministers in fairness would need to consider the whole facts themselves and not rely on the recommendation from P.P.C.

**4.14.7 Senator A. Breckon:**

A nice opening for me that the Chief Minister has given me. Could the Chief Minister say - he has mentioned the Code of Conduct - if the Council of Ministers have been determining any complaints made about a Minister in the last 8 weeks and, if so, whether he considers the process is robust?

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

I am not sure that it is appropriate in this Chamber to talk about matters which are within the Council of Ministers agenda at this stage. I think it wise, as I said, if I make no comment on that question. [Aside] I have said I am not prepared to give an answer at this stage.

**4.14.8 Deputy T.M. Pitman:**

I am sorry but surely the Minister's answer means that is a yes. My question would be if a Minister has the option of deciding that he is a States Member does that not mean - and I am sorry if I misunderstood the long and winding answer - there are no sanctions that the Chief Minister can take against these Ministers? If in a very awful case - say somebody had been accused of stealing from another Member - would that Member just opt out and say: "No, I did that as a Member?" Would there be no sanction open to the Chief Minister? Is that what he is saying?

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

It is certainly not what I am intending to say. The Code of Conduct for Ministers sets a standard which is at least as high or in fact higher than that for ordinary States Members. If there is a breach of the Code of Conduct for States Members then in normal circumstances that would also imply a breach of the Code of Conduct for Ministers. But I am not prepared to speculate on individual cases at this stage without knowing individual circumstances.

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

Does the Chief Minister not agree that the practice of hiving-off Ministerial problems to the Council of Ministers just looks completely absurd to anyone looking at this situation from outside this Assembly? To ask the Ministers to judge on Ministers is just not complying with natural justice. Would he not agree that the best way to deal with this is to put it in the hands of P.P.C., as is the case with States Members, or are Ministers some sort of different kind of animal?

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

No, I think perhaps some Members misunderstand the nature of a Code of Conduct. A Code of Conduct is, if you like, the rules of a club. In fact maybe less so than even the rules of a club. They have no legal validity. They are purely a method of distributing self-discipline agreed by the members of that Council of Ministers. On that basis it is for the members of that Council of Ministers who have made their rules to judge when a breach of those rules may have occurred.

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

A supplementary if I may. I am sure I remember rightly that P.P.C. have been asked to deal with issues surrounding Ministers and have hived it off and said that is none of our business, we cannot do that, even though the Ministers are States Members. They have denied the fact that they can have jurisdiction in a case of States Members. Would the Chief Minister not agree?

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

I thought I had already made that clear in an earlier answer. The Privileges and Procedures Committee have a role in respect of all States Members. But where the person concerned is a Minister, it is often more expedient for the Privileges and Procedures Committee to let the Council of Ministers deal with it first and then, if needs be, if that does not produce the required solution, P.P.C. still has the opportunity to look at that under the Members Code.

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

Would the Chief Minister agree that the Code of Conduct and the complaints procedure was established way back in 2005 at the onset of the Ministerial government? One could understand there has been a honeymoon period but quite clearly this honeymoon period has now come to a stage where serious questions are being asked about how effective it is. Could I get an assurance maybe from the Chief Minister that he will agree to meet with P.P.C. certainly within the next 2 months with a view to discussing how a working party can look at the relationship between ongoing States Members and any complaints that are made against States Members as States Members, whether they are Ministers, Assistant Ministers or just ordinary Back-Benchers?

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

I already said in my original answer that the present Code of Conduct was presented to the States in February 2006 and is currently being reviewed by the Council of Ministers. I cannot guarantee when the Council of Ministers will come to their conclusions, but having come to those conclusions it may well be appropriate for me to discuss those with the Privileges and Procedures Committee. In passing, it may well be that the Code of Conduct for States Members is also one which should be subject to review for the same reasons.

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

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

Could the Minister please express a view about the 2011 Business Plan? Will his department look to adding within that Business Plan main drains extensions into the countryside given the liquid waste strategy seems to be on the backburner or stalling? Therefore, we have a lot of people out there seeing their taxes going up, *et cetera*, and still having to pay twice to have their effluent removed. Could he answer that please?

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

The planning vote for the development of the liquid waste strategy business case is to be prepared and a Green Paper - the Liquid Waste Document - will be completed once funding is forthcoming. The issue of connecting the main drains beyond the existing system is really down to a funding issue. Clearly where there are gains to be had by putting several houses on to a system as part of the development which can be funded by the development, we are keen to help that take place. At the moment that is the situation. If we had additional funding we would be pleased to accommodate more.

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

Given the Minister's reply and given that I am aware of a situation in St. John where a number of units put in their own pumping station and picked up a number of homes along the way, did T.T.S. carry out a survey of the other neighbours within the area to see whether or not they would have liked to have joined because it is now hitting my table that they were not approached by T.T.S. to join to the main drains when a private developer was doing this?

**The Connétable of St. Brelade:**

I am not aware of the Deputy's particular situation, but I am happy to address it should he wish to give me the details.

**5.2 The Connétable of St. Ouen:**

Would the Minister acknowledge that this weekend's heavy rain following on from the snow has again highlighted the issue of field entrances and property entrances being widened and the flow from them coming on to the road and causing severe danger to road users?

**The Connétable of St. Brelade:**

Yes, the department has been well aware of this and is concerned that some of the land management in the Island by probably fewer people than in the past has caused a lot of detritus from the fields coming down on to the roads and choking up the gullies. I think in conjunction with the Economic Development Department we need to address those responsible to try and get this corrected.

**5.2.1 The Connétable of St. Ouen:**

A supplementary to that. Would the Minister not agree with me that much of this is a planning issue which was not properly addressed at the planning stage?

**The Connétable of St. Brelade:**

I am aware that the enlargement of field entrances has not been controlled by Planning and I certainly think it should be. I will ask that my department liaises strongly with the Planning Department to ensure that it does.

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

Following the last lot of snow - and no doubt we will get some more sometime by the next year - has the Minister ever given consideration maybe to Connex having a supply of what I am told are snow tyres so they are able to put on the special tyres during inclement weather like snow? In other words, there is a supply in stock so should the snow come down they are able to change their tyres and able to get the buses, *et cetera*, back on the road.

**The Connétable of St. Brelade:**

I think it is a valid suggestion and I shall ask Connex for their views on that.

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

Would the Minister share with us his feelings on seeing the Millennium Town Park at long last being developed, and could he update the Assembly on the progress of his negotiations with the Housing Department in securing the Ann Court site for public parking?

**The Connétable of St. Brelade:**

I am relieved and delighted to see the hoarding starting to go up around the Talman site and the onset of the commencement of the Town Park works. The parking issue and its moving on to Ann Court has been a difficult area. This will in fact be the crunch as regards moving the project on. I am in discussion with the Assistant Minister for Housing and in the past the Minister for Housing. I am confident we will be able to reach a satisfactory agreement which will not delay the Town Park in any shape or form.

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

Ever mindful of T.T.S.'s budget, what would happen if we did have, say, 2 or 3 further severe weather incidents like we have just had in the last week, assuming that the department budgets a certain amount for snow but not obviously a vast amount that would exceed the normal annual

spend. Where does that money come from if we do get many, many more events of this kind this year?

**The Connétable of St. Brelade:**

In practice I am quite interested in the Deputy's question because this year the snow has come towards the end of the year, which is quite unusual. Generally it happens in January, February or even March and one has the rest of the year to recover. This year we have had a double whammy if you like. We have had some in January and some again this year. We have to take it out of departmental budgets. Effectively the cost is in overtime, and probably increased salt rather than any other materials. At the moment we manage but should the case arise where we have unprecedented calls on the departmental budget, I would have to go back probably and ask for an Article 11(8) request from the Minister for Treasury and Resources, which I am sure he would not be well-minded to accommodate but I do not think I would have much alternative.

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

May I ask a supplementary on that? Would the Minister not consider that it might be better practice if he had a contingency within his department where we would know that that is where the money had gone - we would all know that - but at least you would not have to come running to the Assembly for £100,000 with an Article 11(8) request.

**The Connétable of St. Brelade:**

We start off the year with about £250,000 as a contingency. That tends to get whittled-down towards the end of the year. Clearly at this moment in time there is not much. We have done what we can in the last few days from within departmental budgets. But in answer directly to the Deputy's question, yes, we have a contingency. We use it if we have to but we try and avoid it.

**5.6 Senator A. Breckon:**

Regarding the Waste for Energy plant, I wonder if the Minister could say if any commissioning is underway and when the plan will be on-load and if there is a timescale for the wind-down at Bellozanne.

**The Connétable of St. Brelade:**

The E.f.W. (Energy from Waste) plant is under cold commissioning at present. We are proposing to start hot commissioning probably before the end of the year; maybe just at the start of January. In practice at the moment it is about 4 weeks behind but that could easily be caught up by the time it is due for handover in July. All is going well. We are eager to shut down the Bellozanne plant as soon as possible, but clearly that does rely on the satisfactory completion of the commissioning process.

**5.7 Deputy M. Tadier:**

Can the T.T.S. Minister confirm that there has been an additional C.C.T.V. (closed-circuit television) camera erected opposite the taxi rank at the Weighbridge and, if this is the case, was there any consultation done with the users, particularly taxi drivers, of that area?

**The Connétable of St. Brelade:**

Yes, there has been a camera put up principally to try and monitor queue lengths to establish what changes we may need to do, if any. We have regular complaints about lack of taxis at the Weighbridge. Evidence tends to be anecdotal. It seemed to be the best idea to have some sort of recording equipment. This has been put in place and we will evaluate the responses from that in due course.

[16:45]

**5.7.1 Deputy M. Tadier:**

The second part of my question, was there any consultation taken with taxi drivers before that extra camera was put up? Sorry, Constable. The reason I ask is that I have had complaints that in fact taxi drivers were not informed of it and they feel it is an infringement of their privacy.

**The Connétable of St. Brelade:**

No, I am responsible for managing the taxi ranks and will do so in the best effort appropriate. We have got no wish to spy on taxi drivers. We wish to encourage the business to provide a better service for the public. That is sometimes lacking and something I need to address.

**5.8 Senator T.J. Le Main:**

I have raised concerns in regard to D.V.S. (Driver and Vehicle Standards) in the way they administer Jersey current laws and policies which inhibit the introduction of small eco-friendly electric vehicles, *et cetera*. Would the Minister consider appointing a small independent working group to look at these issues, including commercial operator licences, and M.O.T.s which are being promoted by the motor trade to line their pockets? **[Members: Oh!]** Would the Minister consider appointing a small independent working party to look at all these issues please?

**The Connétable of St. Brelade:**

I think the answer in short is yes. I would just like to elaborate briefly to suggest that I did answer the Deputy last week with regard to the issue over small vehicles and the necessity to change the law should we so wish to accommodate them. In terms of commercial vehicle licensing, my department is keen to proceed on this basis; probably not on standard car testing at this stage. But certainly commercial vehicles are a concern and we expect to be following that up shortly. But I would be pleased to form a small working group from within States Members to follow this up.

**5.9 Deputy A.E. Jeune:**

Could the Minister please tell us whether he is satisfied with the level of outsourcing that is done by his department where it is shown to be financially beneficial or does he consider there remains more scope for such outsourcing?

**The Connétable of St. Brelade:**

Generally I think my department - as will others - will outsource where appropriate. Clearly if we have got our own staff with the capability of undertaking projects they will be the first port of call. There are a lot of specialised areas that we do not have within the department and those will be the ones that we utilise. We will procure their services in the proper approved States manner.

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

Given the report of the C. and A.G. (Comptroller and Auditor General) on taxis and private hire, *et cetera*, will the department start actioning this work sooner rather than later or are we going to have to wait until 2015 as per the S.T.P. (Sustainable Transport Policy)?

**The Connétable of St. Brelade:**

I think the Deputy is referring to the Jersey Competition Regulatory Authority report rather than the C. and A.G. Yes, I think it is incumbent on me to respond sooner than later. I expect those involved in the industry would expect that to be done as well. The report was only produced I think on Friday so we will be looking into that in the next few weeks.

**The Bailiff:**

Any other questions? Very well then. We will call that to a close. We will move on then to questions to the Chief Minister.

**6. Questions to Ministers without notice - The Chief Minister**

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

Will the Chief Minister in his role on the States Employment Board assure Members that new contracts currently being issued to some States employees contain new terms, only in order to comply with the Employment Law and do not introduce reduced terms and conditions in line with the Tribal review?

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

To the best of my knowledge any contracts currently being issued will simply reflect changes to Employment Law but should not, in my view, contain anything which could change the nature of the terms and conditions at this stage when those terms and conditions have not yet been discussed or agreed.

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

I am trying to get 3 into one. This morning the review of the role of the Crown Officers was presented. Could the Chief Minister inform Members why again an embargoed copy could not have been circulated to Members beforehand so when the presentation was made States Members are in a position to ask meaningful question? Secondly, it says P.143 has been lodged. Is this particular review the P.143? Thirdly, can the Chief Minister explain why he has not made a personal statement about the presentation of the review on the role of the Crown Officers?

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

The panel chaired by Lord Carswell only completed and printed its report over the weekend or late on Friday. It was presented to Members early this morning, embargoed to the media and the public until 12.00 p.m. Members were invited and entitled to come along to a meeting this morning and several Members did and had a chance to meet with Lord Carswell and the panel at that time and ask any questions. I believe that if the Members have read that report they will find it is very clear and concise. I see no reason why the procedure we followed is other than correct. I considered making a statement this afternoon, but I felt there was nothing I could usefully add to the excellent summary provided by Lord Carswell and, therefore, I did not.

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

Given that many Island residents are having to go to the U.K. both for travel and for medical reasons, some doing this privately and the like... people who are ill are paying £480 for 2 days insurance cover in case they are taken ill while they are off-Island. This in fact was documented in a claim being settled some days ago in another area. Can the Minister tell us when we are likely to get the reciprocal health agreement put back in place so that these Island residents are not being hit with these big charges?

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

I am grateful for the question from the Deputy of St. John. I made inquiries last week and I am advised that the reciprocal health agreement should be signed and completed before the end of this year. **[Approbation]**

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

Following on from the previous question about the Code of Conduct and so on, could the Chief Minister let Members know what a Member would do in the hypothetical case of wishing to bring a complaint against the Chief Minister?

### **The Bailiff:**

It seems to be a hypothetical question.

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



It is a hypothetical question so I will try to give a slightly more positive answer. The Code of Conduct applies to all Members including the Chief Minister. If any Member wished to bring a complaint against the Chief Minister in that respect, they could do that presumably to the Chief Executive or they could lodge it through the Privileges and Procedures Committee who would then be duty bound to forward it I think to the Council of Ministers.

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

Firstly, how on earth would the Chief Executive be able to conduct any kind of complaint against the Chief Minister or adjudicate in that matter and how would P.P.C. pass it on to the Council of Ministers? Could the Chief Minister please elaborate on what sound like 2 very peculiar options?

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

Perhaps I was rash trying to elaborate on a hypothetical question, but I should have made it clear that any investigation of an allegation of disciplinary infringement would be considered not by the Chief Executive but by the Council of Ministers. At any such meeting the Minister concerned - in this case the Chief Minister - would have to absent himself in those discussions.

#### **6.5 Deputy A.E. Jeune:**

Would the Chief Minister advise please on what role does the States Employment Board take in ensuring chief officers are accountable, and can he say who carries out performance appraisals of chief officers, how often they occur and to whom the appraiser is accountable?

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

The primary responsibility in respect of the accountability of chief officers if we are talking about financial matters is for the Treasury in terms of accounting officers. In terms of performance, which may be what the Deputy is asking, a performance review and appraisal of all chief officers is carried out on an annual basis. The appraisal of the Chief Executive is carried out by me personally, assisted by an external adviser. I am accountable to this House for that matter. Other chief officers are appraised by the Chief Executive or by his nominee and are accountable through him.

#### **6.6 Deputy M. Tadier:**

It is probably a similar theme. Will the Chief Minister be looking to carry out an independent inquiry into any complaints against staff members, not simply the senior member of Education who was named only a couple of weeks ago in the court, but any staff member who may have had allegations made against them in relation to the historic child abuse and, if not, why not?

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

The procedure for any disciplinary inquiry for any staff member is quite clearly laid out. In the first instance they are done through the line manager up to the chief officer of that department. A chief officer of that department can enlist the assistance of the States of Jersey Human Resources Department should they require it. It is not a matter for Ministers to get involved in when there are clearly laid down procedures.

#### **6.6.1 Deputy M. Tadier:**

When it involves a chief officer himself it would presumably be referred to the States Employment Board; is that correct?

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

No, in the case of a chief officer himself, should that occasion arise, it would be dealt with in the first instance by the Chief Executive who may wish to bring it to the States Employment Board. It would depend on the nature of any such allegation.

#### **Deputy M. Tadier:**

Given the fact ...

**The Bailiff:**

No, sorry, you have asked 2 questions. I think I have to be fair to everyone, Deputy. If there is time then I can come back to you.

**6.7 Deputy D.J. De Sousa:**

I wonder if the Chief Minister is going to be looking into bringing an inquiry into Housing's purchase of homes on the Goose Green site? This was in the C. and A.G.'s recent report and he was very critical of this.

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

I see no purpose in commissioning a further inquiry into the purchase of the sites at Goose Green when the Comptroller and Auditor General has already done and published a very thorough review. I would point out to the Deputy that the price at which the properties were purchased was the identical price to which they were subsequently sold to the individual residents some hours or days later.

**6.8 Senator J.L. Perchard:**

Could the Chief Minister advise the House when the next actuarial review into the Public Employees Contributory Retirement Scheme and the Teachers Superannuation Fund is due to be reported? Is he aware that the deficits of these combined funds are likely to be greater than the total value of our Strategic Reserve?

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

I do not recall offhand when the next review dates for the public employees fund and the teachers fund is concerned. I think it is 31st December 2010 but I cannot be certain on that. I am not aware of the precise quantity of the deficit. One has to be very careful in bandying figures around when one knows perhaps not as much as some people think they do. **[Members: Oh!]** The quantum of the deficit varies depending on some of the principles and the presumptions that one makes. If one presumes an ongoing scheme then the deficit at any one given time varies considerably from the deficit which would arise in the event of total closure of that scheme. It is very rash to simply quote one figure as a deficit when there are, in fact, a whole variety depending on which assumptions one takes.

[17:00]

**6.9 Deputy J.M. Maçon of St. Saviour:**

May I thank the Chief Minister for giving his statement today and giving the unreserved apology? My question is I believe that provision has been made available for victims who might require psychological support, counselling, *et cetera*. Can the Chief Minister please just reiterate what is on offer and, if it is required, how that can be obtained and if it is not, can the Minister give an undertaking that such provision will be made?

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

To the extent that the people concerned have been identified, counselling has been and continues to be offered to them through I think it is the Social Services Department. The Minister for Health and Social Services could no doubt advise the Deputy in more detail of that but I can confirm that that service is ongoing for as long as required.

**6.10 Deputy J.A. Martin:**

Just to follow on from Deputy De Sousa. Yes, there has been a review. There are millions of pounds somewhere out there in the ether that when these houses are sold on. The criteria was never established, Homebuy and the Gateway. Is anybody going to be held accountable after such a

damning report, firstly, for millions of pounds? Secondly, can the Chief Minister tell us today that nothing will be sold through this scheme until this mess has been sorted out?

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

For a start the taxpayer has not lost any money whatsoever in terms of Homebuy. As I said in an earlier answer, the price at which the properties were purchased from the developer is the same price at which they were subsequently sold to the ongoing occupants of those properties. Nonetheless, should there be any question about that, the Public Accounts Committee would be the ones who would look into that. I have not been advised but they may well choose to do so. In the meantime the Homebuy scheme at that stage was a trial limited to that scheme. Any further proposals under Homebuy would need to come back to this House for review of that policy.

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

It was reported in the media last week that Tourism were bringing over a celebrity to turn on the town lights. Given that the bad weather intervened and that the person did not arrive, will that celebrity still be paid? Given the time that we are short of cash within the Island could not a local person have done the job instead of having to bring somebody from off-Island, as happened in the end? Is it right, Minister, if you would like to concentrate on what you are being asked ...

**The Bailiff:**

Through the Chair.

**The Deputy of St. John:**

Through the Chair, Sir, given that he is holding another conversation. Is it right that public money whether it is spent by Tourism or whoever should be spent in this manner?

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

The Chief Minister has to be an encyclopaedia of knowledge of all matters however obscure. I do not have precise details on the cost of the celebrities or entertainers that may have been invited to turn on the lights. I am given to understand that the lights were in fact to be turned on by a local celebrity but that the entertainers who were invited over to the Island were there in order to give some light and colour to a Christmas festivity, which we hope will stimulate tourist and economic benefits to the Island.

**The Connétable of St. Helier:**

Could I offer some clarification on the question? Miss St. Helier, also known as Miss Battle, was due to come over and do the turn on but she was unable to because of the weather. No costs were incurred.

**The Bailiff:**

Deputy Tadier, do you wish to ask another question? You indicated earlier ...

#### **6.12 Deputy M. Tadier:**

If I can. What I was getting at with the last question is that in the particular case I am thinking of with the person about whom the allegations were made, the Chief Officer was on record on the affidavit of Mr. Power as saying things which implied that he was not necessarily partial and that he would show nepotism - if you interpret it in that way - towards the individual in question. Can I ask the Minister if he shares those concerns? Because these things are already out in the public and there is an element of concern with many members of the public, whether he would agree to an independent inquiry being taken into the pros and cons about why that individual and maybe similar individuals were not suspended.

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

I think there are 2 issues here which I would like to comment on. Firstly, I do not think it is appropriate for us in this Chamber to use question time to cast aspersions about individual States employees, be they chief officers or anyone else. If that is to be done, it should be pursued in the proper way. As far as the second part of the question is concerned, I got carried away in my enthusiasm and I have forgotten what that was. But if the Deputy wants to remind me I will try to deal with it.

**6.12.1 Deputy M. Tadier:**

Can I just say I am not doing this to cast aspersions? It is quite the opposite. Aspersions have been cast in a different forum and they have gone out in the media because of that. It is for that reason that I am asking the question to have our minds put at ease and also so that this individual can have justice seen to be done for him. The second part of the question is simply is an independent to look at this beneficial because I think it is? Does the Minister agree?

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

I prefer to deal in facts and evidence rather than aspersions and allegations.

**The Bailiff:**

Very well. There are those who still want to ask questions but time has run out for questions for the Chief Minister.

**STATEMENTS OF MATTERS OF OFFICIAL RESPONSIBILITY**

**The Bailiff:**

There are no matters under J so we come to K, Statements of Matters of Official Responsibility. The first matter has already been dealt with. Then we come to a statement which the Chairman of the Health, Social Security and Housing Scrutiny Panel will make regarding P.143.

**7. The Chairman of the Health, Social Security and Housing Scrutiny Panel - statement regarding P.143/2010 (Draft Employment (Amendment No. 6) (Jersey) Law 201-)**

**7.1 Deputy G.P. Southern (Chairman, Health, Social Security and Housing Panel):**

Members will be aware of my action last week in calling-in P.143 of 2010, Draft Employment (Amendment No. 6) (Jersey) Law 201- under Standing Order 72 on Wednesday, 1st December 2010. I do so as Chairman of the Health, Social Security and Housing Scrutiny Panel. Not because of my concerns with the content but because of serious concerns I have about the process by which P.143 came to the States for approval. P.143 contained an amendment to the Employment Law outlining the need for and conditions attached to collective consultation over redundancies. The fact is that terms for collective consultation had already been debated and voted on by the States on 1st April 2009 in P.27 of 2009, Draft Employment Law (Amendment No. 5) (Jersey) Law 200- contained a proposal to set the minimum number of redundancies required to trigger collective consultation at 21. These proposals were lodged on 24th February 2009. As a member of the then Health, Social Security and Housing Scrutiny Panel I was asked by the panel to examine the proposals and report back to them. This I did and was able to endorse the majority of the Minister's proposals. Only in the area of the numbers required to trigger collective consultation did I find issue. I, therefore, lodged an amendment on 18th March 2009. This reduced the numbers of redundancies to 2 where a trade union was recognised or 6 otherwise. A comment from the H.S.S.H. (Health, Social Security and Housing) Panel was subsequently presented on 31st March 2009. This was largely supportive of the Minister's approach but endorsed the amendment to the conditions for collective consultation. In the event, my amendment was carried by 23 votes to 21. The decision of the States was to replace the number 21 by the numbers 2 and 6, as appropriate. Article 16 of the Jersey Law states: "All matters coming or arising before the States shall be done

and decided by a majority of the Members present and voting on them.” Towards the end of the debate, in Third Reading, the Minister said: “The Assembly in a democratic manner has accepted the amendments now of Deputy Southern and that is the will of the House, and I maintain these Articles.” My concern is that following a clear decision of the States, the Minister is now trying to vary the States decision. Although the law as amended in 2009 was sanctioned by the Privy Council and registered in the Royal Court in its amended form, the Minister decided not to include the relevant Article when he lodged the Appointed Day Act for the law in P.142 of 2010. He has now returned to the States some 19 months after the 2009 decision with an amending law which seeks to introduce a compromise position on collective consultation. Where was that compromise at the time of the debate? None was brought. Examination of both the States of Jersey Law and Standing Orders reveals that apart from Article 16 of the States of Jersey Law quoted above there is no requirement for any Minister to carry out the will of the States. Article 18 of the States of Jersey Law outlines the functions of Ministers but makes absolutely no reference to decisions of the Assembly. We are often told by Ministers that it is the States who make the decisions yet this example would indicate otherwise. If Ministers can avoid acting in accordance with States decisions there appears to be little point in debates and votes in this Chamber. The Health, Social Services and Housing Panel requests that the Privileges and Procedures Committee investigates this incident and examines the States of Jersey Law and Standing Order to clarify as necessary the role of Ministers with respect to States decisions. But at this stage the panel does not wish to scrutinise the legislation today.

**The Bailiff:**

Very well. Does any Member wish to ask questions?

**7.1.1 Connétable P.F.M. Hanning of St. Saviour:**

The chairman of P.P.C. has had to leave the Chamber and the vice-chairman is malade. The chairman has asked me to say that this matter will be on the agenda for our next meeting.

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

I wish to ask the Deputy what is the difference between a Minister seeking to amend a law as passed by the States and a non Minister taking back to this Assembly in a slightly different form issues which this Assembly has already determined?

**Deputy G.P. Southern:**

No, I cannot. Could the Minister put his question in a different way that I might understand it. [Laughter]

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

Perhaps a little unkindly I am trying to imply that the Deputy thinks there should be one rule for Ministers and a different rule for non-Ministers. I took as examples the current example, on the one hand, and the example which I believe this Assembly has seen on a number of occasions of the same matter being rehearsed a number of times brought back in a slightly different form by a non-Minister.

**Deputy G.P. Southern:**

I believe there is a difference because no Back-Bencher can form policy in this Chamber. The States Assembly as a whole takes decisions and empowers that Minister to bring about the result of that vote and that debate. The fact is there is nothing in the States of Jersey Law nor in Standing Orders that makes that connection between any vote taken here and a decision taken by this Chamber and the subsequent actions of the Minister responsible. I am wondering whether in fact we need to make that link formal because there is nothing at the moment. There is nothing to stop a Minister just sitting and ignoring any decision this Chamber makes apparently and returning in 19 months' time with a different answer.

#### **7.1.4 Senator A. Breckon:**

The chairman said he had done some research on behalf of the former panel of which I should say I was chairman. Is the chairman aware of the percentage of employees in the workforce who work in companies or workplaces of under 10 employees who may be excluded if the Minister's proposal of 21 was set to trigger collective consultation?

[17:15]

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

Indeed, I believe the proportion is around 97 per cent of employers under 10 people, thereby excluding a lot of employers from this triggering of collective consultation. But, as I have said in my statement, I am no longer arguing with the number that is set. What I am concerned about is the process by which we have waited 19 months to enact something which we decided in this Chamber happened 19 months ago. The fact is that after a short time, a short investigation, I think in June 2009 ...

#### **The Bailiff:**

Can you give a precise answer, please, Chairman, because other Members ...

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

... revealed that there were problems and yet the Minister chose not to bring back to this House a rescindment to get that decision changed but just ploughed on.

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

Maybe it is the timing of the debate, 1 April 2009. Obviously the Minister for Society Security thinks we are all fools because it very worrying the principle of what Deputy Southern is saying. We are going to spend the next 4 days in this House doing amendments to a budget which I think the Ministers can all ignore. It is a principle. Would the Deputy agree that that is what the Minister should be bringing back: the number that was debated in this House as an amendment? It is nothing like what the Minister for Home Affairs is saying where he thinks that we should not be able to bring back things in slightly different ways just because they are Ministers. Either we can amend propositions as they stand or we cannot amend propositions. It would appear to me we might as well go home for the rest of the week.

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

Indeed, I do agree with the questioner. The fact is that this Chamber makes decisions when it votes on particular principles and it expects its Ministers to go away to enact those principles and to come back and return to say: "This is done". That did not happen in this case, I believe, and should have happened.

#### **7.1.6 The Connétable of St. Ouen:**

Would the Chairman not agree with me that when the Minister brought this latest proposition, it was still in the hands of this House to either reject it or accept it?

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

What I am of the opinion is that action should have been taken far, far sooner by the Minister and not waiting 19 months to get this piece of legislation through.

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

Would the Deputy not confirm, as he well knows, that the reason for the delay was, in fact, twofold: one, that the legislation was delayed at Privy Council for various reasons which we might go into when we get to that debate, and secondly, that I quite rightly and properly asked the

Employment Forum to re-consult on the issue and that was due to the time delay? There has been no delay *per se*.

**Deputy G.P. Southern:**

I repeat what I said earlier. I believe there was a report on the Minister's desk in June 2009. He could easily, as any other Member of this House would have been able to do, have brought a rescindment motion at that time to say: "Hang on. We have got it wrong. Let us rescind that and let us move on".

**Deputy I.J. Gorst:**

Could I just ask, I might be totally incorrect here, I am not aware that I would have been allowed to bring a rescindment motion if a draft law was before Privy Council?

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

The Chairman will recall that I did mention that a similar episode had occurred to me about the States Employment Board membership when the Chief Minister himself amended an amendment which the House had approved. Will the Chairman consider bringing forward his original amendment to the States so the States can agree whether they wish to support his amendment at the next debate, or indeed, accept P.143 which the Minister now is proposing?

**Deputy G.P. Southern:**

I repeat: I have no argument any longer with the compromise proposition that the Minister is proposing for 12 to be the figure number, and I do not wish to prolong the introduction of this much-needed safety net into law any further. So I will not be opposing that particular number. I will be asking and I have - and I am glad P.P.C. has agreed - an investigation of how it is, what is the connection between Ministerial action and decisions made by this House?

**The Bailiff:**

Does any Member wish to ask any questions? Very well, then. We move on then to the next statement on a matter of official responsibility, which is a statement by the Minister for Treasury and Resources about St. Martin's School.

**8. The Minister for Treasury and Resources - statement about St. Martin's School**

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

Members will be aware that Senator Le Gresley has lodged an amendment to the expenditure proposals for 2010 and 2013 in respect of St. Martin's School. This project was originally scheduled to start in 2012 in the indicative programme in the 2010 Business Plan with £7.7 million allocated. The prioritisation process this year has reviewed the 2011 to 2013 capital and has identified high priority schemes for 2012, particularly those relating to several upgrade works at the hospital. These reviewed priorities associated with difficulties in securing an appropriate site for St. Martin's School resulted in the project being deferred until 2013. Senator Le Gresley's amendment is proposing advancing the project to 2012. The Council of Ministers recognises the priority of this project, but would have to oppose an amendment which increases the deficit by £7.7 million to £26 million in 2010 and further affects the Consolidated Fund in what is already forecast to be a particularly difficult year. I would like to assure Members that this project has my support and that of the Minister for Education, Sport and Culture and, indeed, that of my fellow Ministers. I would also like to say that there is already a considerable amount of work being done behind the scenes in terms of resolving some of the site and planning issues and considering all the options for accelerating the project. It is also fair to say that with the current problems in securing a site there could not be a guarantee that the whole project could be completed in 2012, even if the amendment was successful and the funds made available. Taking all this into account, there may

be an opportunity to propose the phased approach to the project which would provide an alternative to the amendment proposed by Senator Le Gresley, an amendment, which, in its current form, I and the Council of Ministers would have to oppose. The alternative would be a commitment to consider a 2-phased approach to St. Martin's School, which might represent appropriate design works resolving site acquisition, preparation and drainage issues being carried out in 2012, followed by the construction in early 2013. The commitment of myself, the Ministers for Education, Sport and Culture, and Planning, and appropriate officers to expedite the current difficulties and the site issues during 2011. A commitment to identify sufficient funding for 2012 to allow the proposed 2-phased approach, this will be resolved in advance of the 2012 Business Plan, a commitment by Property Holdings, who are aware of the current problems at the school to work with the Head to ensure that the remaining period in the property is as comfortable as possible. I would also say that much of this will be done behind the scenes and leading up to the 2012 Business Plan, but I am prepared to commit to this now and to consider options to fund the 2-phased approach. The final decision will be for the States and it will not be made until September 2011 in the 2012 Business Plan.

#### **8.1.1 Senator F. du H. Le Gresley:**

I am grateful to the Minister for this statement, which I have been discussing with him over the weekend, and I apologise to Members that at this stage I have not yet withdrawn my fourth amendment to the budget. The reason for that is that I was waiting to check the exact wording of the statement because I had suggested a small amendment, which I note has been included. I would just like to say that I felt very genuinely that my amendment was warranted and that work to St. Martin's School - a complete rebuild of the school - should not be delayed any further and that, in fact, I have since found out that this scheme was mooted back in 2004. So we are now 6 years on since the first project was discussed by the Education Committee.

#### **The Bailiff:**

You are going to come to your question soon, Senator Le Gresley, are you?

#### **Senator F. du H. Le Gresley:**

I am going to come to my question in a minute, Sir. I am just reiterating the point. So we have waited 6 years and I do feel that delaying until 2012 or even 2013 is probably unacceptable. But in the circumstances, provided the Minister, when he answers my question, will confirm, really - sorry, I cannot remember the right word there - unequivocally that he will commit to a 2-phase approach to St. Martin's School, commencing in 2012 and completing in 2013, I will, Sir, with your permission, withdraw my fourth amendment to the budget.

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

I am happy to confirm that that is unequivocally given. I have had constructive discussions with my friend the Minister for Education, Sport and Culture and we have wanted to expedite that. If we can beat what we have said in the statement we certainly will and we will make the lives of the St. Martin's School pupils and teachers improved as soon as possible. Constructive discussions can happen.

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

Bearing in mind that our homes are supposed to be wind and watertight, does the Minister consider that this building is safe, wind and watertight to carry on educating our youngsters in and that this will not be a detriment to their health.

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

I hope not, and I am sure the Deputy will have seen the last commitment to make it as comfortable as possible. I would say that there has been over the last decade or so a very substantial investment in our schools infrastructure. We have a schools infrastructure we should be very proud of. St.



Martin's is one of the last to be completed and we are going to make that completion as soon as possible.

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

Can I ask the Minister whether his unequivocal assurance is the same as his commitment over G.S.T.?

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

As always, with the best information I have available, I make statements and give undertakings and promises to this Assembly with the best information I have, and the Deputy will be clear about my commitment in relation to St. Martin's School, which is shared by Ministerial colleagues.

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

Given that Senator Le Gresley is accepting this essentially on a promise until its formal ratification, hopefully in the Business Plan, could the Minister for Treasury and Resources tell us where the source of funding will come from for the phase up to the Business Plan?

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

In all probability by slipping another project, if that is agreed with the Minister, or in relation to a whole rejigging of some of the other aspects of the capital programme. I should say that the capital programme is something that I have been looking at in order to get more flexibility. There is an available amount of money every year but obviously we want to try and get as many projects as completed as possible and this is also going to be subject to the general review that I am undertaking in relation to capital programme and how that is funded and how that works.

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

The statement says that the £7.7 million cost of the school would "further affect the Consolidated Fund in what is forecast to be a particularly difficult year." Can the Minister for Treasury and Resources tell Members just how much capital allocations there are in the Consolidated Fund; what sort of order of magnitude?

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

There will inevitably be a number of capital projects that will have been approved that are not started. But certainly there has been an acceleration of capital projects and much of the outstanding balance - particularly, for example, in relation to the Energy from Waste plant - now has been paid for. There is one project which I particularly call to mind, which is the police station allocation which has been made, but we also are attempting to make progress in relation to that. There is an issue about allocated money and actual available money. If we successfully deliver on capital projects, that available money is obviously going to be reducing and I intend it to reduce.

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

Can I have a supplementary, Sir? Can the Minister confirm that the amount of money in the Consolidated Fund, which this House has already allocated to capital projects is round about or in excess of £100 million? So his statement that the £7.7 million makes a material difference is somewhat misleading?

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

It is really important that Members understand the difference between the unallocated amount of the Consolidated Fund and the allocated amount. When we speak about the Consolidated Fund going overdrawn, we mean just that, is that there is insufficient monies in the Consolidated Fund to meet the obligations of the States. I am afraid you cannot spend money twice.

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

Nor can you spend it all at once.

[17.30]

**8.1.7 Deputy J.A. Martin:**

Following on from the last statement from Deputy Southern, is this a new approach? Are we heading-off amendments at the pass now with statements in the House, and, as Deputy Le Hérissier says “a promise for the future”? I appreciate that Senator Le Gresley is a relatively young Senator, inexperienced, and I would very much watch this because if you can overturn amendments in the House, and this is what the Minister for Treasury and Resources thinks a nice fluffy statement about: “You can have your school but there will be a little work behind the scenes” does he really think we can be fooled that many times? Today is not 1st April.

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

I regret what Deputy Martin says because I imagine that she was sitting in her seat earlier saying that we are condemned if we do and condemned if we do not. Members have said previously that the Council of Ministers should be open to amendments, to see whether or not we can find solutions, to see whether or not we can meet Back-Benchers’ objectives. That is what we are doing. I heard earlier that there was criticism of the Health Department for having an under-spend in managing their budget properly. The Deputy should be aware of these: “Condemned if you do and condemned if you do not” because I am going to come and sit over there in relation to some of these issues.

**Deputy T.M. Pitman:**

My question has been eloquently put. I totally agree with it.

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

The Minister is quite right to say St. Martin’s has been waiting a long time for a new school. But could I get an assurance from the Minister... because he has identified in his statement about the fact that it is fair to say that the current problems in securing the site... there could not be a guarantee, *et cetera*? Could I have an assurance from the Minister that no monies will be spent until all the issues, including the football pitch and the playing area at St. Martin’s are secure before anything gets underway because what we do not want is a school and then have no facilities around it?

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

Yes, and I discussed this statement with both the Minister for Education, Sport and Culture and the Minister for Planning in relation to the issues that he raises, and I am hopeful that we are going to find a solution to the issues that the Deputy is alluding to.

**8.1.9 Deputy A.E. Jeune:**

I would just like reassurance from the Minister that, while having given his statement today, what he will be giving us in the budget tomorrow will be that he is going to stay within that envelope of money that he is discussing and he is not finding another roll of money in a drawer.

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

I do not think that there is lots of money in the drawer and that is the difficulty. Yes, I will be making a very strong plea to Members for responsibility in the budget decisions tomorrow. I think it is important that we do fix and we stick to an envelope of States spending and that we commit to that in order to send a very strong message that we have got balanced public finances. I look forward to the Deputy’s and others contributions to these issues in the next couple of days.

**8.1.10 Deputy R.G. Le Hérissier:**

Would the Minister for Treasury and Resources not concede that despite a deteriorating physical infrastructure, the excellent job St. Martin's School has done with people such as the Deputy of St. Martin? It is testimony to the fact that it is the quality of teaching that is paramount.

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

I did not know the Deputy of St. Martin had been to St. Martin's School but that is a matter for Members to judge, not me.

**The Bailiff:**

Does any other Member wish to ask questions? Very well, that concludes questions to the Minister on that. Senator Le Gresley, can I just clarify with you, with the assistance of Members then, are you withdrawing your amendment?

**Senator F. du H. Le Gresley:**

Yes, I am, Sir.

**The Deputy of St. John:**

Can I propose the adjournment, Sir?

**The Bailiff:**

Well, we have one more statement to go. Yes, there is an additional statement from the Minister for Transport and Technical Services.

## **9. The Minister for Transport and Technical Services - statement about the extreme weather conditions**

### **9.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services):**

I beg Members' indulgence for just for a moment. The Island has experienced extreme weather and conditions over the last 10 days: snow, ice, floods and landslides. My staff at Transport and Technical Services have been working overnight and through all weathers to deal with the various problems that the weather has caused. I would like to take this opportunity to thank them for their hard work and ongoing commitment. **[Approbation]** The bad weather started the weekend before last. We received an advance severe weather warning and we were able to have staff and equipment ready to be deployed when the weather hit us. The weather then took another turn for the worse last Wednesday and that was a heavy snowfall which continued with varying degrees through to last Friday. However, the subsequent thaw has brought about problems with flooding and landslides and has caused considerable damage to some roads. Staff were up and out at 2.00 a.m. in the morning salting the main roads to keep them as clear as possible for when the rest of us had to go out later in the morning. They were also a vital link in reporting the state of the roads across the Island so that decisions could be made on whether bus services could be run and in turn, whether the Education Department decided to close schools. I think they did a fantastic job. **[Approbation]** This last weekend the snow melted as 2 inches of rain came down and we were hit with floods. The telemetry system which monitors our pumping stations registered 312 alarms. Various locations experienced very bad flooding. I visited the Tesson Mill area and witnessed the flooding that had taken place there and met those affected. I also went to Clos de l'Abri and St. Clement and understand the flooding at Rozel was extremely bad. In all we were aware of 21 incidents round the Island, mainly surface water issues. Our tankers and pumping station crew were out sorting out these problems. Our teams of workers were also supported by staff back at the office manning phones and radios and the duty emergency team which dealt with a variety of callouts, including several landslides. There is a high risk that more could happen over the next few days. The action of the freezing conditions has broken up the roads in certain areas and some have quite large potholes which have emerged virtually overnight in those particular areas. I

appreciate the continued feedback from Members, as this helps us with the evaluation of the period's events. As is usual in these circumstances, T.T.S. will hold a debrief and review in due course, and there will be an ongoing programme of repair works. I thank the Members for their forbearance and I propose the adjournment. **[Laughter]**

**The Bailiff:**

That is a very valiant attempt to avoid any questions. **[Laughter]**

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

While not wanting for a minute to underplay the lion's share of work done by the Minister's staff, would he not agree with me that the staff of some of the Parishes were heavily involved, as, indeed, were the Honorary Police around the Island? **[Approbation]**

**The Connétable of St. Brelade:**

Yes, I am pleased that the Connétable has brought that up. Indeed, they were. They have been heavily involved, certainly the Parish staff in all Parishes. I can vouch for my own as well as those particularly in St. Peter and St. Lawrence who I met on my rounds. I thank all volunteers on the Island for their ongoing contribution in these situations.

**9.1.2 Deputy R.G. Le Hérisier:**

Two questions. How much of the flooding was due to simple blocking of drains, that drain manholes were not cleaned. Secondly, we hear of the threat of flooding of Goose Green, but it did not figure in any of the publicity that occurred. How is that situation holding up compared to others?

**The Connétable of St. Brelade:**

To answer the first part of the question: the manholes are regularly cleared because in an answer earlier on to the Connétable of St. Ouen, we are continually concerned about the flow from fields blocking drains and gullies, and this is an ongoing problem. Clearly the autumn produces many leaves and the staff continually clear the areas. In terms of Goose Green, clearly there was a flow of water through the systems and at this juncture I am not aware of any issues on the new development.

**9.1.3 Senator S.C. Ferguson:**

Not all the patched bits of road deteriorated into potholes. Does this mean there is a question as to the quality of patching of roads in the road maintenance programme?

**The Connétable of St. Brelade:**

The road will generally break up if its condition has deteriorated to the extent that frost is able to get into it and obviously expand when we get freezing conditions. New patches will not tend to break up but there have been one or 2 issues whereby new work has not been compatible with old work, I understand, and those are warranty issues which will be dealt with.

**9.1.4 Deputy G.P. Southern:**

The Minister has rightly praised the actions of his workers and recognised their valiant efforts, on which many of us absolutely depend. Will he subsequently defend the terms and conditions under which they work, for example, the work done in unsociable hours and with overtime?

**The Connétable of St. Brelade:**

My department is in the situation where, while one would like to do without overtime, and there is a general thrust against it, we have to rely on it in these particular situations and I cannot see any way of changing that. But I am pleased to say that, generally speaking, my staff are flexible and

are moving to flexible working situations that will safeguard their jobs and provide good value for the public as and when required.

#### **9.1.5 Deputy A.E. Jeune:**

In the absence of my fellow St. Brelade Deputies, I would just like to ask the Minister because as he quite rightly says, unfortunately Route des Quennevais has come up with some really big holes. I appreciate the reasons why it has happened and it is very unfortunate. But could the Minister please give us an indication of how long it might be before they are able to be repaired?

#### **The Connétable of St. Brelade:**

The contractors are out plugging potholes as an interim measure and the proper patching will take place in the next week or so. So repairs are being dealt with as rapidly as possible.

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

I am glad the Minister has made reference to the problems of flooding at Rozel, which the Minister says was very bad. I ought to mention: this is Rozel, St. Martin, just in case the Constable of Trinity is looking. But there were concerns expressed about a month ago because I expressed them to T.T.S. about the leaves and the drainage problems down there. Can I have an assurance from the Minister that this matter will be looked into because quite clearly ... I know it was a lot of rain but there was a lot of flooding as well. I am just wondering how much of that could have been prevented had a little bit more care and attention been given prior to the heavy rain over the weekend?

#### **The Connétable of St. Brelade:**

Principally the department follows a programme of emptying gullies on the T.T.S. roads and various Parish roads. Parishes have contracts either with T.T.S. or with private contractors to do their own. I think, in truth, in terms of the volume of water that was coming down, I suspect that emptying a day or so before would have made little difference.

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

Following on from the previous one and that answer, does the Minister agree that there is a value for money issue with how much money you spend on cleaning drains and making sure they are free of leaves, especially at this time of year, and the possible damage and value of the damage and also of course the emotional damage caused by the flooding that might occur after the drains are not cleaned satisfactorily?

#### **The Connétable of St. Brelade:**

I must emphasise that the drains are cleaned satisfactorily and I think the important thing is that the continued adherence to the programme of regular maintenance remains because that is the only way one can do it. One uses experience of the past to decide how regular that needs to be.

#### **9.1.8 Connétable J.M. Refault of St. Peter:**

Would the Minister comment on the T.T.S. Department's view of not using colas as a bonding agent between patches of new and old asphalt on safety grounds whereas the bonding agent stops the water getting in, in these freezing conditions, and causing the potholes, which, in themselves, become another safety hazard?

#### **The Connétable of St. Brelade:**

The suggestion of the Connétable that the department do not recommend using this compound on the seams is a fallacy and we have no issue with it whatsoever.

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

Would the Minister agree that, regarding Rozel, that it was the sheer volume of water that has caused the problem? I know the Fire Service were there for at least over 12 to 14 hours and that they were concerned they did clear out the drains, but it was the sheer volume of water that was coming down the valley that was the problem. I would like to praise the Fire Service because they did an excellent job. **[Approbation]**

**The Connétable of St. Brelade:**

Likewise I would like to endorse that. The presence of the Fire Service certainly at Tesson Mill and no doubt other areas was certainly appreciated by those living in those particular affected areas.

**The Bailiff:**

Very well. No other questions? Then that concludes questions. I think before the adjournment Deputy Fox, you wished to raise one issue?

**Deputy J.B. Fox:**

Yes, please. On behalf of P.P.C. in the absence of the Chairman and Vice-Chairman, I have been asked if I just test the water for setting aside Friday, should the discussions go on longer because at the moment it is not on the Order Paper.

**The Bailiff:**

Very well. Do Members agree then that if they are still going strong it will go to Friday?

**The Deputy of St. John:**

I am aware that my panel have got meetings on Friday and I am sure other Members have meetings on Friday.

**Deputy R.G. Le Hérissier:**

Can I ask the Deputy to test the waters, as the phrase has it, maybe on Wednesday, in order to see what progress we are making? But let us assume we will not be meeting on Friday.

**Deputy J.B. Fox:**

I will pass that back to the Chairman and we will test it again on Wednesday.

**The Bailiff:**

The adjournment is proposed. Very well, the Assembly will rise and reconvene at 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:45]