

# STATES OF JERSEY

## OFFICIAL REPORT

**MONDAY, 18th JULY 2011**

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[14:30]

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

**APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

**1. Nomination of Mr. Stephen Haigh as a member of the Public Accounts Committee**

**1.1 Senator B.E. Shenton:**

I would like to nominate Mr. Haigh. He applied to join the Public Accounts Committee 2 and a half years ago when we had 18 applicants from independent bodies to join the committee. He was very much our first reserve and on the resignation of Mr. Kevin Keen, we approached him and he would be willing to serve what is a fairly short term, bearing in mind that the term of the Public Accounts Committee ends at the end of this year.

**The Deputy Bailiff:**

Do Members agree to the appointment of Mr. Haigh as a member of the Public Accounts Committee? Members in favour? He is appointed.

**QUESTIONS**

**2. Written Questions**

**2.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE LONG TERM UNEMPLOYED AND WORK PERMITS.**

**Question**

Given the current levels of unemployment in the Island, especially in the long term unemployed, can the Minister please provide members with a breakdown of people in Jersey who are here as a result of his department issuing work permits, and in particular -

1. The total number of people on work permits at present and how that compares with last year?
2. The total number of dependents accompanying them and how that compares to last year?
3. The jobs occupied by those on work permits by skill and by sector?
4. The jobs occupied by dependents of those who have been issued work permits by skill and by sector?
5. The length of the permits issued to conduct this work in Jersey?
6. The total number of work permits issued in 2010 and the total issued so far in 2011 by skill and sector?
7. The charges levied in relation to issuing permits;



8. what the Minister’s plans are, if any, to review the work permit policy of his department with regard to protecting jobs for Jersey residents, given the recent geographic expansion of the EU and the high levels of unemployment in Jersey?

**Answer**

**Number of Work Permit Holders**

The IT system in place in the Customs and Immigration Service does not report the actual number of work permit holders and dependants in the Island at any one time. This information has not been required because all work permits are of a finite duration and have been measured by showing the number of permits issued by sector in a particular time frame. A snapshot at any one time is just that – tomorrow there may be considerably more or less work permit holders than today and thus the issuance of the permits has been seen as a more valid measure.

Comparative statistics for work permits issued by sector for the periods 1 January 2010 to 30 June 2010 and 2011 are shown below:

Sectors	Number Of Work Permits Issued	Number Of Work Permits Issued
	1 January to 30 June 2010	1 January to 30 June 2011
Agriculture	1	0
Entertainers	11	4
Finance	66	49
Hospitality	62	55
Information Technology	3	26
Health	15	16
Legal	8	5
Other (Education, Sport, Telecommunications]	14	19
<b>Total</b>	<b>180</b>	<b>174</b>

Figures showing the actual number of work permit holders and their dependants were however compiled at the end of **December 2010** for a previous question on this subject from the Deputy:

<b>Sectors</b>	<b>Total No. Work Permit Holders</b>	<b>Total No. Work Permit Dependants</b>
Finance	171	114
Hospitality	73	9
Information Technology	38	16
Health	35	31
Legal	23	14
Other (Education, Sport, Telecommunications, Engineering)	17	21
<b>Total</b>	<b>357</b>	<b>205</b>

### **Dependants**

The total number of dependents of work permit holders (*this includes spouses, unmarried partners and children under the age of 18 and where the work permit exceeds 12 months duration*) who either accompanied or joined them in Jersey are as follows:

<b>Dates</b>	<b>Number of work permit dependants</b>
1 January to 30 June 2010	21
1 January to 30 June 2011	29

These figures only take into account applications for "Work Permit Dependant" entry clearances (visas) which have been referred to the Customs and Immigration Service from British Diplomatic Posts.

Under the Directions of the Lieutenant-Governor (Immigration Rules) there are no restrictions as to where work permit dependants can take employment. Therefore, there is no information available on the jobs they may have filled locally.

### **Length of validity of work permits**

Work permits are issued for periods of between 1 day and 5 years. Short term permits are issued for beach lifeguards, entertainers, hospital locum appointments, seasonal hospitality workers, persons with technical expertise and established overseas employees with company-specific knowledge being seconded to fill a temporary skills gap, undertake a special project or for career development purposes.

### **Fees**

The current scale of fees for processing work permit applications is:

#### Permit for less than 12 months validity

Initial application £40

Extension up to total of 12 months £40

Extension beyond total of 12 months £160

#### Permit for 12 months or more

Initial application £200

Extension £200

The fee is non-refundable even if the application is refused.

### **Review of Work Permit Policy**

A review of the work permit policy has taken place and I am satisfied that the operation of the scheme safeguards the employment of resident labour, maintains the immigration control and meets the Island's economic and social needs. However, it is intended to make the following amendments to the policy:

1. Change in the minimum earnings threshold for jobs in finance and law to ensure that only applications, for appropriately qualified persons, are considered.
2. Ensure that employers reach all persons who are free of permit in the Island the standard of advertising by including, where appropriate, an advert at the Social Security Department. (Although it should be stressed that there is no evidence to suggest that local persons are actually being displaced or disadvantaged.)
3. Introduce an English language requirement, as part of the qualifying criteria, for the issue of a work permit to ensure that migrants coming to work in Jersey have a

basic command of the English language which will allow them to cope with everyday life.

4. Increase the work permit application fees to reflect better the cost of providing the service.

I am also reviewing the availability and duration of work permits in relation to the Hospitality Industry.

## **2.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING APPROVALS WITHIN THE GREEN ZONE.**

### **Question**

As the Minister could not provide members with the answers in full to my written question on 20th June 2011 on approvals within the Green Zone, due to complexity in cross referencing minutes, in time for the States sitting can the Minister provide the list of Green Zone permissions with those who approved them for 2011 alone?

### **Answer**

Attached is a summary of approved applications for housing in the Green Zone for 2011, including the application number, address, brief description of the development and the decision making body (Officer delegated approved, Planning Application Panel (PAP) or Ministerial Meeting (MM)).

In respect to the politicians involved in making the respective decisions, the summary includes details of the Planning Applications Panel members present for each application approved.

Applications for new dwellings granted permission from 01-January-2011 to 08-July-2011						
Planning Application Number	Decision Date	Address	Brief Description of the development	n/a	Decision Making Body	
<a href="#">P/2010/0384</a>	27/01/2011	Les Chasses St. Mary	Demolish outbuildings to the North elevation and construct new dwelling. Convert existing house into 7 No. flats. Renovate annex dwelling. Convert existing annex store and outbuildings into 5 No. dwellings. Various external alterations to include landscaping. AMENDED PLANS: Omit one number dwelling from the scheme and replace with garage block. Various external alterations including landscaping proposals.	Green Zone	PAP	✓
<a href="#">P/2010/0619</a>	12/05/2011	Field 719 & Stables at Former Shire Horse	Remove stables. Construct 1 No. dwelling.	Green Zone	PAP	✓
<a href="#">P/2010/0774</a>	06/05/2011	La Mare The Barn St. Ouen	Convert and extend existing barn into 1 No. dwelling.	Green Zone	Delegated Approved	
<a href="#">P/2010/1432</a>	18/01/2011	Hamptonne Country Life Museum St. Law	Convert first floor above Cider House to 1 No. self	Green Zone	Delegated Approved	

			catering unit.			
<a href="#">P/2010/1439</a>	18/01/2011	<b>Hamptone Country Life Museum St. Law</b>	Convert loft above stables into 1 No. self catering unit.	Green Zone	Delegated Approved	
<a href="#">P/2010/1565</a>	13/05/2011	<b>Les Cinq Ours St. Peter</b>	Demolish existing dwelling. Construct 1 No. dwelling. AMENDED PLANS: Reduce overall size of proposed new dwelling. AMENDED PLANS: Reduce size of proposed dwelling and relocate to the Western end of the site.	Green Zone	PAP	✓
<a href="#">P/2010/1569</a>	05/04/2011	<b>Blue Fountain Restaurant St. Brelade</b>	Change of use from restaurant to domestic dwelling. Construct first floor extension with balcony.	Green Zone	Delegated Approved	
<a href="#">P/2010/1654</a>	12/05/2011	<b>La Place Barn St. Ouen</b>	Convert barn into 1 No. self catering unit with store.	Green Zone	Delegated Approved	
<a href="#">P/2010/1740</a>	07/04/2011	<b>La Petite Charriere St. Brelade</b>	Demolish existing dwelling. Construct 1 No. dwelling.	Green Zone	Delegated Approved	
<a href="#">P/2010/1862</a>	07/04/2011	<b>Little Oaks St. Martin</b>	Demolish existing bungalow. Construct new dwelling.	Green Zone	Delegated Approved	
<a href="#">P/2010/1934</a>	12/05/2011	<b>Highview House St. John</b>	Divide house to create two dwellings.	Green Zone	PAP	✓
<a href="#">P/2011/0052</a>	26/04/2011	<b>Field 268 Trinity</b>	Construct 1 No. dwelling. Widen existing vehicular access.	Green Zone	MM	
<a href="#">P/2011/0083</a>	03/06/2011	<b>St. Anthony St. Ouen</b>	Convert loft space to create a separate unit, with dormers and roof lights. AMENDED	Green Zone	Delegated Approved	

			DESCRIPTION: Extend roof to create a separate unit, with dormers and roof lights. AMENDED DESCRIPTION: Raise height of roof. Constructed dormers and insert rooflights to create additional habitable accommodation.			
<a href="#">P/2011/0203</a>	01/06/2011	<b>Homeland St. John</b>	Convert existing pool house to 2 No. dwellings. Construct ground floor extension to West elevation.	Green Zone	Delegated Approved	
<a href="#">P/2011/0361</a>	16/06/2011	<b>Westward House St. Brelade</b>	Demolish existing North Lodge, construct new 3 bed dwelling and associated landscaping. Demolish existing single garage, construct new 2 bed gatehouse and associated landscaping. Re-configure existing vehicular entrance to Westward grounds, form general parking area to South of new entrance. AMENDED PLANS: Reduce size of Gate House. Various alterations.	Green Zone	Delegated Approved	
<a href="#">P/2011/0648</a>	10/06/2011	<b>Le Petit Fort &amp; Field 1314 St. Ouen</b>	Demolish existing dwelling, construct 1 No. dwelling.	Green Zone		
<a href="#">RC/2010/1545</a>	20/01/2011	<b>Workshop at Homestill St. Mary</b>	Vary standard time limit condition on permit P/2005/1123 (construct dwelling) to	Green Zone	Delegated Approved	

			extend permit by 3 years.			
<a href="#">RM/2010/0915</a>	14/01/2011	<b>Field 621 St. Brelade</b>	Submission of Reserved Matters: Construct 1 No. dwelling.	Green Zone	MM	
<a href="#">RP/2010/0354</a>	10/02/2011	<b>Puits de Leoville St. Ouen</b>	Redevelopment of various outbuildings including offices to consist of 6 dwellings. To include various external alterations and associated landscaping. REVISED PLANS; Reduction in number of units to 5 dwellings only.	Green Zone	Delegated Approved	
<a href="#">RP/2010/1796</a>	04/03/2011	<b>La Vieille Maison Trinity</b>	Restore Cottage. Construct extension to create 3 bedroom house with oak conservatory. Various external alterations. REVISED PLANS; Construct pump house and storeroom.	Green Zone	Delegated Approved	
<a href="#">RP/2011/0220</a>	03/06/2011	<b>Octagon House Grouville</b>	Construct pool house, pool, office and garage to the West elevation. Construct first floor extension to existing dwelling and create new vehicular access. AMENDED ADDRESS. REVISED PLANS: Enlarge approved ground floor extension. Construct extension at first floor level. Alterations to approved vehicular	Green Zone	Delegated Approved	



			access. Various external alterations. AMENDED PLANS: Omit all works relating to the re-design of the proposed extension.			
<a href="#">RP/2011/0311</a>	20/05/2011	<b>Field 1507 Builders Store St. Helier</b>	Demolish existing buildings and remove outdoor storage racks and scaffold storage. Construct 1 No. dwelling. REVISED PLANS: Position oil tank to South of site.	Green Zone	Delegated Approved	
<a href="#">RP/2011/0428</a>	16/06/2011	<b>St Catherine's House (Formerly Maison C</b>	Demolish existing dwelling and outbuildings. Construct new dwelling with associated landscaping. REVISED PLANS: Construct timber shed.	Green Zone	Delegated Approved	
<a href="#">RP/2011/0488</a>	28/06/2011	<b>Brookvale Farm St. Martin</b>	Demolish packing shed and construct dwelling and garage. Change of use of barn to west of main house to create dwelling. Demolish outbuildings. REVISED PLANS: Construct garage to Unit 1.	Green Zone	Delegated Approved	

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n/a

MM	Ministerial Meeting
PAP	Planning Applications Panel

Delegated Approved	Officer of the Department of the Environment
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### **2.3 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING MANDATORY OCCURRENCE REPORTS.**

#### **Question**

Will the Minister advise the Assembly how many Mandatory Occurrence Reports have been filed by Air Traffic Controllers at Jersey Airport regarding the new ATC system and provide full information on the subject matter of their reports and the controllers' concerns; and

Would the Minister provide full details of any verbal or written concerns regarding the new ATC system made by air traffic controllers to their supervisors or airport management?

#### **Answer**

The objective of filing a Civil Aviation Authority Mandatory Occurrence Report (MOR) is to contribute to the overall improvement of flight safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated. The sole objective of this reporting process is the prevention of accidents and incidents and not to attribute blame or liability to any individual.

Along with other airports, Jersey Airport is required by law to operate a safety management system and an essential part of it is the existence and promotion of 'Just Culture' – this refers to the fact that while gross negligence, wilful violations and destructive acts are not tolerated and appropriate action taken, individuals are not punished for acts, omissions or decisions taken by them commensurate to their experience and training. On the advice of the [independent] Director of Civil Aviation for the Channel Islands I am not obliged to detail in a public forum the content and subject matter of individual reports other than to say that since December last year, Jersey Air Traffic Controllers have submitted 17 MORs. Of this number 14 have been investigated. Of these 14, eight are under joint progression with external agencies, 6 have been closed with local mitigation or no further action required. Three MORs remain under investigation.

#### **Background Info**

MORs reported in new ATC operation compared to former facility:

In Q1 2010 there were 10 MORs

In Q1 2011 there were 23 MORs - Increase would be, better reporting and introduction of ATCC. A natural process which we expected as we continue to develop the system past their status of what was required for going live.

In Q2 2010 there were 14 MORs

In Q2 2011 there were 19 MORs

In summary, there are more but to put in context we have also had more MORs in 2011 relating to intermediate stop bar crossings and nothing has changed in the system or the layout of the airfield.

#### **2.4 THE DEPUTY OF ST. MARTIN OF THE CHIEF MINISTER REGARDING A SUSPENSION LIST.**

##### **Question**

In answer to my written question (6317) on Tuesday 7th June 2011, only one teacher is shown as being suspended in 2010. Will the Chief Minister inform Members why a member of staff employed by Education, Sport and Culture who was suspended in July 2009 till March 2011 is not recorded in the list? If the member was suspended will the cost figures shown in written answer (6432) on 5th July 2011 be adjusted?

##### **Answer**

The costs attached to the suspension of any member of staff irrespective of the length of suspension are attributable to the year in which the suspension was first initiated.

As a consequence, the costs attached to the suspension of a member of staff employed at the Education, Sport and Culture mentioned by the Deputy of St Martin for the period July 2009 to March 2011 was attributable to 2009 and therefore were not included in the figures for 2010 or 2011.

The cost figures provided in the answer to the Written Question 1240/5 (6432) on 5th July 2011, are consistent with this rationale and do not need to be adjusted.

#### **2.5 SENATOR B.E. SHENTON OF THE MINISTER FOR HOME AFFAIRS REGARDING JOURNALISTIC PRACTICES.**

##### **Question**

Given the revelations in respect of journalistic practises of the News of the World, coupled with the disclosure that a journalist from the newspaper was entertained at a top London restaurant at the height of the Haut de la Garenne investigation by the then Deputy Chief Officer, is the Minister satisfied that all future dealings with the media will be handled in a professional manner. Does he have any evidence to show whether any

underhand practices were undertaken by the News of the World when investigating the Haut de la Garenne allegations?

**Answer**

I am very concerned that the News of the World is referred to twice in the independent reports which I have received in relation to the Haut de la Garenne investigation.

The first occasion was on the morning of the day on which the first press conference was held by the then Deputy Chief Officer and Senior Investigating Officer. On that morning, 23 February 2008, a News of the World photographer was found in the bushes at Haut de

la Garenne. In my view, there must have been some leak of information to that newspaper prior to that date.

However, much more concerning is the incident referred to which took place on 1 May 2008 when a female News of the World reporter, together with a number of police officers who were involved with the case were entertained by the then Deputy Chief Officer and Senior Investigating Officer at an expensive London restaurant at a cost of £699.00. It is very concerning that subsequently a female reporter from the News of the World produced an article which made references a) to “HELLFIRE Jersey Homes dossier to reveal children were murdered ..... then burnt” and b) to “a SHOCK secret police report into the Jersey House of Hell Children’s Home reveals youngsters there WERE murdered then BURNED in a furnace to COVER UP the atrocities”. The report then goes on to reveal various details which are very likely to have been provided by a Police Officer or Officers. The full text of the Article is duplicated on a number of websites.

I am satisfied that the current leadership of the States of Jersey Police acts and will act in a proper and professional manner in relation to its dealings with the press.

However, I can never exclude the possibility of individual Police Officers improperly leaking information to the press.

I do not have any evidence of underhand practices being undertaken by the News of the World in relation to the Haut de la Garenne investigation but doubt as to whether this would have been necessary in the light both of the nature of police press conferences and other provision of confidential information which characterised the early stages of this investigation.

**2.6 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING 5 YEAR CONTRACTS.**

**Question**

In the light of the extension of the initial five year contract of the Chief Fire Officer to a permanent appointment, would the Chief Minister confirm whether 5 year contracts for senior staff are legally enforceable and, if not, why not?

**Answer**

Whilst the termination of any contract, be it for a fixed term or permanent, can be legally enforced, the employer must ensure this is undertaken in a fair manner.

Any contract for a fixed term, for any employee, can be terminated, subject to the conditions attached to the contract at the time of issue. If the contract is for a specified period and for a specified piece of work which is completed at the end of the fixed period, with no further requirement for work, the contract comes to a natural end and the employee is dismissed fairly.

However, where the work continues and there is no other substantial reason to terminate the contract at the end of the fixed period, the dismissal could be deemed to be unfair. This situation applies to all employees and not just those employed in the public sector, in either a senior or junior position.

It is inappropriate to comment on the terms of any particular contract as the details are of a personal and confidential nature.

**2.7 SENATOR J.L. PERCHARD OF H.M. ATTORNEY GENERAL REGARDING FINANCIAL MEANS TESTING FOR PRISONERS.**

**Question**

I asked the following question (6427) of the Minister for Home Affairs at the last sitting of the States:

“Will the Minister introduce financial means testing of those detained at HMP La Moye and levy a fee based on a scale of charges up to a maximum of the full cost recovery on inmates?”

In his answer the Minister wrote:

“I believe that this would be contrary to the European Convention on Human Rights for two reasons. It would be viewed as a second penalty in addition to the imprisonment being imposed by the Court. It might also contravene the right to private property being a charge which was not a legitimate tax which was being imposed on an individual without their consent.”

Would the Attorney General confirm whether he considers the European Convention on Human Rights would be contravened? And is the Attorney General of the opinion that the States could reasonably introduce financial means testing of those detained at HMP

La Moye and levy a fee based on a scale of charges up to a maximum of the full cost recovery on inmates?

**Answer**

I believe there are a number of reasons why the States could not adopt the proposal in question 6427 to means test "those detained at HMP La Moye" and levy a fee on them based on a scale of charges up to the maximum of the full cost of recovery on inmates.

Firstly, it does not distinguish between those prisoners who are on remand and those who have been convicted. There could be no justification for means testing or imposing charges on remand prisoners.

Secondly, even for convicted prisoners, there is no legal authority for taking such action and it is not permissible for the States to levy such a charge or to examine a person's means, whether they are subject to a sentence of imprisonment or not, without an express legal power to do so.

Thirdly, if it were to be suggested that legal powers to take such action could be introduced, in all probability they could not, in any event, be made applicable to existing prisoners as that would probably amount to, either, a retrospective punishment for the offence, contrary to Article 7 (no punishment without law) of the European Convention on Human Rights (ECHR) or a double penalty, which would be contrary to the "*ne bis in idem*" rule in Article 14(7) of the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by the UK on behalf of Jersey, and the very similar provision in the Seventh Protocol to the ECHR (which has not been ratified by the UK yet, but is intended to be ratified in the future). It would also probably be in breach of Article 1 of the First Protocol to the ECHR (protection of property), as it would amount to deprivation of the prisoners' property which, if imposed retrospectively, probably would not be capable of justification under the Article as being in the "public interest", in spite of the wide margin of appreciation enjoyed by States under this Article.

Fourthly, even if applied only to "future" convicted prisoners, the levy would probably still amount to a breach of Article 14(7) of the ICCPR and Protocol 7 to the ECHR. It has more of the characteristics of an extra penalty, for those who could afford to pay, than a remedial or rehabilitating action, and may be difficult to justify, especially in light of the existence of statutory provisions for relieving criminals of the proceeds of crime or for ordering them to pay compensation. It might also amount to a breach of Article 14 of the ECHR in respect of rights under Article 1 of the First Protocol, by discriminating between wealthy and impecunious prisoners in respect of the same offending.

Lastly, it is noted that in England and Wales, the Government has recently introduced the Legal Aid, Sentencing and Punishment of Offenders Bill which, amongst other matters, makes provision for rules about employment in prisons and in particular enables the making of rules about the payment of prisoners for employment and deductions from their remuneration for the benefit of victims or communities, for the rehabilitation of offenders and for other purposes, which might include their "keep". This approach

(assuming it to be practicable in the first place) would avoid all the above issues and also the issue of possible breaches of Article 14 of the ECHR in respect of rights under Article 1 of the First Protocol, by discriminating between wealthy and impecunious prisoners and might therefore be a better avenue to explore.

## **2.8 THE CONNÉTABLE OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PARKING ON VICTORIA AVENUE.**

### **Question**

In the light of concerns over the safety of the "refuge" in the central reservation of Victoria Avenue for vehicles leaving the "kiosk" lay-by at Bel Royal and travelling towards St Helier, will the Minister confirm that he has visited the area to ascertain whether the depth of the refuge is adequate, and advise the length of vehicle which can be sheltered entirely within the refuge (without protruding into the traffic lanes) bearing in mind the angle at which vehicles are likely to enter the refuge due to the road layout. Is the Minister satisfied that this is adequate?

### **Answer**

I can confirm that I have visited the area and I acknowledge that the layout is not ideal. Given the limited space available for the junction, the current arrangement is the best that can be achieved and a significant improvement on the layout prior to summer 2008.

A vehicle of 2.1m of length can be accommodated entirely within the solid kerbed island. However, this effectively means very few vehicles can position themselves wholly within the kerbed islands.

You will recall that prior to the remodelling of this junction, what is presently the car park exit onto Victoria Avenue also used to be the entry from the Avenue to the car park for motorists from the west. The current arrangement has therefore removed a conflict from this junction. East bound vehicles entering the car park now have a dedicated right turn lane, protected by solid kerbing, and a narrower approach lane, reducing the opportunity for inappropriate overtaking by town bound drivers.

Good driving practice dictates that drivers should position their vehicle at right angles to a stop or give way line to afford maximum visibility to left or right of approaching vehicles. (This is especially important for vehicles with restricted visibility such as vans and lorries) The current layout of the exit from this car park means that all drivers are obliged to follow this best practice.

Visibility for motorists coming from St Helier is excellent. Drivers approaching the junction from this direction at the posted speed limit of 30mph, have sufficient time to assess whether there is enough space left by a waiting east bound vehicle, to be able to continue, or whether they need to stop.

Road traffic collision data collected by the States of Jersey Police and analysed by my Department has thus far indicated that the scheme has successfully reduced road traffic collisions at this location.

I am satisfied that the arrangement is an improvement over the previous layout, and is the best that can be achieved given the overall space constraints and many manoeuvres at this location. My Department will continue to monitor the junction to ensure that this remains the case.

## **2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PRIVATE FINANCE INITIATIVE SCHEMES.**

### **Question**

What measures does the Minister propose to put in place to limit damage to Jersey's reputation as a good neighbour (as suggested in the latest European Services Strategy Unit report) arising from the leakage from UK tax revenues to Jersey of profits from PFI (Private Finance Initiative) hospital and schools projects?

### **Answer**

The transfer of equity ownership of UK PFI projects was recently examined by the Public Accounts Committee of the UK Parliament. As indicated in oral evidence given by HM Treasury officials, once projects are established, ownership of the equity in those projects is a commercial decision determined by "private companies who are conducting their business".

HM Treasury officials did indicate in their evidence that they were going to "reflect" on the discussions of the Committee. If, following this period of reflection, there are any particular implications for Jersey we will work with HM Treasury officials to address these as appropriate.

## **2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX BURDENS.**

### **Question**

Following his response to written question 6448 on 5th July 2011 will the Minister publish the full results of the consideration of the tax burden on various households and the comparison to competitor jurisdictions conducted in the Fiscal Strategy Review?

### **Answer**



The relevant document is the *Fiscal Strategy Review: Supporting Research* paper which was published on 21st June 2010 and is available on the States website at the following address:

<http://www.gov.je/Government/Consultations/Pages/FiscalStrategyReviewPersonalTaxation.aspx>

## **2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE CONTROL OF MIGRATION NUMBERS.**

### **Question**

In the recent debate on Control of Housing and Work law (P.37/2011) the Chief Minister used figures relating to overall numbers of the “working population” to demonstrate that the agreed target for net immigration of 150 heads of household was being achieved. Will he explain to members how this correlates to the figures published by the Statistics Unit for the period 2007-2009 which show an average net immigration of 325 heads of household and states clearly that this is the measure to be used to check progress on attaining the target set out in the Strategic Plan?

### **Answer**

The question relates to two different Strategic Plans and two different population targets over two different time periods.

The 2009 – 2014 Strategic Plan is very clear as to what the population and immigration targets are, with reference to a number of related objectives. In particular, inter alia, these are:

- *maintains the level of the working age population in the Island;*
- *ensures the total population does not exceed 100,000;*
- *in the short term, allows maximum inward migration at a rolling five-year average of no more than 150 heads of household per annum (an overall increase of circa 325 people per annum). This would be reviewed and reset every three years (CM)<sup>1</sup>.*

<sup>1</sup> Extract from 2009-2014 Strategic Plan

The 2006 – 2011 Strategic Plan also outlined relevant population policies. The relevant extract is as follows:

- *Net growth in the working population of less than 1% per annum*

The speech to which the Deputy refers was made with reference to the above, and specifically, that the 1% target is being met, with working population growth over the

period 2006 – 2010 averaging 1.21%, and expected to decline in 2011 to achieve the 2006 – 2011 Strategic Plan target of 1% working population growth, and the 150/325 target will be met over the period 2009 – 2012. The Statistics Unit’s report covers a period that crosses the two Strategic Plans namely 2007 to 2009.

Once the census data is available towards the end of 2011, progress against the 150/325 targets and the overall population cap can be assessed in detail and published in 2012.

## **2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PAY BUDGETS.**

### **Question**

Since “pay budgets remain unchanged from 2011” in the 2012 Annual Business Plan (ABP) (response to written question 6442) will the Minister state when the “management side’s position” prior to pay negotiations will be finalised and whether this position will be revealed to members before the ABP comes to the States for debate?

### **Answer**

The Deputy of St Helier will note from the formal response to the Written Question 1240/5(6442), that the Employer’s Side is currently involved in a number of initiatives with pay groups that will form part of its overall approach towards the 2012 public sector pay round and beyond.

In consultation with States departments, and individual pay groups, this approach will evolve over the coming months and will be finalised after the annual business plan for 2012 is determined by the States. In addition, the 2012 pay, terms and conditions of service claims from public sector pay groups have yet to be received. It is anticipated that such claims will be forwarded to the Employer’s Side in the autumn of 2011.

As a consequence, the Employer’s position towards the 2012 public sector pay review will not be finalised before the annual business plan is debated by the States in the autumn. Consistent with the approach adopted by the Employer’s Side over many years in such sensitive matters, the precise negotiation position will be restricted to the Employer’s Side.

It should be noted that public sector pay group representatives are well aware of the difficult financial climate affecting the 2012 public sector pay, terms and conditions of service review and it would be inappropriate to anticipate the outcome of negotiations prior to them taking place.

## **2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING JURY SERVICE.**

### **Question**

Will the Minister inform members how many persons undertook Jury Service during 2010 along with a breakdown of the length of service served?

Will he inform members whether recompense is available for those who serve as jurors, and whether, in longer cases, where paid leave for a juror is refused by their employer, there are funds available to relieve any hardship experienced?

**Answer**

The Viscount advises that 180 persons served as jurors in 15 trials over 46.5 days in 2010. Jury trials therefore had an average duration of 3.1 days during 2010 in a range of 1.5 days (shortest) to 8.5 days (longest). While jury service is an important public and honorary duty, the Viscount has discretion to make compensatory payments to jurors who are caused financial hardship by jury service: one juror was duly provided with such assistance in 2010.

**2.14 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING HOURS WORKED BY MIDDLE GRADE DOCTORS.**

**Question**

- a) Will the Minister supply as promised the answer to 6476 and state the total hours on duty undertaken by each of the hospital Middle Grade doctors for the period from 9am on 6th June to 9am on 13th June, including the hours of 'on call' which may partly have been spent at home for which no distinction needs to be made for the purposes of this answer?
- b) Under the present rota arrangements, do any Middle Grade doctors undertake more hours on duty than they did in the specified week if their colleagues are on annual or study leave? When Middle Grade doctors undertake extra hours on duty to cover the 'on call' duties of colleagues on leave, is this on a voluntary basis, or compulsory?

**Answer**

This information should be read alongside the answer to Question 6494.

- a) A summary of hours worked by individual Middle Grade doctors from 9am on 6th June to 9am on 13th June is attached. Names have been removed for reasons of confidentiality.

A distinction has been made between resident on-call<sup>2</sup> and on-call<sup>3</sup> because it is not possible to understand or interpret the data without this information. The difference

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<sup>2</sup> **Resident on-call:** A doctor who is resident on-call is resident in the hospital and can be called upon to work as and when required. During the hours that they are resident on-call they could be working or resting (ie. they are available

between resident on-call and on-call has a significant bearing on work intensity and hours spent at home. In addition it has a bearing on the application of European Working Time Directive standards.

- b) Under present rota arrangements, if middle grade colleagues are away on leave this may generate additional hours for other middle grade doctors, particularly in relation to out of hours cover.
- c) These shifts are currently offered on a voluntary basis and prove popular with individual doctors as they attract additional payments.

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for work but not necessarily working). Doctors who are resident on-call are much more likely to be required to work during the on-call period (ie. the work intensity is higher)

<sup>3</sup>**On call:** A doctor on-call will be at home, as opposed to in the hospital. They will be called upon to work as and when required. During the hours they are on-call they could be working or resting (ie. they are available for work but not necessarily working). Doctors on-call are very rarely called on for any significant period of work (ie. the work intensity is much lower).

				06/06/2011			07/06/2011			08/06/2011			09/06/2011			10/06/2011			11/06/2011	12/06/2011	Total	Voluntary (inc in total hrs)
Department	Grade	Shift Type	Resident On-Call	AM	PM	OC	AM	PM	OC	AM	PM	OC	AM	PM	OC	AM	PM	OC	OC	OC		
Accident & Emergency	SG	Full	Yes	0.0	8.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	16	
Accident & Emergency	SG	Full	Yes	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	4.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	33	
Accident & Emergency	SG	Full	Yes	0.0	0.0	0.0	4.0	5.0	0.0	0.0	0.0	8.0	4.0	5.0	0.0	0.0	0.0	8.0	0.0	0.0	34	
Accident & Emergency	Locum SG	Full	Yes	4.0	5.0	0.0	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	8.0	0.0	8.0	0.0	12.0	12.0	57	
Accident & Emergency	AS	Full	Yes	0.0	0.0	8.0	0.0	0.0	8.0	0.0	8.0	0.0	0.0	8.0	0.0	4.0	5.0	0.0	6.0	6.0	53	
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	4.0	5.0	0.0	3.5	5.0	15.5	0.0	0.0	0.0	4.0	5.0	0.0	4.0	5.0	0.0	0.0	0.0	51	
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	3.5	5.0	15.5	0.0	0.0	0.0	3.5	0.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	0.0	0.0	45	
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Anaesthetics	AS	24 Partial	Yes if ICU, No if Theatres	0.0	0.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	33	
Anaesthetics	SG	24	Yes if ICU, No	0.0	0.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	33	

		Partial	if Theatres																			
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	7.0	0.0	3.5	5.0	0.0	24.0	24.0	93	
Anaesthetics	AS	24 Partial	Yes if ICU, No if Theatres	0.0	0.0	0.0	3.5	5.0	15.5	3.5	0.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	0.0	0.0	60	
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	0.0	0.0	58	
Anaesthetics	SG	24 Partial	Yes if ICU, No if Theatres	3.5	5.0	15.5	0.0	0.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	3.5	5.0	0.0	0.0	0.0	65	
Anaesthetics	Locum SG	24 Partial	Yes if ICU, No if Theatres	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	0.0	0.0	0.0	24.0	24.0	98	
Anaesthetics	Locum SG	24 Partial	Yes if ICU, No if Theatres	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	0.0	0.0	43	
Anaesthetics	Locum SG	24 Partial	Yes if ICU, No if Theatres	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	

ENT	AS	On-Call	No	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	4.0	16.0	24.0	24.0	72	
ENT	AS	On-Call	No	4.0	0.0	16.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	16.0	4.0	4.0	0.0	0.0	0.0	68	
				06/06/2011			07/06/2011			08/06/2011			09/06/2011			10/06/2011			11/06/2011	12/06/2011		
<b>Department</b>	<b>Grade</b>	<b>Shift Type</b>	<b>Resident On-Call</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>OC</b>	<b>OC</b>	<b>Total</b>	<b>Voluntary (inc in total hrs)</b>
General Surgery	SG	On-Call	No	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	3.5	5.0	0.0	0.0	0.0	58	
General Surgery	SG	On-Call	No	0.0	0.0	0.0	0.0	0.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	15.5	0.0	0.0	41	
General Surgery	AS	On-Call	No	3.5	5.0	15.5	3.5	5.0	0.0	3.5	5.0	15.5	3.5	5.0	0.0	3.5	5.0	0.0	0.0	0.0	74	15.5
General Surgery	AS	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	40	
General Surgery	SG	On-Call	No	3.5	5.0	0.0	3.5	4.0	15.5	3.5	5.0	0.0	3.5	5.0	0.0	3.5	5.0	0.0	24.0	24.0	105	
Elderly Care	AS	Full	Yes	0.0	0.0	13.0	0.0	0.0	13.0	0.0	0.0	13.0	0.0	0.0	13.0	0.0	0.0	0.0	0.0	0.0	52	
Acute Medicine	AS	Full	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Diabetes & Endocrinology	AS	Full	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Nephrology	AS	Full	Yes	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	40	
Gastroenterology	AS	Full	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Respiratory	AS	Full	Yes	4.0	4.0	0.0	4.0	9.0	0.0	5.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	46	

Cardiology	AS	Full	Yes	5.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	9.0	0.0	5.0	4.0	0.0	0.0	0.0	47	
Neurology	AS	Full	Yes	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	40	
Diabetes & Endocrinology	Locum SG	Full	Yes	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	9.0	0.0	13.0	13.0	71	
Acute Medicine	Locum SG	Full	Yes	4.0	9.0	0.0	5.0	4.0	0.0	4.0	9.0	0.0	5.0	4.0	0.0	0.0	0.0	13.0	0.0	0.0	57	
Acute Medicine	Locum SG	Full	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.0	13.0	26	
Psychiatry	SG	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	16.0	24.0	24.0	104	
Psychiatry	SG	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	40	
Psychiatry	SG	On-Call	No	4.0	4.0	16.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	56	
Old Age Psychiatry	SG	On-Call	No	0.0	0.0	0.0	4.0	4.0	0.0	4.0	4.0	16.0	4.0	4.0	16.0	4.0	4.0	0.0	0.0	0.0	64	16.0
Psychiatry	AS	On-Call	No	4.0	4.0	0.0	4.0	4.0	16.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	56	
Public Health	AS	None	n/a	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	40	
Obs & Gynae	SG	On-Call	Yes	4.5	4.0	15.5	4.5	4.0	0.0	4.5	4.0	0.0	4.5	4.0	0.0	4.5	4.0	15.5	0.0	0.0	74	15.5
Obs & Gynae	SG	On-Call	Yes	4.5	4.0	0.0	4.5	4.0	0.0	4.5	0.0	0.0	4.5	4.0	0.0	4.5	4.0	0.0	24.0	24.0	87	
Obs & Gynae	SG	On-Call	Yes	4.5	0.0	0.0	4.5	4.0	0.0	4.5	4.0	0.0	4.5	4.0	0.0	4.5	4.0	15.5	0.0	0.0	54	
Obs & Gynae	AS	On-	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	



		Call																				
Obs & Gynae	SG	On-Call	Yes	4.5	4.0	0.0	4.5	0.0	0.0	4.5	4.0	15.5	4.5	4.0	0.0	4.5	4.0	0.0	0.0	0.0	54	
Obs & Gynae	SG	On-Call	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Obs & Gynae	SG	On-Call	Yes	0.0	0.0	0.0	4.5	4.0	0.0	4.5	4.0	0.0	4.5	4.0	15.5	4.5	4.0	0.0	0.0	0.0	50	
				06/06/2011			07/06/2011			08/06/2011			09/06/2011			10/06/2011			11/06/2011	12/06/2011		
<b>Department</b>	<b>Grade</b>	<b>Shift Type</b>	<b>Resident On-Call</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>AM</b>	<b>PM</b>	<b>OC</b>	<b>OC</b>	<b>OC</b>	<b>Total</b>	<b>Voluntary (inc in total hrs)</b>
Obs & Gynae	SG	On-Call	Yes	4.5	4.0	0.0	4.5	4.0	15.5	4.5	4.0	0.0	4.5	4.0	0.0	4.5	4.0	0.0	0.0	0.0	58	
Oncology	SG	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	0.0	0.0	40	
Oncology	AS	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	2.5	0.0	0.0	0.0	39	
Ophthalmology	SG	None	n/a	4.0	0.0	0.0	4.0	4.0	0.0	4.0	0.0	0.0	4.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	24	
Ophthalmology	AS	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	0.0	0.0	4.0	4.0	0.0	4.0	0.0	0.0	0.0	0.0	32	
Oral Surgery	AS	On-Call	No	4.0	4.0	0.0	4.0	4.0	16.0	4.0	4.0	0.0	4.0	0.0	16.0	4.0	0.0	0.0	0.0	0.0	64	
Paediatrics	SG	24 Partial	Yes	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	0.0	0.0	40	
Paediatrics	SG	24 Partial	Yes	3.0	5.0	0.0	3.0	5.0	0.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	19	
Paediatrics	SG	24	Yes	3.0	5.0	16.0	0.0	0.0	0.0	3.0	5.0	16.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	48	

		Partial																				
Paediatrics	SG	24 Partial	Yes	0.0	0.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	0.0	0.0	32	
Paediatrics	SG	24 Partial	Yes	3.0	5.0	0.0	3.0	5.0	16.0	0.0	0.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	24.0	0.0	72	
Paediatrics	Locum SG	24 Partial	Yes	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	0.0	3.0	5.0	16.0	0.0	0.0	0.0	0.0	0.0	48	
Paediatrics	Locum SG	24 Partial	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	12.0	12
Paediatrics	Locum SG	24 Partial	Yes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.0	5.0	16.0	0.0	12.0	36	
Orthopaedic & Trauma	AS	On-Call	No	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Orthopaedic & Trauma	SG	On-Call	No	4.0	4.0	0.0	4.0	0.0	0.0	4.0	4.0	16.0	4.0	4.0	0.0	4.0	4.0	0.0	24.0	0.0	76	
Orthopaedic & Trauma	SG	On-Call	No	4.0	4.0	16.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	16.0	4.0	0.0	0.0	0.0	0.0	68	16.0
Orthopaedic & Trauma	AS	On-Call	No	4.0	4.0	0.0	4.0	4.0	16.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	0.0	0.0	0.0	0.0	52	
Orthopaedic & Trauma	SG	On-Call	No	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	
Orthopaedic & Trauma	Locum SG	On-Call	No	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	0.0	4.0	4.0	16.0	0.0	24.0	80	

**2.15 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE LENGTH OF SHIFTS FOR MIDDLE GRADE DOCTORS.**

**Question**

Can the Minister state what is the maximum number of hours a Middle Grade doctor may be continuously on duty?

Can the Minister confirm that when a 24 hour shift finishes, some Middle Grade doctors are allowed a rest period, whereas others carry on working until the next evening, and if so, can she explain why?

Given Verita's comment on 24 hour shifts, the 'on call' workload of Middle Grade staff and the impact on patient safety, is the Minister satisfied that Middle Grade doctors' working patterns are acceptable?

Can the Minister assure hospital doctors that recriminations will not follow if they raise legitimate concerns about working patterns and patient safety to managers, or if necessary, to States Members?

Will she reissue the table produced on 15th March 2011 in answer to 6123, updating the numbers of Middle Grade posts and vacancies in each department?

Does she consider that the very long hours undertaken by Middle Grade doctors in some departments is one cause of the problems with recruitment and retention, and can she update Members on progress of the new contract negotiations, explaining how the department proposes to address the problem of unacceptable hours worked by Middle Grade doctors?

**Answer**

**Resident on-call:** A doctor who is resident on-call is resident in the hospital and can be called upon to work as and when required. During the hours that they are resident on-call they could be working or resting (ie. they are available for work but not necessarily working). Doctors who are resident on-call are much more likely to be required to work during the on-call period (ie. the work intensity is higher)

**On call:** A doctor on-call will be at home, as opposed to in the hospital. They will be called upon to work as and when required. During the hours they are on-call they could be working or resting (ie. they are available for work but not necessarily working). Doctors on-call are very rarely called on for any significant period of work (ie. the work intensity is much lower).

A) The maximum number of hours a middle grade doctor can be continuously available for work varies between specialties.

Some middle grade doctors can be continuously available for work for 32 hours during the week (ie. 24 hour shift followed by 8 hour day shift) and 56 hours<sup>4</sup> at weekends (ie. 48 hour shift followed by 8 hour day shift), although there are occasions where these hours are exceeded.

Hours may be exceeded for the following reasons:

- **Intensity of work during the on-call period:** In some areas of speciality a doctor may be on-call but the likelihood of them being required to work is very low. Where work intensity is low during an on-call period doctors can and do safely elect to be available for work for longer continual periods. For example, an ENT doctor could elect to be available for work from 8.00am Friday to 5.00pm Monday, which is a 81 hour period, but the actual hours worked would always be significantly less.
- **Individual working preference:** Where work intensity is low during the on-call period doctors may opt to undertake a full week on-call. For example, in Ophthalmology the doctors have chosen to undertake a full week on-call. This technically results in 168 hours continuous availability for work, but the actual hours worked are unlikely to exceed 50 hours across that whole week. By opting for this working pattern, they have one week with on-call duties and two with no on-call duties.
- **Voluntary additional hours:** The continuous period may also be exceeded if doctors voluntarily elect to undertake extra hours. It is entirely acceptable for doctors to elect to work, or elect to be available to work, for additional hours and is both in-line with UK working practice and the EWTD.

B) HSSD can confirm that whilst some doctors do have a rest period after a 24 hour shift, others do not. This is dependent on the speciality and the shift pattern worked. For example:

- The working pattern for middle grade doctors in Anaesthesia (Intensive Care) and Paediatrics is 24 hours on-call followed by 24 hours off duty. The intensity of work in these areas is considered too high to permit doctors to work a normal working day immediately after a 24 hour on-call period. This is known as 24 hour partial shift. During each 24 hour partial shift the doctor must have 6 hours rest.
- The working pattern for Middle grade doctors in other areas often involves 24 hours on-call (or 48 hours at weekends) followed by a normal days duty, which is usually an additional 8 hours. This is typical in surgical specialties where the on-call work intensity is low. However, for the reasons set out above this is not always the case and some doctors are available to work for longer continuous periods providing it is considered safe for them to do so.

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<sup>2</sup> Under the European Working Time Directive (EWTD) doctors should not work more than an average 48 hours per week over a 26 week period (ie. some weeks will work more or less than 48 hours providing over 26 weeks period it is 48 hours per week) The EWTC does not apply in law to middle grade doctors employed in Jersey however HSSD does works to reflect UK working practice where the EWTD does apply. Under the EWTD it is only actual hours worked or hours resident on-call (as opposed to at home on-call) that contribute towards maximum working limits. HSSD doctors are therefore not in contravention of the EWTD by being continuously available for work for more than 48 hours.

- C) Verita did comment on the frequency of 24 hour shifts however they did not identify any need to review or adapt shift patterns nor did they make any associated recommendations. **The British Medical Association (BMA) which is currently involved in negotiations relating to the new middle grade contract and therefore very aware of working patterns, have not raised any issues or objections in relation to HSSD working patterns.**

HSSD is satisfied that processes are in place to ensure Middle Grade Doctor's working patterns are safe. Safety is assured through:

- the day-to-day management of middle grade doctors by their lead consultants and the Hospital Medical Directors;
- oversight of middle grade working patterns by specialist HR professionals and the job planning process;
- reviews of work intensity as required (note: this will become an annual requirement under the terms of the new middle grade contract);
- professional integrity– a doctor who experiences a peak in work intensity which results in tiredness will, as part of their professional commitment to patient safety, flag this as an issue. Likewise their clinical director will assess the health and wellbeing of a doctor undertaking high intensity work and decide whether it is safe for them to continue to work without a rest period (It is fairly common for doctors who have worked an arduous shift to be allowed by agreement, not to attend their next scheduled shift);
- professional responsibility – exhaustion may be considered a contributory factor in cases of professional negligence. If such a situation were to arise HSSD and the doctor would both bear joint responsibility and therefore both the individual and the organisation work to guard against the risk.

It is essential to understand that whilst working patterns may vary between the UK and Jersey this does not result in unsafe services. Some middle grade doctors in Jersey may have a higher on-call frequency than some UK based doctors (for example, they might be on-call 1 night in every 4 as opposed to 1 night in every 6) but that high on-call frequency would be balanced out by low on-call work intensity. This means that over any given period the actual hours worked – as opposed the hours available to work – may be significantly lower than the UK.

- D) Any staff member can be reassured that they will not be subject to recriminations of any kind for raising issues of concern.

HSSD is committed to creating a culture of openness in which staff can raise concerns about their working practices or about any organisational process, policy or decision making procedures. The considerable effort made by HSSD to ensuring that all staff can raise concerns in a safe and supported manner has been acknowledged by Verita.

Processes and support systems are in place to ensure that any issues raised are dealt with seriously and appropriately. These include:

- A dedicated HR team with substantial experience relating to the control of doctors' hours and rota design. HR staff will, and do, advocate on behalf of any staff members who have concerns about working patterns or work intensity.
- A medical staff grievance procedure.
- The States' whistle blowing policy.
- HSSD incident report system (DATIX).

- Access to the local negotiating committee representatives (2 designated middle grade doctors).

HSSD staff are encouraged to make use of these processes whenever they have concerns.

E) The current number of middle grade post and vacancies is-

<b>Department</b>	<b>Number of middle grade posts</b>	<b>Current vacancies*</b>	<b>Status of vacancies</b>
Emergency Medicine	5.5	2.0	One vacancy from 2nd August. 1 vacancy at present. (locum covering these duties). Interviews on 13th July. 1 successful candidate - start date to be confirmed.
Anaesthetics	11	1	Awaiting implementation of new SAS contract due to history of being unable to recruit. Full time locum in post covering vacancy in the meantime.
Dental	1	0	n/a
ENT	2	0	n/a
General Surgery	4	1	1 vacancy from 26th July (due to retirement). Recruitment for replacement underway. Locum to cover duties until appointment.
Medicine	8	0	n/a
Obstetrics and gynaecology	6	1	Candidate due to start 12th September. No locum in post as this is a growth (new) post.
Ophthalmology	1	0	n/a
Orthopaedics	5	0	n/a
Paediatrics	5	1.5	Unable to recruit to part time vacancy due to J cat reasons. Full time vacancy from 1st August. Post has been offered and candidate is expected to start mid September (Locum to cover gap)

Psychiatry	6	1	Vacancy to be re-advertised. Locum in post in meantime
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- f) The recruitment and retention problems experience by HSSD primarily stem from the protracted negotiations regarding the middle grade contract. These negotiations are however very close to completion with a Heads of Agreement signed by SEB and the British Medical Association due to be issued by mid July.

This will be followed by a concentrated period of formal job planning for each middle grade doctor which will include reviewing and agreeing typical out of hours work intensity. If, as a result of this process, it is deemed necessary to adjust current working patterns this will be done.

For some individuals long hours may adversely affect recruitment and retention however, for others the opportunity to work longer hours on a voluntary basis is a positive factor, making Jersey a more affordable place to live. Evidence overwhelmingly shows that the opportunity to work, and be paid for those additional hours, is very popular with middle grade doctors.

HSSD does not accept that there is necessarily a problem with long working hours. If hours were to be reduced by increasing headcount this would impact on the earning ability of middle grades, potentially having a detrimental effect on retention. More importantly, it would spread a relatively low intensity workload over a greater number of doctors potentially de-skilling them to the extent that they are unable meet the revalidation requirements of the General Medical Council and the UK Royal Colleges.

**Important note:**

HSSD measures its working practice against UK practice which is in accordance with the European Working Time Directive. The UK has significantly reduced the working hours of doctors, beyond that of most other jurisdictions. By reflecting UK practice HSSD is therefore applying optimal standards.

**2.16 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PROCESSING OF PLANNING APPLICATIONS.**

**Question**

Would the Minister explain what part, if any, does the doctrine of “legitimate expectation” play in the determination of a planning application?

Is there a principle which confers a right to develop on the existing footprint, and if so, what is the legal position relating to this?

What approach is taken when the proposed development is larger than the existing building?

**Answer**

This question has been asked in three parts and I shall attempt to answer each in turn.

The Royal Court has ruled in planning appeal cases that the concept of legitimate expectation will rarely be applicable to planning matters. In particular, the Minister's decision is not usually fettered by any indications given by officers at the start of the process. Legitimate expectation is a phrase which has been used by many developers when seeking to persuade the Minister that they had been 'led to believe' that permission would be forthcoming for a particular scheme. I can advise members that my predecessor instructed that Planning Officers issue a caveat on all communications with developers, to the effect that any advice given is done so on a 'without prejudice' basis. I can report that this practice is still in place. Whilst officers do try to assist developers with their best advice, in good faith, it is clear to all that this is not binding upon a future decision of the Minister.

Turning to the second part of the question, I can confirm that there is not a right to develop as such, whether on an existing footprint or not. A person who requires planning permission must apply to the Minister for it. Determining a planning application will involve the Minister having to take into account all material planning considerations. The starting point will of course be the relevant policies of the Island Plan as in general he shall grant planning permission if a proposed development is in accordance with the Island Plan. The Minister will also take into account the consultation responses that give rise to material planning considerations and site specific issues which may include matters such as the planning history of the application site and the presence of existing buildings.

Finally, the third part of the question is really rather too wide to answer in specific terms. Each planning application needs to be considered on its individual merits; material considerations will therefore depend upon the circumstances and I would not want an answer by me to the generality of the questions asked by the Deputy to be taken as answering a particular site specific issue that he may have in mind. In an attempt to assist members, I can only comment that there will be sites where a larger development will be appropriate and equally, there will be other locations where it is not.

## **2.17 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HOUSING REGARDING THE DEFINITION OF HOUSING NEED.**

### **Question**

In his answer to written question 6381 on 20th June, the Minister wrote:

“Given that it is the Department’s role to provide and manage homes for those in need . . .”

What is the department’s definition of being “in need” and is the Minister satisfied that the department should only provide for “those in need”?

What work has his department done on the possible positive and negative effects of providing rented housing for a wider range of the population, and the advantages and disadvantages of doing this?

Has his department done any work to establish how many islanders might welcome the chance to rent accommodation provided by or through the public sector even though they are not “in need”?

### **Answer**

The current eligibility criteria for social rented housing is set out in the Department’s Allocations Policy which is published on the States’ website.



The eligibility criteria set out in that policy are more constrained than I would like and presently deny people under 50 years of age on low incomes who do not have children or a medical condition, the opportunity to be provided with a States rental home.

The social housing sector needs to grow in a manner which is financially sustainable. I will be setting out proposals for that financial stability in my Housing Transformation Programme White Paper to be published in September.

That White Paper will also set out the findings of a joint review of social housing sector rents and Income Support carried out by Professor Steve Wilcox from the University of York, a noted academic and key advisor to the UK government on rents and benefit levels. Growth in the States' social housing stock and its impact on the wider market is considered.

The White Paper will also propose the establishment of an affordable housing gateway which will open up access to social housing to all residentially qualified residents and allow us to better understand long term social housing need.

## **2.18 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE REDUCTION OF ACCIDENTS.**

### **Question**

Given that he is tasked by the States to bring forward to the States a target for accident reduction in terms of a five-year rolling average, and to justify adopting that target, will the Minister outline to members the work done locally by his department or others, in the following areas:

- a) Reviewing research findings in Jersey and elsewhere as to the effect of speed on accident rates and severity;
- b) Reviewing the causes of accidents in Jersey based on collating and interrogating the existing information held by TTS;
- c) Reviewing accident clusters and evaluation of any specific factors at work in these clusters;
- d) Appraisal of specific accident reduction proposals, including but not limited to:
  - 20 mph within the ring road;
  - 20 mph within built-up areas across the Island;
  - home zone / Dutch 'Woonerf' type proposals;
- e) reviewing public attitudes to speed of motorists and of those who live alongside roads or who use them to walk, cycle or wait (for the bus);
- f) working with the Statistics Unit on how the previous heading might be carried out;
- g) reviewing specific measures for HGV's;
- h) creating a new and better solution for green lanes in consultation with stakeholders?

### **Answer**

Following approval of the Sustainable Transport Policy and amendments, my Department's transport policy team of two officers have a very challenging programme of initiatives to deliver in a short time period. One of the key tasks is to lead a multidisciplinary task group which will produce a road safety strategy with a target for injury reduction and the rationale behind it. That work is programmed to commence in September, and it will involve a detailed analysis of the

States Police database to identify the most effective ways of reducing the numbers of injuries which occur on our roads.

The Deputy's questions are very pertinent to this work and will help inform the scope of it.

Answers to the Deputy's specific points are as follows:

- a) TTS officers keep abreast of international best advice with regard to the effect of speed on accident rates and severity. Excessive speed or inappropriate speed are two options which the States Police database give as contributory factors. These form a small proportion amongst the stated numerous other factors though it could be argued that speed has some factor to play in all accidents. The task group will analyse in more detail the contribution which speed limits and enforcement can be expected to make towards the forthcoming road safety strategy.
- b) TTS use accident data to investigate causes of accidents by location to assess what interventions might be appropriate. Analysis of accidents on an island wide basis will be an essential party of the task group's work in formulating the strategy.
- c) TTS uses accident cluster data to help prioritise its road safety work, for example in deciding where provision of high friction anti skid material is justified.
- d) TTS has not carried out a scientific analysis of the benefits of a 20 mph speed limit within the ring road or for other built up areas, though accident rates within existing 20 mph limits have been used to inform previous decisions on changes to speed limits and the setting of speed limit policy. TTS keep abreast of developments particularly in Northern Europe of home zones and "Woonerf" type principles, though have not carried out any local appraisal work. The task group will consider this issue in more depth.
- e) Public attitude surveys towards policing, carried out for the States Police have shown speeding to be one of the most significant issues to local residents.
- f) The task group will consider whether further public attitude surveys are necessary and would involve the statistics unit in the design and analysis of surveys.
- g) The Sustainable Transport Policy includes a proposal to implement a commercial vehicle operator licence, a key aspect of which will be to improve the standard of HGV vehicles and reduce the likelihood of vehicle defects. Details of the licensing scheme will be developed in due course. It should also be noted that all vehicles over 3.5t laden weight are subject to an all island maximum speed limit of 30mph. The task group will consider the significance of HGVs with regard to road injuries in Jersey.
- h) The task group will consider the role that the Green Lane system has in road safety, though it is important to respect that the Green Lane system is the responsibility of the Parishes.

## **2.19 THE DEPUTY OF ST. MARY OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE EVALUATION OF SCHOOLS.**

### **Question**

In answer to a question put by Deputy R.G. Le Hérissier on 20th June 2011, the Minister said –

“...The Department has researched good practice in a number of countries and two years ago started to develop a Jersey Framework for School Evaluation based on some of the more

successful approaches. The first three-year cycle will be completed across all schools by 2013.

Out of this work, the Department will be in a position to provide a much broader range of information for the States and the public about the performance of the system and individual schools.”

Will the Minister include in the data collected on schools performance, a survey of the views, properly and professionally undertaken, of former pupils as a valuable tool for evaluating the actual outcomes, weaknesses and successes of schools, and if not why not?

### **Answer**

The Jersey Framework for School Evaluation is now in place and is already proving its worth in assessing and evaluating the performance of the system and of individual schools. The evaluation framework takes account of a wide range of indicators for assessing school performance, including results at GCSE and A level, the number of students moving into further and higher education, success in vocational education etc.

As part of the evaluation framework, the views of students, parents and the community as a whole are actively sought and taken into account. Comprehensive arrangements are in place for a continuous process of monitoring and feedback from students. This process includes structured questionnaires, interviews with students and groups of students, informal feedback during lesson time, opportunities for students to express their views through school councils, and specific projects. Discussions with students also take place in many schools following examinations to analyse the syllabus and teaching approaches. These procedures are designed to help schools tailor learning programmes to meet the needs of students whilst they are at school.

Furthermore, as part of the evaluation framework, schools are subject to monitoring and verification by experienced professionals. These include the department’s professional partners, who are in contact with schools on a termly basis, and independent external inspectors who are called upon to review and validate the work being undertaken.

Given that the views of students are regularly and routinely sought throughout their school careers, it is considered unlikely that the information to be received from post-education surveys would be of any additional benefit.

## **2.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CONTRACT WITH N.A.T.S. (NATIONAL AIR TRAFFIC SERVICES Ltd.).**

### **Question**

Will the Minister provide to Members the non-confidential details of the contract between his department and NATS, setting out specifically -

- (a) the cost of, duration and detailed services provided by the company;
- (b) the number of personnel employed in Jersey on a full and part time basis (including those coming to the Island on a regular basis to perform specific functions);
- (c) whether his department pays the salary/wages of these personnel and if so, the sums payable to them;

- (d) whether his department provides accommodation for the NATS personnel, and if so, the nature and cost of this accommodation.

**Answer**

- (a) Following the retirement of the former Air Traffic Control Manager in 2007, Jersey Airport was unable to find an internal candidate to take over the role of air traffic control manager. National Air Traffic Services (NATS) was approached and a 5-year contract was established to provide Jersey Airport with a suitable manager who could manage both air traffic control operation and who had the necessary knowledge and skills to oversee the transition into a new air traffic control facility. The contract concludes in October 2012. The costs of this service is referred to in answer to question (c)
- (b) As detailed above one member of full time staff has been appointed to this role to carry out the specific function of manager of air traffic control. Jersey Airport also recruited the services of an engineering specialist who has provided specialist support up to and during the transmission of the new air traffic control facility. This support was provided on an ad-hoc basis and is due to come to end by the end of summer 2011.
- (c) Jersey Airport does not directly pay the salary for these staff. They are employed and salaried by National Air Traffic Services (NATS), as part of the commercially confidential contract.
- (d) As part of the agreement with NATS, Jersey Airport has secured 3-bedroom accommodation for the full time employee. This is also occupied by the employee and his family. The rental of this accommodation equates to £1,750 per month which is paid for by Jersey Airport. All other expenses for the property are borne by the employee. When required, Jersey Airport has arranged hotel accommodation for the engineering support worker, obtaining the most competitive price available at the time.

**2.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE OPERATIONS DEPARTMENT AT JERSEY AIRPORT.**

**Question**

Will the Minister provide members with a full breakdown of the work of the Operations Department at Jersey Airport, setting out in particular -

- (a) the cost of this department broken down into personnel costs, travel and expenses, cost of accommodation provided or subsidised, overheads etc;
- (b) the number of staff employed in this department and their functions;
- (c) whether any of the staff of have been responsible in any safety related incidents at Jersey Airport and, if so, the nature of those incidents since the department was established?

**Answer**

The Operations Directorate at Jersey Airport is responsible for six specific areas, which are:

Rescue & Fire Fighting Service, Terminal Services, Engineering, Air Traffic Control, Air Traffic Engineering and Airfield Operations. The question does not clarify which of these operational

departments information is required on. However, taking into consideration point (c) relating to safety incidents we assume the question refers to Airfield Operations.

- (a) The total cost of airfield operations is £438,768 which includes manager's salary £1,100 incurred in travel and expenses in 2010 to attend Airport Operators Association, Operations and Safety Group. The AOA and Operations & Safety Group is the only committee attended on a regular basis. AOA engages with government, regulators and opinion formers at both national and international level to secure public policy. It plays a leading role in promoting aviation security, economic development, operational safety and environmental sustainability and in so doing, contributes to the continued successful development of UK airports and aviation.
- (b) One manager and 8 officers are employed in airfield operations, split into 2 shifts operating throughout the opening hours of the airport. Its principal objective is to ensure the safety of passengers, airport staff, airlines and business partners on the airfield.

Principal functions include:-

Ensure safety, security and environment policies are complied with;

Undertake regular inspections of the runway, taxiways, perimeter fences, approach and take off areas and takes corrective action as required in compliance with the Civil Aviation Authority and the UK's department for Transport. This includes up to nine full runway inspections during the airport's opening hours;

Inspection of runway following an emergency;

Training for all new airport employees required to drive in an airside environment.

Safeguarding of the aerodrome, including the 13km zone;

Management of the UK Air Pilot & Aerodrome Manual;

Responsible for ensuring the aerodrome is prepared for CAA safety regulation biennial audit;

Management of the airfield driving permit scheme and vehicle permit scheme;

Third party audits to ISAGO standards (IATA Safety Audit Programme for Ground Operations);

In 2010 the department took over responsibility for the mobilisation of the Airport Rescue & Fire Fighting Service to all emergency call outs with a saving in overtime costs to the airport in the region of £100k.

- (c) No staff from Airfield Operations have been held responsible for any safety related incident since the department was first established in 2007.

## **2.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING SENIOR AIR TRAFFIC OFFICERS.**

### **Question**

Will the Minister -

- (a) state whether a number of Senior Air Traffic Officers were tasked by the management of Jersey Airport to conduct a review of the available electronic flight process systems available and in use in airports around the world and whether they produced a report setting out the systems that should be purchased for the new air traffic control facility at Jersey airport and, if so, explain the reasons why the management of Jersey Airport rejected their recommendations and chose to purchase an alternative system;
- (b) state which airports in the world are using the system purchased by Jersey Airport; and set out what success or failure, or problems, that these other users have experienced with this system?

**Answer**

- (a) Yes a number of air traffic control staff were tasked with developing specifications for some system requirements in the lead up to the start of the project in 2007. The outcomes of this work contributed to some elements of the final system specifications that Jersey Airport ordered through NATS, acting as the integrator for the project.
- (b) The system was initially developed, installed and tested in Braunschweig (Germany) and Prague Airports. It was further developed for Jersey in accordance with the specification of the airport and NATS and is the first fully integrated system in operational service.

Similar electronic systems have been installed in various airports throughout the UK and Europe. The first in the UK, manufactured by NAV Canada, was Stansted tower in 2004. All five major airports in the London area now use this system. NATS also introduced the same system in the radar operation at Edinburgh airport in March 2010. This was extended to the operations at Aberdeen and Glasgow during the same year.

There is no other direct comparison that can be made. The fully integrated system follows the direction of all new European operators and has helped to secure the vital revenue which is derived from providing the Channel Islands Control Zone service on behalf of the French and UK governments.

Many other Air Navigation Service Providers are now recognising that electronic flight data equipment will replace the paper equivalent. As an example of this, Jersey has already hosted visits from representatives of Manchester and Birmingham airports who are in the process of purchasing similar equipment.

**3. Oral Questions**

**3.1 Deputy K.C. Lewis of St. Saviour of the Minister for Planning and Environment regarding the determination of the proposed plans for the St. Saviour over-55s retirement village.**

Will the Minister inform Members when the proposed plan for the St. Saviour over 55s retirement village will be determined and will the Minister be determining the development himself?

**Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):**

Members will be aware that this is a large and complex application which carries with it the development of 180 plus homes for the over 55s, including some 30 dwellings to be ceded to the Parish at no cost. The development also includes the delivery of community benefits and a 42-bed nursing home. The department has received a great many concerns raised by members of the

public in relation to traffic, parking and impact of the development on the surrounding residents. The application requires a careful balance of all the issues involved, as well as detailed consideration of the matters to be included in the Planning Obligation Agreement. For these reasons, I have decided to consider the matter myself at a public hearing to be held at the end of the summer break. I would envisage that this takes place in early September.

**3.1.1 Deputy K.C. Lewis:**

I thank the Minister for his reply but as this is not just a housing estate but an entire village, will the Minister be taking on board all the concerns of the residents of the Chasse Brunet, Patier Road, St. Saviour's Hill and the surrounding areas?

**Deputy R.C. Duhamel:**

Absolutely.

**3.1.2 Deputy R.G. Le Hérisier of St. Saviour:**

Can the Minister indicate whether he is swayed by the employment of internationally renowned architects or, if not, on what other basis will he be judging the merits of this scheme?

**Deputy R.C. Duhamel:**

In all planning matters, I will be swayed by the application and its own merits. I will not be led necessarily by fancy names and titles. I consider that when one wears a shirt, irrespective of the label on it, it is a shirt.

[14:45]

**3.2 Senator B.E. Shenton of the Minister for Treasury and Resources regarding the total amount spent by WEB and the States in developing a scheme for East of Albert.**

What was the total amount spent by W.E.B. (Waterfront Enterprise Board) and the States in developing the scheme for the East of Albert, including the relocation of the port, fuel farm and the development of residential units?

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

This was originally started in early 2007 when discussions commenced between Harbours and the then Property Holdings about long-term planning and how potentially surplus land released from the Harbour could be utilised in the longer term plan for the port. A plan was developed and completed in 2007. It identified the potential creation of between 1,800 and 2,000 additional residential units by relocating the port and the fuel farm, thereby releasing land on the Elizabeth Terminal, New North Quay and La Collette. The plan considered all of these from a high level point of view, including wave modelling, safety issues, relocating the fuel farm and assessment of the construction potential. The total spent on the project was £548,000, including £351,000 paid by States departments, which included £70,000 from Harbours and Airports and £75,000 from T.T.S. (Transport and Technical Services). Clearly, more work will need to be done on any implementation plan but it was decided in 2008 that the plan, while exciting and bold, would need to be delivered in phases. So I believe that this is an exciting and potentially highly interesting and lucrative proposal which the new Council of Ministers will need to consider the phasing and delivery of.

**3.2.1 Senator S.C. Ferguson:**

It seems that this is an enormously expensive project with a need for a cash injection halfway through of about £400 million. Does the Minister for Treasury and Resources really think that it is viable?

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

I do not know where the Senator gets her information. Certainly, there is cash flow and there is whether or not the project is financially viable. The new Council of Ministers will no doubt be wanting to turn its attention to the long-term requirements of a port delivering a modern port for the 21st century and the appropriate allocation of land for not only a port but releasing land in order to deliver housing. On the contrary, it is a potentially beneficial plan for the overall finances of the States but obviously, as she rightly points out, there are cash flow issues which will need to be worked through.

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

In fact, I get my figures from the Managing Director of W.E.B. as was and from the Acting Chief Executive of the States who I believe was chairman of the group working on it. I understand, furthermore, that the project is talking in terms of something like £900 million, so which pot is the Minister for Treasury and Resources going to produce the money from?

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

The Minister for Treasury and Resources would not produce any money from any pot. Clearly depending on who ends up where and if I were to continue at Treasury, we would need to look at it in terms of whether or not it would be funded or underwritten, but certainly I would not envisage that this project would see the light of day if it required a public subsidy. There is a constructive discussion to be had with Harbours, Property Holdings, Housing and T.T.S. in relation to the best allocation of land resources. There is a significant amount of land, as the Senator will know, and all Members will know, which has been reclaimed down at the Harbour which also needs to be factored into an overall allocation of land for commercial endeavours for an operational port and for residential housing and we also need to deal with the issue of the eventual relocation of the fuel farm. So there are very many aspects that need to be considered and this is a phased development. This first piece of work was very valuable in identifying some potentially good options for future Assemblies to consider but these are years away, perhaps 20 or 30 years.

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

I wonder if the scheme will be passed before the Shadow Harbours and Airports Board that is looking at the Harbours?

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

The Deputy raises an important point about an appropriate segregation of duties. I regard the States as needing to have a proper discussion with Harbours about what the land is which is required for the future of harbour facilities to ensure that our infrastructure in terms of our vital daily services to bringing in 90 per cent of goods consumed in Jersey coming from the U.K. (United Kingdom), they will continue, I imagine, to do so and we need a 21st century port to deliver that. There is also potentially exciting opportunities if Harbours was to relocate for creating residential units on currently Harbours land. La Folie is an embarrassment; it should have been vacated and turned over for housing before. There are also opportunities of extending the waterfront and rebuilding our traditional waterfront and putting some life in it.

### **3.2.4 Deputy A.E. Jeune of St. Brelade:**

Could the Minister advise who were the politicians involved in developing this scheme?

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

Politicians have not been involved. It was a sub-group of the Council of Ministers, as I recall then, that was overseeing it. They were not involved over in the Steering Group and I think it was the then Chief Minister Walker, it was myself when I was Minister for Economic Development, the then Minister for T.T.S. and probably Jersey Resources, but I cannot recall.

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



But no Minister for Planning and Environment?

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

I think Planning would have been a part of it because obviously they are responsible but they will be aware of some of them and they will have been consulted on the development of the very, very initial plans.

**3.2.6 Deputy M.R. Higgins of St. Helier:**

The £548,000 is not an insignificant sum. Can the Minister tell us how that money was spent, who it was spent with and whether it was in the Island or out of the Island?

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

Clearly, some of it was spent in the Island and some of it was outside, and I am not ashamed about that. Clearly, one has to bring in expertise in relation to wave modelling and whether or not it is possible to relocate the roll-on roll-off service which was the original proposal to move the roll-on roll-off terminal to the site of land next to the hill terminal. Clearly, expertise about wave movements does not exist in the Island and has to be brought in in addition to all of the expertise of what is, as Senator Ferguson rightly says, hundreds of millions of pounds' worth of plans. So some of that expertise does not exist on Island and some of it was off-Island spent, of course.

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

Hopefully, I will get a much quicker answer. I wonder if the Minister would let all States Members have a complete and detailed breakdown of how this large amount of money was spent and what, if anything, was incurred and what departments these monies were tallied up with because you have only given us a few breakdowns of the States.

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

I think I am already in trouble of speaking too much but probably a better written question if Members want an answer. This is obviously going back some years in terms of the decision-making of it but I am more than happy to get my officials to create a note to explain to Members, and I thought this question was the normal sort of giving the waterfront a good bashing is a good thing. This is a pretty good programme and it is a long-sighted, far-reaching, long-term planning of infrastructure of the Island which is positive, but I am happy to provide a note.

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

It was just a simple yes or no really.

**3.2.8 Senator B.E. Shenton:**

My view is slightly different inasmuch as I think this is £540,000 of taxpayers' money wasted on an unrealistic pipe dream. Will the Minister for Treasury and Resources be doing something to keep spending under control in the future so that we do not have these harebrained schemes and the waste of taxpayers' money on them?

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

I think that my record in terms of States spending can be testified by the Business Plan. It is easy to just simply carp from the sidelines. We are delivering reductions in spending and we are doing what I hope the Public Accounts Committee chairman would want. I also would say that, no, I do not agree. There is a debate to be had about what land Harbours need and how Harbours is served for the 21st century for Jersey. There is an opportunity to create some release of land from within Harbours properly constructed, taking account of the new land created and which can be used for valuable residential land in the future. It needs proper planning and this was an important first phase in it and I would ask the Senator to revisit the fact that this is a good project but will take many years to deliver.

### **3.3 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the negotiations on terms and conditions for States employees.**

Will the Chief Minister agree to provide Members with a schedule setting out when his proposals outlined in the management sides position will be produced in order that negotiations on terms and conditions for States employees can be put to staff representatives in a timely manner to co-ordinate with the 2012 Annual Business Plan, the Budget and the 2011 election dates?

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

Yes, this question is very similar to the written question 12 which the Deputy submitted today also. The answer is the same as in the written question in that the employees' position will not be finalised before the Annual Business Plan is debated by the States in the autumn. In addition, the 2012 Pay Terms and Conditions of Service claims from public sector pay groups have yet to be received. It is anticipated that such claims will be forwarded to the employer's side in the autumn of this year.

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

The question is very different. It asks to put a timetable of when things will be scheduled to be decided before Members. Will the Minister agree to put a schedule, a timing, of when things are expected to happen and are tabled to happen so that, for example, will the public know what the position is before they go to the polling booths?

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

No, because the management side's position is one of talking and discussion with the union representatives in trying to find a mutually acceptable solution and so it is not a question of one position being held without the chance of any flexibility whatsoever. That would be detrimental to employment relations.

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

The Chief Minister, I think, is avoiding the question. The question is will the Minister put a schedule of when things will be proceeded with so that we know how you are going to proceed?

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

He has said not before the elections, which was your question last but is there anything to add to that?

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

No, I do not think I can be very much more helpful. Negotiations like this are done by officers acting on the general policy of the States Employment Board and they have the flexibility to negotiate within those parameters without any particular date or time being fixed, and I would not wish to have dates held to either side's head which might restrict the freedom of discussions.

#### **3.3.3 Deputy T.M. Pitman of St. Helier:**

Unlike the shambles of the pay freeze negotiations, could the Chief Minister give assurances that any individuals put forward to oversee negotiations will have the stature and the mandate to carry out those negotiations?

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

I regret the implication that the people negotiating in the previous situation did not have stature or ability; they did, and they have negotiated in accordance with the terms and conditions which States Members have imposed upon them.

### **3.3.4 Deputy D.J.A. Wimberley of St. Mary:**

My understanding is that when we come to allocate on the medium-term financial plan, we will be allocating 3 years ahead and in that regard, I am still puzzled as to how we will not have any information about the likely pay settlements and yet we will be effectively setting envelopes for the overall States expenditure for 3 years. Can the Chief Minister elaborate on that a little bit?

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

Simply to say that budgets sit, as the Deputy says, in spending envelopes and those spending envelope will be fixed within those 3 years. Within those spending envelopes, there is ample scope for negotiation by all parties on pay and on other matters as well.

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

The Fiscal Policy Panel talked about proper strategic planning beyond the 3 to 4 years that is currently done. Does the Chief Minister not think that he should be starting with something like this: the proposals on how to deal with the ever-burgeoning States employment bill over the next 20 years?

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

That is some way removed from the original question, I think.

### **The Deputy Bailiff:**

I agree with that. You may answer it if you wish to but I think there is no need to.

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

I think it is straying a bit too far from the question.

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

Does the Chief Minister not accept that in voting for an unknown, that there is £7 million in the Annual Business Plan towards pay but there is £7 million to be taken from terms and conditions about which we will know nothing? Does the Minister not accept that that is a poor way to do business when we will be voting on debating an Annual Business Plan not knowing what one of the components actually means?

[15:00]

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

On the contrary, what we will be voting for in the Business Plan is a spending envelope for the coming year. That spending envelope includes a figure put in for pay. What the States Members will do in September when they debate the Business Plan is to decide whether or not they believe that is an appropriate figure.

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

I do believe that the Chief Minister is misleading the House here because that is not a spending envelope for 2012. It is the Annual Business Plan for 2012. The spending envelope applies to 2013.

### **The Deputy Bailiff:**

You have had your answer, Deputy, and we now go on to the next question.

## **3.4 Deputy P.V.F. Le Claire of the Minister for Home Affairs regarding work permit permissions.**

Can I ask the Minister for Home Affairs, having had a chance to review the current work permit permissions in detail, is the Minister able to provide the current numbers who have work permits and their dependants who may also work in Jersey and advise whether he considers this is a satisfactory situation, given the current high levels of unemployment in Jersey and the types of jobs that those with such permits and their dependants have access to?

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

It is my intention to continue to strike the right balance between safeguarding the resident labour market, maintaining an effective immigration control of non-E.E.A. (European Economic Area) nationals and meeting the economic and social needs of the Island. The key issue, in my view, is as to whether local people are being displaced or disadvantaged as a result of work permit holders and their dependants coming to Jersey and I do not believe that that is so. I am unable to give a precise number to Deputy Le Claire of the number of people who currently have work permits because this requires an enormous amount of work to be done. We did this as a one-off matter at the end of last year and then there were 340 permit holders plus 199 dependants. I would expect the current figure to be of the order of about 50 higher than that due to the summer influx of people working in hospitality who would not have been there at that time but without doing a great deal more work, it is very difficult to provide detailed figures.

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

Having read the written answers to my first written question this afternoon, I see the Minister is also proposing to review the policy in regard to work permits. While applauding him on keeping a watchful eye on these policies, can I ask him exactly how we are going to be able to determine when these people have completed, how they leave and exactly what types of skills they have because we have got sectors but we have got no understanding of the skills.

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

I have listed in the written answer different categories of skills but, of course, within those different categories, an assessment is made in individual cases as to what available skills there are locally. Only where there are no local skills or indeed skills within the E.E.A. will work permits be, in general, permitted so there are all sorts of safeguards. In addition to that, I have mentioned in the written answer, of course, that I am looking at tightening up controls in a number of different ways: changing the minimum earnings threshold for jobs in finance, although they will still have to meet these other criteria which I have mentioned; altering the standard of advertising so that jobs are advertised more widely locally; introducing an English language requirement as a basic qualifying requirement in relation to people who would be coming in; and also we are planning to increase work permit application fees at the same time. So my intention is to tighten up slightly but it is a matter of balance.

**3.4.2 Deputy G.P. Southern:**

Does the Minister accept that the balance between what used to be short-term seasonal permits for the hotel industry and agriculture, has now been replaced by much longer-term permits for professional classes?

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

Frankly, there is an extraordinary mixture of things in work permits. For instance, if an entertainer is coming in to work for a weekend, he may have a permit. But the Deputy is right that certainly, as far as work permits are concerned, we do not issue any at all now or virtually none to agriculture and we are cutting back on the numbers to hospitality as well. That is an issue which I am still conducting a review on, had a meeting today on, and am considering exactly where we should go on that.

**3.4.3 Deputy A.E. Jeune:**

Picking up specifically on the I.T. (Information Technology) figures that were given to us, could the Minister advise why he believes there is such an increase in these I.T. positions and in what sectors are these permit holders working?

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

If the Deputy is referring to the figure in the written answer; that is almost wholly explained by one contract entered into by Jersey Post for upgrading their computer system and where they entered into a contract, I understand, with an Indian company which has been sending Indian nationals over. We have quite a lot of Indians working at different times on short-term contracts in I.T. and in addition to that, of course, many of the international companies, banks and so on who operate here, have their own I.T. systems and therefore want to have people with expertise in those systems coming over and working on them. But the answer to the specific question why it has gone up from 3 to 26 is almost wholly explained by 15 in relation to one contract alone.

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

Would the Minister agree with me that the work permit scheme, as run by himself and his department, is proving to be a very manageable and effective way of providing the correct jobs with the correct skills to the right people?

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

That is exactly what we try to do. Of course, this only operates in relation to people who are not members of the E.E.A. and, in particular, of course, we sometimes have in areas like auditors and accountants a situation where we need people with a Commonwealth type of training to operate because there are different systems in different countries and that is why we sometimes need these specialist skills from outside the E.E.A.

**3.5 Deputy T.A. Vallois of St. Saviour of the Minister for Treasury and Resources regarding proposed changes to the Resources Department.**

What are the proposed changes, if any, to the Resources Department? Are there any areas which will be returned to the Chief Minister's Department and if so, why?

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

I thank Deputy Vallois for her pertinent and important question. In June, the Director of Resources, who was also the Deputy Chief Executive, was appointed to the role of Acting Chief Executive of the States for a 12-month period. The Director of Resources and the Deputy Chief Executive roles have not been replaced and therefore one individual is covering both roles. Arrangements are in place to ensure effective reporting line in this interim 12-month period and they are that the Human Resources, Information Services, and the Comprehensive Spending Review team will report to the Acting Chief Executive in the Chief Minister's Department, although effectively that is a Resources function, and Procurement and Property Holdings, while previously reporting to the Director of Resources, will report to the Treasurer of the States.

**3.5.1 Deputy T.A. Vallois:**

In June last year, there was a movement of £17 million from the Chief Minister's Department to Treasury to cover the H.R. (Human Resources) and I.T. move. Could the Minister for Treasury and Resources please explain whether that money has been moved back to cover the Resources?

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

No, the function and the budget for all of those departments remain in Treasury and Resources. There is the Acting Chief Executive. While he is the Chief Executive of the States of Jersey, he has his other role, which is Director of Resources, and he is continuing to discharge that oversight of

the I.T. and H.R. Departments, as the Deputy quite rightly points out. There have been no changes in terms of the structure and there are no changes envisaged.

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

This is a bit unusual. It rather feels that the Resources Department is being dismembered. How does the proposed reorganisation of Jersey Property Holdings fit in with this?

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

I think I am answering questions from the Senator on Property Holdings and happy to deal with them there. It does not fit in at all. The fact is that Jersey Property Holdings is going to report to the Treasurer of the States. We retain the Treasury and Resources distinct departmental separation with the Chief Minister's Department although in both the Chief Minister's and my case, we do not see silos in relation to the 2 departments but there are, of course, important budget holding differences.

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

Is the current position, which is due to one person doing 2 jobs or possibly 3, going to be unscrambled when the new Chief Executive takes up their post and are we then going to have a Director of Resources as before? Will that be then back in the Treasury or is this scrambled situation going to continue? I am not clear where this is going to evolve.

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

I think that is a good question and those issues are going to continue to be discussed with the Chief Minister and the Treasury Department over the coming weeks in order to get the right structure. There is concern about senior pay, there is concern about the numbers of senior people in the States, and here we have an example where one individual is discharging 2 functions. We are rationalising the top management of the States in order to save money, not just at different areas of the States but the whole structure of the States and the whole management scene is being looked at and I would have thought the Members would welcome that.

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

Who has ultimate political responsibility for these functions and to whom does the acting person report?

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

The S.E.B. (States Employment Board) is chaired by the Chief Minister and he alone. I have asked my Assistant Minister to be part of S.E.B. from a Treasury point of view but the Chief Minister and the S.E.B. are the employer. The operational sides of the departments are, if I may say, largely non-political in their endeavours because they are management departments. They are ultimately the accountability of the Minister for Treasury and Resources to the extent that there is any operational oversight. Employment to the Chief Minister under S.E.B. The rest of it is within Treasury and Resources.

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

Did I hear the Minister correctly when he was replying to Deputy Vallois' question in that did he say that where the Acting Chief Officer will retain his role within Resources, other than that, there will be no changes?

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

Yes.

### **3.5.6 Deputy T.A. Vallois:**

With the complexities of the system as it currently stands, could the Minister reassure me that there will be no conflicts of interest between States of Jersey Development Company and Jersey Property Holdings?

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

That is another matter which is the subject of Senator Ferguson's question and I propose to deal with that then but the short answer is no.

**3.6 Deputy P.J. Rondel of St. John of the Minister for Economic Development regarding the new defaced Red Ensign for ships registered in Jersey.**

Following the acceptance of the new defaced Red Ensign for ships registered in Jersey, what action, if any, will the Minister take to reinstate the right of the St. Helier and Royal Channel Islands Yacht Clubs to fly their defaced ensign, given that the former was given the right to fly the ensign as battle honours for the part played by its members during the evacuation of St. Malo in the 1940s?

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

Although a problem does exist, both yacht clubs were informed 4 years ago that their members remain free to fly their respective defaced ensigns. My department and the Law Officers have put a great deal of time into trying to find a resolution to these relatively minor yet complex issues. We continue to press for a formal solution. Indeed, I raised this matter directly with the U.K. Minister for Shipping, Mike Penning, at a meeting I had with him here in May. I should perhaps also point out that the *Jersey Evening Post* article on 14th June was factually incorrect. In particular, this is not solely a yacht club matter. The legal basis for flying the States-owned Blue Ensign also needs change.

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

I like the way the Minister describes this as a minor issue. Given that the former Governor also raised concerns on this matter and given that many honourable Jersey men took part in the evacuation of St. Malo in early 1940, will the Minister find out who is responsible for this great error and take the necessary action to deal with that person concerned? At the same time, will he tell us where he stands? Will he stand down from office as Minister for E.D.D. (Economic Development Department) given that as far as I am concerned, this is an insult to those men and women who were involved in evacuating St. Malo?

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

I can assure the Deputy that we recognise - I recognise - the importance of the battle of the yacht club and indeed the Channel Islands Yacht Club also have a club ensign which was a warrant from Queen Victoria in 1862. Equally, I recognise the importance of that as well.

[15:15]

The fact of the matter is that although I described it as a minor issue, I was referring to the legalities. It is minor but I also used the word "complex". It is complex because it dates to the Shipping (Jersey) Law of 2002 where permits issued by the U.K. for local yacht clubs currently do not recognise ships registered in Jersey. The reason for that is that the U.K. Secretary of State was not recognised in Jersey Law. This is a matter of some complexity that needs to be resolved. The Governor was extremely helpful in this matter and we believe there is a way forward now and indeed are hoping that warrants issued directly by Her Majesty could provide a long-term way to resolve this particular matter. But indeed at the moment, we continue to chase and hope that we can get that resolution formalised.

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

The Minister did say the warrants issued by Her Majesty “could provide”. Could he be more specific, please?

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

I cannot be particularly specific other than to say that following discussions between the Law Officers, my department and the Ministry of Justice, it is believed that this is a workable way forward. I will continue with my department to pursue that option, which I hope can resolve this matter.

### **3.6.3 Connétable P.F.M. Hanning of St. Saviour:**

I believe the Minister said that there was not a problem if the existing boat owners continued to fly their defaced ensigns. Could he confirm that because I believe that the fine for flying it incorrectly is about £1,000?

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

Yes, indeed, the yacht clubs have been made aware that no prosecution of yachtsmen will be pursued with regard to this matter and, indeed, the yacht clubs were written to, as I have said, 4 years ago when this was first identified.

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

In the Minister’s recent reply that nobody would be prosecuted, would this apply if a person was flying the defaced ensign, whether it be Red Ensign or Blue Ensign, in foreign waters, whether it be the U.K., Ireland, France, Belgium, Wales, where?

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

I am not sure how the Minister can answer whether prosecution would take place in foreign waters, Deputy.

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

Well, I appreciate that but he made a statement. I would like it clarified.

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

He was clearly speaking about Jersey waters but even then it probably was outside his sphere of direct responsibility because it is a matter for the Attorney General.

### **3.7 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the number of Human Resources Officers employed in the public sector.**

Will the Chief Minister inform Members of the number of Human Resources Officers employed in the public sector, advise whether they are subject to annual appraisals and state how frequently they attend refresher courses to ensure that they are kept up-to-date with developments in legislation and other relevant matters?

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

The current total budgeted headcount across States Human Resources Departments is 59.75 full-time equivalents. These Human Resources employees are all subject to annual appraisal. They have access to Employment Law updates via the internet. They can contact the Central Employee Relations Centre of Expertise for advice and via that team, have access to legal support. Many of these employees are members of the Chartered Institute of Personnel and Development and can attend that professionally at regular seminars including the Quarterly Employment Law updates. In addition, the interim H.R. Director of Operations has been running a series of development



workshops in H.R. business partnering as part of the skills transfer programme. Finally, when there is a significant change in Employment Law, seminars are organised in-house.

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

I am grateful for the answer. I did note that some members are attending. Is the Minister able to inform Members whether, in fact, all 59.75 of these officers are attending regularly annual refresher courses?

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

I cannot be categorical at this stage. I believe the majority of them certainly are.

**3.7.2 Deputy T.M. Pitman:**

Could the Chief Minister just confirm that updates on human rights legislation are a central part of all those updates and refresher courses? I think back through years where certainly myself and at least another couple of people were illegally denied the right to holidays that they were owed, to money that they were owed, and effectively had a campaign with no money. I know that has been overturned but is that human rights issue being taken fully on board now?

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

The Human Resources staff is given up-to-date courses on Employment Law. Employment Law, as far as I am concerned, should be consistent with human rights legislation. There is no course specifically on human rights legislation but to the extent that that would be impacting on an Employment Law, then the Employment Law course itself would no doubt take that into account.

**3.7.3 Deputy A.E. Jeune:**

If I heard correctly, the Chief Minister said that many of these post-holders were registered with the Chartered Institute. What percentage are with the Institute?

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

I do not have that information to hand but I am happy to find out and let the Deputy and Members know the answer.

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

We heard a question from Deputy Pitman about the human rights training and I very much doubt whether any human rights training is given, given answers we have received before on this question. However, discrimination seems to be very high up in people's thoughts at the moment. Is the Chief Minister able to assure Members that at least these 59.75 officers are, in fact, receiving discrimination refresher training?

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

Anti-discrimination principles are at the heart of good employment practice so it is a matter of normal routine. Any Employment Law updates would provide the best in Employment Law practice and therefore seek to indicate measures to avoid discrimination in any form and that in advance of any particular discrimination legislation.

**The Deputy of St. Martin:**

I would assume the answer is no then?

**The Deputy Bailiff:**

The answer was as it was given, Deputy, and I think you must draw your own conclusions as to that.

### **3.8 Deputy T.M. Pitman of the Minister for Home Affairs regarding allegations surrounding the leak of confidential information relating to the historic abuse inquiry.**

Following recent comments made in evidence to Scrutiny Sub-Panel and in the Assembly alleging that confidential information relating to the historic abuse inquiry have twice been leaked to a *Daily Mail* journalist, what measures, if any, will the Minister be discussing with the new Chief Officer of the States of Jersey Police to ensure that police inquiries cannot be undermined in this way in the future?

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

It has been known for some time that the former Superintendent, who was the Senior Investigating Officer in the Haut de la Garenne investigation, provided confidential information not only to the local press but also to a *Daily Mail* reporter in connection with that officer's criticism of the way in which the investigation at Haut de la Garenne had been handled by the former Deputy Chief Officer and Senior Investigating Officer. I have previously publicly criticised the actions of the former Superintendent in so doing. However, even more concerning in my view is the link between the former Deputy Chief Officer himself and a reporter from the *News of the World*, some details of which are revealed today in my answer to written question 5. It is in my view totally unacceptable that a *News of the World* reporter, who subsequently wrote an utterly scurrilous and destructive article [**Approbation**] based apparently upon information provided by States of Jersey Police Officers, should have been entertained in London together with other officers involved in the criminal investigation at public expense by the then Deputy Chief Officer. There will always be a risk of criminal investigations being prejudiced if police officers behave improperly. [**Approbation**]

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

Could the Minister answer the question? What is he going to do to try and stop it happening or shall I just move to the next, the supplementary?

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

I do not know what I can do to take effective action to stop maverick police officers acting in an improper way.

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

Given that the first leak is alleged to have come from a former Assistant Minister for Health at the time when I suppose Senator Shenton would have been Minister for Health rather than originating within the police, how will he be working with his ministerial colleagues to ensure future investigations are not put at risk?

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

I am sorry I am going to ask the Deputy to repeat the first part of the question because I did not hear it.

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

The first alleged leak has allegedly originated from within the Health Department and the former Assistant Minister for Health rather than the police themselves so how will the Minister, if he can, be working with his colleagues in other departments to try and make sure that does not happen?

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

I am aware that an allegation has been made by one witness to the Scrutiny Sub-Panel to the effect of such a leak. I have to say that I have not understood the precise nature of what was leaked or what was allegedly leaked in that way but, of course, I would also say that as a matter of course in relation to confidential matters, that States Members also should not be involved in leaking such information to the press.

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

I wonder if the Minister would join with me in the abhorrence of the shocking allegations that have been coming out recently regarding the position of News International and whether or not any research has been undertaken in respect of the recent historic abuse inquiry, particularly in respect of the victims to ensure that their phones were not hacked in any way?

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

I think, Deputy, that does not relate at all to the question, which was about undermining of police inquiries in the future. Can you reformulate your question in such a way that it is linked to the first question?

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

Would the Minister agree that as well as the confidential information that is required to ensure justice is carried out, it is also imperative that not only the confidential information is not leaked to the media but also the confidential telephone and privacies of the abused are also not undermined by the media?

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

I absolutely agree with that. What has been revealed in the U.K. in relation to the practices of the *News of the World* is utterly disgraceful.

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

I was trying to elicit an answer from the Minister in respect of ensuring that the privacies of the abused have also been protected and I have asked if he would at least undertake to investigate whether or not there has been any transgression of those abused.

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

If there was any issue which gave rise to a criminal investigation, that, of course, would be an operational matter to be considered by the States of Jersey Police and not for me to give directions.

### **3.9 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the proposed plans for States of Jersey Property Holdings and the States of Jersey Development Company Limited.**

Given P.93/2005 and P.73/2010, will the Minister explain his proposed plans for States of Jersey Property Holdings and the States of Jersey Development Company Limited and will he undertake not to implement any changes before receiving the approval of the Assembly if he plans to amend the structures agreed by the States for these 2 bodies?

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

I can confirm that the structures agreed in both P.93/2005 and P.73/2010 are not being amended. The States of Jersey Development Company is continuing to be set up and will operate in line with the aforementioned proposition under, of course, the Regeneration Steering Group which will sit for the first time on Wednesday and I very much hope will be able to deliver on this Assembly's request to deliver affordable homes on States surplus sites. I have also recently reviewed with my Assistant Minister P.93/2005 and we have concluded with regret that many of the functions and objectives of 2005 have not been fully met. The States of Jersey, as the *Jersey Evening Post* correctly pointed out last week, owns probably in excess of £1 billion worth of real estate. It is absolutely vital that this estate is managed effectively and efficiently and the departments are properly served for their own operational requirements quite apart from the Treasury's responsibility to ensure the property is properly accounted for. I am determined that the original aspirations of setting up the Corporate Property Department are met and, before my term of office

is completed at the end of this year, I intend to ensure that the right structures and management, as appropriate, is in place to do just that.

[15:30]

There will be no deviation from the 2 propositions and I do not therefore envisage any further approvals being required by this Assembly. I have reviewed the States decision to set up Property Holdings and reviewing the management and structure of Property Holdings to ensure that the original States requirement to deliver efficient property use is being delivered.

**3.9.1 Senator S.C. Ferguson:**

This does not quite gell with a memo to staff at the beginning of this month when it was stated that the structure of J.P.H. (Jersey Property Holdings) will be reviewed to determine whether we have those activities currently carried out by J.P.H. located within the most appropriate functions across the States. As the Minister has said, P.93 was quite specific about the functions to be performed by J.P.H. Therefore, will the Minister confirm, given what has been issued, that any changes, including key changes to management personnel, will come back to this Assembly for approval before implementation?

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

I certainly am not going to be bringing management matters to this Assembly. This would be entirely inappropriate. We deal with policy. Where the Senator may well be slightly potentially confused is in relation to the potential very constructive discussions that we are having with Transport and Technical Services of how they could take a greater role in terms of delivering maintenance. That is very different from the structure of the budget which, of course, must and will remain as the corporate landlord.

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

As a previous Minister for Housing and having had a department with much involvement with Property Holdings, does the Minister agree that Property Holdings has been useless and ineffective, and he welcome its demise as it currently stands?

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

The Senator speaks with some degree of frustration which I have to say that I understand. I think that there has not been the full aspiration delivered in terms of Property Holdings and a good corporate landlord. I sit next to my good friend the Minister for Home Affairs, he has waited too long to sort out the issue of the police location, the Minister for Health has not been well served in making sure that the hospital estate is efficiently delivered with their residential issues. There are problems, I understand there are problems regarding how Property Holdings is set up and I am determined to repair that. That is exactly what my new Assistant Minister under Constable Refault has been doing. There is a problem and I am solving it.

**3.9.3 Deputy A.E. Jeune:**

The Minister in his answer said that there were issues of P.93/2005 that were not fully met. Can he advise Members what it is that has not been fully met and why it has not been in his understanding?

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

I have become very close, or closer, to the overall issues that States departments are having with Property Holdings and I have reviewed very carefully that well constructed report of 2005, which envisaged all sorts of very laudable aspirations for the delivery of an efficient Property Holdings across the States of Jersey. Optimise operational efficiency, using the estate to improve the delivery of public services, minimising unreporting and unproductive property assets, optimising the efficiency of building maintenance, minimising cost management, maximising and

implementing opportunities for cost reduction and extracting capital. I have to say the report card is not very good and it can be better and I am determined that Property Holdings serves the interests of departments that are big operational users of property better and that we deliver efficiency and economy for taxpayers, and we end up with a good relationship and a productive relationship with other States Departments as opposed to something which has not been that.

**Deputy A.E. Jeune:**

That only answered the first part. The second part was why these were not done as he understands it.

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

That is a very difficult question which I have been wrestling with for my 2 and half years of oversight of Resources. Without question one of the issues was that the budgets were not transferred, and I cast absolutely no blame on Property Holdings in relation to that. They did not get the right budgets to set up and the right budgets from departments were not transferred. But that is a number of years ago. Since then there are a number of issues and I am tackling them and I am determined to tackle them. I know that there are Members of this Assembly who would wish me to get involved in managerial issues on the floor of this Assembly; I have no intention of doing so. I do not intend to get involved in managerial issues but I am absolutely determined with my Assistant Minister to sort out the reputational problems of property management in Jersey and better serve departments.

**3.9.4 Senator B.E. Shenton:**

The Minister says a number of the services are going to be moved across to T.T.S., does he not concede that a number of these services could be done much cheaper in the private sector?

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

Yes, I do and many of those issues are already served by the private sector. Indeed Property Holdings does ... it is not everything that is wrong but there are issues that I am challenging. There are some issues, which are in relation to building maintenance, which have made huge strides in the last few months in terms of efficiency; some of those were certainly underway before the changes that were made in terms of ministerial responsibility earlier on this year. Yes, there are issues of outsourcing which can deliver better value for money but we also have some very capable people in T.T.S. which are used to dealing with infrastructure and maintenance issues and I am determined to have those people fully engaged in how we can get better maintenance and deliver better value. But the concept of keeping the budget central will maintain.

**3.9.5 Deputy J.A.N. Le Fondré of St. Lawrence:**

I am trying to work out which question to go for. The Minister has raised a whole range of issues but I think the one I am going to go for out of what he has touched on, he has referred to a review being performed on the property function. I think he has said that today and he has also said that in the press last week. Could he confirm that the individuals performing it are interims from H.R. and Treasury who have little or no property experience? The significance of that is that P.93/2005, which he says is very laudable, was on the basis of expert advice from KPMG, Deloitte, DTZ, over a whole number of years and is a 2 to 3 week review or whatever it is going to be is going to generate the value that he is expecting or is it just a waste of time and a predetermined outcome?

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

I would understand why Deputy Le Fondré would want to stand and ask questions about this issue and obviously he and I will have to agree to differ in relation to a number of issues of Property Holdings and I regret that. I would just inform him that the issues in terms of looking at Property Holdings are being ably and properly overseen by my Assistant Minister and the Acting Chief Executive, and it is at the very highest level of States decision-making that these issues are being

dealt with. I wish to say I have full confidence of their oversight of this important review which is currently being undertaken.

**3.9.6 Deputy J.A.N. Le Fondré:**

He has not answered the question. The people doing the review, do they have expertise in properties?

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

I have no doubt at all that there are going to have to be some further input in relation to issues. **[Interruption]** Yes, the Acting Chief Executive is Head of Resources and I have full confidence in him.

**Deputy J.A.N. Le Fondré:**

That is not answering the question. Do the people doing the review have expertise of a significant depth in property?

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

Certainly I am absolutely clear that there needs to be challenge across the board and checks and balances in relation to these issues and if he is doing the bidding for individuals that are having their issues challenged then so be it, but I have a problem in relation to Property Holdings, I have a problem with the standard of service that Property Holdings have given States departments and it must change.

**Deputy J.A.N. Le Fondré:**

He still has not answered the question. Can I also just point out that he has said ...

**The Deputy Bailiff:**

No, this is question time, Deputy, it is not ...

**3.9.7 Deputy J.A.N. Le Fondré:**

Yes, Sir, this is a question for the Minister. He still has not answered my first one but the point is that on a number of occasions he has said that the maintenance function is being transferred. That is an integral part of P.93/2005.

**The Deputy Bailiff:**

So it was not a question.

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

It was not a question and I have been very clear, the budget, which is the issue that Senator Shenton dealt with ...

**The Deputy Bailiff:**

It is not speech time either; it is not a question so therefore you do not have to answer it.

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

It is irrelevant.

**3.9.8 Deputy T.A. Vallois:**

Would the Minister not agree that if a landlord does not have the money to fulfil the objectives set by this Assembly then how can they be a good corporate landlord as he has said he wishes to see?

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

I agree absolutely with the Deputy and that is why we have been putting more money into property maintenance in order to deal with some of the funding problems that were set up where budgets

were not being transferred, there is absolutely no doubt. But there is a whole further issue or issues that we need to deal with in terms of the efficient and proper allocation of property and the encouragement of States departments to use property efficiently. I am determined we are going to make better use out of taxpayers' money, Islanders' money, in terms of their property and we are going to make progress.

**The Deputy Bailiff:**

May I say to Members I am aware of at least 3 Members who have had questions on this subject matter but this is not a debate and we have already spent 13 minutes on this question so I come to the final supplementary. Senator Ferguson.

**3.9.9 Senator S.C. Ferguson:**

It is an incredibly important question because given that the States carries the responsibility on behalf of the public for States assets any significant change in the controls over such assets needs to be treated with caution and with proper independent advice, i.e. as presently provided by J.P.H. which was created specifically for that purpose. Will the Minister, therefore, commit to bringing back the outcome and recommendations of any review to the States for its approval, particularly in relation to any changes in operations, structures or personnel, before any such changes are implemented and will the Minister undertake not to change the controls set in place, in P.73/2010 to cover transfer of assets from J.P.H. to S.o.J.D.C. (States of Jersey Development Company) without returning to the States and will he undertake to comply with them?

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

Yes and no. The Senator asks ... I think she said whether or not I would bring to States approval management changes and personnel issues. This Assembly deals with policy. If she wants the answer to the question of, yes, controls are important and structures are important. Absolutely, any changes towards those that were thoughtfully and correctly set out in both those 2 proposition I mentioned of course will need to come back to this Assembly. But what I will not concede is this Assembly getting involved in management issues and, as she asked me to do, personnel issues. Those are implementation issues, they are not a matter for political debate and that they are certainly not a matter for this Assembly to get involved in. But I am determined to ensure that the Assembly's wishes in terms of efficient property allocation, efficient property use, are delivered finally.

**Senator S.C. Ferguson:**

In actual fact they are an integral ...

**The Deputy Bailiff:**

No, sorry, Senator, it is not time for speeches.

**3.10 Deputy R.G. Le Hérissier of the Minister for Treasury and Resources regarding the appointment of a Third Sector Co-ordinator.**

How does the Minister justify the appointment of a Third Sector Co-ordinator in the light of other bodies performing such work and the C.S.R. (Comprehensive Spending Review) driven cuts to bodies like Family Nursing and Home Care?

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

Funding of the £120,000 for 2 years' activity has been committed to the third sector in order to enable the establishment of a dedicated development forum and the appointment of an appropriate suitable qualified official officer to deal with that. The funding will take the form of a grant, which will be held in Health and Social Services, spread over 3 financial years using money transferred

from Treasury and Resources underspends. It has been made available separately at my request from my department to reflect our commitment and the whole of the Council of Ministers commitment to developing, recognising the role of the third sector. This a third sector initiative and not a States initiative. It is driven by local charities themselves that they recognise the need to support the professionalism of the sector and I would say for 2 key reasons. The first is to ensure that our Island has a vibrant active third sector which continues to provide and promote and develop our civil society. The second is to enhance standards so that local agencies and organisations are even better placed than they have been in the past to tender for services, attract grant aid, to lobby the States and to thrive in our changing economic cycle.

**The Deputy Bailiff:**

It is over 90 seconds, Senator. In fact, if I may say so, although 90 seconds is noted as being the maximum, it is not a mandatory response time.

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

But, Sir, may I say, some of the questions in oral questions should be written questions, quite honestly, and it is unfair on Ministers to reply to questions when they cannot do them in a short time.

**3.10.1 Deputy R.G. Le Hérissier:**

Would the Minister for Treasury and Resources indicate why he was not able, or the people responsible were not able, to use current structures and why, for example, it was not thought possible to advance the cause of the proposed Charities Commission as the vehicle for this co-ordination?

[15:45]

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

There is not a Charities Commission. There is an association of Jersey charities that does absolutely excellent work and we commend all of the charities and the Association of Jersey Charities for what they do. But this was an issue that was lobbied for by the third sector themselves. They wanted it and they petitioned to do it, it came out of discussions we had with the Comprehensive Spending Review and we have responded. I would have thought that this is a huge opportunity for this Assembly to send out a strong message of support for what some have called the Little Island Big Society, of which we are immensely proud and we think can be developed and recognised further.

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

I wonder if the Minister would not consider that this is a duplication of the work that the Association of Jersey Charities does?

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

I see 3 Ministers who care passionately about the issue of the third sector shaking their heads; the Ministers for Health and Social Security and Housing. We all care passionately about the third sector and this is designed to assist it. No, it is not a duplication, if I may say. It is complementary and indeed the speaker at the launch of it last week was indeed the chairman of the Association of Jersey Charities who welcomes this initiative. The only people who perhaps do not welcome it are the bigger charities who simply do not need the support and encouragement of an overall co-ordinating body. I think this is a fantastic message. We talk too much about the full profit sector, we need to develop the not for profit sector too.

**3.10.3 Senator B.E. Shenton:**



I have been contacted by a number of people that give up a lot of time for charity work who are frankly quite angry about this appointment. They are concerned at the number of paid people entering the charity sector and also they do not like the idea of reporting to someone that is paid. Did you really consult with people that do unpaid charity work as opposed to the growing number of people that do paid charity work?

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

The Senator's question is a very good one because I think that we need to be clear about what we are talking about here. There is the fantastic tradition of voluntary service in this Island, at the Parish level and everywhere else [**Approbation**] but there is also the issue of not for profit organisations co-ordinating voluntary work by professional staff. The questioner asks about family nursing and home care, they are all professionals who are paid. There are organisations like hospice that have paid, dedicated people and a fantastic voluntary contribution too. There are other organisations that are just simply volunteers, people like the Blind Society, Meals on Wheels, et cetera. We need to work with these organisations respecting that they are all different, some of them have professional staff but they are all not for profit, they are all part of what we now call the third sector and they need help, building capacity and our encouragement. I do not think we have encouraged them or helped them enough.

**3.10.4 Deputy S. Power of St. Brelade:**

The Minister will be aware that I wrote to him about this last week. Would the Minister concede that there is a possibility that this appointment, whoever he or she may be, has the potential to cause tension within the third sector?

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

It has the potential, all posts have the potential of getting tension but the Minister for Health, the Minister for Social Security and I were at a fantastic event at the Bridge last week, the Constable of St. Saviour was there too. I think there were 90 organisations in Jersey represented. There are some small organisations that need the assistance of a paid co-ordinator. They do not have the capacity to lobby, to fundraise, the expertise in financial governance. This has the capacity for enormous good and I regret that there are perhaps, if I may say, some of the more well funded, well organised charities that almost regard this as a threat. This is about building capacity of our historically well deserved, well organised third sector and we can take it to a whole other level. I am happy to meet anybody that has got concerns of this issue.

**3.10.5 Deputy G.P. Southern:**

Does the Minister accept that the passionate commitment he was talking about was remarkably absent from the reduction of grants to third sector deliverers of £140,000 in the Comprehensive Spending Review part one by the Health and Social Services Department?

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

The Comprehensive Spending Review is making allocations and decisions and there are going to be some organisations that, because they can perhaps see that funding come from the commercial sector, perhaps there are other priorities that health may have, there are going to be changes ongoing. The States provides valuable money for the third sector. I think the third sector has got a fantastic opportunity of delivering even more services for Jersey in the future and the States, I am not a Statist, I do not believe in nationalisation. We need to build capacity of the third sector and this will achieve and help do that.

**3.10.6 Deputy I.J. Gorst of St. Clement:**

Would the Minister not agree with me that a strong sector forum, together with a new Charities Law, together with a Charities Commission is exactly the support that we as a Government should be giving to the third sector in our community?

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

Absolutely. We have done not enough to recognise, celebrate it and help it, and this co-ordinator, outside of the public sector, will do just that.

**3.10.7 Deputy R.G. Le Hérissier:**

Two points. Could the Minister confirm that there is no preferred candidate; it will be open? Secondly, given he found underspends with which to do this, will he retract some of the cutbacks to other charities which have severely limited the capacity of which he is so proud to build?

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

I think this post is probably one of the most exciting, rewarding and beneficial in Jersey. I think it is a fantastic opportunity for somebody that wants to take a modest salary for something that has the capability of doing so much good among voluntary and not for profit organisations. This Assembly will decide on allocations of not for profit organisations in the Business Plan. If any Member has any difficulty with Ministers proposals then obviously they will amend the Business Plan accordingly and we will debate it in this Assembly.

**Deputy R.G. Le Hérissier:**

The question was not answered, there is no preferred candidate, can the Minister confirm?

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

Absolutely not, and it is not a ministerial appointment, it is going to be for the third sector forum to do their own recruitment and long live the independence of this organisation and the third sector forum. I hope they lobby the States and give us a heck of a hard time so that we do better for them in the future.

**The Deputy Bailiff:**

I do not think, Senator, “a heck of a hard time” is a parliamentary expression. Could I please add to Members who are listening to this debate outside the Chamber would they please return to the Assembly room because we at the minimum of numbers for staying quorate.

**Deputy S. Power:**

On a point of order, are Ministers allowed to ask Ministers questions?

**The Deputy Bailiff:**

There is nothing in Standing Orders that prevents Ministers from asking other Ministers questions. They usually do not do so but no doubt on this particular occasion the Minister who asked a question did so because of his particular interest in charitable matters. Deputy Higgins has a question to ask of the Minister for Economic Development.

**3.11 Deputy M.R. Higgins of the Minister for Economic Development regarding the contract with NATS Ltd (the UK privatised air traffic control services provider formerly known as the National Air Traffic Services Ltd.).**

Does the Minister believe that Jersey Airport is getting value for money from its contract with NATS Limited (the U.K. privatised air traffic control services provider formerly known as the National Air Traffic Services Limited)?

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

If I may I would like to ask my Assistant Minister who has responsibility for the ports, Senator Routier, to answer the question.

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

I am pleased to have the opportunity to answer this question. As already provided in a written response, Jersey Airport established a 5-year contract with NATS to provide a suitably qualified manager to manage air traffic control operations and with the necessary knowledge and skills to oversee the transition into the new air traffic control facility. Although the new air traffic control facility is now operational, we are still within a period of transition and during this time NATS continues to provide the necessary skills and support under its contractual obligations and its obligations under the contract to supply the A.T.C. (Air Traffic Control) systems. Although the exact commercial nature of the contract with NATS will remain confidential as we are not legally allowed to publicly disclose it, I do believe we are getting good value for money from the service provider and will continue to do so until the contract expires in October 2012.

**3.11.1 Deputy M.R. Higgins:**

I find it very surprising about the confidential nature of the contract. Is the Assistant Minister telling us we are not allowed to know the value of the contract, which is part of my written question and which was not answered? Secondly, does he feel they are getting value for money from the contract when we have been told that this individual, for example, is well qualified to bring in the new air traffic control system and does not have a radar qualification, and appears to have overruled the recommendations of the Jersey Air Traffic Controllers regarding the electronic flight process system which currently is not working terribly well and which they have filed a number of mandatory occurrence reports at the Civil Aviation Authority?

**Senator P.F. Routier:**

The value of the contract is confidential. The contract is legally binding for that to remain confidential. I have to say that the Deputy has just asked a question identifying a particular member of staff, a particular individual and every Member has a right to ask questions and I would ask the Deputy really to consider the consequences of asking personal questions.

**Deputy M.R. Higgins:**

Well, could the Assistant Minister answer the rest of it then in that case about the quality and whether we are getting value for money when controllers have recommended a system which has been overruled by someone who has less qualifications than they do in certain areas?

**Senator P.F. Routier:**

The Deputy is being fed a lot of information from people within the Air Traffic Control Department and I am afraid he is being misguided in many, many ways. I have to say that the system which has been put into place has been negotiated and the existing air traffic controllers were involved in helping to formulate the system and a lot of what they suggested was taken into consideration when the final system was put in place. The system is up and running, it is functional, it is operational, it is safe and the controllers are getting used to it. They are in a transition position at the present time and they are getting used to the system. I can assure Members that having been to the tower on a number of occasions and watched the operators using it they are getting used to it and eventually everything will be fine.

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

Can the Assistant Minister explain why NATS U.K. Limited were appointed as the sole supplier of systems in the new tower and why other service providers were not given the chance to tender and were therefore excluded?

**Senator P.F. Routier:**

It is not right that other people were not given the opportunity to tender. There was certainly an open process with regard to getting the system into place, the contract into place, and I believe we went through the right process.

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

Would the Assistant Minister put that in writing to me so that I can confirm the information I received that what he is saying is not correct?

**The Deputy Bailiff:**

Senator, if I may say so it is now going to be in writing because it will be on Hansard and you will be able to use that reply.

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

I was hoping that we would have had the Minister to answer this but here we go again, he passed it on to somebody who has not been elected by this Chamber. Has the Minister got full confidence in the Jersey Airport Director of Operations, and it is claimed that she instructed A.T.C. staff not to make negative comments re the new system when the Minister made a visit recently?

**Senator P.F. Routier:**

As I said earlier, I am not prepared to talk about individual members of staff. I do not think it is appropriate for this Chamber to identify particular individuals in this way and I will not answer that question.

**The Deputy of St. John:**

Will the Minister answer if he has confidence in that member of staff?

**The Deputy Bailiff:**

He has indicated that he is not prepared to answer the question you put to him.

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

With reference to value for money, is the Minister able to confirm whether there is an ongoing annual service charge of £100,000 and if the answer is in the affirmative was the charge part of the original contract or was it to upgrade the shortcomings that have arisen?

**Senator P.F. Routier:**

I am not sure what £100,000 the Deputy is talking about. There is an ongoing amount of £100,000 within our budget every year which is a continual upgrading of the system, as it has been for many, many years. Every system does need to be continually maintained and that has been there for a long time and will continue to be there.

[16:00]

**The Deputy of St. Martin:**

Can I just get clarification? Will that ...

**The Deputy Bailiff:**

I am sorry, Deputy, we are moving ahead.

**3.11.5 Deputy R.G. Le Hérisier:**

Would the Assistant Minister confirm that all the tenderers were asked as to their attitude to general aviation and would he confirm that NATS was seen as an organisation that was very supportive and sympathetic to the needs of general as well commercial aviation?

**Senator P.F. Routier:**

I honestly cannot answer that question at the present time. I will have to check that out exactly, but I will get back to the Deputy with that information.

**3.11.6 Senator S.C. Ferguson:**

Was it part of the NATS contract to advise on the new equipment and who decided not to work with Guernsey when deciding on the new equipment?

**Senator P.F. Routier:**

As regards to working with Guernsey, I am not sure that for this particular contract regarding the tower there was any desire to work with Guernsey. There has been a piece of work done with regard to secondary and primary radar systems which we have been having a lot of contact with Guernsey about. But their budgeting cycle is different to ours and they were unable to meet the timing of our requirements to have the radar in place in time for the C.I.C.Z. (Channel Island Control Zone) requirements which required our radar to be replaced sooner rather than theirs but we have managed to establish with Guernsey that the maintenance and ongoing spares ... because they are going out to tender soon for their radar, it is hoped that they will purchase the similar radar to ours and we will be able to share maintenance agreements with them. I am sorry, you will have to remind me of the first part of the question.

**Senator S.C. Ferguson:**

Was it part of the NATS contract to advise on the new equipment?

**Senator P.F. Routier:**

Yes, it was.

**3.11.7 Deputy M.R. Higgins:**

Will the Assistant Minister, and this is on the view of whether we are getting value for money with the contract, investigate a very serious, in fact alarming, allegation that has been made to me, and I am not saying there is any truth in this because I would like him to investigate to determine whether it is true, that there was the purchase of an older signalling lamp for the air traffic control tower which cost £900 but was invoiced at £6,000 and, secondly, that the lamp that was supplied was not supplied with the red and green filters which are necessary for signalling and also there were not sufficient plugs in the tower that it could be plugged into and a cable is now going down, I believe, into the stairwell?

**Senator P.F. Routier:**

I have no knowledge of this particular item. I would suggest to the Deputy if he has items like this that it would be far better than in a public forum like this, where he himself even admits that he does not have ... whether it is right or wrong, to make a suggestion along those lines. I will look at it certainly, but I would suggest to the Deputy in future that if he has any comments like that that he does bring them to me and I will investigate them surely. I would just ask, finally, to Members if they ... I hope they are going to take up the opportunity to come and look at the tower, which has been offered to every Member in August and they will see for themselves that what we have is a state of the art tower which is working exceptionally well and they will see for themselves that everything is safe and sound.

**Deputy M.R. Higgins:**

Could I just quickly ask whether the air traffic controllers will be allowed to speak to us and answer our questions honestly?

**The Deputy Bailiff:**

You will be able to find out when you attend, no doubt, Deputy.

**3.12 Deputy A.E. Jeune of the Minister for Health and Social Services regarding advertisements for nursing staff.**

Would the Minister advise where her department has advertised for nursing staff in the past 12 months and specifically whether it advertised in Eire and if so, in what publications?

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

Over the last 12 months we have advertised for nurses in the following publications: *The Royal College of Nursing Bulletin*, which as I am sure the Deputy knows is the *Nursing Times*, a weekly; and the *Glasgow Gazette* as well as at [www.jerseynurses.org](http://www.jerseynurses.org) website. We have also directly targeted nurses in Eire through adverts in the *World of Irish Nursing* magazine, the *Skills for Nurses* magazine and the Loads of Jobs website.

**3.12.1 Deputy A.E. Jeune:**

So *Nursing Standard* and the *H.S.J. (Health Service Journal)*, things like that, we have not advertised in, can the Minister confirm?

**The Deputy of Trinity:**

I can confirm that we have advertised, as I said, in the *Royal College of Nursing Bulletin*, which is the *Nursing Times* which comes out weekly.

**Deputy A.E. Jeune:**

But confirming not the other publications which a lot of nurses use?

**The Deputy of Trinity:**

As I said, the *Royal College of Nursing Bulletin*, the *Glasgow Gazette*, the [www.jerseynurses.org](http://www.jerseynurses.org) website ... instead of repeating it I can give the Deputy the list.

**The Deputy Bailiff:**

I think Minister you are being asked to confirm that you have not advertised in the 2 publications which the Deputy mentioned.

**The Deputy of Trinity:**

The *Nursing Times*, Sir, I said that. I said, yes, which is the *Royal College of Nursing Bulletin*.

**Deputy A.E. Jeune:**

*H.S.J.*, the *Health Service Journal*?

**The Deputy of Trinity:**

If I understand the *Health Service Journal* is more management. *The Royal College of Nursing* is specifically to nurses which nurses in good practice should be getting that copy each week.

**3.12.2 Deputy A.E. Jeune:**

I do not know if it within the question, but out of the *Irish Nursing* magazine advertisement, how many responses have been received?

**The Deputy of Trinity:**

I do not have the number of actual responses that have been received. There has been some successful recruitment from the advertising. In Ireland there has been concerns due to the Irish Government, it is sometimes if a nurse wants to come over here and sell their house in Ireland they do have problems because of where they are in the economic states.

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

I would like to get confirmation from the Minister for Health and Social Services that one of the true difficulties she faces in recruitment, particularly in places like Ireland, is that nurses are

invariably in their 30s and 40s and sometimes have families and the difficulty is providing affordable cheapish or good accommodation to suit their needs.

**The Deputy of Trinity:**

Yes, the Senator is quite right. Not only do most nurses now have a change of career midway through, gone are the days when most of the people that went into nursing were straight from school, it is a career change and the Senator is quite right, if they tend to have a family with them and most of them are women so they tend to have a husband too, or partner, and so they become the main breadwinner and housing accommodation here is a problem.

**3.12.4 Deputy A.E. Jeune:**

The universities in the U.K. certainly are still putting out an awful lot of very young nurses and I have not been able to get anybody to say that they are all coming out in their 30s and 40s, but I do believe that we have major recruitment problems and I appreciate the Minister addressing them, particularly in AP coming through this week but I still feel there is more we could be doing, does the Minister agree?

**The Deputy of Trinity:**

There is always room ... I am always short of nurses and if the Deputy has some more ideas of where we can go then I very much welcome that.

**3.13 The Deputy of St. Mary of the Minister for Economic Development regarding the use of Jersey in any way for tax avoidance purposes by News International or News Corporation.**

Something a little bit wider. Given that nearly all major advertisers deserted the *News of the World* because of the reputational damage of being associated with the brand, what steps has the Minister taken or will he take to ensure that News International or News Corporation are not using Jersey in any way for tax avoidance purposes?

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

Jersey is one of the best regulated jurisdictions in the world but as Members would expect, we cannot prevent individuals or companies from using local professional services or products if they are doing so lawfully.

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

What a masterful non-answering of the question that was. What made me ask this question is when I found out that News Corp has the third largest (because it is an American company) number of subsidiaries in tax havens among the top 100 companies in the United States and the question was, what steps has the Minister taken or will he take? Now it sounds as if the answer is none. Would he like to confirm this magnificent one word answer?

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

I can confirm quite simply that it would be a matter, for example, for the J.F.S.C. (Jersey Financial Services Commission) if they felt that anything unlawful was being undertaken. I do not believe it is a matter for the Minister at this particular point based on the content of the question.

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

Is the Minister entirely at ease with this answer and the implications of it?

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

I am at ease with the answer; I am not necessarily at ease with the thrust of the question. I understand the reason that the Deputy has asked the question. I share his concerns as indeed I am sure most members of the public would do in regard of the behaviour of that particular company.

**3.13.3 Senator S.C. Ferguson:**

Considering that the Trinity Mirror Group has a much worse record for hacking than the *News of the World*, will the Minister apply the same standards to that group as well?

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

I am not applying any standards to any groups, I am merely pointing out that the appropriate regulatory authorities are there to carry out the job of ensuring that the Island is properly regulated and the reputation is maintained.

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

I think the Minister is being a little bit optimistic or carefree on this. One commentator said this is the worst reputational damage he has ever seen to any corporation and the Minister does not seem to be recognising the danger that Jersey is in with this because association with this particular brand now is pretty dangerous and as we see it is going up and up to higher and higher reaches of the company and even to politicians. We have just seen the resignation of the Head of the Met.

**The Deputy Bailiff:**

Are you heading for a question?

**The Deputy of St. Mary:**

Yes, can the Minister therefore assure Members ... it just seems to me that is saying there is nothing he can do and holding up his hands. I want him to confirm there is nothing he can do, he is holding up his hands and he is going to wait for the damage to come.

**The Deputy Bailiff:**

It was looking quite promising for a moment, but I suppose that is a question.

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

I am simply saying that we are an extremely well-regulated jurisdiction, we have appropriate regulators in place in order to protect the reputation of the Island and I believe we should leave such matters in their hands.

**3.14 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding the classification of the Channel Islands Control Zone.**

Why is the Channel Islands Control Zone classified as Class A airspace and how was this decision arrived at?

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

I will pass, if I may, to my Assistant Minister with responsibility for the ports but I would point out to Members who are itching to have a go at asking me a question that I have questions without notice coming up shortly.

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

Class A airspace is a legacy from 1947 when the Channel Island Control Zone was first established in 1947. It is now the subject of a review as part of the airspace project which is going on at the moment. Consultation with all users of the Channel Island air zone will form part of this review.



**3.14.1 Deputy R.G. Le Hérissier:**

Does the Assistant Minister concede that the review is long, long overdue and that Class A airspace is a totally over the top classification given the nature of Jersey and the Channel Islands' airspace?

**Senator P.F. Routier:**

I agree with the first part of the question, which is the review is totally overdue. We will await the outcome of the consultation to make a decision about whether this is over the top or not.

**3.14.2 Deputy R.G. Le Hérissier:**

Has the Assistant Minister compared the classification of the Jersey airspace to the classification, for example, of very large U.S. (United States) airports like Atlanta which are classified as Class B airspace?

**Senator P.F. Routier:**

That comparison is not something which I would get involved with, certainly the people who are carrying out the review and doing the current airspace project will be doing that and the consultation will obviously make those comparisons and help to inform what is hopefully a new and appropriate path into the Island and out of the Island for air traffic movements.

[16:15]

**3.15 Deputy M.R. Higgins of the Minister for Economic Development regarding licences granted to online gaming companies.**

Would the Minister update the Assembly on the number of licenses granted to online gaming companies to date and identify them; advise what the implications are for Jersey following the arrest of individuals in the U.S.A. allegedly engaging in bank fraud and money laundering linked to the top 3 online gambling companies and whether moves by the U.K. Government to reform how overseas-based operators are regulated will impact upon Jersey?

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

Do I get 3 times 90 seconds as there are 3 questions in that? There has been one formal application for a remote gambling licence to date and that is being dealt with at the current time by the Jersey Gambling Commission. The Commission will not make an announcement regarding the identity of any applicant until the application has been fully processed. There are no implications for Jersey following the events in the United States regarding 3 online poker gaming companies. Of particular relevance in this regard it is worth mentioning that to protect Jersey reputation the Jersey Gambling Commission Law has the added protection that can prevent any companies licensed here from offering services in jurisdictions such as the United States who have made online gaming illegal. The U.K. Government have recently undergone a public consultation on regulation and licensing of remote gambling and an announcement on the way forward was made last Thursday by John Penrose M.P. (Member of Parliament), the U.K. Minister with responsibility for gambling policy and regulation. I have had a number of discussions with Mr. Penrose on the subject on the subject and met him, together with Senator Cohen in London early last week. Following our meeting I welcome his public announcement as it provides clarity and leaves the way open for businesses licensed in Jersey to access the U.K. market.

**3.15.1 Deputy M.R. Higgins:**

Supplementary. In terms of the U.K. moves does the proposed tax on people gambling in the U.K. not ... in other words, the U.K. Government is planning on taxing the demand for online gambling rather than the supply, is that taxing of individuals gambling in the U.K. going to affect the business model that the Minister has based his online gambling strategy on?

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

No, we do not believe that it will. The main thrust of our business model is business to business but notwithstanding that there are other professional reasons with the infrastructure and professional services available in the Island that we believe will still attract businesses to the Island and that it will still be beneficial overall to our economy.

**The Deputy Bailiff:**

Any other questions for the Minister on this subject? Final supplementary?

**3.15.2 Deputy M.R. Higgins:**

Yes, thank you. Going back to the arrest in the United States basically the 3 leading online gaming companies have been accused of bank fraud, setting up front companies to basically launder money that is coming from gambling to the gambling organisations overseas. These companies, I believe, also have been in talks previously with the authorities in Jersey about setting up here. They are, I believe, regulated in Alderney and also the Isle of Man and can the Minister give us assurances that he will be speaking with the regulators in those centres and make sure that they are not authorised here?

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

I can tell the Deputy that the regulators in Alderney and the Isle of Man have co-operated fully with the United States in this regard and they have indeed suspended the licences of the operators in question. The operations in the U.S. have been well documented. The United States has banned online gaming and, as such, I believe that both the other jurisdictions have acted most appropriately. I would expect our own regulator to do exactly the same in similar circumstances.

**3.16 The Deputy of St. Mary of the Chief Minister regarding the savings target of nearly £1 million a year on energy and water costs.**

Given that a saving target of nearly £1 million a year on energy and water costs is envisaged, can the Chief Minister explain why the savings target of 10 per cent was announced so late in the 3 year term of this Assembly, and can he inform Members what manpower and other resources are specifically allocated to the task of reaching or exceeding this target?

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

The potential for savings through better management of energy and water was first identified as part of the corporate procurement savings plans presented to Ministers in July last year. Given the scale of the property estate of the States, however, and a need to identify realistic savings opportunities the final target of 10 per cent reduction in consumption of energy and water and realising certainly over £1 million over 3 years could not be confirmed until February 2011. With regards to manpower and other resources specifically allocated to projects, one external project manager, internal resources, and support from local companies where required are being utilised.

**The Deputy of St. Mary:**

Could the Chief Minister just repeat what he said about the resources? I did not catch the first bit, one something?

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

Yes, there is one project manager together with internal resources. The project manager is an external project manager, the other resources are internal.

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

In a previous question the Chief Minister told Members that there has been no consideration given to the achievements of local authorities in the UK and what targets they had set and what targets

they had achieved - the best ones, I mean - and now we learn that in February 2011, that is right near in the beginning of the last year of his term as Chief Minister, we have the final target of 10 per cent. Would the Chief Minister care to comment on the amount of priority he has given to this, given that it is a win/win saving? These savings are absolutely right from every point of view and at the same time we are having many more controversial saving cuts imposed on the people of Jersey and yet this one has taken so long to even be programmed.

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

I accept that had it been started earlier it would have no doubt shown results earlier but in effect once we had a properly resourced and equipped Procurement Department within the States this was identified as quite a high priority and it was as a result of that that it was brought to Ministers' attention last year. As I said in my answer, because of the size of the States estate it did take some time between seeing the opportunity and quantifying the amount that could be generated from that source. That was done as the Deputy rightly says in February of this year.

**3.16.2 Senator S.C. Ferguson:**

Given that such a move is just ordinary prudent housekeeping, can the Chief Minister assure us that the resources allocated to it are not getting to the point where the cost benefit value for money is exceeding.

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

Indeed, I have been very careful to ensure that we do do a cost benefit analysis to ensure that there is a positive return on this and on other savings similarly.

**3.16.3 Senator S.C. Ferguson:**

Does the Minister have figures for that?

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

No, I said it needed to be a positive amount. We are looking for a return in excess of £1 million over the 3 years. Current indications are that the resources being employed are generating more than the ... well in advance of their costs to date.

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

The Chief Minister just said £1 million over 3 years, can he confirm that the amount of savings we are talking about is in the region of £1 million per year, and also is he aiming to exceed that or is it a matter of resting on one's laurels on this matter?

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

I think I may have confused Members. It is £1 million per year. It will take a little while to get up to speed on that one as one needs to put in different equipment to transform what we have to what we should have. Am I satisfied with that as a target? No, but this is a first step, in my view a very important first step, having analysed and ascertained what can be achieved in this first period I am sure we are going to set higher targets for the future and continue to press for better, more ecological and more environmentally efficient solutions to this matter.

**3.17 Deputy T.M. Pitman of the Attorney General regarding attendance by Members at States meetings.**

Given that all States Members swear an oath requiring them to attend States sittings, and that members can only be excused if ill, absent on States business or excused attendance, would the Attorney General explain to Members what steps, if any, can be taken to enforce the oath if a

Member persistently leaves sittings to attend to private business and whether remuneration could be withheld in these circumstances?

**Mr. T.J. Le Cocq Q.C., H.M. Attorney General:**

Standing Order 155 provides that elected Members shall at all times comply with the code of conduct contained in schedule 3 of Standing Orders. Paragraph 2 of that code provides: "Elected Members must give due priority to attendance of meetings of the States in accordance with terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so. An elected Member who, without compelling reasons to do so, is absent from the States sittings would therefore be in breach of the code." Enforcement of the code of conduct falls within the terms of reference of the Privileges and Procedures Committee as set out in Standing Order 128F: "Where the P.P.C. (Privileges and Procedures Committee) has information that suggests that an elected Member may have acted in breach of the code of conduct, it will inform the Member and investigate the act. At the end of an investigation P.P.C. will form a view as to whether or not there has been a breach of the code and may report its conclusions to the States. The appropriate disciplinary sanction for a breach of the code is a matter for the States. Neither the States of Jersey Law 2005 nor Standing Orders provide for the loss of remuneration, except under Standing Order 164 where a Member has been suspended on a second or subsequent occasion. In my view the States ability to withhold remuneration is limited to those circumstances.

**3.17.1 Deputy T.M. Pitman:**

Thank you. Like the vast majority of Members I take the oath and my commitment to taxpayers seriously and as a consequence I am a full-time politician, however if individuals are able to treat that oath with what I would say is contempt, is there any legal or constitutional barrier that would prevent what must be seen as a worthless oath, being scrapped?

**The Attorney General:**

It is not, I think, for me to indicate whether or not an oath should be scrapped. That I think is a matter ultimately for the States Assembly. I would merely observe that many people who take up offices swear oaths before the Royal Court and this oath is specifically referred to in the code of conduct relating to States Members. I do not think I can assist any further on that particular point.

**3.17.2 Deputy A.E. Jeune:**

Would the Attorney General confirm that what he has already said in relation to this question applies to Members who come in, say they are present and then do not see them for the rest of the session?

**The Attorney General:**

As I indicated in my answer the code provides that they should be present in the Chamber when the States are meeting. It does not seem to me that the code anticipates that people would be there at the very beginning but then absent for the rest.

**The Deputy Bailiff:**

I will say to Members I think we have taken this as far as we can. The Attorney General's responsibility is limited to answering questions of law in this area. He has answered those questions and if there is anything that otherwise Members want to take up about changes to the law that is something to deal with the chairman of the Privileges and Procedures Committee. We come to question 18. For formal sake, Deputy Trevor Pitman, is there nothing else that you wish to ask the Attorney General to clarify in relation to his response?

**3.17.3 Deputy T.M. Pitman:**

One point, Sir, yes. We have ample computer facilities, et cetera, where people can work, I just wondered if there is any difference between someone being downstairs, I do not do it much, working or someone being off running a private business?

**The Deputy Bailiff:**

That is not a matter for the Attorney General, it is a matter for the Privileges and Procedures Committee.

**3.18 Deputy A.E. Jeune of the Minister for Health and Social Services regarding the current legislation and training provision for food hygiene in the Island.**

Would the Minister inform Members whether she considers the current legislation and training provision for food hygiene in the Island to be adequate and appropriate and, if not, advise what action, if any, is being taken to address this matter?

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

No, the current legislation relating to food hygiene is not as robust or as extensive as it should be.

**Deputy A.E. Jeune:**

And the rest of the question, what action is being taken?

**The Deputy of Trinity:**

The department is working with law drafting officers to develop new regulations which will both consolidate and modernise existing legislation. This does include bringing new controls in for food of animal origin, be it meat, fish, shellfish and dairy products, et cetera. It will also bring in statutory requirements for the training of all food handlers and for the introduction of food safety management systems in premises where food is brought, eaten or prepared.

**3.18.1 Deputy A.E. Jeune:**

When can we expect to see that legislation being brought to the Assembly?

[16:30]

**The Deputy of Trinity:**

The drafting of this legislation has been delayed due to the changeover in staff in the department and the resulting lack of expertise required to deliver this complex issue, because it is complex. This has been addressed but I cannot give any timescales.

**3.18.2 Deputy A.E. Jeune:**

I find that amazing. Will the Minister please ensure that something is done to bring this legislation up to date?

**The Deputy of Trinity:**

Yes, I do know that it is important but it is a very complex matter and we have not had the perfect resource for the department. But that has changed and it will come in as soon as possible, but it is working with the Law Officers' Department as well, I shall try and do it as soon as I can, but I have no wish to give a timetable.

**3.19 The Deputy of St. Martin of the Minister for Home Affairs regarding complaints against the States of Jersey Police.**

Will the Minister inform Members whether the States of Jersey Police has a policy to ensure that complaints against police are investigated and processed expeditiously and is he content with the Police Complaints Authority's oversight of complaints against police?

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

There is such a policy in Force Policy and Procedure and that policy is also set out in a memorandum which is provided to all officers who are investigating complaints against the police. The policy states that the complaint has to be fully investigated as soon as possible and in any event within 120 days, that would be that would be 4 months. The Jersey Police Complaints Authority is an independent organisation set up by the States and operating in accordance with statutory law and I am content with their oversight of complaints.

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

I am rather disappointed to hear that people are content that 120 days is seen to be a reasonable date. Having had some experience of investigations I would disagree with that. Can the Minister inform Members, or agree that at the moment the Complaints Law does not provide for appeals by complainants against decisions or actions of the Authority. Therefore there appears to be nothing a complainant can do to get the police or police authorities to complete a police investigation in a timely manner. Does the Minister accept that the current situation is unsatisfactory? If he does agree, what action does he intend taking?

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

I am trying to speak as loudly as I can without shouting, but the Deputy may not have heard that what is said is that they should be completed as soon as possible. The 120 days is the fallback period in relation to that. It is interesting that in every Jersey Police Complaints Authority report for last year there was a reference there to the time taken to complete investigations. This indicated that the 120-day period was achieved in most cases but that unavoidable delays can occur due to the need to await the completion of court hearings. Also that in 2010 the major factor in delay was the time taken to obtain a decision from the Law Officer's Department as to whether criminal proceedings were merited. So, there are genuine factors which can lead to delays of more than 120 days.

**3.19.2 Deputy M.R. Higgins:**

Does the Minister think it is acceptable that where a complaint is made to the Police Complaints Authority, which is investigated by them, and an officer is disciplined for it that there is firstly no explanation of the officer's conduct, secondly, no apology from the police force and no further information other than he is disciplined.

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

I know that the police as a matter of practice will not give an apology while a discipline matter is still outstanding but I would expect that once a disciplinary matter was completed that if they accepted that there was fault on the part of an officer I would then expect an apology to be made. But, as I say, not until the disciplinary matter had been completed.

**Deputy M.R. Higgins:**

Just for information, it was completed I think it was 6 months ago.

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

Can I take the Minister back to his 120 days? That is the fallback position for completion but does he not think ... is it the case that in the guidelines, in the rules, there is not a time limit given on the first response, the acknowledgement, and if not would he remedy that? He is looking puzzled. When the complaint is made the person who complains needs to be reassured that the complaint is being looked at, that it has been confirmed, it has been logged and something is going to happen. If

that is not in the code I believe it should be. Would the Minister comment on that and if it is not will he undertake to make sure that that response to the complainant is in the rules?

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

The initial lodging of complaints is normally with the Deputy Chief Officer of Police and I would have thought that he would as a matter of course acknowledge the formal receipt of a complaint. I can take that matter up with him to find out what the practice is.

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

There are 3 movements with a complaint. One is the investigation, 2 then goes to the Deputy Chief Officer for consideration and then onward possibly to the Police Authority. Can the Minister inform Members, what can a complainant do when they are not given any information as to how the investigation is going or, indeed, they are not satisfied that the matter is being dealt with in a timely fashion? Because quite clearly if they are seen to be complaining about the time it is taking they are just seen to be a complainer who complains. Is there anything one can do to expedite the situation and also encourage people not to be afraid to make a complaint if the complaint is genuine?

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

If a complainer is unable to get a satisfactory response from the officer who is investigating the complaint then I would suggest that they should make contact either with the chairman of the Police Complaints Authority, because it is that body that has responsibility for oversight of the process, or indeed the Deputy Chief Officer of Police because he also has a very distinct role in this.

**3.20 Deputy T.A. Vallois of the Minister for Economic Development regarding how businesses had been affected by the refusal of licences through the Regulation of Undertakings and Development (Jersey) Law 1973.**

Could the Minister advise how businesses have been affected by the refusal of 565 employee licences through the Regulation of Undertakings and Development (Jersey) Law 1973?

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

If I may I will pass to my other Assistant Minister who has responsibility for that.

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

Most businesses in Jersey hold 3-year staffing licences capping the numbers of non-locally qualified staff they can engage. The 565 figure relates to capacity to engage non-locally qualified persons removed from these businesses. The removal of capacity will require these businesses to look to locally-qualified staff when recruiting. No capacity is removed from licences without great care and the ability to appeal direct to myself and the Migration Advisory Group and this approach means businesses engage locals instead of non-locals, which must be right, and it might be interesting to note that in the 12 months ending December 2010 locally-qualified employment as a result of this approach and other things increased by 260 while non-locally qualified employment went down by 320.

**3.20.1 Deputy T.A. Vallois:**

Could the Assistant Minister advise what type of assessment they carry out when looking at these in terms of capacity and whether they get economic advice from the Chief Minister's Department?

**The Connétable of St. Clement:**

We would seek advice from the Economic Adviser if it was thought appropriate, but what we do is to establish the current licensing arrangements, the number of locally-qualified and non locally-qualified on the licence. We look at the manpower returns to see what they are employing over a period of time and make a decision based on those factors including the availability of potential staff through Social Security from the unemployment list.

**3.20.2 Deputy R.G. Le Hérisier:**

To what extent is the increase in locally-qualified employment simply the movement of people from unqualified to locally-qualified at the 5-year point?

**The Connétable of St. Clement:**

Clearly that would have some impact but it is impossible to know the quantum.

**3.20.3 Deputy G.P. Southern:**

Is it still the case that the proportion of non locally-qualified to qualified stays the same in terms of the jobs available but in fact the local jobs are often carrying vacancies?

**The Connétable of St. Clement:**

Most businesses certainly would have a certain level of capacity but if they wanted to expand and have additional employees we would expect them to increase the locally-qualified rather than the non locally-qualified and the quantum, the percentage between the two, is increasing in favour of locals. I think that is proven by the figures which I gave just now.

**3.20.4 Senator S.C. Ferguson:**

Does the Assistant Minister have a breakdown of the industries in which these 565 employees might have worked?

**The Connétable of St. Clement:**

The Assistant Minister has not yet had a breakdown [Laughter] but it is true to say that the capacity for non locally-qualified has been reduced across the majority of industries including hospitality, is one I can remember in particular, the retail sector as well. One area where it has not quite so much is construction which has seen employment at its highest levels for some 15 years. But generally it is across the board.

**3.20.5 Deputy T.A. Vallois:**

In terms of the assessment of capacity for the businesses when determining licences could the Assistant Minister advise how the information feeds through to the newly formed Skills Executive, if at all?

**The Connétable of St. Clement:**

I cannot answer that question in detail but what we do have on the Migration Advisory Group where these things are discussed is the Assistant Minister for Social Security. At officer level we do have very close communication between Social Security and the Skills Executive so the information is shared between the various departments to ensure that the maximum opportunities for locally-qualified people for employment are there.

**The Deputy Bailiff:**

We come now to what is going to be the final question. We have 3 minutes of this part of question time left.

**The Deputy of St. John:**



Sir, could I ask that we lift Standing Orders for the last 2 questions, given that this is the last time we will have before September to put questions, and therefore I ask that the House lifts Standing Orders.

**The Deputy Bailiff:**

Standing Orders in their entirety? So anybody can say anything and speak for the rest of the day.

**The Deputy of St. John:**

We have done this in the past. We have lifted Standing Orders for question time and I ask that we do this and finish this particular question.

**The Deputy Bailiff:**

This has been disallowed in the past, Deputy, and I regret to say it cannot be so allowed. You now have 45 seconds.

**3.21 The Deputy of St. John of the Minister for Transport and Technical Services regarding high-friction surfaces on Victoria Avenue.**

I must say I am disappointed, Sir, that you have not put it to the vote. As Victoria Avenue was recently re-engineered and resurfaced why has it been found necessary to lay high-friction surfaces at many of the junctions. Also please give the cost of this work and the life of the materials used.

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

If I can answer at speed. High collision rates statistics dictates a requirement for the approaches to junctions on a 40 mile an hour dual carriageway to have high friction characteristics. In practice the only means of achieving this requirement is to lay high friction surfacing as provided at present on the Avenue and I might refer to part (c) of my answer to the Deputy of St. Mary's written question which talks about prioritising. Clearly minimising traffic disruption in the summer months is a major consideration for T.T.S. However, the successful application of this product requires low humidity, perhaps not so good for today, limiting the laying season to the current period. In addition volatiles in the asphalt prevent the resin used in the material from forming a bond immediately that resurfacing is completed, so consequently the best practice requires the asphalt to be left for at least 3 months, precluding the laying of the high-friction surfacing during the re-surfacing contract. The cost of materials for Victoria Avenue is approximately £19,000. Lifecycle planning attributes a typical lifespan of these products of between 5 and 7 years.

**The Deputy Bailiff:**

That brings question time to an end.

**The Deputy of St. John:**

But, Sir, you gave other Members up to 15 minutes to answer a question. I put a question and you had 22 questions, Sir, in total. You could have balanced them out at 5 minutes each and had time to play with.

[16:45]

**The Deputy Bailiff:**

Life is sometimes very unfair, but it is not so very unfair on this occasion because the Minister is up for questions without notice very shortly.

**Deputy G.P. Southern:**

Could I ask the Chief Minister to give me a written answer to my question, Sir?

**The Deputy Bailiff:**

The Chief Minister is nodding. I see Deputy Higgins has momentarily left the Assembly but he held his hands up as his telephone went off and I mention this so that the Greffier has this note for the purposes of the customary fine.

**The Deputy of St. Mary:**

I certify that is correct, Sir.

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

**The Deputy Bailiff:**

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

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

Yes, Sir, but I will not be allowed to put a question that I want to put in this particular session if I follow **[Interruption]** ... So, I am going to move along, Sir. Given that under the Business Plan some £9 million is being spoken of for the infrastructure for the forthcoming year, of that £9 million how much is to be spent, please, on main drains extensions and repairs?

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

Effectively we have over £1 billion of infrastructure assets in the Island to look after and quite candidly the funding we have for them is insufficient. We do not have a budget for new drains at this present moment but we clearly look after the failing assets as and when we can and try to prioritise, particularly where failures occur and things have to be dealt with earlier than necessary.

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

Can the Minister confirm that he is fighting his corner when it comes to doing what is right for the infrastructure given he is Minister for one of the most important ministries in the Island, and much of the infrastructure is not seen and £9 million is a spot in the ocean. It does not appear to me that he is fighting his corner. Please justify that he has fought it.

**The Connétable of St. Brelade:**

While it would be inappropriate for me to comment on the amount of funding the department receives from the Minister for Treasury and Resources I can assure the Deputy that my officers and myself are most vociferous when it comes to bidding for the necessary funding, and I hope that will be demonstrated in the achievement of the sinking of the last stages of the Cavern drainage project and the Phillips Street shaft which should take place shortly.

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

My question is about the La Collette ash mountain, as it is called by some, and it looks as if again, to some people, that the study was in a sense aimed to get one answer. Can the Minister confirm that the study was genuinely open-ended as to what to do with the 2 different kind of ash from the incinerator? That it was genuinely open-ended, looked at all the possibilities with full analysis and can the Minister tell Members whether the analysis was scoped with local stakeholders such as Health Protection, the Ramsar Management Authority and so on?

**The Connétable of St. Brelade:**

I can probably not answer in entirety on this because I have only just had the report, but in practice my understanding is that the options are very broad and effectively just looking at the first part there are almost 4 options for looking at different ways of dealing with the bottom ash and 3 on fly ash. In terms of relationships with the Ramsar Group the Deputy will be aware that they have consulted and there has been no liaison with that body. In terms of Health Protection I cannot say because I have not reached that bit yet but no doubt I would be concerned if there was not to be collusion with those other bodies.

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

While I appreciate Members will say: “Well, she would say that, wouldn’t she?” I am delighted to see that the Minister’s department is advertising for apprenticeships in a number of different categories, so can the Minister please advise Members on how this is to proceed and will this be an ongoing annual intake?

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

I cannot find the bit of paper this refers to, but in practice I personally have been very keen to encourage further apprenticeships within my department as I would do throughout the States. I think it is incumbent on the States as a good employer to do this. Clearly the Island has a skill shortage, there is no question about it, and it is absolutely essential that if we are to diversify away from the finance industry we do skill up those who have the benefit of skills in manual trades, if you like, so that we can reap the benefit of their future efforts as years go by.

#### **4.4 Connétable J. Gallichan of St. Mary:**

Bearing in mind in his answer to my written question 8 today the Minister admitted that a vehicle of 2.1 metres in length can be accommodated within the safety island outside the Bel Royal lay-by; does the Minister really consider this is adequate when a small car, a Mini, is 2.7 metres, a Fiesta is 3.9 metres, to have almost half the length of a car protruding into a lane of traffic? Is the Minister satisfied with this?

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

While the junction has its shortcomings at Bel Royal, I think in practice the fact that vehicles do transit diagonally in fact reduces the problem as indicated by the Connétable. Nothing in life is perfect and this was a compromise achieved by the designers when it was done 3 years ago, perhaps 4 now, and the effect was that an entrance was created into the Bel Royal car park and a separate exit whereas there was one before. So, this is a compromise we have had to put up with, but in practice it seems to work and reports are that it is functional and we have not had an issue with it.

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

The Minister for Treasury and Resources has stated that the maintenance staff from J.P.H. will be moved to T.T.S. Is the Minister aware of this and is he aware that the maintenance staff at J.P.H. manage maintenance and that most of the work is undertaken by outside contractors and does he consider whether this change is appropriate?

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

While I am aware from earlier discussions in the Assembly today that discussions are afoot I have not myself been involved at this stage. However, I would say there is an enormous amount of commonality between what my department do and what Property Holdings are doing and in terms of the general public it is enormously confusing to have these different administrations looking after similar States assets, and the sooner we can collude and join this thing together so that better value is given to the public, in my view, the better.

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

The Minister has not answered my question. Most of the maintenance work undertaken by J.P.H. is by outside contractors. Is this change therefore appropriate?

**The Connétable of St. Brelade:**

I must say I am not aware of the Jersey Property Holdings arrangements at present but I think that the ways in which outside contracting is handled could be viewed by my department. I would say that my department has extremely good staff who are probably quite capable of doing it all and we would have to have discussions as to how to give the public the best benefit.

**4.6 Deputy T.A. Vallois:**

As per a media release released by Transport and Technical Services over a month ago, which identified plans for resurfacing works up until 2017, could the Minister advise whether the guarantees given by contractors carrying out these works will be reviewed?

**The Connétable of St. Brelade:**

The programme of resurfacing obviously is constrained by the budget and the programme has been put forward for this year, but in terms of guarantees there are normal contractual guarantees with all works undertaken or contracted out by my department and the guarantees are pressed and the contractors undertake any faults issues which happen to occur.

**4.6.1 Deputy T.A. Vallois:**

Can the Minister confirm whether they are regularly reviewed then, or whether it is a standard guarantee given to all contractors?

**The Connétable of St. Brelade:**

The contracts are based on national contracts and they are reviewed as and when necessary but in practice there has not been a need for a review that I am aware of. Having said that, if there are any structural issues, particularly with regard to road surfacing, that we are not satisfied with they will be attended to. This has been the case on certain works on Victoria Avenue.

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

Given the Energy from Waste plant is providing electricity to the Island from waste will the Minister agree to put on to the website of the States of Jersey the amount of electricity produced each month and the defrayed costs from purchasing?

**The Connétable of St. Brelade:**

While I cannot answer directly because I am not aware of the technical ability to do that, the plant is not producing the electricity fully. The whole plant is undergoing the testing phase at present and we are looking forward to receiving the results of that testing. So, that is certainly an area I am happy to investigate and advise the Deputy in due course.

**4.8 The Connétable of St. Mary:**

Following on from the Deputy of St. John's question about the high-friction surfaces on Victoria Avenue, driving through the First Tower junction today there was an incredible amount of loose material on the junction on the side of the slip road. Is the Minister satisfied that this does not pose a danger to motorcyclists, quite apart from producing a better surface?

**The Connétable of St. Brelade:**

In practice after any resurfacing there is a degree of residue which has to be cleaned up and no doubt that will be swept up once the contractors finish. Members may or may not be aware that the previous surface prior to reconstruction had a similar sort of surfacing on it but in time the colour gets absorbed into the grey colour of the existing asphalt.

#### **4.9 Deputy S. Power:**

Can the Minister confirm whether the E.f.W. (Electricity from Waste) plant has been able to run continuously for 14 days in test mode?

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

Presently it is in that period. It was shut down a couple of weeks ago for examination of the grates and so on. A significant amount of waste was piled up in the bunkers and it is now in the middle of this test mode, so we are looking forward to the reports from that and hope all will be well so that we can progress towards the handover and taking on full responsibility for the plant.

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

Following on from that question, can the Minister tell the House what happens if the plant is handed over and then something is found not to be working satisfactorily?

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

Initially there is a 3-month period during which the staff of the builder stays with us. After that there is a further year guarantee period on operation of the plant and there will no doubt be contractual arrangements with regard to parts within it. So, I think it is once again within standard contractual arrangements and I would like to think that we will see most of the gremlins coming out of it during this intensive testing period.

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

Is the timing of the decommissioning of the E.f.W. on target or is it behind?

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

I assume the Deputy refers to the old plant at Bellozanne. The plant down there will not be fully decommissioned until we are satisfied the new plant is fully operational.

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

Is the Minister constructing a new weighbridge at the compost site to take into account the States decision to charge for commercial green waste and if he is what is the cost of that and why cannot the other weighbridges at that location be used instead?

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

I cannot answer the Deputy directly on the technicalities down there but my understanding is that the green waste charging will take place from January 2013 and I am happy to look into the costings on weighbridges.

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

On the local E.f.W. is the Minister satisfied that the fly ash, which is the most dangerous component of the whole enterprise, is being handled fully correctly from the point where it comes out of the flue bags and goes into lorries and is then transported and is then dumped? Is he satisfied that that whole chain is being properly managed and who is monitoring that?

[17:00]

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

The fly ash disposal is monitored by my department and I am quite satisfied with the process of doing so. The Deputy will be aware there is an injection of lime into the fly ash and it is at present going to pits and the matter of the pits is a subject of the report recently produced which I have no doubt he will be looking at shortly. I look forward to further discussions on that and the decision as to how we deal with ash in the future in the Island because I think it is important that we get it right and do not penalise future generations with problems with which we have been saddled.

## **5. Questions to Ministers Without Notice - The Minister for Economic Development**

### **The Deputy Bailiff:**

That concludes the first question period. We now come to the second question period and I call on the Connétable of St. Mary.

### **5.1 The Connétable of St. Mary:**

Would the Minister advise whether anything can be done to get more or at least more varied and more appealing channels on the local Freeview service, more channels with wider appeal?

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

It is intended that the extent of the channels available on Freeview will expand but clearly this is not a matter that can be resolved in the short-term. However, I accept the point raised by the Constable and we will continue to try to expand that network where possible.

### **The Deputy Bailiff:**

I should have announced for the benefit of the public for those who do not recognise your voice that we are having questions to the Minister for Economic Development. Next question, Deputy Hilton.

### **5.2 Deputy J.A. Hilton of St. Helier:**

Several months ago Members attended a presentation on the Advance to Work Scheme and after that presentation I asked a question about the lack of States departments who were involved in placing youngsters on work experience and the question I want to ask the Minister is what progress has been made on that matter? He did say to me that he would report back to the States Assembly and let us know how many States departments are now actively offering places to young people.

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

There has been some progress in that area I am pleased to say. I cannot give concrete details of the exact numbers across the entire States. We did hear a moment ago from the Minister for Transport and Technical Services who has given his undertaking to take on young, unemployed people and I can say my own Department for Economic Development currently has one very successful Advance to Work in our regulatory services area. I would also add that there have been so far 184 young people who have taken part in Advance to Work that have led to full-time paid employment, which I am delighted with the success of that scheme and the support the private sector is giving. We do need to get more from the public sector.

### **5.2.1 Deputy J.A. Hilton:**

Can I just seek an assurance from the Minister that he will contact all States departments to establish exactly what they are doing to further the employment chances of young people?

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

I probably have not made myself clear. We have certainly been in contact with all departments through the Skills Executive and the Skills Board and made it clear that we do look for States departments and the public sector to play its part in this role. I know also that the Consumer Council has had 5 Advance to Work people so far so there are quite a few organisations within the public sector playing their part, but more is required.

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

Further to my question of last year, which I am sure the Minister remembers, regarding antisocial behaviour on the Albert Pier, is the Minister aware that this is still going on with youngsters down there, screeching tyres on their cars and motorbikes? So much so that nearby residents, several

who own their apartments, are considering selling. I have no objection to the Assistant Minister answering.

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

Sadly the Assistant Minister cannot answer this question. Nevertheless I am aware of an ongoing issue. We have security services employed by the Harbour Department to police the area. I know the States of Jersey Police do what they can but invariably the problem has moved on by the time they arrive. We will continue to do what we can. It is difficult for residents in the area. It is also extremely difficult for those that visit the Island in the Marine Leisure area, which contribute to our economy. We will continue to work at this problem.

**5.4 Senator S.C. Ferguson:**

The Economic Growth Plan, when is it due and has it been discussed with the Economic Adviser and the Fiscal Policy Panel in view of the global economic climate?

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

I have a draft of it on my desk here. As a matter of fact it has been circulated for views with various local business organisations and other individuals. An advance copy went to Scrutiny and yes, the matter has been discussed with the other individuals that the Senator just mentioned. I would hope that we will be in a position to progress matters further with this important document very shortly.

**5.5 Deputy M.R. Higgins:**

The Assistant Minister earlier advised the Assembly that the new air traffic control system is safe and working well. Could the Minister therefore explain to Members why they have restricted the flow of air traffic to the Island at a time when overall traffic levels are almost half of what they were at the peak under the old system?

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

I think the Deputy is aware that the new P.P.R. (Prior Permission Required) system has been put in place for the purposes of safety. Although he is absolutely right, the numbers have been reduced, the air traffic control service is being as flexible as possible. I am advised that indeed the capacity in this regard has not yet been fully utilised. I do recognise there are issues here and we are working to try and resolve them as quickly as possible. It is, I hasten to add, a temporary measure.

**5.5.1 Deputy M.R. Higgins:**

A supplementary on that. I was in the U.K. recently and I have been advised by 2 airports how people believe the Jersey airspace is closed to general aviation. They feel that these measures are so restrictive that they are talking about going elsewhere rather than coming to Jersey. Is the Minister aware of this?

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

If that is true that is of great concern and I would suggest it is in a large amount due to the public pronouncements that have been made on this subject. The misinformation, I may say, that has been floated in the public domain by a number of different individuals has not helped the situation, certainly has not done any good at all for the reputation of the Island. I would add that we have Class A airspace, which has been mentioned earlier on. One of the downsides of that is that the general aviation community in a wider sphere do have some reservations about coming here. The new website is helping to remove those concerns and attract new business, which I think we will benefit from in the long run.

**5.6 Deputy A.E. Jeune:**

Would the Minister agree that the current licensing laws are out of date and if so would he say what progress has been made to update this law, which I believe was due to be brought back to the Assembly in 2009, and whether it will increase the off-licence purchase of alcohol age limit to 21, and when this new law would be brought to the Assembly?

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

That was a string of questions, I will do my best to address them. I think first of all the Deputy is referring to the liquor licensing laws, she did say licensing, I assume she is talking about the liquor licensing law. There was a Green Paper which has been completed, the Deputy and Members will be aware. I am at this present moment progressing to a White Paper through the department. We hope to be in a position to be able to publish the White Paper towards the end of this year and the intention is it will be drafted in time for next year in order to bring the new liquor licensing law before the States for debate. The actual detail within that I would not want to predetermine at this particular stage. The Deputy has asked a specific question. Clearly there are a whole raft of questions relating to the liquor licensing law and I think this is not the appropriate moment to try delving into each individual case.

**5.6.1 Deputy A.E. Jeune:**

Is age limit one of the considerations?

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

The Deputy would be aware that through the Green Paper age limits were a factor that was included, so the answer is yes.

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

Could the Minister explain to Members why he is bringing the Gambling Law to the States tomorrow or the day after with no public consultation as to the codes and guidelines which would govern online gaming and with no report as to the aspects of gambling which were mentioned in the previous debate? Both of these items were promised previously when we debated gambling before.

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

The Deputy in fact sent me an email just before the sitting asking me the very same question. I think he is in fact conflating 2 issues. The new Gambling Law, which we will be debating at some point this week, is modernising our gambling legislation which dates back to the early 1960s. Indeed by so doing it will allow us to put in place for the purposes of the Gambling Commission a much stronger regime to ensure that we properly regulate our gambling industry, which is not the case at the moment. The issues that the Deputy is conflating are ones of the Code of Practice. Code of Practice relates specifically to the online gaming legislation which is separate, and indeed those will be published and consulted on as soon as they are concluded.

**5.8 Deputy J.B. Fox of St. Helier:**

In relation to Condor's recent troubles and the requests we have made for having a meeting with Condor to seek improvements, have we had a date yet for a meeting with them? They have managed to speak to BBC Radio Jersey Live, I am hoping they will be able to speak to us live very shortly.

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

First of all I would like to point out, notwithstanding the Deputy's challenges when he was travelling back from St. Malo last night, notwithstanding that, I know that the services have improved in recent weeks and I am very pleased about that. We continue to look for further improvement as we run through the summer. As far as the meeting is concerned that I have promised the Deputy, at the moment very busy schedules, we are spending a lot of time in this



Assembly on important business. We are hoping that the week commencing 25th July is one where the Managing Director will be in the Island and available to meet the Deputies who are interested in so doing.

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

I wonder if the Minister can give the Chamber an update on the possible merger between Jersey Business Venture and Jersey Enterprise?

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

Yes, I can. In fact discussions between the department and the board of Jersey Business Venture have been very constructive to date. I believe that we will hopefully be in a position for the merger to be in place by the beginning of 2012 so that the new organisation, an organisation delivering enterprise and business support to the largely S.M.E.s (Small and Medium Enterprises) will be functioning by the beginning of the first quarter of 2012 and I think that is something all members would be very supportive of.

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

Supplementary. Will this mean vacating the current premises of Jersey Business Venture and all going to where Jersey Enterprise is located?

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

The Deputy asks a very relevant question. In fact that is the basis of some considerable discussion. The simple answer is yes, there will be consolidation into one premises. There is still ongoing discussion as to which premises that will be but they will merge into one location.

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

During the whaling conference the Minister spoke to 89 delegates from around the world who attended that conference, and given the nature of the conference does the Minister consider that this is good business for the Island and what are the Minister's views on whaling and what research did the Minister undertake on the views of the local community on whaling before speaking at that conference? As security guards were also used at the Hotel de France what police checks, if any, were undertaken ...

**The Deputy Bailiff:**

That is too many questions.

**The Deputy of St. John:**

[Aside] Of course I am on a fishing expedition.

**The Deputy Bailiff:**

Minister, if you can remember those questions please answer them.

**The Deputy of St. John:**

I have a number of extras to add, Sir.

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

I think I heard a very relevant comment from behind me that the Deputy is on a bit of a fishing expedition with this one. Nevertheless, he asked some important questions. I understand the sensitivities with regard to the whaling conference that was undertaken in the Island and it was in some respects a decision that I was reluctant with. Nevertheless in this current economic climate we have to balance the pros and the cons. Certainly as far as our conferencing industry is concerned the business was extremely valuable and well-needed as far as the Island is concerned. We did consider all the ramifications. Nevertheless the conference itself is one that seeks to bring

together parties with opposing views. This type of forums are in many respects constructive. I believe that the conference itself was relatively constructive for those that participated in it and that it will not be detrimental to the Island. I believe that indeed we can be seen in a positive light and take a similar view to the U.K. The U.K. policy is ... and the Deputy asked me my own personal view on whaling, I do not agree with whaling and I follow, as does the department, the policy of the U.K. where we do not support that.

**The Deputy of St. John:**

Supplementary please, Sir.

**The Deputy Bailiff:**

No, because you had 5 questions in the last one.

**The Deputy of St. John:**

Oh, cut me off at the knees again.

**The Deputy Bailiff:**

I will add you to the list.

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

Will the Minister join with me in congratulating the Minister for Transport and Technical Services in his programme for apprenticeships and will he also undertake to look to his department to see if he cannot also include apprenticeship schemes for the Harbours and Airports?

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

I have already congratulated the Minister for Transport and Technical Services for his involvement in the apprenticeship scheme. I have also suggested or confirmed to Members that Economic Development also takes on apprentices and indeed across the States we would like to see very many more. It is a very good scheme, it is working, it is getting young people into jobs and that is really important.

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

The Minister has kindly invited Members to visit the new air control tower. Would the Minister have any objection to Members bringing a friend who may be able to ask much more pertinent and searching questions that some States Members, including myself?

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

It would depend who the Member's friend was.

[17:15]

**5.13 Deputy T.M. Pitman:**

Returning to whaling, does the Minister agree and could he explain why it was left to him instead of the Minister for Planning and Environment to go to that conference and if the Deputy of St. John was really concerned about it does he agree with me that perhaps the best thing to put the Deputy's mind at rest was just to tell him to stay out of the water for a few days.

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

I support all areas of the local economy. I open many conferences and this, as far as I was concerned, was business as usual. I provided a welcome to delegates and it was as simple as that. It was a welcome to the conference and I wished them success within their discussions on this important matter.

#### **5.14 Connétable D.W. Mezbourian of St. Lawrence:**

Given the current levels of unemployment will the Minister acknowledge that any redundancies that may be caused by this House accepting the Sunday Trading Regulations unamended would be an unintended consequence from his department?

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

I think the Constable is asking for support for her amendment. Clearly Members would not wish to see any unintended consequences of any action taken by this Assembly and I am sure Members will weigh up very carefully when they consider the amendment of the Constable of St. Lawrence, if indeed there is going to be any impact from not supporting or for that matter for supporting her particular amendment. We do not want to see any jobs lost in this economy. We are working hard to create job opportunities.

### **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

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

That brings to an end questions for Ministers without notice. There is nothing under J. Under K are Statements on a Matter of Official Responsibility, the Chairman of the Jersey Branch of the Commonwealth Parliamentary Association will make a statement to mark the centenary of the Association, the Connétable of St. Clement.

### **6. The Chairman of the Jersey Branch of the Commonwealth Parliamentary Association will make a statement to mark the centenary of the Association**

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

I am pleased to make the statement today in our Parliamentary Assembly to mark the Centenary of the establishment of the Commonwealth Parliamentary Association. The Association, originally known as the Empire Parliamentary Association, was founded exactly 100 years ago today on 18th July 1911 when a group of parliamentarians from parts of the then British Empire and Dominions met in Committee Room 15 in the Palace of Westminster. The Parliamentarians had originally travelled to London to attend the Coronation of George V and when they met on 18th July approved a motion that an Association should be formed to provide more ready exchange of information and to facilitate closer understanding and more frequent intercourse between those engaged in Parliamentary Government and of the component parts of the Empire. I commented in our recent C.P.A. (Commonwealth Parliamentary Association) newsletter that the photographs of the 1911 meeting show a group of parliamentarians who were mainly elderly, white and male. The Association, which changed its name to the Commonwealth Parliamentary Association in 1949, has certainly changed beyond all recognition since 1911. There are now 175 branches throughout the Commonwealth with active involvement of women parliamentarians. Young people play a very important part in the C.P.A. work through events such as Youth Parliaments and attendance at the Annual Commonwealth Day observance. The Jersey branch was pleased to select 2 young people from Jersey earlier this month to attend the next Commonwealth Youth Parliament, which is being held in London in early September. Jersey has played a very significant role in the C.P.A. since we first became members in June 1952. A former chairman of our branch often used to comment that Jersey punched above its weight in the C.P.A. and I think that is an accurate description. In the C.P.A. every branch, whatever its size, has an equal status in the affairs of the Association. As a result Jersey or even smaller branches such as St. Helena or the Falkland Islands or even Guernsey carries equal weight with huge branches such as India, Australia, Canada or the United Kingdom. Jersey was instrumental in the setting up of the Small Countries' Conference which has become such a valuable forum for jurisdictions with populations of less than 500,000 people. Jersey takes its turn on a rota of regional branches in serving on the Association's executive committee and 2 members, former Senators Jeune and Horsfall have served as Treasurers of the Association and

more recently former Senator Le Maistre served as Acting Vice Chairman for a year. Our involvement has undoubtedly raised the Island's profile internationally and many useful contacts have been made. Conferences and seminars and meetings of the Executive Committee held in Jersey have brought many eminent parliamentarians to our Island and enabled them to leave with a much better understanding of our constitutional position and economic situation. The C.P.A. clearly faces challenges at the present time to ensure that its work remains relevant and the governance arrangements are appropriate. The Jersey branch looks forward to hearing the outcome of the working party that is reviewing these issues and the concerns will no doubt be raised at the Centenary Conference that I will be attending with Senator Breckon and Deputy Martin at the end of this week. Today is, however, a day to look back over the last 100 years and to celebrate the Association's achievements. I am sure that all Members will join me in marking the centenary and wishing the C.P.A. well for the next 100 years. **[Approbation]**

**The Deputy Bailiff:**

The statement having been made is open to questions. The Deputy of St. Mary.

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

I was pleased to hear from the statement that Jersey had a hand in setting up the Small Countries' Conference within the C.P.A. Can the chairman of the Jersey Branch tell Members how often this has met, when it last met and what the topics of discussion were?

**The Connétable of St. Clement:**

If I recall correctly the first Small Branches Conference was held in 1981 in Fiji. I was not there. It has met every year since for 2 days prior to the plenary conference. The issues are wide but basically focusing on the needs of smaller communities. Migration and immigration is certainly one that I can recall and one that is certainly on the agenda for next week when we meet in London. Climate change is another that I recall. So, many items over 30-odd years now.

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

Can I ask a supplementary on that? The climate change and migration are clearly spot-on in terms of importance to this Island. Does the Jersey membership of that group take steps to make sure that the media are aware, that States Members are aware and that relevant departments are aware of those discussions?

**The Connétable of St. Clement:**

Absolutely, of course. We report back to the States Members certainly at our A.G.M. (Annual General Meeting) and more quickly through our newsletters, which are available to the media, and of course we do normally brief the media as soon as we return from these conferences.

**6.1.3 Deputy R.G. Le Hérisier:**

First of all, would the highly-esteemed chairman comment on whether he believes it is possible to extend our work by taking a more independent stance at meetings of the Commonwealth itself and, secondly, could he comment on the increasing tension between the third world and what you might call the traditional countries at the C.P.A. and how he sees a resolution to that?

**The Connétable of St. Clement:**

My understanding is that membership of the Commonwealth itself is a matter for Sovereign States and Jersey is not yet a Sovereign State. Certainly there have been some tensions which have developed through governance concerns over the past few years, and we have seen some rift in the Association, but I am much more hopeful now that that rift can be healed with appropriate election results hopefully for the chairman and so on at the meeting which we shall soon be attending. I am much more optimistic now than I was 12 months ago.

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

I am sure Members will join with me in agreeing that the small jurisdictions find this invaluable. I had the pleasure of going to Guernsey in 2009 with the Connétable of Grouville, the Connétable of St. Brelade and Deputy Jeune and we met there to discuss the economic downturn with the likes of St. Helena, Malta, Gibraltar, and I am sure that the rapporteur, along with other Members, will join with me in saying this is a really valuable exercise for the likes of Jersey.

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

I thank the Deputy for her comments and am delighted that she found going to Guernsey a pleasure. **[Laughter]** Certainly the subject of the economic downturn and the potential for recovery was a very important subject at the plenary conference 2 years ago in Tanzania. We learn so much from other jurisdictions and equally they learn a lot from us and certainly communications continue backwards and forwards on various issues because of contacts made at these conferences.

#### **6.1.5 Senator F.E. Cohen:**

Does the chairman endorse the Coalition Government's renewed endorsement and commitment to the C.P.A. as expressed to me by the Secretary General at my recent meeting with him?

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

I was not privy to that conversation but certainly I would endorse anything which enhances the reputation and status of the Commonwealth Parliamentary Association.

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

Would the chairman also endorse not only the helpful discussions that Senator Cohen has had with the Director General but importantly the Coalition Government's new, reinstated support of the Commonwealth generally as evidenced by the Secretary of State in recent remarks? And that can only bode well for the relationship between the Parliament and the Commonwealth and good for the C.P.A.

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

Yes, I would certainly agree with that 100 per cent. As to whether Senator Cohen's media comments were helpful, if he chooses to give me a briefing on that meeting then I will decide whether they were helpful or not.

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

I think you do not have responsibility, political or otherwise, for Senator Cohen's meetings. Any other questions?

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

How does the Commonwealth Association interact with the E.U. (European Union)?

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

That is not a function of the Commonwealth Parliamentary Association but very often the E.U. will send observers to the plenary conference, which I am sure they find is an excellent way of doing business, and I am sure they could learn a lot from the Commonwealth Parliamentary Association.

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

That brings the 10 minutes allowed for questions to an end. The adjournment is proposed and agreed. The States now stands adjourned until 9.00 a.m. tomorrow morning.

### **ADJOURNMENT**

[17:27]