

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 3rd FEBRUARY 2015**

<b>COMMUNICATIONS BY THE PRESIDING OFFICER .....</b>	<b>5</b>
1.    The Bailiff:.....	5
<b>APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS .....</b>	<b>5</b>
2. <b>Nomination of the following 3 persons as unelected members of the Public Accounts Committee - Mr. Gary Drinkwater, Mr. Robert John Parker, Mr. Michael John Robinson.....</b>	<b>5</b>
2.1    Deputy A.D. Lewis of St. Helier (Chairman, Public Accounts Committee):.....	5
<b>QUESTIONS.....</b>	<b>5</b>
3. <b>Written Questions .....</b>	<b>5</b>
3.1    DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCREASED USE OF FOOD BANKS:.....	5
3.2    DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING POPULATIONS LEVELS AND THE NUMBER OF APPLICANTS FOR REGISTRATION CARDS UNDER THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012: .....	6
3.3    DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBERS IMPRISONED AT H.M.P. LA MOYE WITH MENTAL HEALTH ISSUES SINCE 2009: .....	13
3.4    DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ACTIONS PROPOSED BY MINISTERS TO ADDRESS THE REQUIREMENT TO REDUCE THEIR BUDGETS BY 2 PER CENT IN 2015:.....	15
3.5    DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE RESOLUTION OF THE J.T./GIGABIT DISPUTE: .....	16
3.6    DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEASURES TO REDUCE POVERTY IN THE ISLAND:.....	17
3.7    DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NUMBER OF LICENSED OR REGISTERED POSTS CREATED BY INWARD INVESTMENT: .....	17
3.8    DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TERMS OF REFERENCE FOR THE APPRAISAL OF THE SITE OPTIONS FOR THE NEW HOSPITAL: .....	18
3.9    DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING TESTS USED TO ASSESS THE LEVEL OF	

IMPAIRMENT SUFFERED BY APPLICANTS FOR MEDICAL COMPONENTS OF INCOME SUPPORT:.....	19
3.10 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ACCEPTANCE OF AN ECONOMY ‘WHERE ONLY A FEW DO SPECTACULARLY WELL’: .....	20
3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING LIMITS ON RECHARGES APPLIED BY ANDIUM HOMES AND OTHER SOCIAL HOUSING TRUSTS:.....	21
<b>4. Oral Questions.....</b>	<b>22</b>
4.1 Deputy M. Tadier of St. Brelade of the Minister for Education, Sport and Culture regarding G.C.S.E. results: .....	22
Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):.....	22
4.1.1 Deputy M. Tadier: .....	23
4.1.2 Deputy G.P. Southern of St. Helier: .....	23
4.1.3 Deputy J.A. Hilton of St. Helier:.....	23
4.1.4. Deputy J.A. Hilton:.....	23
4.1.5 Deputy J.A. Hilton.....	24
4.1.6 Deputy J.A. Martin of St. Helier: .....	24
4.1.7 Deputy G.P. Southern:.....	24
4.1.8 Deputy M. Tadier: .....	24
4.1.9 Deputy M. Tadier: .....	25
4.2 Deputy G.P. Southern of the Minister for Social Security regarding sanctions imposed on job seekers leaving a job without sufficient reason:.....	25
Deputy S.J. Pinel of St. Clement (The Minister for Social Security):.....	25
4.2.1 Deputy G.P. Southern:.....	26
4.2.2 Deputy J.A. Martin: .....	26
4.2.3 Deputy J.A. Martin: .....	26
4.2.4 Deputy M. Tadier: .....	26
4.2.5 Deputy M. Tadier: .....	27
4.2.6 Deputy G.P. Southern:.....	27
4.2.7 Deputy G.P. Southern:.....	27
4.3 Deputy S.Y. Mézec of St. Helier of the Minister for Treasury and Resources regarding the J.T./Gigabit dispute:.....	28
Senator A.J.H. Maclean (The Minister for Treasury and Resources): .....	28
4.3.1 Deputy S.Y. Mézec:.....	29
4.3.2 Deputy G.P. Southern:.....	29
4.3.3 Deputy G.P. Southern:.....	29
4.3.4 Deputy A.D. Lewis:.....	30
4.3.5 Deputy A.D. Lewis:.....	30
4.3.6 Deputy G.P. Southern:.....	30
4.3.7 Deputy G.P. Southern:.....	31
4.3.8 Deputy S.Y. Mézec:.....	31
4.4 Deputy K.C. Lewis of St. Saviour of the Minister for Transport and Technical Services regarding delays in the implementation of the ‘Draft Road Works and Events (Jersey) Law 201-’:.....	32
Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):.....	32
4.4.1 Deputy K.C. Lewis: .....	32
4.5 Deputy S.Y. Mézec of the Chief Minister regarding reform of the administrative structure of the Parish of St. Helier: .....	32

Senator I.J. Gorst (The Chief Minister): .....	32
4.5.1 Deputy S.Y. Mézec: .....	33
4.5.2 Deputy M. Tadier: .....	33
4.5.3 Deputy M. Tadier: .....	33
4.5.4 Connétable A.S. Crowcroft of St. Helier: .....	34
4.5.5 Deputy G.P. Southern: .....	34
4.5.6 Deputy S.Y. Mézec: .....	35
4.6 Deputy G.P. Southern of the Minister for Social Security regarding the assessment of the impairment components of Income Support: .....	35
Deputy S.J. Pinel of St. Clement (The Minister for Social Security): .....	35
4.6.1 Deputy G.P. Southern: .....	36
4.6.2 Deputy G.P. Southern: .....	36
4.6.3 Deputy G.P. Southern: .....	36
4.6.4 Deputy G.P. Southern: .....	37
4.7 Deputy M. Tadier of the Minister for Housing regarding the introduction of an empty property tax as a method to help alleviate the housing shortage and bring down rental prices: .....	37
Deputy A.E. Pryke of Trinity (The Minister for Housing): .....	37
4.7.1 Deputy M. Tadier: .....	37
4.7.2 Deputy M. Tadier: .....	38
<b>5. Questions to Ministers without notice - The Minister for Housing .....</b>	<b>38</b>
5.1 Deputy G.P. Southern: .....	38
The Deputy of Trinity (The Minister for Housing): .....	38
5.2 Deputy L.M.C. Doublet of St. Saviour: .....	39
5.3 Deputy A.D. Lewis: .....	39
5.3.1 Deputy A.D. Lewis: .....	39
5.4 Deputy G.P. Southern: .....	39
5.4.1 Deputy G.P. Southern: .....	40
5.4.2 Deputy G.P. Southern: .....	40
5.5 Deputy M. Tadier: .....	40
5.5.1 Deputy M. Tadier: .....	40
5.6 Deputy A.D. Lewis: .....	40
5.7 Deputy J.A. Martin: .....	41
5.7.1 Deputy J.A. Martin: .....	41
5.8 Connétable D.W. Mezbourian of St. Lawrence: .....	41
5.8.1 The Connétable of St. Lawrence: .....	42
<b>6. Questions to Ministers without notice - The Minister for Planning and Environment .....</b>	<b>42</b>
6.1 Deputy M. Tadier: .....	42
Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment): .....	42
6.1.2 Deputy M. Tadier: .....	43
6.2 Deputy J.A. Hilton: .....	43
6.3 Deputy G.P. Southern: .....	44
6.4 Deputy J.A. Martin: .....	44
6.5 Deputy S.Y. Mézec of St. Helier: .....	44
6.6 Deputy A.D. Lewis: .....	44
6.6.1 Deputy A.D. Lewis: .....	45
6.7 Deputy L.M.C. Doublet: .....	45

6.7.1 Deputy L.M.C. Doublet:.....	45
6.8 Deputy J.A. Hilton:.....	46
<b>PUBLIC BUSINESS .....</b>	<b>46</b>
<b>7. Draft Public Elections (Amendment No. 5) (Jersey) Regulation 201- (P.174/2014).....</b>	<b>46</b>
7.1 The Connétable of St. Clement (Chairman, Comité des Connétables):.....	46
<b>8. H.M.S. Iron Duke: the authority to march “with Colours flying, drums beating and bayonets fixed in Jersey”. (P.177/2014).....</b>	<b>48</b>
Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):.....	48
8.1 The Connétable of St. Lawrence (Assistant Minister for Home Affairs - rapporteur): ...	48
8.1.1 Connétable C.H. Taylor of St. John: .....	49
8.1.2 Deputy M. Tadier: .....	49
8.1.3 The Connétable of St. Lawrence:.....	50
<b>9. Ratification of the Agreement on the exchange of information relating to tax matters between the Government of Jersey and the Government of Romania (P.178/2014):..</b>	<b>51</b>
9.1 Senator P.M. Bailhache (The Minister for External Relations):.....	51
<b>10. Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 12) (Jersey) Regulations 201- (P.179/2014): .....</b>	<b>51</b>
10.1 Senator P.M. Bailhache (The Minister for External Relations):.....	51
<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS .....</b>	<b>52</b>
11. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):.....	52
11.1 Deputy J.M. Maçon of St. Saviour:.....	52
11.2 The Connétable of St. Clement: .....	52
<b>ADJOURNMENT.....</b>	<b>53</b>

[9:31]

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

**Connétable L.Norman of St. Clement:**

Sir, just before the sitting starts properly, I hope you will allow me on behalf of Members to welcome you to your first sitting as Bailiff and to wish you well in your term of office. **[Approbation]**

**The Bailiff:**

Thank you, Connétable, that is very much appreciated. I know there will be some who will think that if all speeches were as short as that in this Chamber it would be all to the good. **[Laughter]** I shall certainly keep mine short. Thank you very much; I look forward to being of service to Members and to the Assembly.

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1. The Bailiff:**

Dealing first with the Consolidated Order Paper under A, Communications from the Chair. I am very pleased to welcome His Excellency Lieutenant Governor as is customary. **[Approbation]**

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Nomination of the following 3 persons as unelected members of the Public Accounts Committee - Mr. Gary Drinkwater, Mr. Robert John Parker, Mr. Michael John Robinson.**

#### **2.1 Deputy A.D. Lewis of St. Helier (Chairman, Public Accounts Committee):**

I am delighted to propose Mr. Drinkwater, Mr. Parker and Mr. Robinson. We have been through a process in the last few weeks. I am delighted to say that honorary service in Jersey is alive and kicking. We had some excellent applications and shortlisted and appointed these 3, or we would like the Assembly to appoint these 3. I have nothing more to say other than I hope Members have had the opportunity to read their details which were contained in the Order Paper and if you have questions I am happy to answer them, otherwise I call upon the seconder.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Are there any questions for the Chairman? Then I declare Mr. Drinkwater, Mr. Parker and Mr. Robinson duly elected.

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INCREASED USE OF FOOD BANKS:**

##### **Question**

What information, if any, does the Minister have as a result of her investigations into the increased use of food banks on the Island and, if none, will she investigate this issue and report progress to members and, in particular, will she agree to investigate the impact of the Income Support sanctions regime on the need for food banks and other charitable support to alleviate hardship?

## **Answer**

In common with my ministerial colleagues, I was interested to read the recent newspaper articles about the increased use of food banks in the Island. As the Minister responsible for financial support to low-income families, I immediately tasked officers with meeting with representatives of each of the groups that offer this service. These meetings have been taking place over the last couple of weeks, and have been an opportunity for us to strengthen existing working contacts with third-sector groups and discuss any recent pressures experienced by each group. Officers have also attended meetings with the Citizens' Advice Bureau and the Shelter Trust, as these are also organisations who offer advice and assistance to people who might be struggling in the Island.

I can report that the meetings so far have been helpful and that the Social Security Department will continue working with these partner organisations to investigate the wider reasons that people are approaching them. We plan to work with the organisations to give the option of a uniform means of recording anonymous data that captures the reasons that people approach each group for help. We have also set up direct contact so that organisations can, with the clients' permission, contact us to ensure that people are receiving all of the financial help to which they are entitled.

It is clear that each group has different criteria for assisting people. One of the fundamental principles of our tax-funded benefit system is a set of consistent rules including the requirement that people may only access financial support once they have been in the Island and contributing to the economy for a minimum of five years. It is therefore likely, for example, that some recipients of food are people who do not meet this residency condition.

Income Support also has robust financial sanctions for people who claim benefit but who do not do enough to look for work. It is entirely the choice of a charitable organisation whether or not to help somebody who has ignored repeated warnings and put themselves in this situation, but it is the case that the principles underlying these financial sanctions were firmly endorsed by this Assembly. I do not agree that these rules create hardship, but consider that they are an essential element to ensure that the benefits system is able to perform its function in supporting people to move out of dependency by helping them find employment.

### **3.2 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING POPULATIONS LEVELS AND THE NUMBER OF APPLICANTS FOR REGISTRATION CARDS UNDER THE CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012:**

#### **Question**

Will the Chief Minister advise members:

- (a) the current estimated size of the Jersey working population;
- (b) the number of people who applied for registration cards under the Control of Housing and Work (Jersey) Law 2012 during the period 1 October 2014 to December 2014 breaking down the numbers into the nationality and country of origin of applicants;

- (c) the total number of people who have been issued with registration cards under the Control of Housing and Work (Jersey) Law 2012, to date since the law came into effect breaking down the numbers into the nationality and country of origin of those registered.

**Answer**

- a) In June 2014, (the latest figures published by the Statistics Unit), the working population was 58,330, of which 49,980 were in the private sector. (This represented an annual increase in employment of 620, of which 420 was in the private sector).
- b) The figures below show all those people applying for registration cards under the Control of Housing and Work (Jersey) Law 2012 during the requested time period. Applying for a registration card does not mean people are new to the Island, as everyone needs a registration card when moving house or changing jobs. When issuing cards we ask for an applicant's nationality, not country of origin.

<b>Nationality</b>	<b>1<sup>st</sup> October 2014 – 31<sup>st</sup> December 2014</b>
British (Jersey born in brackets)	3,200 (1,698)
Portuguese	682
Polish	287
Irish	94
Romanian	87
French	48
Filipino	22
Italian	20
South African	19
Latvian	17
Indian	16
Spanish	14
Australian	13
Thai	13
Hungarian	12
Canadian	9

Czechoslovakian	9
German	8
Dutch	7
Kenyan	6
New Zealander	6
Zimbabwean	6
American	5
Austrian	5
Slovak	5
Bulgarian	4
Russian	4
Swedish	4
Chinese	3
Finnish	3
Mauritian	3
Swiss	3
Belgian	2
Brazilian	2
Cypriot	2
Danish	2
Israeli	2
Jamaican	2
Moroccan	2
Norwegian	2
Peruvian	2
Turkish	2

Argentine	1
Bangladeshi	1
Barbadian	1
Botswana	1
Egyptian	1
Greek	1
Icelandic	1
Lebanese	1
Libyan	1
Malawian	1
Mexican	1
Nigerian	1
Pakistani	1
Republic of Belarus	1
Singaporean	1
Ukrainian	1
Zambian	1
<b>Total</b>	<b>4,671</b>

- c) The figures below show all those people applying for registration cards under the Control of Housing and Work (Jersey) Law 2012 during the requested time period. Applying for a registration card does not mean people are new to the Island, as everyone needs a registration card when moving house or changing jobs. When issuing cards we ask for an applicant's nationality, not country of origin.

<b>Nationality</b>	<b>1<sup>st</sup> July 2013 – 31 December 2014</b>
British (Jersey born in brackets)	26,438 (12,579)
Portuguese	4,714

Polish	2,520
Romanian	860
Irish	714
French	315
South African	178
Indian	156
Thai	131
Bulgarian	126
Latvian	122
Filipino	111
Italian	108
Kenyan	94
German	93
Spanish	89
Hungarian	85
Dutch	74
Australian	70
Canadian	58
Zimbabwean	53
New Zealander	50
American	49
Swedish	49
Czech Republic	48
Slovak	40
Bangladeshi	29
Russian	28

Lithuanian	26
Pakistani	26
Brazilian	22
Austrian	21
Chinese	21
Belgian	18
Cypriot	18
Malaysian	14
Mauritian	14
Turkish	14
Finnish	13
Danish	12
Slovenian	12
Swiss	12
Jamaican	11
Maltese	11
Sri Lankan	11
Ugandan	11
Malawian	9
Norwegian	9
Moroccan	8
Egyptian	7
Estonian	7
Greek	7
Venezuelan	7
Zambian	7

Israeli	6
Singaporean	6
Tunisian	6
Croatian	5
Ghanaian	5
Icelandic	5
Argentine	4
Cuban	4
Japanese	4
Mexican	4
Gambian	3
Grenedian	3
Republic of Belarus	3
Saint Vincentian	3
Bosnian	2
Guyanese	2
Jordanian	2
Nepalese	2
Peruvian	2
Tongan	2
Vietnamese	2
Barbadian	1
Cambodian	1
Kazakhstani	1
Lebanese	1
Libyan	1

Nigerian	1
Senegalese	1
Ukrainian	1
<b>Total</b>	<b>37,833</b>

### **3.3 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBERS IMPRISONED AT H.M.P. LA MOYE WITH MENTAL HEALTH ISSUES SINCE 2009:**

#### **Question**

Will the Minister advise members:

- (a) the numbers and percentage of those convicted and imprisoned at H.M.P. La Moye in each year between 1st January 2009 to 31st December 2014 who were diagnosed as having mental health issues –
  - (i) at the time of their admission;
  - (ii) when they were released from prison; and,
  - (iii) the percentage of the total prison population during these periods these people represented?
- (b) the number of staff and facilities available to treat these prisoners whilst in prison, together with the actual sums spent on dealing with prisoners with mental health issues during the periods set out above together with the percentages of the total prison budget;
- (c) what provision is put in place to assist those prisoners who are released from prison with mental health issues, detailing the number of people involved, the facilities made available and monies allocated during the time period set out above; and,
- (d) what liaison/cooperation, if any, takes place with the mental health service of the Health and Social Services Department and how effective this liaison/cooperation is considered to be?

#### **Answer**

##### **(a) Response**

It is not possible to provide a definitive response to such a question as there are many differing interpretations of what might be described as “mental health issues”. Anxiety, hopelessness and depression are likely to be a feature for many prisoners at the point of admission to the prison or at some stage of a custodial sentence but they do not necessarily require mental health intervention.

All prisoners are interviewed and assessed by a registered nurse on admission to La Moye. This process covers their mental health and well-being, including any risk of self-harm and physical health matters.

Specific data cannot be produced without detailed analysis of confidential, individual medical records. However, the following table provides details of referrals to the psychiatrist and also the Community Psychiatric Nurse, which gives an indication of the numbers referred to Mental Health Services for assessment or support. Those transferred to Orchard House or UK facilities are detained as patients under the Mental Health Law albeit Prison Officers provide security at the former.

	Admissions to La Moye	Referred to Community Psychiatric Nurse	Referred to Psychiatrist	Transfers to Orchard House for assessment	Transfer to UK Mental health facilities
2009	271	126	126	2	2
2010	333	122	159	1	3
2011	344	46*	148	1	2
2012	324	115	132	1	1
2013	258	166	152	3	3
2014	285	130	160	2	2

\* reduced CPN provision for several months while recruiting

### **(b) Response**

The Jersey Prison Service employs a Healthcare Manager (Civil Service Grade 12) and a team of 5 qualified nurses (1 x Registered Mental Nurse and 4 Registered General Nurses) to provide healthcare for all prisoners. It isn't possible to say what proportion of their time is spent dealing with mental health issues.

There are no in-patient beds in La Moye prison. Individuals receiving treatment are dispersed in the general prisoner population and they have access to the same facilities and regime as other prisoners (the equivalent of care in the community). In exceptional cases, some may have to be segregated for their own safety (or the safety of others) but they may not meet the criteria for detention under the Mental Health Law so they remain in La Moye.

The Psychiatrist is a contracted in service and he attends for approximately 2 hours per week. This is paid for by the Prison Service. The CPN attends one day per week and this is funded by HSS. Prisoners also have access to a GP service of 5 sessions of approximately 2 hours per week, as well as emergency call-outs if required. This is paid for by the Prison Service.

A Samaritan service is also available, via weekly visits by community based volunteers and the prison also provides a 24hr 'phone service to the Samaritans. They also train prisoners to provide a

'listener' service; that is prisoners who are trained to provide support and advice to individuals who are in distress.

The table below shows percentage of the total budget spent on Healthcare. This includes the salary costs of the Healthcare Manager and nursing staff, the contracted in services (G.Ps., psychiatrist, dentist, optician), prescribed drugs and other medical supplies.

	Total Budget	Healthcare Budget	Healthcare % of total budget
2009	9977254	585,000	5.86
2010	10658380	592,600	5.56
2011	10606666	598,000	5.64
2012	10944394	604,500	5.52
2013	10695158	616,800	5.77
2014	10781900	736,400	6.83

**(c) Response**

Every prisoner is interviewed by healthcare staff around 10 days prior to release. This is to assess their short-term needs on liberation and arrange appointments, prescriptions or inform external agencies where appropriate. It also provides the opportunity to refer to the GP, CPN or Psychiatrist pre and post release if required.

Ongoing mental health issues after release are a matter for Health & Social Services rather than Home Affairs but the visiting CPN will arrange to see individuals pre and post release for follow up if deemed appropriate.

**(d) Response**

At present there is considerable cooperation between the mental health service and Prison Service at various levels. Relationships at practitioner level are very good and senior managers in both departments have worked hard in recent years to gain a better understanding of each other's needs.

There is signed Memorandum of Understanding in place between Orchard House and La Moye related to the management of prisoners who are patients in Orchard House.

**3.4 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ACTIONS PROPOSED BY MINISTERS TO ADDRESS THE REQUIREMENT TO REDUCE THEIR BUDGETS BY 2 PER CENT IN 2015:**

## **Question**

Will the Chief Minister undertake to publish the list of actions proposed by Ministers to address the requirement contained in the Budget 2015 to reduce their budgets by 2% and, if so, when will he do so and, if not, why not?

## **Answer**

During Questions Without Notice on 20th January 2015, I said it would seem reasonable to bring a list of actions proposed by departments to reduce their expected spend by 2% in 2015 to the Assembly “as soon as possible”. I stand by that commitment, but cannot yet say when “as soon as possible” will be.

The work on identifying those actions is ongoing. An early exposure of the options being considered would not be of any benefit given that some of them may not be pursued.

I will also repeat my words of the 20th January, by saying that the important point is that departments should be delivering efficiencies and reducing their spending by the requested 2 % in order to balance their budgets.

### **3.5 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE RESOLUTION OF THE J.T./GIGABIT DISPUTE:**

#### **Question**

What progress, if any, has the Minister as shareholder representative made in resolving the Gigabit dispute and, in particular, does he and JT have fresh proposals to deliver the project before the end of 2019 and, if so, at what cost to the stakeholders?

#### **Answer**

Deputy Mézec accepted an invitation from JT to gain a better understanding of the progress and challenges of rolling out the Gigabit programme when he toured JT’s premises on 17 December 2014. Following this, on 19 January 2015, all States members were then invited to a presentation when progress and challenges of the Gigabit programme were further laid out. A copy of that presentation was provided to all States members via email on 19 January 2015.

As part of that presentation, JT made clear that it required a number of months to work through some difficult and technically challenging issues, following which it would report back to States members.

The Minister intends allowing JT the necessary space and time to complete those ongoing discussions, which involve a renegotiation with suppliers and restructuring of the programme. Until such time as that work is completed, the Minister is not in a position to outline the cost or time impact.

### **3.6 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEASURES TO REDUCE POVERTY IN THE ISLAND:**

#### **Question**

In response to questions on 20th January 2015, the Chief Minister referred to the need for “containing prices” as part of his targeting poverty; will he inform members whether this will include measures to achieve reductions in the short term (in the first quarter of this year) to the price of gas, heating oil, and electricity and will he further produce for members the evidence that he has for his statement (as part of his answers on 20th January 2015) that “rent control does not work”?

#### **Answer**

In containing prices in Jersey we have to accept that there are factors outside our control, such as global trends in commodity prices, which have recently led to a fall in oil and food prices. These global trends have already impacted on prices in Jersey, with the December 2014 RPI figures showing that petrol and heating oil prices have fallen year on year, and that food prices are lower on both a quarterly and annual basis.

It would be unrealistic to think the States can manage prices on a quarterly basis but we can help Islanders further by focusing on the matters that are under our control – the way we set fiscal policy and through competition policy.

We will continue to follow Fiscal Policy Panel advice by making sure that fiscal policy is counter cyclical and does not impact unintendedly on local prices. Competition policy is now the responsibility of the Chief Minister and every effort will be made to enhance policy to the benefit of consumers. Where possible we will aim to remove barriers to entry in key markets in Jersey and where monopolies naturally exist we will aim to regulate them effectively. We will also look to ensure that consumer representation makes the consumer’s voice heard and work closely with the Channel Island Competition and Regulatory Authority to identify where they can help to improve competition. The Assistant Chief Minister has already started discussions on how they can build on their previous work to improve the way fuel markets in Jersey work.

Rent control does not work because it affects the incentives facing landlords and potential tenants and has knock-on effects on supply and demand. This can reduce the availability and quality of rental housing, cause distortions in the way housing is allocated, be difficult to administer and ultimately mean that the intended distributional goals are not achieved. The Minister for Housing will be reporting in more detail on this issue in February.

### **3.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NUMBER OF LICENSED OR REGISTERED POSTS CREATED BY INWARD INVESTMENT:**

#### **Question**

Following his response to a written question on 20th January 2015 (reference 8587) and subsequent oral questions, can the Minister account for the fact that 153 (17%) of the jobs created by inward investment were registered or licensed posts, a higher proportion than is the average across employment sectors?

Is the Minister yet in a position to provide figures for the tax paid by the 35 finance sector companies subject to the 10% rate referred to, and if not can he inform members when he will be able to do so, along with the sectoral income tax revenue generated by the 896 jobs created?

Will he also inform members what data he has for business and employment creation for Locate Jersey for the years 2012 -2014?

**Answer**

From the latest report on the Labour Market in June 2014; Registered posts accounted for 10% of total manpower (public + private) and licensed posts for 3%, giving a total of 13% for the two categories. For the private sector only, registered + licensed posts accounted for 14% of total manpower.

By its very nature inward investment often means that principals of companies and skilled experienced employees relocate to the Island – the ‘mind and management’ of the business. Within the period of the business license these companies recruit local staff and transfer their skills, knowledge and experience to the local market.

As stated in previous answers, my department is not privy to tax paid by individual businesses or persons. This is confidential information between the business and / or their employees and the Taxes Office. Inward investment activity, and the associated job creation, generates new tax revenue for Jersey. We will continue to support inward investment and will continue our relentless focus on the creation of jobs and employment.

For the period 2012 – 2014 (inclusive), 115 new licences were approved, of which 100 have, or are likely to, commence trading, creating 1052 potential job opportunities of which 90% were for entitled posts. As three year licences are generally granted by the Population Office to businesses, these job opportunities will be converted into jobs in the period 2012 – 2016. Of these new licences, 33% of the licenced businesses had not yet commenced by, or were approved after, June 2014 (the most recent complete information). Now that we have access to the manpower returns we will assess the employment impact of inward investment businesses and will publish on an annual basis.

I reiterate that I would be pleased to arrange for the Deputy to visit the Department so we can discuss with him the nature of our work and the benefits of inward investment to Jersey. Furthermore, I am aware of at least one inward investment business offering to meet with the Deputy to confirm their personal and business tax situation, the number of employees engaged and the benefits to Jersey of inward investment.

**3.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TERMS OF REFERENCE FOR THE APPRAISAL OF THE SITE OPTIONS FOR THE NEW HOSPITAL:**

**Question**

Further to the response to a written question on 20th January 2015 (reference 8593) will the Minister inform members of the terms of reference under which Gleeds Management Service will appraise the four site options for the new hospital and, if not, why not?

## **Answer**

NB: This question has been re-directed to the Minister of Treasury and Resources as the Contracting Authority to Gleeds Management Services.

The broad “terms of reference” for the Site Options Appraisal to be undertaken by Gleeds Management Services were set out by the Minister for Health and Social Services in his response to Written Question 1240/5(8593).

A separate Brief to vary the Agreement between the Minister for Treasury and Resources and Gleeds Management Services to undertake the Site Options Appraisal has been agreed with that Company and has been issued to the Health and Social Security Scrutiny Panel and is appended to this answer.

### **3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING TESTS USED TO ASSESS THE LEVEL OF IMPAIRMENT SUFFERED BY APPLICANTS FOR MEDICAL COMPONENTS OF INCOME SUPPORT:**

#### **Question**

Notwithstanding the satisfaction expressed in response to a written question on 20th January 2015 (8591) does the Minister accept that tests used to assess the level of impairment suffered by applicants for medical components of income support are similar (in 9 of 17 elements) to the Work Capability Assessment (WCA) administered by service company ATOS to determine eligibility for the UK Employment and Support Allowance (ESA)?

Given that ATOS has now abandoned its contract with the DWP to administer this test, due to extensive complaints from disability groups and others over the 40% failure rate on appeal of the assessments, does the Minister have confidence that a test designed to assess capability for work can be used to assess the very different and more complex levels of impairment?

Were the “experienced UK experts” in the design of and training in these assessments referred to by the Minister ATOS employees and were they were involved in the training of ATOS employees in what became a failed system?

Is the Minister aware of changes proposed for the UK tests following a new round of tendering for the WCA contract and, if so, are the lessons learned by the DWP appropriate for Jersey?

#### **Answer**

The impairment test used by Income Support is not comparable to the UK’s Work Capability Assessment. Although both tests inevitably address the functional restrictions on different areas of the mind and body, the UK’s process is entirely focussed on work capability whereas the Income Support assessment is designed to assess much broader needs for additional personal care. A comparison between the two tests is therefore not meaningful in the way that this question anticipates.

The detail of the contract between Atos and the UK’s Department of Work and Pensions is not a matter on which I am able to comment. It is important to understand that Atos is a private contractor that does not develop its own tests, and the DWP’s decision to outsource its assessment process does not have any relevance to the system used in Jersey.

I can state that my Department does not outsource this work to a private contractor. Although medical evidence from a range of external experts may be used as part of the assessment, the final decision on all evidence is made by a Determining officer employed by the Department. Very few decisions are challenged through the local appeal system and our statistics indicate that the majority of officers' decisions are upheld by the independent tribunal which handles such appeals and, as I have previously stated, I am fully confident in both our assessment process and the performance of the independent appeals system.

The experienced UK experts referred to in my answer to question 8591 were not Atos employees. Their previous roles involved training delivered as part of the Department of Work and Pensions. I am unable to comment on any previous arrangements between the DWP and any of its external contractors.

I am aware that the UK has made small changes to the Work Capability Assessment rules from January of this year. However, these changes concern the degree to which a person receiving the test is deemed capable for work. As the purpose of the Income Support impairment assessment is not to assess work capability, these changes are not relevant to Income Support.

### **3.10 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ACCEPTANCE OF AN ECONOMY 'WHERE ONLY A FEW DO SPECTACULARLY WELL':**

#### **Question**

Has the Chief Minister considered the question posed by US President Barack Obama in his State of the Nation address as to how much longer we will "accept an economy where only a few of us do spectacularly well" and, if so, what is his response in relation to Jersey?

Does the Chief Minister accept the now widely held position, by such people as the Chief Executive of Unilever, Paul Polman, and the Managing Director of the IMF, Christine Lagarde, that the growth of inequality reduces economic growth and decreases social mobility to such an extent that action must be taken to reduce excessive executive pay and is he prepared to take steps to do so in Jersey?

Does the Chief Minister accept the conclusions of the report on which this is based on "inclusive prosperity" which advocates wage growth for low earners and support for effective trade unions if economic growth is to be achieved in the UK and US economies?

#### **Answer**

To support economic growth we need to promote equality of opportunity, focusing on improving education so we have the best possible local workforce for the future, and removing barriers to enterprise. As the President of the United States said, "expanding opportunity works".

As industrial societies have developed we have seen increasing social mobility, universal education, innovation and enterprise all supporting economic growth and enabling people to share in the available wealth.

In Jersey, a smaller proportion of people live in relative low income than in the United Kingdom, and than almost all the OECD countries, including Germany, Denmark and Sweden.

In addition, Jersey has increased its minimum wage each year throughout the recession, while many other jurisdictions have frozen theirs. Nearly half of the countries reviewed by the UK's Low Pay Commission in 2014 had not increased their minimum wage rates between 2012 and 2013. In countries that had increased their minimum wages, the increases were more modest than in previous years.

We are encouraging people on low incomes to remain in work by increasing the amount of income support they can retain in work, while strengthening sanctions. We continue to invest in the "back to work" programme.

Government measures to limit pay in the private sector are not needed, and will not help, especially in a small Island competing for business. Private sector businesses create jobs, and we should welcome people who create wealth and pay taxes, support incentives to do well, and value the contribution of Islanders from all walks of life.

The way to raising living standards is not to penalise people who are successful, but to increase productivity, earnings, and employment, in particular for those on low and middle incomes, while containing prices for consumers and businesses.

There is a role for trade unions and a range of bodies working in constructive partnership as part of this agenda of productivity, participation and raising living standards.

### **3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING LIMITS ON RECHARGES APPLIED BY ANDIUM HOMES AND OTHER SOCIAL HOUSING TRUSTS:**

#### **Question**

Will the Minister inform members whether there is a limit that can be charged by Andium Homes and other social housing trusts on recharges for cleaning, decoration and repair at the end of a tenancy and, if so, what this is and, if not, why not?

Will she inform members what guidelines are in place to determine what constitutes "fair wear and tear" for Andium Homes and other providers with respect to kitchen and bathroom fittings in addition to paintwork and decoration issues?

#### **Answer**

There is no limit to the amount affordable housing providers can recharge departing tenants for the costs of cleaning, decoration and repair at the end of a tenancy. Tenants have a responsibility to leave their property in a satisfactory condition in accordance with their tenancy agreement – fair wear and tear excepted.

Where tenants have caused damage or neglected the cleanliness or decoration of their property, the amount they will be required to pay will reflect the costs of work to improve the condition of their property for the next tenants. The costs will be deducted from either their deposit or as a separate charge where no deposit is held or where the deposit is not sufficient to meet the cost of bringing the property back to an acceptable condition in line with the tenancy agreement.

There are no guidelines in place to determine what constitutes “fair wear and tear”. This is a matter of professional judgement as applies to all rental tenancies. However, affordable housing providers will adopt a fair and transparent approach at all times in determining how such matters are dealt with.

To support the return of deposit money and/or recharging tenants, all providers use condition reports on new tenancies under the Residential Tenancy (Jersey) Law 2011. This ensures there is an accurate record on the condition of a property at the beginning and termination of a tenancy, which can be referred back in the event of any concerns about which party is responsible for repairs and maintenance.

It should also be noted that any matters relating to damages for breach of a tenancy agreement may be dealt with by the Court. However, in future, providers who take deposits will be covered by the incoming tenancy deposit scheme, which will have a separate dispute resolution service to support the return of deposit money in cases where a landlord and tenant cannot reach agreement about the recovery of deposit money.

In addition, as part of a regulatory framework for affordable housing provision, the Minister will consider the rights and responsibilities of providers to address issues around the condition, repair and maintenance of properties. A regulator will, for example, be given the power to issue Code of Practices, which may include guidance on “fair wear and tear” to ensure a consistent approach across all providers.

#### **4. Oral Questions**

##### **4.1 Deputy M. Tadier of St. Brelade of the Minister for Education, Sport and Culture regarding G.C.S.E. results:**

What statistical information, if any, does the Minister have to support the statement on page 11 of the Council of Ministers’ Strategic Priorities document that “the Island has been overtaken” in G.C.S.E. (General Certificate of Secondary Education) results by England?

##### **Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):**

There are many different ways to analyse data and statistics and G.C.S.E. results are a notorious example of this. Members may have heard or read or seen the difficulties that the U.K. (United Kingdom) has got into recently by changing some of their results. The answer to Deputy Tadier’s question depends on which measure you choose to look at. So, for instance, if we take - it is a little bit abstract and a little bit difficult but I can provide further information should Members want it - if we take the percentage of the G.C.S.E.s that are an A\* to C grade, Jersey has been consistently above England over a decade. However, a more useful message is the percentage of students who got 5 or more passes at grade A\* to C. This is what opens the door to employment or further study.

[09:45]

Jersey’s performance in this has remained consistent for over a decade. Until 2009 we were ahead of England but results there have been improving and in 2010 we were overtaken for the first time. England scored 75.4 per cent compared to Jersey’s 69.8 per cent. An even more important G.C.S.E. measure is for 5 A\* to Cs including English and Maths. Jersey scored higher in this until 2011 when England edged ahead to 59.0 per cent compared to our 58.2 per cent. G.C.S.E. comparisons must come with a major health warning, particular this year and next year. It is an increasingly complicated landscape and there has been a huge upheaval in G.C.S.E.s, not just the

contents of the qualifications but also the way figures are calculated. The one certainty is that there is room to improve Jersey's G.C.S.E. results and that is what myself, the department and the director have been working on. We want to return to a position where we are above the U.K. however you look at it.

**The Bailiff:**

Minister, answers must be brief, the usual rule is one minute and 30 seconds.

**Deputy R.G. Bryans:**

Thank you, Sir, I will get to the point. Results at the moment are being finalised by the Education Statistics Team; they came out Friday in the U.K. and we are still counting. They will be published next month in line with the timetable for our new publications schedule, which mirrors what happens with results of information in the U.K.

**4.1.1 Deputy M. Tadier:**

It is clear that obviously the statistics can be interpreted in different ways, depending which test one uses but it is clearly the statement of the Minister's which says that the Island has been overtaken, not anyone else, so presumably that is the test that they have taken. I suppose the immediate question is what steps is the Minister and the department taking specifically when it comes to English and Maths skills to make sure that those subject areas are actually enhanced and students are performing to the best of their capabilities in those 2 areas in particular?

**Deputy R.G. Bryans:**

We have embarked on ... I think the 4 principles have been outlined by the director but I will just repeat those. One is that we are looking at standards, the other is looking at curriculum, then autonomy and finally family. The top 3 are the most important ones and, in fact, the top 2 are the ones that directly relate to the G.C.S.E. results. In that we have been working on what they call 'task and finish groups' that will be finished in mid-February. That is working with heads and teachers on strategic plans to improve the results that we have.

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

As part of his methods to improve standards, does the Minister accept that the Coalition Government's emphasis currently on testing, for example testing for phonics at 6 and testing the 12 times table at 11, does not in and of itself improve educational standards, it merely puts people through a hoop?

**Deputy R.G. Bryans:**

I think in principle I do agree with that. I think I would rather have students in schools learning than become examination fodder.

**4.1.3 Deputy J.A. Hilton of St. Helier:**

Is there any evidence to suggest that children who come from families where English is the second language are particularly disadvantaged when it comes to G.C.S.E. English O level results?

**Deputy R.G. Bryans:**

No, I am not aware of anything that does suggest that.

**4.1.4 Deputy J.A. Hilton:**

The Minister said that he was not aware of that, but has he spoken to the head teachers of the primary and secondary schools to try and establish any evidence of that?

**Deputy R.G. Bryans:**

I have been visiting all primary schools, over the last month or so I visited 25, I think, educational establishments and I have not had discussions on that particular aspect. I am aware of the numbers of E.A.L. (English as an additional language) students but I can come back to the Deputy should she require any further information.

#### **4.1.5 Deputy J.A. Hilton**

The Minister just admitted that he had not asked that particular question, so I would ask that he does go back and speak to the headteachers specifically about English as a second language.

#### **Deputy R.G. Bryans:**

Specifically to do with?

#### **Deputy J.A. Hilton:**

Whether children who come from families where English is a second language are particularly disadvantaged when it comes to G.C.S.E. results.

#### **Deputy R.G. Bryans:**

It is my belief they are not in the discussions I have had but I can certainly further that discussion.

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

In the very good answer the Minister gave to the first part of the question, he said since 2009 A\* to C have passed above England in G.S.C.E. but since 2011 A\* to C in English and Maths has fallen. Why is it only now in 2015 we are being told this? Will the Minister undertake to stop spinning these results and give us them as they are so we can deal with them?

#### **Deputy R.G. Bryans:**

I do not believe that we have been spinning the results. We have been quite honest; we publish all the statistical results. In fact one of the commitments that we have made in this administration is to make sure that the parents, the students and members of the public are fully aware of the commitment both by our department and by the results themselves. So within the next week, as we look through the results that have been received by this department, we will see full statistics published.

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

Is the Minister aware that the figures shown on his website, the Education Department website, show that in 2013 figures and 2014 figures Jersey is back on top and that we are 5 per cent ahead of England?

#### **Deputy R.G. Bryans:**

No, I am not aware of that. I will have a look and get back to the Deputy, thank you.

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

I hope that when students do finally leave school their English is of a sufficient standard to understand some of the jargon that we heard from the Minister. When I asked the question about what we could specifically to raise standards in English and Maths, he talked about autonomy and about raising standards. One of the ways we raise standards is by raising standards, it answers itself. I would like specifically to know whether the Minister agrees, especially when it comes to maths tuition, whether the way to improve maths output - whether it be at primary or secondary school - ultimately is to employ primary school teachers who are specifically expert in maths rather than necessarily all-rounders. That is one way that can effectively be used, which will of course have a resource implication to raise the standard ultimately for school leavers.

**Deputy R.G. Bryans:**

No, I do not agree that we look for teachers who are specifically tutored in maths. Our view from an education situation is that we take a holistic view on the well-being of the child, both educationally and in their background with regard to family. So I think that the teachers we have currently are doing a remarkable job and I will not be opining myself that maths teachers are the way to go.

**4.1.9 Deputy M. Tadier:**

Would that rule of thumb apply to secondary schools equally? Would we expect to see maths teachers at a secondary school level who are not proficient necessarily or expert in maths?

**Deputy R.G. Bryans:**

There is consideration given in that particular area for because of the need for them to move into an examination phase, but as I say on a holistic view we would not do that.

**4.2 Deputy G.P. Southern of the Minister for Social Security regarding sanctions imposed on job seekers leaving a job without sufficient reason:**

Will the Minister inform members of the number of sanctions imposed on job seekers for leaving a job without sufficient reason or failing a task by quarter since the adoption of P.101/2013 (Income Support (Miscellaneous Provisions) (Jersey) Regulations 2013) and detail the measures, if any, which have been put in place to assess the impact of these sanctions on the behaviour or well-being of those sanctioned?

**Deputy S.J. Pinel of St. Clement (The Minister for Social Security):**

The Regulations made in P.101/2013 came into force in October 2013. During a period of bedding-down at the end of 2013, 358 sanctions were applied, however the figure for the first quarter of 2014 onwards most accurately show the new sanctions coming into effect. The following numbers of sanctions have been applied to people in receipt of income support. In the first quarter 2014, 463 sanctions were applied; in the second quarter, 404 sanctions were applied; in the third quarter, 373; and in the fourth quarter, 299 sanctions were applied. Financial sanctions are a last resort and are not required for the great majority of job seekers. However, the enhanced sanctions were brought in as a response to very clear evidence that the previous regime did not do enough to change the behaviour of a minority of job seekers. It is not right that the people have the option of choosing not to seek work. For this commonsense reason, the new sanctions were strongly endorsed by this Assembly. Our subsequent experience reflects the success of this policy; the figures show that the number of sanctions are falling and that for most people the receipt of a written warning is enough for them to change their behaviour. I am very pleased to report this reducing number of sanctions as the new system is settled-in. Job seekers are now more aware of their responsibilities and are taking up the opportunities and training offered to them through the Back to Work teams. This has been reflected in the actively seeking work total at the end of 2014, which stood at 1,440, the lowest figure since September 2011. We have had a particular success in this last year with our foundation's programme which is designed to support job seekers with barriers to employment and further from the labour market. Many clients benefiting from this programme have in the past been sanctioned because they failed to demonstrate sufficient commitment to job seeking. But we have given them an opportunity to prove themselves and the results show that motivation for work increases. Work is always undertaken to identify vulnerable individuals long before a financial sanction comes into play and whenever a financial sanction may affect children or other members of the household. It is however worth noting that most job

seekers who reach the higher stages of the sanction progress are young, single people with no family responsibilities. The majority of these are living at home with their parents.

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

It does strike me that with 1,400 job seekers and 460 sanctions at one stage that this was an inappropriately harsh measure designed to focus on the minority and not the majority. Does the Minister believe that focusing and making up rules for the minority is not a sound principle on which to base her policies?

#### **Deputy S.J. Pinel:**

The job seeker, if he or she does not comply with the job seeking requirements, will have a written warning and if this is breached by the potential job seeker not complying with the written warning, i.e. not attending a job interview or a work experience or a training session, then a breach of this warning is what is the next sanction. That will require the removal of the adult component of income support for 2 weeks. If this continues in breach of the job seeking compliance then another sanction will be applied. But during all this time an adviser will be with the job seeker and the warning will be made very clear that this will happen if they continue to disregard the obligations that they have as job seekers.

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

In the reply the Minister said vulnerable families with children are always spoken to before financial warnings. Can the Minister tell us, out of all these numbers, and she did say the majority are young people still at home, the number that have gone on to the second sanction, gone beyond the adult component and had the whole household income taken away, including rent. Could she tell us that figure and would she agree that it is not in the best interests of anyone to leave children without their rent paid or any food?

#### **Deputy S.J. Pinel:**

Any person who continues to ignore warnings and reaches a third breach of a written warning will lose all entitlement to benefits for 6 weeks. Since the sanctions were brought in, 106 have reached this stage of the sanction process. But, as I have said before, it does not apply to somebody who is sick, vulnerable or with disabilities, and it is very much the majority of people who are young, single and at home. It appears that the home situation picks up the loss of the adult component, which does not encourage the young person to keep job seeking.

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

The Minister said "it appears". The figure of 106 to have that total household income taken away is quite worrying. Could she break that down later for the Assembly and let us know how many of these are families with children and have 6 weeks no money and no rent paid?

[10:00]

#### **Deputy S.J. Pinel:**

Yes, of course I can fund the Deputy with some more figures. There is always the ability to appeal and in the whole year and quarter of this being in effect, there have been 7 appeals to the tribunal and all of these appeals have been from only 2 people.

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

It seems to me symptomatic of this Tory Government that they like to impose sanctions and facilitate unfair dismissal before they have even got three-quarters of the remainder of the discrimination law passed. This is where the priorities of this government lie when it comes to work. Is the Minister for Social Security, as part of this government, proud of the mental duress the

increased poverty and the social instability that these sanctions being applied across the board punitively, often in my experience it is in cases of unfair dismissal, are being compounded by the action of her department?

**Deputy S.J. Pinel:**

No, I do not think the sanctions are punitive. A job seeker is constantly, constantly, advised, helped, encouraged and motivated to look for work. It is quite clear from all evidence that everybody is happier when in work. If a job seeker consistently refuses to comply with the terms that have been made very, very clear to them, is it also right that taxpayers should subsidise these people who are not complying with quite minor requirements to job-seek?

**4.2.5 Deputy M. Tadier:**

I do not see how any sense can be gained from question time when we are given answers saying sanctions are not punitive. I was under the understanding that sanctions were deliberately designed to be punitive to put people off, the so-called work-shy we are told, who do not like to work from otherwise claiming benefit when they could be working. So I think this line of communication for this question is certainly closed, as far as I am concerned, until we get more sensible answers.

**The Bailiff:**

Was there a question there, Deputy?

**Deputy M. Tadier:**

No, Sir. I mean if there is a question...

**The Bailiff:**

It is question time.

**Deputy M. Tadier:**

The question would be to ask the Minister in future to give sensible answers and courteous answers, which do not undermine the basic intelligence of other Members.

**4.2.6 Deputy G.P. Southern:**

Will the Minister address the second part of the question which asks what measures have been put in place, if any, to assess the impact of these sanctions on the behaviour or well-being of those sanctioned? In the U.K., where sanctions are used, it is known that 20 per cent of people sanctioned leave schemes altogether and disappear from the D.W.P. (Department for Work and Pensions) records. There are investigations going on into a number of suicides where people have been sanctioned, and that has caused them terrific distress and hardship. What research has she done into the impact of these sanctions on particular individuals?

**Deputy S.J. Pinel:**

The Deputy keeps trying to refer the Jersey situation to the U.K. situation. The 2 situations are not comparable. Having said before that this law has only been in implementation for just over a year and out of that we have had only 7 appeals from 2 different people, I do not think we are neglecting our duty in looking after these people with sanctions. They have put themselves in this position against the advice of their advisers and mentors. There has to be a carrot and stick situation in any occurrence like this and I do not think in any occasion that a member of the public who cannot job seek through illness or disability is asked to do so.

**4.2.7 Deputy G.P. Southern:**

Has any effort been made to assess the impact - please answer the question - on these particular individuals, the impact of these sanctions, and if not will the Minister undertake to do so in the near future, because these are significant measures?

**Deputy S.J. Pinel:**

Of course all job seekers are registered with the Back to Work team and of course they know all of them, unlike the U.K. situation where it could be in different councils over different counties, different training areas. We know all our job seekers and they are monitored the whole time. If the Deputy wishes me to give him a list of job seekers who have gone through the full sanction treatment I am not able to do so. It is individual cases.

**Deputy G.P. Southern:**

So the Minister has not committed herself to making any effort research the impact of these sanctions.

**The Bailiff:**

I think her answer was that they know in the department those who are receiving the sanctions but it is a matter for Members.

**Deputy J.A. Martin:**

Sorry, the Minister just said to the other Deputy she could not supply because they are individuals. Earlier she said she could supply numbers to me that were sanctioned fully with children. That is fine, thank you.

**The Bailiff:**

Although I cannot see him I understand the Minister for Treasury and Resources may be somewhere near. [Aside] I excused him, you are quite right, Senator. Thank you very much indeed. I did excuse him. So we will go back to question one and Deputy Mézec has a question to ask of the Minister for Treasury and Resources. I can see him.

#### **4.3 Deputy S.Y. Mézec of St. Helier of the Minister for Treasury and Resources regarding the J.T./Gigabit dispute:**

I am delighted the Minister has made it here safely and in one piece. What action, if any, has the Minister, as the shareholder representative of J.T. (Jersey Telecom), taken to bring about a solution to the Gigabit dispute and what further measures does he have under consideration to deliver progress?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

May I take this opportunity to apologise for my late arrival? I gave an offering to my wife this morning to help with taking the children to school and it was to my detriment that the traffic was particularly bad in the country lanes in the north of the Island. With regard to the question and my actions that I have taken, it is a matter of holding the board of J.T. to account and I maintain that the approach as Minister for Treasury and Resources acting as shareholder representative on behalf of the States, and I will continue to do that. I also took the opportunity to attend the meeting arranged by Deputy Mézec with some of the individuals that are in dispute with Gigabit Field Force and gained a better understanding of their perspective and issues. I then reiterated to J.T. the importance of it living up to both the wording and the spirit of the obligation set out in the memorandum of understanding. I have been assured by J.T. that this will be the case. I have also written to the President of Global Regions for CH2M Hill, who is based in the United States, to express my concerns over this particular issue. As a result he has replied that he will be visiting

Jersey and we will be holding a meeting within the next month or so, and I will update Members in due course of the result of that.

#### **4.3.1 Deputy S.Y. Mézec:**

It was just on this weekend that I happened to run into some more workers at J.T. to find out that since these meetings and since these letters have been sent more and more of them are being suspended pretty much every week. This situation is getting much worse before it gets better. What powers does he have to intervene and step in and say something has got to be done, even if it is simply an interim solution to make sure these people are getting paid and can put food on the table, because for them what is happening is serious stuff, and they need action right away, and not to wait for some letter to come from some company somewhere else in the world that does not see these people on a daily basis and can see the hardship that is being caused to them.

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

The point that Deputy Mézec is raising is not according with what I have been told this very day. I asked for an update this morning on my way in; I had plenty of time while I was waiting in the traffic. I was assured that indeed there are no further cases of suspensions above and beyond that that had already been specified. There are 2 cases, one that is going through J.A.C.S. (Jersey Advisory Conciliation Service) at the moment, and there is another one that is going through an internal review process. Outside of that, the position has not changed since I last updated Members in the States. I can also say that in terms of connections, the Field Force is continuing to work and indeed last week I am assured that some 70 connections were made and the success rate importantly of those connections was at the highest level it has been since the programme started. So there is progress. I do not dispute the fact that there are some issues here, and that is the reason that the Global Regions Director, the President of CH2M Hill, is going to visit Jersey and we are going to have a meeting to discuss how better this situation can be handled as we move forward.

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

On a more immediate basis, is the Minister aware that there are serious communication problems between G.F.F. (Gigabit Field Force), CH2M and the company HR Now, which has undertaken to examine this situation and in particular the suspensions, in that they are complaining that they cannot get information out of G.F.F. or CH2M? Will he do his utmost to unblock the communications channel between G.F.F. and its own ancillary, which is studying and examining what to do?

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

To the extent that problems do exist, and I do understand there have been some, as I have said I have met, as a result of the meeting that Deputy Mézec held, a number of the workers, so I do understand their perspective on this particular issue. Of course there are 2 sides to every story. I have undertaken to write, as I have said, to the President of Global Regions with CH2M Hill. This is a global company that I have stated on many occasions hold their reputation very important to them as a £6 billion turnover business globally operating for governments in particular. That reputation is critically important for their business. As such, they are taking the matter seriously. I have applied pressure and will continue to ensure that pressure is applied to get an appropriate response and ensure that all workers are treated in the way that they should be treated: fairly.

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

Supplementary. Will the Minister address my question? Will he act to unblock the channels of communication so that HR Now, which is supposed to be in charge of resolving this issue, gets the information it needs from G.F.F. and CH2M? Yes or no?

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

One of the ways of unblocking that particular channel that the Deputy is referring to, to the extent that it is blocked, is a matter for J.T. and, as I have said, I have already approached CH2M Hill. I would hope that those 2 elements of pressure will ensure that there is an unblocking of the issues that the Deputy is referring to. I can do very little else apart from apply the necessary pressure to the executive at J.T. so that they can ensure that they bring to bear necessary influence on G.F.F. who are supplying the service workers to CH2M Hill. That will continue to happen. Every party in this issue is doing their best to try and resolve a difficult situation.

**4.3.4 Deputy A.D. Lewis:**

Some would say that some of these issues have occurred as a result of the company CH2M way underquoting on this job. Would the Minister clarify as to whether he feels the procurement process in appointing this company was adequate and done in a way that ... could it have been done in a different way to have prevented this?

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

The Deputy is talking about a commercial arrangement, effectively a tendering process that was undertaken. CH2M Hill he is suggesting may have underquoted. They are a global company. They are not doing this type of business for the first time. They took a commercial decision when they tendered. If they have indeed under-tendered then that is entirely a matter for them. If they are losing money on the project, which has been suggested, that again is a matter for them. A contract is in place, J.T. have been particularly astute in terms of getting a very good contract to do what was required, which is ensure that this Island has fibre. We are, as I have said previously, one of the leaders now in terms of connectivity of fibre. In terms of developing our digital economy this is critically important. I think it is 35 per cent of the Island is now wired-up with fibre. Indeed the programme to wire-up St. Helier has started; more than 30 businesses that were high case priorities identified by Digital Jersey have already been wired-up this year with fibre. So the project is progressing. It is something we should be proud of. There have been issues. They need to be resolved and pressure is being applied in order to do that.

**4.3.5 Deputy A.D. Lewis:**

Is the Minister saying he was happy with the procurement process?

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

It was not a States of Jersey procurement process. It was a matter that was undertaken by J.T. and I would be surprised if it was not carried out in the way that meets all the necessary standards. There is certainly a very strong and robust contract in place. J.T. and the Island have been protected. Let us be absolutely clear: if CH2M Hill have under-tendered, if it is costing them money, as has been suggested, it is not the States of Jersey and it is not J.T. that are taking the hit on this, it is CH2M Hill. They have obligations to complete the contract and I am confident from what I have been told that they will do so.

**4.3.6 Deputy G.P. Southern:**

Looking to the longer term, does the Minister for Treasury and Resources consider that the memorandum of understanding, which includes the statement that J.T. will be a good employer, has failed and that in future we need to devise some mechanism by which we can hold companies in which we are the majority shareholder more strictly to account in order that they do accept good standards of practice and lead the way with us as shareholder in employment practice?

[10:15]

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

There are 2 questions here effectively. Is the M.O.U. (Memorandum of Understanding) satisfactory? I am not convinced that it is but not specifically around the areas that the Deputy is referring to. The M.O.U. is being reviewed, as indeed all arrangements that are held between Treasury as the shareholder responsible, having the shareholder responsibility for assets held by the States, and all of those, including memorandums of understanding are in the process of being reviewed at the moment, and that is something that should happen. This particular M.O.U. has not been reviewed since it was established in 2006, I think it was, and it is quite appropriate that that review should be undertaken. With regard to appropriate protection for staff, we have to remember first of all these are not strictly speaking ... the workers are not strictly speaking members of staff of J.T. and I accept that the G.F.F. is a recruitment company that sits below them and therefore there is - and I used this term previously - a moral obligation at the very least, if not a legal one. I think the Deputy appreciates the difference. We as a State, of course, expect all companies to act in a responsible way. J.T. is no different from that and that is contained within the M.O.U. This particular situation is somewhat more complicated due to the structures that are in place at the moment and I do not believe that an M.O.U. in isolation would have necessarily negated the problems that we have seen. What we have got to do is resolve them.

**4.3.7 Deputy G.P. Southern:**

Supplementary, if I may. Does the Minister accept that we may need to strengthen our employment laws?

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

I think there has been a tremendous amount of strengthening, if we can put it that way, in terms of employment laws. We have to look ... I know there are some concerns that the Deputy and some of his colleagues have, for example, around zero-hour contracts, and there are some issues with zero-hour contracts. It has been mentioned in this Assembly before. There are perfectly sound reasons for those contracts to be in place. They are of great assistance for certain businesses and indeed to ensure that job opportunities are created for people that perhaps would not otherwise have got work. However, there is misuse of zero-hour contracts and that does need to be addressed. More broadly, I know my colleague, the Minister for Social Security, is always looking at employment laws to see if they are appropriate and proportionate with regard to other jurisdictions. I believe the balance at the moment is probably quite appropriate.

**The Bailiff:**

Deputy you asked that by asking the Minister in an area outside that he is required to answer.

**4.3.8 Deputy S.Y. Mézec:**

In an earlier answer the Minister said that connections were still being made and were being made at a rate that is quite good. Does he attribute that to what the worker I spoke to on Saturday attributes it to and to what the union have attributed it to, which is the fact that workers are being brought into Jersey from outside of Jersey to do this, so much so have the relations between the local workers deteriorated. Does he consider it acceptable that a Jersey-owned company is having to bring in workers from outside and ending up treating them better than their own employees that are locally resident?

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

I would suggest that is hearsay. I have no evidence to that effect. I will certainly establish whether indeed J.T., which I do not expect for one moment is acting outside of its licence arrangements as far as staff is concerned. The majority of staff members will be, I am sure, not surprised to know,

are local staff with J.T.; the vast majority. There is a question and a debate in the future in terms of accelerating the completion of this particular project. If suitable staff that are properly trained to deliver on the fibre project cannot be acquired locally, whether indeed one does look at some external staff. I am not at this stage aware that anybody who is not locally qualified is working on the project, outside of the existing licence arrangements that J.T. have in place as we stand. I am afraid, if the Deputy would like to give me more details I am happy to have a look into it.

**4.4 Deputy K.C. Lewis of St. Saviour of the Minister for Transport and Technical Services regarding delays in the implementation of the ‘Draft Road Works and Events (Jersey) Law 201-’:**

Will the Minister inform Members why there is a delay in implementing the Draft Road Works and Events (Jersey) Law 201-?

**Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):**

Since taking office, as far as I and my Assistant Minister are concerned, there has been no delay in implementing the Draft Street Works Law under our tenure. We instigated a meeting with the Chief Minister, Law Draftsman, and officers on 15th January to discuss and agree how to develop this law and how we can bring it to the States as quickly as possible. We have set out a detailed proposed timetable and programme to deliver this important piece of legislation. The Street Works Law has been given a high priority and is being progressed as quickly as resources both within my department and the Law Draftsman’s Department will allow.

**4.4.1 Deputy K.C. Lewis:**

I am getting calls from concerned parishioners that there is a going to be a considerable delay on this. Part of the Street Works and Events Law was the Causing Death by Careless Driving Law. When I was at T.T.S. (Transport and Technical Services) I instructed officers to remove this from the Street Works Law and treat Causing Death by Careless Driving Law as an absolute priority. This follows the road traffic collision and the subsequent death of a young lady on St. Clement’s Coast Road in 2011. Can the Minister inform the Assembly when this will be presented to the States?

**Deputy E.J. Noel:**

The Deputy did some extremely good work in his time as my predecessor and I can confirm that that particular aspect of the law is being currently worked on by the Law Draftsman and officers and should be coming to the Assembly in as short order as possible. But it is in the hands of the professionals who draft the law.

**4.5 Deputy S.Y. Mézec of the Chief Minister regarding reform of the administrative structure of the Parish of St. Helier:**

What consideration, if any, has the Chief Minister given to reforming the administrative structure of the Parish of St. Helier in order to move more towards a council system as part of the “new deal” for St. Helier?

**Senator I.J. Gorst (The Chief Minister):**

I have not given consideration to governance matters relating to the Parish of St. Helier. What is important is that we work together to help achieve the Strategic Plan objective so that St. Helier can become a vibrant and attractive town of distinctive character that people want to use, visit, invest and live in.

#### **4.5.1 Deputy S.Y. Mézec:**

Does the Chief Minister accept that to help make St. Helier a better place to live there must be better communication streams from the people who live in St. Helier, from the people who do business in St. Helier, up through the ranks to the top? Does he believe that the democratic system within the Parish structure in St. Helier at the moment with having, for example, a Roads Committee, which is not elected by a ballot in a public election like some of the other positions are, does he consider that to be satisfactory in terms of leading to a Parish administration that can work with local government to make the Parish a better place to live in? Does he believe that it should be reformed to fit more with what a 21st century capital should have a governance structure for?

#### **The Bailiff:**

There are quite a lot of questions there, Chief Minister, but ...

#### **Senator I.J. Gorst:**

Indeed, there were, I am pleased you spotted that. I am not sure that it is central government's role to suggest to the Parishes how they might improve their governance and their administration. **[Approbation]** For my part I think the Parish system works incredibly well. The Deputy there asked about the Roads Committee. It is my understanding that St. Helier is like other Parishes; members of the Roads Committee are elected at a duly convened Parish Assembly.

#### **Deputy S.Y. Mézec:**

I said public election; they are not elected under the Public Elections Law.

#### **Senator I.J. Gorst:**

No, but they are elected by a duly convened Parish Assembly. I know that the Deputy in his opening question asked about the council system and we know that idea has had a long history. It is not one that I automatically find favour with because I think it is just creating another layer potentially of bureaucracy and politicians. If particular Members feel that their particular parochial system can be improved, I am sure that they would have a good hearing. They would be able to have a conversation with their own Connétable and if it was agreed that changes were to be made they could in due course be taken to the Comité and brought to this Assembly for consideration.

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

Does the Chief Minister envisage a time where we could make St. Helier so attractive and so vibrant that even the Chief Minister might consider living there?

#### **The Bailiff:**

Do you wish to answer that, Chief Minister?

#### **Senator I.J. Gorst:**

I, like many Members, am pleased to say have roots in various parts of the Island, and one of the things that makes Jersey the great place that it is is that individual families associate with certain areas and they have a community there, and they have support there. What we want to do is make sure that that same tradition is delivered in St. Helier for those members of our community who are more recent arrivals, not to dilute what is good about Jersey, but spread and create that feeling throughout the Island.

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

Supplementary. There is a serious underlying question. It is very easy for politicians to talk about what is good for St. Helier, and it is very good to say that we should protect greenfields in the countryside and pile them high in St. Helier, and in the future there will be jam tomorrow. But at

the same time when this Assembly has failed to give the democratic mandate to the people of St. Helier, already they are under-represented and we want to pile more people in there higher, and there is no talk about giving an equal democratic representation to the specific needs of the St. Helier demographic. Is that something which the Chief Minister will deal with in his term of office?

**The Bailiff:**

That does not seem to me, Deputy, to come into the administrative structure of the Parish of St. Helier. That is a matter of general application in relation to the electoral representation of St. Helier.

**Deputy M. Tadier:**

If I might rephrase the question. Would the Chief Minister then give the support to the Parish of St. Helier to allow it to make the administrative decisions which would bolster democracy at Parish level and then feed into the wider democratic scene?

**Senator I.J. Gorst:**

I am a great supporter of local democracy. That is why I think the Parish system works so well and why I supported the Connétable in this Assembly, because it connects that local democracy with national government, which is what this Assembly is. As you rightly said, P.P.C. (Privileges and Procedures Committee) are doing a piece of work about representation and we will see the ideas that they come up with and consider those in due course. But I would remind the Deputy, as I said earlier, if there are specific areas that Deputies wish to see amended and changed or be involved in their parochial process then it is right that they can take those up with individual Connétable or the Comité.

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

This is perhaps more a request for clarification but in his answer to the first question put by Deputy Tadier the Chief Minister said he wanted St. Helier to become a vibrant, attractive and distinctive town for people to live in. Does he not agree with me that it already is vibrant, attractive and distinctive? **[Approbation]** He went on to say in another answer that he thought it would be good for new arrivals to live in St. Helier. Does he not agree with me that St. Helier is a town where people who have lived there for centuries are very happy to live?

**Senator I.J. Gorst:**

I agree with everything that the Connétable has said and the comments that I made I hope were not misconstrued to suggest anything other than that. I know that he did not. What I was trying to say that those what I think are great benefits of the Jersey community, which is support, which is family network, which is the parochial system, which is community, I want to make sure that everybody enjoys those and experiences those, when you think there are some sectors of our community which currently do not, and I think we need to make sure that they do. St. Helier is for some a great place to live, for some a great place to work, and for some a great place to socialise in. What I want to do is make sure that it is for everyone.

**4.5.5 Deputy G.P. Southern:**

Would the Chief Minister extend his support for local democracy to supporting the Constable in his fight against the piling of 300 new residences on the top of the Town Park?

**The Bailiff:**

How does that connect with the administrative structure of the Parish?

**Deputy G.P. Southern:**

It connects with the Chief Minister's answer that he has every support for local democracy, and the local democratic representatives are 10 Deputies and one Constable.

**Senator I.J. Gorst:**

I am not sure how it connects with the opening question but I am always happy to answer questions and the Deputy, of course, always has an eye for the main chance of slipping in some unrelated question as well. He knows in this particular instance that I commented during the debate - I am not sure if it was the last sitting or the one before that - and said that this very firmly is a matter for the planning system to deal with. I have no doubt that in due course they will do so and they will have due consideration for the Island Plan, for the planning framework, and for representations made by the Parish and parishioners and residents nearby as well.

**4.5.6 Deputy S.Y. Mézec:**

I think the Hansard to the Chief Minister's answer to my previous question will show what was obvious to me as I was asking it, which was that he was not really listening. My question was not about the Parishes, it is about St. Helier. His strategic priorities document accepts that St. Helier, as the capital of our Island and as our main business centre, is a special case, so my question is: should its administrative structure also be a separate case?

[10:30]

He is not even listening now, so I do not even know why I am bothering to ask the question. Does he accept that a different structure for St. Helier, as our capital, one that is more in line with how a 21st century capital should be governed - similar perhaps to what they have in the Isle of Man, where Douglas is governed by a different law, has a different governance structure to the other local authorities in the Isle of Man - does he believe that is something that should be considered as part of his "new deal" so that the Parish is better able to deliver the services that he thinks it should be able to, to deliver a better quality of life and business as well?

**Senator I.J. Gorst:**

If that is what the Connétable and the municipality of St. Helier wish for and wish to discuss with Ministers then of course that is what we will do. But I do not believe ... I cannot see at this moment in time the benefits of introducing such a system, as I said earlier, and those with greater historical knowledge than me... The Connétable of St. Helier himself said that these are proposals which have been discussed and considered for 200 years. I do not think the case has been made necessarily strongly enough up until now. I do not think it should be for central government to be imposing solutions on the Parishes or on St. Helier. In actual fact, right at the heart of the "new deal" and the plan for St. Helier is to allow St. Helier to be more in charge of its own destiny and to see what powers and authorities we could delegate down to the Parishes rather than the other way round.

**4.6 Deputy G.P. Southern of the Minister for Social Security regarding the assessment of the impairment components of Income Support:**

Does the Minister consider that any of the criticisms of the administration of the Work Capability Assessment/Employment Support Allowance system run by Atos on behalf of the Department of Work and Pensions in the U.K. could equally be applied to the similar tests run by her department to assess impairment components of Income Support and, if not, why not?

**Deputy S.J. Pinel of St. Clement (The Minister for Social Security):**

The Deputy has submitted a very similar written question to which the answer has been tabled today. In order not to waste Members' time I will attempt not to repeat too many of the points that have been answered in greater detail there. The Deputy asks if criticisms of the administration of the U.K.'s Work Capability Assessment can be applied to income support. The short answer is no. There is no connection between the 2 systems. There are 2 reasons for this. Firstly, as I have pointed out in my response to the written question, it is true that the 2 tests both look at loss of function in areas of the mind and body but this information is used in different ways and for different purposes. As its name indicates, the U.K.'s test is designed solely to assess fitness to work whereas the Income Support Impairment Assessment is designed to assess much broader needs for increased personal care. These 2 objectives are not easily compared. Secondly, and without knowing the specific criticisms levelled at the administrative service provided to the D.W.P. by Atos, the assessment process used by my department is run internally by our own staff. My understanding is that Atos have been criticised for the way they administer the D.W.P.'s own test, not for content of the test itself which they did not have a hand in designing. Given these 2 key differences it is clear to me that the criticisms levelled at Atos are neither comparable to our test nor to our administration of it. The nature of these tests is inevitably a detailed and specialist area but I would like to reassure Members that it is, as is often the case, criticisms of superficially similar benefits in the U.K. do not apply to Jersey's system.

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

The Minister makes the following statement in her response to the written question: "A comparison between the 2 tests is not therefore meaningful in the way this question anticipates." Does she accept that 9 out of the 17 questions asked in both of these tests, both in Jersey and in the U.K., are very similar or identical in each case and that 9 out of 17 questions refer to similar testing which does legitimate a comparison between the 2?

#### **Deputy S.J. Pinel:**

Both tests, U.K. and Jersey, look at the mind and body so there will be similarity in their wording because there are only so many ways to look at the human body. The U.K. is only looking for fitness to work, our test is to award a much broader disability benefit. Jersey tests use the similar standardised language as used in the U.K. test but for a different purpose. The U.K. story is not a criticism of the basis of the test itself, just its administration.

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

Is the Minister aware that the rejection rate on appeal of this particular test in the U.K. is 40 per cent; 40 per cent of decisions declared to be incorrect and in the context of the broader use, or the use of this particular test for the broader aims that she says, does she not think that this might cast some doubt on the accuracy and the usefulness of her particular test?

#### **Deputy S.J. Pinel:**

No, I do not. As I have said before in the written question and before in my opening answer, the 2 tests are very different. The Jersey test, which is 20 questions, uses a lot of the similar language but is in order to assess the personal care level not just the capacity to work as is the case with the English test.

#### **The Bailiff:**

Final supplementary.

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

Referring to the impairment level as care level I do not believe is accurate. What we are talking about is assessing a degree of impairment and that we use very similar questions to those used in

the U.K. to assess that which is much broader than what it is used for and designed for in the U.K. Surely, she should be examining the usefulness of this test, the accuracy of this test and the efficacy of this particular test to fulfil these broader aims. Will she review the use of this test?

**Deputy S.J. Pinel:**

I do not think there is any doubt that the efficacy of this test is in dispute. The determining officers at Social Security are advised to analyse medical evidence supplied by the G.P. (general practitioner) or the hospital, and they come up with an answer of the level of impairment or increased impairment or not as the case may be. The Work Capability Assessment referred to, which was used by the D.W.P. in the U.K., has only 2 components which is limited capability to work or limited capability for work related activity. Our tests are far more comprehensive.

**Deputy G.P. Southern:**

A supplementary, if I may?

**The Bailiff:**

Well, it is a habit this morning to have 2 final supplementaries, so yes, if you wish?

**4.6.4 Deputy G.P. Southern:**

Very generous of you. I am sure you will tighten up later. Can the Minister confirm that the officers in charge of these tests are not medically qualified and rely on D.W.P. and Internet sites to make their judgments?

**Deputy S.J. Pinel:**

The determining officers, as I have just said, are not medically qualified but they are trained by D.W.P. training officers and by experienced, normally just retired, doctors and they will always analyse the evidence given to them medically.

**4.7 Deputy M. Tadier of the Minister for Housing regarding the introduction of an empty property tax as a method to help alleviate the housing shortage and bring down rental prices:**

Does the Minister support the introduction of an empty property tax as a method to help alleviate the housing shortage and bring down rental prices?

**Deputy A.E. Pryke of Trinity (The Minister for Housing):**

The short answer is no as the evidence shows that empty properties are not the problem they seem. Most of the homes that are empty are being built or renovated, in-between tenants or for sale or their owners are deceased or are in care. The best way to address the costs of owning or renting a home is to ensure a consistent supply of housing.

**4.7.1 Deputy M. Tadier:**

It seems we have a government of a “cannot be done” rather than “can be done”. There are, of course, various reasons for the 3,100 properties which were vacant at the last census and indeed 29 per cent were between tenants but we have no idea what the gap was between tenants. If there is a period of 2 years between tenants then clearly there is some action that needs to be taken. Similarly, if a property is being built or renovated and it takes 2 or 5 years that property is no good and is taking up space when it could otherwise be used. So simply to categorise these stats and quote them in question time without the further information that is required is completely unsatisfactory. So will the Minister reconsider her blanket rejection of this concept of a property

tax as a way of helping solve the problem and go away and find that specific information before making those decisions?

**The Deputy of Trinity:**

I think property owners have a social responsibility to ensure that their housing is put into good use and that properties are taxed, as we know, through income tax and also through the Parish rates system. So for changing or adding tax for a very small area is, I should think, quite cumbersome and will it achieve a lot? The most important thing is to encourage supply. The Deputy is right about the figures, they were in the census in 2011, and is it 7 per cent but properties being built or renovated or for sale make up the same, about 29 per cent too. So you need to have a look at the figures as a whole.

**4.7.2 Deputy M. Tadier:**

I am not hearing anything new from the Minister. She is basically saying we do not have the information we require in order to use this potential tool in our armoury when it comes to solving the property shortage. It is my understanding that even if we were to carry on building 100 new properties for the next decade we would still have a shortage and that is before we even consider whether or not we are using up valuable green space and other areas which could be put to other use in the Island when space is such a precious commodity. Will the Minister go away, find ... and that is not the end of it ... go away, come back with the information and can we sit down with her officers and find a viable way of implementing this tax, which hopefully would never need to be used because it would act as a sufficient incentive for property owners, also potentially in the commercial area, to put their properties to good use and home our Island's families and individuals which is in line with the strategic priorities of her Council of Ministers?

**The Deputy of Trinity:**

Obviously the Deputy does think it is a big problem. So if he does think that I am always willing to sit down with him and discuss but at this moment it is 7 per cent and there are a lot of reasons, as I have said before, 10 per cent of that 7 per cent are up for sale and 6 per cent are residents who are deceased and another 5 per cent in care homes. So you have to look at the picture as a whole but I am always happy to meet with him and discuss further.

**5. Questions to Ministers without notice - The Minister for Housing**

**The Bailiff:**

Very well, we now come to questions to Ministers without notice. The first question period is to the Minister for Housing.

**5.1 Deputy G.P. Southern:**

What standards of density - residential density - does the Minister have in place for Andium Homes and others in the development of residential developments and in particular what residential density standards are applied in the case of the Gas Place development which looks like a matter of 1,000 residents in a very small space?

**The Deputy of Trinity (The Minister for Housing):**

I understand the Deputy's concern with Gas Place and I would also refer him to the answer that the Chief Minister gave. This is a planning process and within the Island Plan, which this Assembly discussed back last summer, policies were put in place. So from my point of view density is important. I have not got the figures with me; that is in the Island Plan, but we also need to

consider open space as well as car parking, all those issues. But at the end of the day regarding Gas Place it becomes a planning process and that sits with the Planning and Environment Department.

**5.1.1 Deputy G.P. Southern:**

Will the Minister indicate for Members where Members can find those residential density proposals for residential developments?

**The Deputy of Trinity:**

Yes, I shall be talking to Planning and come back to you.

**5.2 Deputy L.M.C. Doublet of St. Saviour:**

Is the Minister aware of the impossible struggle faced by many young Islanders who want to settle down and start a family in a home of their own in that no matter how hard they work in often quite well paid jobs they still cannot afford to buy a property of their own?

[10:45]

What measures is she taking to improve this situation given that we are investing so much in education and skills and we would really like our young people to stay in Jersey and contribute to our economy after they finish their training or university?

**The Deputy of Trinity:**

I am fully aware of that and I think our levels of home ownership have always been a bit low and I think it should be realistic however many people wish to own their home and we are looking at different options. We are looking at that and several options will come out in the Housing Strategy which we hope to bring out within the next 6 weeks. There are different schemes that we have tried. The deposit loan scheme was done last year, I think, where 50 homeowners were lucky enough to buy their own home. I know the ones up in Trinity are shared equity. You also must take into account shared equity but we need to have some law in place to be able to do that in perpetuity. So there are some different methods around and we will be discussing them within our Housing Strategy.

**5.3 Deputy A.D. Lewis:**

The Help to Buy Scheme that you were talking about - it mirrors a little bit the U.K. scheme that was launched a few months ago - obviously was successful in Jersey so far with 50 uptakes. Is there any limit to that and is it still in operation? Does it require any further enhancement and how can we promote more for young people in particular to access the scheme and take advantage of it?

**The Deputy of Trinity:**

As I said, it was just a one-off scheme last year, it was £2.5 million of loans to support 50 first home buyers and it was successful. That is a discussion that I need to have with my colleague, the Minister for Treasury and Resources, because the money needs to come from somewhere.

**5.3.1 Deputy A.D. Lewis:**

Am I to understand then that the loans are being paid back on a gradual basis? Has there been a default so far? In other words, has it been the success that you say and, if it has, is there any reason why the Minister for Treasury and Resources should not consider extending it?

**The Deputy of Trinity:**

I am not aware of any. I think that is something that the Minister for Treasury and Resources would be aware of rather than me.

**5.4 Deputy G.P. Southern:**

In a written answer earlier the Minister says that there is no limit to the amount affordable housing providers can recharge departing tenants for the costs of cleaning, decoration and repair at the end of a tenancy. Does the Minister not accept that there ought to be some sort of limit, a reasonable limit, because this is social rental tenants who often are not in a position to pay out large amounts in order to move home, which effectively this recharging does?

**The Deputy of Trinity:**

I think there are 2 different things here. Everybody, whether they are in privately owned rental accommodation or in social affordable accommodation, have their own responsibility to care for their flat, house or whatever and normal wear and tear is taken into account when they leave. If there is some damage then it is their responsibility to pay for it if that is the end decision that is arrived at. With the condition report that, I think, is much more easy ... not easy, is that will enable us to have that conversation because when a lease is signed they have to have a condition report which is the condition of the place as well as they are advised to take photographs. So when they do leave that property if they had damage then they have got evidence but if it is wear and tear they have also got evidence for that too.

**5.4.1 Deputy G.P. Southern:**

I am not sure that the Minister got round in the length of her answer to saying whether she will support some sort of reasonable limit or not. She did not seem to address that. But anyway, since she has gone on to talk about the reports of the condition on rental, how many reports have been made in the period of the Housing Transformation Plan by Andium Homes with photographic evidence to assist with the assessment of what is damage and what is redecoration?

**The Deputy of Trinity:**

I have not got that information but if the Deputy wished to email me the exact question then I will have a look into it.

**5.4.2 Deputy G.P. Southern:**

Did the Minister's answer express support for some sort of reasonable limit to recharging or not?

**The Deputy of Trinity:**

That is a very difficult issue because if a tenant has done a lot of damage to the flat, at the end of the day it needs to be paid for.

**5.5 Deputy M. Tadier:**

Will the Minister for Housing give us an update on when we can expect the Deposit Protection Scheme to be fully up and running?

**The Deputy of Trinity:**

Work is being done at present, interviews are about to take place and hopefully towards the summer.

**5.5.1 Deputy M. Tadier:**

Supplementary. Will that require a landlord register and, if not, what is the mechanism that will be used in order to make sure that everyone is captured in the scheme?

**The Deputy of Trinity:**

It sits under the law and it will be an independent one so they will have the right to get that because now, by law, you have to have a condition report.

**5.6 Deputy A.D. Lewis:**

Mindful that the Minister now presides over a department, I believe, of just one person as the whole department now is in the guise of Andium Homes... But as I may be prepared to describe the Minister as the shareholder's representative of Andium Homes, how often does she meet with the senior management team at Andium Homes and how would she describe the relationship? Is it going well?

**The Deputy of Trinity:**

The Strategic Housing Unit is a policy unit. The responsibility for Andium Home as an asset sits under the Treasury because it cannot ... because if we end up being the regulator or whatever then we need to be at arms' length. So Andium Homes sits, from that point of view, under the Treasury Department with a M.O.U. Regarding meeting with Andium; yes, I have met the chairman of Andium Homes as well as some of the staff. I have been around to see, a couple of weeks ago, the new homes up at the Belle Vue sites and I was very impressed. They are for over-55s. I have seen the work, the refurbishment work, that has been done at La Collette and been very impressed by that. I met some tenants in La Collette and they are over the moon with that and I have also been to Langtry Gardens to see the new social housing there. Again, some of them for over-25s, which I was very pleased to see, that some clients from Health and Social Services who work in group homes have now come under the auspices of Andium Homes and are tenants in their own right and living in the community. That is a big step forward and I was very pleased to see that.

**5.7 Deputy J.A. Martin:**

There is a new application in and it was in the paper last night; there are 174 units proposed to go on the old Metropole site as social housing, which I was very pleased to see it will be social housing. Could the Minister advise what talks the department has had with the owners of the Metropole, where the money is coming from and how far down the line before the plans will involve tenant participation and consultation?

**The Deputy of Trinity:**

I have not had any meetings with the owners of Metropole. I understand that it is a private development with a private developer, when I read in *J.E.P. (Jersey Evening Post)* that is to be confirmed, either they would find a place with Andium or themselves would become a social provider. But I am very pleased - I have not seen the plans - with the concept of social housing.

**5.7.1 Deputy J.A. Martin:**

Supplementary. Would the Minister then undertake to somehow contact the people who put the plans in, or the owners of the Metropole Hotel, to see what work can be done before the plans go too far down the line because the old Housing Department are developing better and better working with tenants and better and better plans and if it is going to be social housing, could the Minister undertake to do that as soon as possible?

**The Deputy of Trinity:**

Of course I will and also the Housing Department plans have just been put in, as I understand, for the housing street unit, as strategy consultees, as part of the planning process so I will get to see them anyhow.

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

As we know, companionship is important for elderly people who are often alone and can be isolated. What is the policy for all gateway providers to allow elderly tenants to keep companion animals?

**The Deputy of Trinity:**

That is a very good question. I met with the chairman and one of the trustees of the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) just before Christmas about their policy which they have, on behalf of Andium Homes. Andium Homes have a very good pet policy which allows their tenants, if they wish to, to keep their pets if the tenant has spoken to J.S.P.C.A. and have agreed that it is appropriate to keep their pet in their flat or house or whatever. Regarding the other trusts they do have pet policies and they are not quite the same high policy, shall we say, as Andium Homes but the other trusts do allow some pets and they go on a case by case basis.

#### **5.8.1 The Connétable of St. Lawrence:**

I wonder if I could just follow up, please? Just so that I can be sure that I have understood the response, I believe the Minister has told us that Andium Homes allows elderly tenants to keep companion animals however the other housing associations decide on an *ad hoc* basis. If that is correct will the Minister assure me that she will speak with the housing associations that do not have a policy to allow elderly tenants to have companion animals and ensure that they do instigate that policy and are on the same level as Andium Homes in that respect?

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

That has already been done. After our meeting with the chair and the trustee, just before Christmas, I wrote to the other housings trusts regarding the same question that the Constable has asked. I have got some replies and I aim, I think every quarter, to meet all housing trusts and that is something that I will put on the agenda.

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

### **The Bailiff:**

That brings the 15 minutes allowed to questions to the Minister for Housing to an end. We now come to the second question period for the Minister for Planning and Environment: Deputy Tadier.

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

Would the Minister explain how high a priority cutting Jersey's carbon emissions is for him?

### **Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):**

The States adopted the Energy Plan out to 2050 last year and in that plan there is a commitment to our part of the Kyoto Agreement where we will reduce our carbon emissions. It is certainly a priority as far as the Environment Department is concerned. We have committed ourselves to following this pathway. It is a long document and it does take us out to 2050 but we must start on it. Certainly bylaws are increasing all the time to increase the insulation on properties so that owners and the tenants spend less money on energy. There are moves afoot, and I have certainly instigated some since I became Minister, to increase moves towards electric vehicles and I think there are other initiatives in which we can partake but certainly it is one of my priorities.

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

Supplementary. Does the Minister also support Jersey Dairy in their attempts to export milk to China and, talking of Kyoto, ice cream to Japan, the last time I checked? If he does support this how does that tie in with an efficient use of carbon emissions when we are sending these products half way across the world?

[11.00]

Does the Minister see a tension there?

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

There may be a perceived tension by the Deputy but I would remind him that vast amounts of things far more significant than a few tubs of ice cream move around the globe on a daily basis. Having said that, I would say to him this, our dairy industry is hugely important to our Island. We must do everything we possibly can [**Approbation**] to sustain it and maintain it. I applaud the efforts of Jersey Dairy through economic development and other initiatives that government has taken over the last 2 years to increase our trade with China. The Dairy have, for a long time now, been seeking a niche export that will allow them to return to profitability and I think this has been one of the outstanding pieces of entrepreneurship, if you like, in the last few years. It is going to allow dairy farmers to increase the amount of money they are paid for their milk and I hope that in return that small increase in profit will allow them to reinvest and increase their viability into the future.

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

I will not ask a point of order because I think I have got a question somehow. The Minister sounded like the Minister for Economic Development there not the Minister for Planning and Environment, clearly when push comes to shove carbon emissions are irrelevant because we are only talking about a few tubs of ice cream which we are using big planes with carbon emissions streaming out of them to go over to the part of the world where the Kyoto Treaty originated. So when push comes to shove the Minister is saying that he will support economic policy even if the environment science behind it says that this is complete folly to be sending that. Does the Minister not agree that as an environment Minister his department should be critiquing economic policy on an environmental ecological basis? If not, he may as well get out of the job.

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

As I am finding in this job it is a matter of always balancing one side against another and if the Deputy is suggesting that I should [**Approbation**] somehow ban the export of Jersey dairy products to the Far East because it does not comply with our energy policy I am afraid I would have to say to him, then balancing the 2 up, a small amount of carbon must be burnt exporting what is quite a small amount of a niche product to the other side of world pales and in insignificance to what would happen to our countryside if dairy farming ceased to exist on the Island. [**Approbation**] The loss of the green and pleasant land that we all enjoy would not only have an impact on everybody living on the Island but it would impact on tourism. It would impact on other people who want to come and live here and I would not be able to contemplate a Jersey without green and pleasant fields with brown Jersey cows grazing in them.

### **6.2 Deputy J.A. Hilton:**

The Waterfront Masterplan, as approved by the States in 2008, included plans for offices, a winter garden, sinking of the road, underground parking and 400 units of accommodation. Can the Minister confirm whether the Planning Department are still adhering to the Masterplan when considering applications and when he believes that the housing element of the plan will be delivered?

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

The States endorsed the Masterplan for the Esplanade Quarter in 2008 and the then Minister for Planning and Environment approved an outline application for the development of the Esplanade Quarter in August 2010. This consent was compliant with the terms of the Masterplan and agreed new office accommodation supporting retail, restaurant space and 400 units of residential accommodation. The Masterplan is embedded in the Island Plan 2011 and approved by this Assembly. The elements that have been approved so far, specifically following on from that outline application, are buildings 1 and 4 in the office and the 500-space underground carpark and I just remind the Deputy that the application for building 5 has recently been received by my

department. There are no further applications, other than the outline, for the residential element on Zephyrus and Westwater as I recollect and that is the current situation.

**6.3 Deputy G.P. Southern:**

Does the Minister have residential density figures for the area around the Town Park with and without the Gas Place development of 300 additional units of accommodation?

**The Deputy of St. Martin:**

I do. I do not have them to hand but I have asked officers in the last 2 weeks to provide me with information on densities and significant developments in that part of St. Helier.

**6.4 Deputy J.A. Martin:**

The Minister did make an excellent point about he could not imagine Jersey without farming but that it does come at a price. On the Environment Panel we saw an excellent presentation from his own environmental chief officer, which the Council of Ministers have seen, and it would be really interesting for all other States Members to see this presentation before we consider the overall Strategic Plan. There are many worrying things in there and we need all the information to consider all these points. Will the Minister undertake to give this presentation to all States Members as soon as possible?

**The Deputy of St. Martin:**

I will.

**6.5 Deputy S.Y. Mézec of St. Helier:**

To what extent, if any, has the Minister engaged or communicated with the local residents opposed to the proposed Gas Works site and has he conducted a site visit with those objectors?

**The Deputy of St. Martin:**

I am grateful to the Deputy for an opportunity to inform not only Members of the Assembly but those outside of my position here. Members will remember that an application was received for the development of the Gas Place site in July last year and was not determined before the elections. They will also remember that the Constable had a petition which he brought to this Assembly and I would imagine that Members will also remember the debate that we had at our last sitting where we debated that site. As the new Minister, I have deliberately not taken or had not taken any briefings about this issue and I had not been sighted on any detail previous to the last 2 or 3 days. Since the last Assembly I have taken, as I said, 2 briefings and it is my intention now to take 2 or 3 steps back from the position that the previous Minister for Planning and Environment had arrived at and hold my own public hearing so that I can hear for myself the application from the developer and most importantly hear from anybody else who has anything to say on the issue. So a notice did go out last week to say that the public hearing would be this Friday and I received a number of emails from residents of Tunnel Street and the surrounding area. I did explain to them that I have taken these 2 or 3 steps back so I can fully understand and be totally sighted on everything that is going on here. While I am not prepared to obviously make any commitments one way or the other I did indicate to those residents, and I would indicate to Members of this Assembly, that I would consider it very unlikely that anybody in the position of Minister for Planning and Environment would not undertake a site visit before determining anything as significant as the Gas Place application.

**6.6 Deputy A.D. Lewis:**

In 2010 the Planning Officers Society produced a report, within it they made some recommendations and recommended a performance improvement plan and it was surrounding the

issue of exemptions for development. In 2011 the then Minister had set up a political steering group and within its recommendations it suggested that they wanted to review all of the recommendations for 2010 in favour of a new set of recommendations that was considerably shorter than the original recommendations. The whole idea was to reduce the amount of bureaucracy and the amount of time spent in planning and reduce the amount of resources required. Is the Minister minded to review this again and have a look at planning exemptions to the benefit of the department in terms of the amount of bureaucracy and time spent by it in determining applications that perhaps do not need determination?

**The Deputy of St. Martin:**

I could use a one word answer which would be “absolutely” but I think I owe it to the Deputy to explain a bit further. The General Development Order is a threshold at which the department decides that it does not need to receive applications on items that might be small or repetitive – inconsequential - and it is my intention to review that General Development Order. Indeed I have only, in the last week, received a first draft of the changes that I would like to make. The G.D.O. (General Development Order) was updated in 2011 but it is my view that we can go even further, reduce the red tape and allow even more permitted development. I am fully aware that with permitted development comes potential problems from neighbours and from others and I can assure the Assembly that while I would want to move forward as quickly as possible I will be consulting not only with Scrutiny but with the trade and residents and the general public at large to make sure they are all happy with those proposals.

**6.6.1 Deputy A.D. Lewis:**

Supplementary. Does the Minister, however, agree with the recommendations made by the Planning Officers Society report in 2010 or not?

**The Deputy of St. Martin:**

In general, yes, I do. The Planning Officers Society is coming over at regular intervals now to try to assist myself and the department in being even better. Time after time we take notice of their reports that they produce to us and act as we see fit, but surely if they recommend something from their wealth of experience that they bring we should take note and see what we can do.

**6.7 Deputy L.M.C. Doublet:**

Could the Minister tell us the policy of his department for car parking spaces in new developments because it seems that there is some discrepancy. Houses being built in the country Parishes have to have one car parking space for each bedroom and then we are seeing developments planned in town and in St. Saviour and there is not enough car parking spaces for the people living there or working there?

**The Deputy of St. Martin:**

I think the idea of a car parking space per bedroom in the countryside is so that hopefully people would have vehicles to travel to town and I hope the Deputy would understand that it is our wish or hope that more people who live in town would try to get away or get by without a vehicle. But I would also say to the Deputy that the car parking requirements that are put forward by my department comes mainly from the T.T.S. Department and the Minister for T.T.S. who has a policy which we follow when we grant planning approvals, especially for larger developments. It is usually the T.T.S. policy, in this case the Sustainable Transport Policy or other recommendations that come from T.T.S., that usually inform the amount of car parking we require on applications.

**6.7.1 Deputy L.M.C. Doublet:**

Supplementary. So if the rationale for this is based on people not using their cars if they live in town, have the residents of St. Helier and St. Saviour been consulted on this; whether they are prepared to give up their cars because it seems to me the strength of public feeling is that people are not prepared to do this?

**The Deputy of St. Martin:**

As with everything I think there is contradictory evidence that can point you in one direction or the other. I am certainly aware of areas of town where residents would dearly love to have more car parking spaces. I am also aware of large residential developments in St. Helier where parking spaces have been provided but residents rent those spaces out to other commuters because they do not require them. This is always going to be a difficult subject to resolve and I would hope that with the future St. Helier work that is going to be done it is certainly one that we would look at to try to resolve better than we do at the moment. I have to say to the Deputy that I am not entirely satisfied in any way, shape or form that Government is moving in one direction on car parking. We seem to hear, or I certainly seem to hear, different views from different people depending on what day of the week it is.

**6.8 Deputy J.A. Hilton:**

Going back to my previous question, can the Minister confirm the Jersey Development Company will be delivering the housing units on the Waterfront and whether any discussions have taken place with his fellow Ministers about delivering much needed social housing on the Waterfront?

**The Deputy of St. Martin:**

I am afraid I do not have a great answer for the Deputy on this question. As far as I am concerned it is just the outline application for 400 units of residential which has been agreed and, as far as I know, nothing more detailed or nothing more concrete has come forward to my department since that time.

**PUBLIC BUSINESS**

**7. Draft Public Elections (Amendment No. 5) (Jersey) Regulation 201- (P.174/2014)**

**The Bailiff:**

That brings the second question period to an end. There is nothing under J or K so we now come to public business. The first item is P.174, the Draft Public Elections (Amendment No. 5) (Jersey) Regulations lodged by the Comité des Connétables and I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

The Draft Public Elections (Amendment No. 5) (Jersey) Regulations 201-. The States, in pursuance of Articles 7(2) and 72 of the Public Elections (Jersey) Law 2002, have made the following Regulations.

**7.1 The Connétable of St. Clement (Chairman, Comité des Connétables):**

Last year the States changed the law whereby electors might now register 3 months in advance of their becoming eligible to vote. This change in the law requires an amendment to the statement which is sent to every household each year and I propose the principles.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the principles? All Members in favour of adopting the principles kindly show? Those against? The principles are adopted.

[11.15]

Do you wish to propose then the 2 Regulations together?

**The Connétable of St. Clement:**

Yes, please.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak? Those Members in favour of adopting...

**Deputy M. Tadier:**

Can we have the appel, please?

**The Bailiff:**

The appel is called for. I ask Members to return to their seats. The vote is on whether to adopt Regulations 1 and 2 of the Public Elections (Amendment No. 5) (Jersey) Regulations and I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				

Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Bailiff:**

The Regulations are adopted. Do you propose the Regulations in Third Reading?

**The Connétable of St. Clement:**

Yes, I do and thank the States for their overwhelming support for the proposition.

**The Bailiff:**

Does any Member wish to speak? Those in favour of adopting the Regulations in Third Reading kindly show? Those against? The Regulations are adopted.

**8. H.M.S. Iron Duke: the authority to march “with Colours flying, drums beating and bayonets fixed in Jersey”. (P.177/2014)**

**The Bailiff:**

We now come to P.177/2014: H.M.S. (Her Majesty’s Ship) Iron Duke: the authority to march “with Colours flying, drums beating and bayonets fixed in Jersey”. I will ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to authorise the ship’s company of H.M.S. Iron Duke to exercise the privilege of marching with Colours flying, drums beating and bayonets fixed in Jersey.

**Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):**

We have reached this point rather earlier than I anticipated and as I am due to travel to London very shortly with the Constable of Grouville for a Commonwealth Parliamentary Association conference my Assistant Minister, the Constable of St. Lawrence, has offered to bring this proposition.

**8.1 The Connétable of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):**

Originating in ancient Rome the granting of freedom to march was an honour bestowed to a military unit who had earned the trust of the local populace either through valiant action or by being a familiar presence. There are currently 2 military groups that have the honour of marching through the streets of Jersey with Colours flying, drums beating and bayonets fixed. These are the Royal Militia of the Island of Jersey - also known as the Jersey Field Squadron - and the Princess of Wales Royal Regiment. H.M.S. Iron Duke, a type 23 Duke Class frigate, is based in Portsmouth. The type 23 was originally designed for anti-submarine warfare during the Cold War however more recently these have been tasked with maritime patrols and security operations. The ship has been captained by Commander Tom Treadray since 2012. During 2010 H.M.S. Iron Duke was formally affiliated to the Island of Jersey. It is also affiliated with the Duke of Wellington’s Regiment, the

City of Kingston-upon-Hull and Uppingham School CCF. This honour acknowledges the ship's formal affiliation with our Island. The ship is currently deployed in the south Atlantic providing ongoing protection and reassurance to British interests, maintaining a continuous Royal Navy presence in the south Atlantic. Prior to that deployment she diverted from her official course to sail past Corbière firing a 15 gun salute which was taken by His Excellency, The Lieutenant Governor, before she continued south for her operational duties. During her deployment in the south Atlantic the ship flew the Jersey flag on numerous occasions and when the ship's company hosted formal receptions and dinners Jersey pottery and Cooper's coffee were used to help to promote the Island. In mid-2014 H.M.S. Iron Duke hosted the sea cadets on the Sea Day. Approximately 30 cadets were accommodated and were given a demonstration of fire power. During the day an R.A.F. (Royal Air Force) Tornado was scrambled in support of the ship and flew over it as part of the demonstration. Whenever the ship is in local waters the captain and crew are keen to support and engage with the Island's community. When visiting the Island the ship will hold an event called S.O.T.V, or ship open to visitors. This allows the general public to learn about the ship and the Royal Navy's capability. In addition to this, and subject to the ship's programme, officers and sailors of H.M.S. Iron Duke will engage with the community promoting teamwork, leadership and various skills such as first aid, firefighting and disaster relief. As we probably all know the ship has, on several occasions, attended the annual Jersey International Boat Show which attracts approximately 40,000 Islanders and visitors. This year's boat show will be staged just days before the significant 70th anniversary of the Liberation on 9th May and it is hoped that there will be an impressive line-up of Royal Navy vessels as part of our commemoration including H.M.S. Iron Duke. As set out in the report to the proposition, the Minister for Home Affairs, the Chief Minister, the Bailiff and the Lieutenant Governor would like the Island to formally recognise our Island link with H.M.S. Iron Duke. I therefore ask the Assembly to support the proposition, namely to authorise the ship's company of H.M.S. Iron Duke to exercise the privilege of marching with Colours flying, drums beating and bayonets fixed in Jersey.

**The Bailiff:**

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

**8.1.1 Connétable C.H. Taylor of St. John:**

I would like to speak in support of the proposition. I have the privilege of helping the Jersey Sea Cadets and it should be noted that what they did last year in taking 30 cadets aboard was indeed very welcome and their support to the community is undoubted. I would, therefore, like to support that the crew of H.M.S. Iron Duke should march with Colours flying, drums beating and providing they do not use their bayonets as Corporal Jones, with the fixed bayonets as well.

**The Bailiff:**

Does any other Member wish to speak?

**8.1.2 Deputy M. Tadier:**

When I first saw this proposition I thought it was about naming the ship after one of our Council of Ministers, perhaps even the Chief Minister, in commemoration of his strong leadership skills over the last few years but clearly that is not what it is about. I am quite happy to support this proposition as well, even though it may be to the chagrin of certain Constables who are shaking their heads and tutting because it is my democratic right to do so in this forum. Anyway, I think we have got a couple of minutes before we break for an early lunch. I am supporting this not because I am a particularly militaristic man. In fact I am slightly, as you might expect, ambivalent when it comes to foreign policy of the allies, whether it is the U.K. or America, and the less that can be said about that at this time is probably better. But because I am a strong supporter of the right to march and the right to beat drums, whether that is to do with those visiting the Island, putting on an event

for Jersey or whether it is to do with our own union members in Jersey, and next time, of course, they wish to go out and protest against some folly of Government policy which is harming their socioeconomic interests I will be encouraging them to march with Colours flying, drums beating but perhaps not with bayonets but with placards flying. So I am quite happy if this does go to the appel to put my support on record for that.

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Connétable to reply.

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

Thank you to the 2 Members who have spoken in support of this proposition. I was not going to ask for the appel but bearing in mind that Deputy Tadier would like his vote recorded I will ask for it please.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

**POUR: 46**

**CONTRE: 0**

**ABSTAIN: 0**

Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator A.J.H. Maclean  
Senator I.J. Gorst  
Senator L.J. Farnham  
Senator P.M. Bailhache  
Senator A.K.F. Green  
Senator Z.A. Cameron  
Connétable of St. Clement  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of St. Mary  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. Saviour  
Connétable of Grouville  
Connétable of St. John  
Connétable of Trinity  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy K.C. Lewis (S)  
Deputy M. Tadier (B)  
Deputy E.J. Noel (L)  
Deputy of St. John  
Deputy J.M. Maçon (S)  
Deputy S.J. Pinel (C)  
Deputy of St. Martin  
Deputy R.G. Bryans (H)  
Deputy of St. Peter  
Deputy R.J. Rondel (H)

Deputy S.Y. Mézec (H)  
Deputy A.D. Lewis (H)  
Deputy of St. Ouen  
Deputy L.M.C. Doublet (S)  
Deputy S.M. Wickenden (H)  
Deputy S.M. Brée (C)  
Deputy M.J. Norton (B)  
Deputy T.A. McDonald (S)  
Deputy of St. Mary  
Deputy G.J. Truscott (B)  
Deputy P.D. McLinton (S)

**[Approbation]**

**9. Ratification of the Agreement on the exchange of information relating to tax matters between the Government of Jersey and the Government of Romania (P.178/2014):**

**The Bailiff:**

We now come to P.178/2014: Ratification of the Agreement on the exchange of information relating to tax matters between the Government of Jersey and the Government of Romania. I will ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to ratify the agreement between the Government of Jersey and the Government of Romania for the exchange of information relating to tax matters as set out in appendix 1 to the report of the Minister for External Relations dated 15th December 2014.

**9.1 Senator P.M. Bailhache (The Minister for External Relations):**

This proposition follows a form with which Members will be familiar. It is in the model of the O.E.C.D. (Organisation for Economic Co-operation and Development) and is essentially the same tax information exchange agreement as the 35 T.I.A.s which have been previously ratified by the Assembly. I accordingly move the proposition.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Then all Members in favour of adopting the proposition kindly show? Those against? The proposition is adopted.

**10. Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 12) (Jersey) Regulations 201- (P.179/2014):**

**The Bailiff:**

We now come to P.179/2014: Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 12) (Jersey) Regulations. I will ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

The Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 12) (Jersey) Regulations 201-. The States, in pursuance of Article 2(1) of the Taxation Implementation (Jersey) Law 2004 and following the decision of the States taken on the day these Regulations are made to adopt Projet 178/2014, have made the following Regulations.

**10.1 Senator P.M. Bailhache (The Minister for External Relations):**

These are the Regulations to give legal effect to the decision that the Assembly has just made to ratify the Tax Information Agreement with Romania and to include the name of Romania in the schedule to the Regulations. I move the principles of the Regulations.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the principles? All Members in favour of adopting the principles kindly show? The principles are adopted. Do you wish to scrutinise these Regulations?

**Deputy J.A. Le Fondré of St. Lawrence (Chairman of the Corporate Services Scrutiny Panel):**

No, thank you.

**Senator P.M. Bailhache:**

So I accordingly move the Regulations.

**The Bailiff:**

Does any Member wish to speak? All Members in favour of adopting the Regulations kindly show? Those against? The Regulations are adopted. Do you wish to move them in Third Reading?

**Senator P.M. Bailhache:**

I move the Regulations in Third Reading.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading kindly show? Those against? The Regulations are adopted.

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Bailiff:**

We now come to the arrangement of future public business.

### **11. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):**

Public business, unless there are any changes that Members wish, will be as per the Consolidated Order Paper. Members will note that on 24th February the Chief Minister has asked that the Strategic Priorities Report be the subject of an in committee debate. Having discussed this matter with the Chief Minister I believe that the business for the 24th may still be completed in one day and I propose the order of business as per the Consolidated Order Paper.

#### **11.1 Deputy J.M. Maçon of St. Saviour:**

Just on that point I wonder if the chairman would take some time through the Greffe to remind new Members and perhaps remind existing Members how an in committee debate works just so that we are all prepared and ready for that.

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

I think that is a very wise request and I will ask the Greffe to circulate a paper or an email so that all Members are brought up to speed on how an in committee debate works or does not as the case may be.

**The Bailiff:**

Very well, the ...

**Senator L.J. Farnham (The Minister for Economic Development):**

I wonder if I could, as we are finishing early, just remind Members that there is a presentation on tourism at lunchtime today by the Jersey Hospitality Association at the Royal Yacht Club.

**The Bailiff:**

The States now stand adjourned until 24th February 9.30 a.m.

**ADJOURNMENT**

[11:30]