

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 24th FEBRUARY 2015**

<b>COMMUNICATIONS BY THE PRESIDING OFFICER .....</b>	<b>8</b>
The Bailiff:.....	8
1.1 Tribute to the late Mr. John Philip Farley, M.B.E., former member of the States .....	8
1.2 H.R.H. The Duchess of Wessex – Royal Visit on 9th May 2015.....	8
1.3 Jersey College for Girls – welcome .....	8
<b>QUESTIONS .....</b>	<b>8</b>
<b>2. Written Questions.....</b>	<b>8</b>
2.1 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF REPORTS RELATING TO PROPERTY TAX:.....	9
2.2 THE DEPUTY OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING STATISTICS RELATING TO VIOLENT CRIMES AGAINST WOMEN: .....	10
2.3 THE DEPUTY OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PERMANENT AND AGENCY NURSES:.....	16
2.4 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ENFORCEMENT ACTION:.....	18
2.5 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE DEVELOPMENT OF THE ESPLANADE QUARTER:.....	19
2.7 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FUNDING OF THE COMMITTEE OF INQUIRY INTO HISTORIC CHILD ABUSE: .....	20
2.8 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING A PUBLIC REGISTER OF BENEFICIAL OWNERSHIP: .....	21
2.9 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING ANTI-MONEY LAUNDERING REGULATIONS: .....	22
2.10 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING LINKS BETWEEN HSBC SWITZERLAND AND JERSEY:.....	23
2.11 DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EUROPEAN UNION SAVINGS TAX DIRECTIVE: .....	24
2.12 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING VISIT JERSEY:.....	24

2.13	THE DEPUTY OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING TENANTS' RIGHTS OF APPEAL: .....	25
2.14	THE DEPUTY OF ST. BRELADE OF THE CHIEF MINISTER REGARDING TAX AVOIDANCE MEASURES:.....	26
2.15	THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE PERCENTAGE OF HOUSEHOLD INCOME SPENT ON RENT:.....	27
2.16	THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING CO2 EMISSIONS:.....	28
2.17	THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE USE OF DILAPIDATED AND EMPTY BUILDINGS:.....	29
2.18	THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING REDUCTIONS IN INCOME SUPPORT RENTAL COMPONENTS DUE TO UNDER OCCUPATION: .....	30
2.19	THE DEPUTY OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING INVESTIGATIONS AT HAUT DE LA GARENNE IN 2008: .....	32
2.20	THE DEPUTY OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE HEALTH INSURANCE FUND:.....	33
2.21	THE DEPUTY OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE USE OF LOANS FOR SPECIAL PAYMENTS TO INCOME SUPPORT CLAIMANTS: .....	34
<b>3.</b>	<b>Oral Questions .....</b>	<b>35</b>
3.1	Deputy C.F. Labey of Grouville of the Minister for Home Affairs regarding addressing cyber-crimes: .....	35
	Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):.....	35
3.1.1	The Deputy of Grouville: .....	36
3.1.2	The Deputy of Grouville: .....	36
3.1.3	Deputy A.D. Lewis of St. Helier: .....	36
3.1.4	Deputy J.A. Martin of St. Helier:.....	36
3.1.5	Deputy J.A. Martin:.....	37
3.1.6	Deputy M.R. Higgins of St. Helier: .....	37
3.1.7	The Deputy of Grouville: .....	37
3.2	Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the Minister's main challenges and priorities in relation to the Fiscal Policy Panel's pre-Medium Term Financial Plan Report: .....	37
	Senator A.J.H. Maclean (The Minister for Treasury and Resources):.....	38
3.2.1	Deputy M.R. Higgins: .....	38
3.2.2	Connétable J.M. Refault of St. Peter:.....	38
3.2.3	Deputy G.P. Southern of St. Helier:.....	38
3.2.4	Deputy G.P. Southern:.....	39
3.2.5	Deputy M.R. Higgins: .....	39
3.3	Deputy G.P. Southern of the Minister for Social Security regarding appeals against sanctions imposed for failure to actively seek work: .....	40
	Deputy S.J. Pinel of St. Clement (The Minister for Social Security): .....	40
3.3.1	Deputy G.P. Southern:.....	40
3.3.2	Deputy G.P. Southern:.....	41

3.3.3 Deputy G.P. Southern:.....	41
3.3.4 Deputy G.P. Southern:.....	41
3.3.5 Deputy J.A. Martin:.....	41
3.3.6 Deputy G.P. Southern:.....	41
3.4 Deputy J.A. Hilton of St. Helier of the Minister for Treasury and Resources regarding discussions relating to a pre-let agreement for the Esplanade car park site: .....	42
Senator A.J.H. Maclean (The Minister for Treasury and Resources):.....	42
3.4.1 Deputy J.A. Hilton .....	42
3.4.2 Deputy M.R. Higgins: .....	43
3.4.3 Deputy M.R. Higgins: .....	43
3.4.4 Deputy J.A. Martin:.....	44
3.4.5 Deputy J.A. Hilton: .....	44
3.5 Deputy G.J. Truscott of the Chief Minister regarding a response to the U.K. Leader of the Opposition’s suggestion Jersey could be blacklisted by the O.E.C.D: .....	45
Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur): .....	45
3.6 Deputy P.D. McLinton of St. Saviour of the Minister for Transport and Technical Services regarding the interpretation by officers, of the Planning and Building (Display of Advertisements) (Jersey) Order 2008, Article 8:.....	45
Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services): .....	45
3.7 Deputy S.Y. Mézec of St. Helier of the Minister for Social Security regarding raising the cap on Social Security contributions for high-earners to meet the cost of G.P. subsidies: .....	46
Deputy S.J. Pinel (The Minister for Social Security):.....	46
3.7.1 Deputy S.Y. Mézec: .....	47
3.7.2 Deputy A.D. Lewis: .....	47
3.7.3 Deputy G.P. Southern:.....	47
3.7.4 Deputy G.P. Southern:.....	47
3.7.5 Deputy S.Y. Mézec: .....	47
3.8 The Connétable of St. Mary of the Chief Minister regarding actions taken to ensure that the U.K. Opposition was fully aware of Jersey’s position on the transparency agenda: .....	48
Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur): .....	48
3.8.1 The Connétable of St. Mary: .....	48
3.8.2 The Connétable of St. Helier: .....	49
3.8.3 Deputy G.P. Southern:.....	49
3.8.4 Deputy G.P. Southern:.....	50
3.8.5 Connétable C.H. Taylor of St. John: .....	50
3.8.6 Deputy S.Y. Mézec: .....	50
3.8.7 The Connétable of St. Mary: .....	51
3.9 Deputy M.R. Higgins of the Minister for Home Affairs regarding 2 recent incidents involving armed police in the Island: .....	51
The Deputy of St. Peter (The Minister for Home Affairs): .....	52
3.9.1 Deputy M.R. Higgins: .....	52
3.9.2 Deputy M.R. Higgins: .....	52

3.10 Deputy J.A. Hilton of the Minister for Social Security regarding a legally binding repayment plan for the couple recently sentenced for defrauding the Department of £50,000:.....	52
Deputy S. Pinel (The Minister for Social Security):.....	53
3.10.1 Deputy J.A. Hilton:.....	53
3.10.2 Deputy J.A. Hilton:.....	53
3.10.3 Deputy G.P. Southern:.....	53
3.10.4 Deputy G.P. Southern:.....	53
3.10.5 Deputy J.A. Martin:.....	54
3.10.6 Deputy J.A. Hilton:.....	54
3.11 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding losses incurred by the company CH2M Hill on the Gigabit project:.....	54
Senator A.J.H. Maclean (The Minister for Treasury and Resources):.....	54
3.11.1 Deputy S.Y. Mézec:.....	54
3.11.2 Deputy G.P. Southern:.....	55
3.11.3 Deputy G.P. Southern:.....	55
3.11.4 Deputy S.Y. Mézec:.....	56
3.12 Deputy G.P. Southern of the Minister for Transport and Technical Services regarding the users of the bus service and changes to bus fares over 2014 and 2015:.....	57
Deputy E.J. Noel (The Minister for Transport and Technical Services):.....	57
3.12.1 Deputy G.P. Southern:.....	57
3.12.2 The Connétable of St. Helier:.....	57
3.12.3 Deputy G.P. Southern:.....	58
<b>4. Urgent Oral Question .....</b>	<b>59</b>
4.1 Deputy S.Y. Mézec of the Minister for Social Security regarding the implementation of policy on Long Term Incapacity Allowance (L.T.I.A.):.....	59
Deputy S.J. Pinel (The Minister for Social Security):.....	59
4.1.1 Deputy R. Labey of St. Helier:.....	60
4.1.2 Deputy R. Labey:.....	60
4.1.3 Deputy J.A. Martin:.....	60
4.1.4 Deputy J.A. Martin:.....	61
4.1.5 Connétable D.W. Mezbourian of St. Lawrence:.....	61
4.1.6 Deputy G.P. Southern:.....	61
4.1.7 Deputy S.Y. Mézec:.....	62
<b>5. Questions to Ministers without notice - The Minister for Social Security.....</b>	<b>62</b>
5.1 Deputy P.D. McLinton:.....	62
Deputy S.J. Pinel (The Minister for Social Security):.....	63
5.1.1 Deputy P.D. McLinton:.....	63
5.2 Deputy M.R. Higgins:.....	63
5.2.1 Deputy M.R. Higgins:.....	63
5.3 Deputy T.A. Vallois of St. John:.....	64
5.3.1 The Deputy of St. John:.....	64
5.4 Deputy G.P. Southern:.....	64
5.5 Senator Z.A. Cameron:.....	65
5.6 Deputy G.P. Southern:.....	65
5.7 Connétable P.B. Le Sueur of Trinity:.....	65

5.8	Deputy M.J. Norton of St. Brelade:	65
5.9	Deputy M.R. Higgins:	66
5.9.1	Deputy M.R. Higgins:	66
5.10	Deputy A.D. Lewis:	67
5.10.1	Deputy A.D. Lewis:	67
<b>6.</b>	<b>Questions to Ministers without notice - The Chief Minister</b>	<b>67</b>
6.1	Deputy R. Labey:	67
	Senator I.J. Gorst (The Chief Minister):	67
6.2	The Connétable of St. Helier:	68
6.2.1	The Connétable of St. Helier:	68
6.3	Deputy A.D. Lewis:	68
6.3.1	Deputy A.D. Lewis:	69
6.4	Deputy G.P. Southern:	69
6.4.1	Deputy G.P. Southern:	69
6.5	Deputy M.R. Higgins:	69
6.6	Deputy G.P. Southern:	69
6.7	Deputy A.D. Lewis:	70
6.8	Deputy J.A. Hilton:	70
6.9	The Deputy of St. John:	71
	Senator I.J. Gorst:	71
	The Connétable of St. Helier:	72
	Deputy M.R. Higgins:	72
	<b>PUBLIC BUSINESS</b>	<b>72</b>
<b>7.</b>	<b>Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201- (P.160/2014)</b>	<b>72</b>
7.1	Senator I.J. Gorst (The Chief Minister):	72
7.2	Senator I.J. Gorst:	73
<b>8.</b>	<b>Draft Amendment (No. 27) of the Standing Orders of the States of Jersey (P.1/2015)</b>	<b>74</b>
8.1	The Deputy of St Martin (The Minister for Planning and Environment):	74
8.1.1	The Connétable of St. John:	76
8.1.2	Senator I.J. Gorst:	76
8.1.3	The Deputy of St. Martin:	76
<b>9.</b>	<b>Draft Planning and Building (Amendment of Law) (Jersey) Regulations 201- (P.2/2015)</b>	<b>76</b>
	The Deputy Greffier of the States	76
9.1	The Deputy of St. Martin (The Minister for Planning and Environment):	76
9.2	The Deputy of St. Martin:	77
<b>10.</b>	<b>Planning Appeals: fees (P.3/2015)</b>	<b>79</b>
10.1	The Deputy of St. Martin (The Minister for Planning and Environment):	79
<b>11.</b>	<b>Draft Planning and Building (Amendment No. 6) (Jersey) Law 2014 (Appointed Day) Act 201- (P.7/15)</b>	<b>79</b>
11.1	The Deputy of St. Martin (The Minister for Planning and Environment):	80

<b>12. Law Revision Board: appointment of member (P.8/2015)</b> .....	<b>80</b>
12.1 Senator I.J. Gorst (The Chief Minister):.....	80
<b>13. Draft Employment (Amendment No. 8) (Jersey) Law 2014 (Appointed Day) Act 201- (P.9/2015)</b> .....	<b>81</b>
13.1 Deputy S.J. Pinel (The Minister for Social Security): .....	81
<b>14. Council of Ministers Proposed Strategic Priorities 2015 - 2018 (R.8/2015)</b> .....	<b>82</b>
14.1 Senator I.J. Gorst:.....	82
14.2 Senator A.K.F. Green (The Minister for Health and Social Services):.....	84
<b>LUNCHEON ADJOURNMENT PROPOSED</b> .....	<b>85</b>
<b>LUNCHEON ADJOURNMENT</b> .....	<b>85</b>
14.2.1 Senator P.F. Routier:.....	85
14.2.2 Deputy S.M. Wickenden of St. Helier:.....	85
14.2.3 The Connétable of St. Peter: .....	85
14.2.4 Deputy P.D. McLinton:.....	86
14.2.5 Deputy M.R. Higgins:.....	86
14.2.6 Deputy J.A. Hilton:.....	87
14.2.7 Deputy J.A. Martin: .....	87
14.2.8 Senator Z.A. Cameron: .....	88
14.2.9 Senator P.F. Routier:.....	88
14.2.10 Connétable S.W. Pallett of St. Brelade:.....	88
14.2.11 Deputy G.P. Southern: .....	89
14.2.12 Senator A.J.H. Maclean: .....	91
14.2.13 Deputy R.J. Renouf of St. Ouen:.....	93
14.2.14 Deputy R. Labey:.....	93
14.2.15 Senator A.K.F. Green: .....	94
14.3 Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):.....	95
14.3.1 Deputy J.M. Maçon of St. Saviour: .....	96
14.3.2 Deputy G.P. Southern: .....	99
14.3.3 Deputy S.M. Bree of St. Clement:.....	100
14.3.4 Deputy R.G. Bryans:.....	100
14.3.5 Deputy J.A. Hilton:.....	102
14.4 Senator P.F.C. Ozouf (Assistant Chief Minister): .....	102
14.4.1 The Deputy of Grouville:.....	105
14.4.2 The Connétable of St. John: .....	106
14.4.3 Deputy S.M. Bree:.....	107
14.4.4 The Deputy of St. Martin: .....	108
14.4.5 Senator A.J.H. Maclean: .....	108
14.4.6 The Deputy of Grouville:.....	110
14.4.7 Deputy R. Labey:.....	111
14.4.8 Deputy M.R. Higgins:.....	111
14.4.9 The Connétable of St. John: .....	113
14.4.10 Senator P.F.C. Ozouf:.....	113
14.5 The Deputy of St. Martin (The Minister for Planning and Environment): .....	116
14.5.1 The Connétable of St. Helier:.....	118
14.5.2 The Connétable of St. Peter: .....	120

14.5.3	Connétable M.P.S. Le Troquer of St. Martin: .....	121
14.5.4	Deputy J.A. Martin: .....	122
14.5.5	Deputy A.E. Pryke of Trinity: .....	123
14.5.6	Deputy E.J. Noel: .....	123
14.5.7	Deputy R. Labey: .....	124
14.5.8	Deputy J.M. Maçon: .....	124
14.5.9	Connétable S.A. Le Sueur-Rennard of St. Saviour: .....	125
14.5.10	The Deputy of St. Martin: .....	125
14.6	Senator I.J. Gorst: .....	126
<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS .....</b>		<b>127</b>
	The Bailiff: .....	127
15.	Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee): .....	127
15.1	Senator I.J. Gorst: .....	128
15.2	Senator I.J. Gorst: .....	129
15.2.1	Deputy M.R. Higgins: .....	130
15.2.2	Deputy J.M. Maçon: .....	130
15.2.3	Connétable J.E. Le Maistre of Grouville: .....	130
15.2.4	Senator I.J. Gorst: .....	130
<b>ADJOURNMENT .....</b>		<b>130</b>

[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

#### **1.1 Tribute to the late Mr. John Philip Farley, M.B.E., former member of the States**

Members will no doubt be aware that John Philip Farley M.B.E. died on 16th February at the age of 87. He was born in St. Helier in 1928 and educated at the States Intermediate School. He was elected to the States in 1981 as Deputy of St. Helier No. 3 and he served in that capacity for 2 terms, retiring in December 1987. During that time he served on the Public Works, Tourism, Jersey Overseas Aid, Broadcasting and Fort Regent Development Committees. Those who heard the tributes paid to him on BBC Radio Jersey just over a week ago will have recognised that he had a great enthusiasm and passion for the Island, coupled with a great interest in people and a wonderful sense of humour, all of which were apparent in his committee work. Many Members will remember Mr. Farley from the Red Triangle Stores in the central market. He was made an M.B.E. in December 2014 for his services to the community. He had been involved in a number of charities, including the Battle of Flowers, the Lions Club of Jersey, Jersey Cancer Relief, and he had been president of the Jersey Green Room Club. It is very unfortunate that his wife, to whom he was devoted, had died in October 2014, shortly before he became aware of his receipt of the honour. Members will want to have in mind Mr. Farley's family, including in particular his 2 children, and I ask Members to stand as the usual mark of respect in his memory. **[Silence observed]** May he rest in peace.

#### **1.2 H.R.H. The Duchess of Wessex – Royal Visit on 9th May 2015**

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

I am pleased to announce to Members that Her Royal Highness, the Countess of Wessex will be visiting Jersey and Guernsey on Saturday, 9th May to join in the arrangements to celebrate the 70th anniversary of liberation. During her visit, the Countess of Wessex will be attending the formal events at People's Park where it is hoped that many Islanders from across the community will be present to take part in the celebrations with her. The full details of the arrangements for the day are in the course of being worked up by the group of officers guided by the Bailiff's consultative panel and more details of those will be published later.

#### **1.3 Jersey College for Girls – welcome**

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

I am sure the more hawk-eyed of Members will have noted that there are a number of people in the public gallery this morning. I am sure you would like to welcome year 8 from the Jersey Ladies College. **[Approbation]** Girls, you are all voters of the future. Make sure you use your votes.

## **QUESTIONS**

### **2. Written Questions**



## **2.1 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE COST OF REPORTS RELATING TO PROPERTY TAX:**

### **Question**

How much have all the reports pertaining to the proposed Property Tax produced to date actually cost, namely PwC, the consultation report and the questionnaire?

How much will it cost to implement and why is it considered necessary to change the system?

Would it be more efficient to revise the existing system?

Could PwC undertake to make clear the response to the consultation and if they consider it to be a good response and, if not, why not?

Have the land taxes imposed in Ireland, Denmark and New Zealand been considered by the Minister and compared to what is being proposed and the system in Jersey at present?

### **Answer**

The Green Paper on Property Taxation (R.101/2014) was published on 18 July 2014. As the Green Paper makes clear, the purpose of the consultation exercise was to seek the views of the public on six proposed principles, based on the independent advice received, which could be used to shape any future changes to the property tax system. No changes to the property tax system have been proposed and it is therefore not correct to refer to “the proposed Property Tax”.

Responses to the specific questions asked have been provided in the order raised.

1. The cost of the Green Paper on Property Taxation (R.101/2014) and the consultation exercise was as follows:

<b>Description</b>	<b>Service provider</b>	<b>Cost</b>
Report on the taxation of land and property	PricewaterhouseCoopers LLP	£50,000.00
Printing of consultation report	Bigwoods Premier Printers Limited	£2,779.40
External focus groups/workshop	4insight	£7,660.00

The balance of the work has been performed internally to the States within existing resources.

2. At present, no changes have been proposed to the property tax system and therefore there is no cost of implementation. Should any firm proposals be made, the associated costs will be identified.

The aims of the property tax review, as set out in the Green Paper, are to ensure that Jersey's property tax system as a whole (parish rates, the Island-wide Rate, stamp duty, Land Transaction Tax and income tax) is modern, coherent and transparent, and that it minimises distortions, acknowledges the contribution made by the public to increases in property value and is appropriate for Jersey.

3. The Minister for Treasury and Resources will consider all options for reform of the property tax system, including reform of the existing system, when the responses to the consultation have been reviewed in full.
4. It is not clear if the Deputy is seeking a comment from the Minister for Treasury and Resources or from PwC. A summary of the responses received to the consultation, as well as the Minister's response, will be published by the summer of 2015.

The Green Paper summarises PwC's much longer report, which was published in full as the annex to the Green Paper. The Green Paper was shared with PwC before it was published.

5. Land taxes in Ireland, Denmark and New Zealand are discussed on pages 26, 22 and 15, respectively, of the PwC report.

## **2.2 THE DEPUTY OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING STATISTICS RELATING TO VIOLENT CRIMES AGAINST WOMEN:**

### **Question**

Will the Minister advise:

- (a) what statistics the department holds relating to levels of violence against women and girls in Jersey, including rape and sexual assault, and what is being done to reduce these levels and encourage women to report violent crimes; particularly rape and sexual assault;
- (b) in light of the prevalence of these types of crime, what the department is doing, or planning to do, if anything, to increase their detection and resolution;
- (c) whether the department can do more to help prevent these crimes, and what other departments could do to contribute towards this;
- (d) whether the department is aware of the new charity Jersey Action Against Rape which was set up to provide support for victims of these crimes; whether the department intends to support the work of this charity and, if so, how?

### **Answer**

- a) There is no single crime category to cover the broad subject area.

Records of reported crimes committed in relation to this area are maintained which are set out in the table below:-



b) We have drawn up a Rape Action Plan jointly with the Law Officers Department for 2015 in an effort to increase detections and prosecutions. It is referenced in the Policing Plan. We also are in dialogue with the Home Affairs Minister to bid for law drafting time to provide for a Sexual Offences Law which would modernise and update the law in this area. (A more detailed briefing note on action being taken in respect of violence against women and girls is attached).

c) Early discussions have begun across States Departments, including Home Affairs to do more to help prevent these crimes but before a cross- departmental strategy can be drawn up we need to conduct local research to understand the landscape in Jersey and then deliver appropriate intervention and prevention strategies. We cannot rely on police statistics as this type of crime is massively under-reported. Consequently, under the auspices of BaSS, the Department will be sponsoring research into crimes of this nature.

d) We are aware of JAAR. We have worked closely with the committee members and helped deliver training inputs to their volunteers with regard to the police response to victims of sexual violence. We are also in the process of setting up a referral system whereby we can refer victims with consent to the counselling services of JAAR. We also plan to involve them in the future development of a Sexual Assault Referral Centre (SARC) in Jersey.

## **VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)**

### **BRIEFING NOTE**

Violence against women and girls (VAWG) is one of the most widespread abuses of human rights worldwide, affecting one third of all women in their lifetime. It is a global public health problem, the leading cause of death and disability of women of all ages and has many other health consequences. There are many different strategies in place across the world and the below is a snapshot of the approach adopted by the UK Government.

The UK government is determined that violence of all kinds against women and girls should end and in 2010 published a cross-government strategy “A call to end violence against women and girls” and a supporting action plan which has been updated annually since. Violence against women is a despicable crime which has absolutely no place in any society. But for too long, too many women and girls have suffered domestic abuse, rape, sexual assault and crimes such as stalking.

The UK Government has made significant progress as set out below. This is due to:

- Clear strategic objectives focused on prevention, provision of services, partnership working, and justice outcomes and risk reduction;
- Commitment right across Government with activity co-ordinated across Departments overseen by an Inter-Ministerial Group chaired by the Home Secretary;
- Active engagement with local areas and voluntary sector partners to inform policies related to violence against women and girls;
- Ensuring wider Government reforms support the approach to tackling violence against women and girls; and

- A commitment to almost £40 million of ring-fenced funding over the spending review period for specialist violence against women and girls services from the Home Office and Ministry of Justice.

Key activities over the last 12 months include:

- Re-launching the highly successful *This is Abuse* campaign, and a new focus on reaching young male perpetrators.
- Completion of the domestic violence disclosure scheme (Clare's Law) pilot and the announcement that the scheme will be rolled out nationally from March 2014, allowing the police to disclose information to the public about a partner's previous violent offending and thereby empowering people to make an informed decision about the future of a relationship.
- Evaluation of the Domestic Violence Protection Order pilot, and the announcement that this too will be rolled out nationally from March 2014, preventing perpetrators of violence from returning to their home for up to 28 days, giving the victim time to consider their options.
- A review of the police response to domestic violence by Her Majesty's Inspectorate of Constabulary, which will report by April.
- Encouraging employers to sign a Pledge committing their organisations to having a comprehensive policy to support staff experiencing domestic violence as part of the Public Health Responsibility Deal. The Home Office, Department of Health, Her Majesty's Revenue and Customs, the Ministry of Justice, Crown Prosecution Service, Public Health England and NHS England have all already signed the Pledge and it is our ambition that all civil service departments will be signatories by April 2015.
- Publishing a "lessons learned" document based on the findings of the Home Office Domestic Homicide Reviews, which identified common themes and made recommendations to be considered locally.
- Progressing legislation to criminalise forced marriage in the Anti-Social Behaviour, Crime and Policing Bill, to ensure that this unacceptable practice can be robustly prosecuted.
- Successfully bidding for funding (approximately £250,000) from the European Commission to fund a project raising awareness of Female Genital Mutilation (FGM) in the UK. Project activities will include a promotion campaign for the NSPCC FGM helpline, community engagement, learning packages for safeguarding professionals, awareness raising sessions with Local Safeguarding Children's Boards and hosting an EU wide event to share effective practice.
- Part-funding a new study into the prevalence of FGM in England and Wales. The new research will be the first update since a 2007 study revealed that over 20,000 girls in the UK could be at risk of FGM each year. The results are due to be published in April.
- Maintaining one of the most robust sex offender management regimes in the world which has included introducing new legislation to reform the civil orders available, giving the police and courts broader powers to manage registered sex offenders and those who pose a risk.

- Working with the Director of Public Prosecutions to understand the fall in referrals from the police to the Crown Prosecution Service in rape and domestic violence cases, and agreeing a six point plan to tackle this issue, including the establishment of a national scrutiny panel led by the Director of Public Prosecutions and the National Policing Lead for Rape.
- Funding the development and delivery of a training package on stalking to further assist frontline workers to identify cases of stalking, and support and advise victims appropriately.
- Continuing to work with the Crown Prosecution Service, National Policing Lead, the College of Policing and others to raise awareness of stalking, and encourage further training of police and CPS staff.
- Funding the development and delivery of a series of Commissioning Masterclasses, specifically designed to support voluntary sector organisations providing local domestic violence and sexual violence services to engage effectively with the new commissioning landscape.
- Engaging closely with local commissioners, including issuing a Violence Against Women and Girls fact pack and holding a conference on commissioning for Police and Crime Commissioners, and establishing a cross-Government task and finish group to drive progress around commissioning issues.
- Supporting work by the voluntary sector to develop a standards framework to assist local commissioners to make informed choices about local sexual violence and domestic violence services.
- Setting out a programme of work through the National Group on Sexual Violence against Women and Girls

In Jersey we do not as yet have an equivalent of a Government VAWG agenda, however, we have begun some early discussions within the States of Jersey Police and Home Affairs with regard to developing an Island Strategy. It is, however, important that we first assess the specific landscape of violence in Jersey in order to successfully intervene. For example we must assess the exact types and combinations of violence that are most prevalent in Jersey; which populations are most vulnerable to victimisation and perpetration; which factors drive the overall level of physical and sexual violence in the population. In addition we mustn't lose sight of our achievements to date. These include:

- Re-launching the successful "Ask, listen, respect" website and campaign to help change attitudes towards rape and sexual violence; especially those who think the victim is to blame.
- Working with the LOD to deliver an action plan on rape and serious sexual violence to improve investigations and prosecutions locally.
- Supporting work by the voluntary sector, in particular JAAR, the Jersey Women's Refuge, Victim Support and the Domestic Violence Forum, to provide independent specialist support to victims of these crimes.

- Rollout of the Domestic Violence Disclosure Scheme (Clare’s Law) and Sex Offender Disclosure Scheme (Sarah’s Law) locally.
- Conducting a local review of the police response to domestic abuse taking into account the findings and recommendations of HMIC in the UK.
- Launching a multi-cultural campaign against domestic abuse where the force once again highlighted the prevalence of domestic abuse within our community and reached out those affected across all our cultural groups.
- Making available an online survey to victims of domestic abuse in order to improve the police response and quality of service.
- Working in partnership to deliver an IDVA service and MARAC which will reduce the risk to women and girls who are victims of these crimes.
- Rolling out a CSE / Sexting awareness campaign specifically targeted at preventing teenagers becoming victims or perpetrators of sexual violence or abuse.
- Delivering in partnership training for frontline professionals to equip them to recognise and deal effectively with victims and perpetrators of CSE.
- Maintaining a robust sex offender management regime.
- Continued provision of ADAPT (Domestic Abuse perpetrator programme ) achieving a 70% success rate.
- Reconstitution of multi-agency DA steering group under auspice of SPB.
- Development of a local SARC.
- Introducing domestic violence protection orders and notices.
- Delivery of key messages through PMNW to schools in order to educate our young people and change attitudes.
- Launching Operation Phoenix to raise local awareness, in particular with hoteliers re sexual exploitation.

The field of violence against women and girls has advanced considerably over the last two decades and there is an expanding body of knowledge and evidence of what works. This positions Jersey well at this time to seek to develop and implement strong primary interventions once it understands its local landscape.

### **Glossary:**

BaSS      Building a Safer Society Strategy

CPS      Crown Prosecution Service

CSE	Child Sexual Exploitation
DA	Domestic Abuse
FGM	Female Genital Mutilation
HMIC	Her Majesty's Inspector of Constabulary
IDVA	Independent domestic violence adviser
JAAR	Jersey Action Against Rape
LOD	Law Officers' Department
MARAC	Multi Agency Risk Assessment Conference
NSPCC	National Society for the Prevention of Cruelty to Children
PMNW	Prison Me No Way
SARC	Sexual Assault Referral Centre
SPB	Safeguarding Partnership Board
USI	Unlawful sexual intercourse
VAWG	Violence against Women and Girls

### **2.3 THE DEPUTY OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PERMANENT AND AGENCY NURSES:**

#### **Question**

Will the Minister advise:

- (a) if there is there a shortage of trained nurses in the Island;
- (b) what statistics the department has around the use of agency nurses;
- (c) how much this costs compared to having permanently employed nurses;
- (d) what, if anything, is being done to train nurses locally?

#### **Answer**

##### **a) if there is there a shortage of trained nurses in the Island;**

There will always be a need to recruit nurses particularly with specialist skills and experience from elsewhere due to staff turnover, retirement of nursing staff and development of services.

Within Health and Social Services the number of vacancies for trained nurses has started to reduce, with 28 vacancies currently in the General Hospital representing 3.7% of the registered nurse



workforce and 13 in Community and Social Services representing 1.3% of the registered workforce.

The Health and Social Services Department, in common with other jurisdictions, is currently experiencing a shortage of trained nurses within the Division of Theatres and Anaesthesia who have skills in anaesthetics, scrub and /or recovery, as well as experiencing challenges in recruiting high calibre and experienced trained nurses to work within the residential units for Older Adults with Complex Care Needs.

In terms of trained nurses in other Island organisations, HSSD doesn't hold workforce data for the private and voluntary sector, however the Chief Nurse is regular contact with employers and is not aware of any specific issues at this time.

**(b) what statistics the department has around the use of agency nurses;**

The department collects detailed data on a weekly basis regarding the use of agency nurses who are used for a variety of reasons where there is no alternative.

The Department records both the number of agency nurses deployed at any time and the costs associated with those agency nurses.

There are currently five agency nurses are covering vacancies across the Division of Theatres and Anaesthesia and a further two covering roles in the Older Adults Complex Care service.

**(c) how much this costs compared to having permanently employed nurses;**

The cost of employing an agency nurse is approximately 1.7 times the cost of employing a permanent member of staff.

The increased costs are due to the agency hourly rates along with travel and accommodation charges. Agency nursing staff are only used when other alternative staffing options have been exhausted, minimising the financial cost to the service.

**(d) what, if anything, is being done to train nurses locally?**

The Department has been running nurse training for at least ten years. The programmes currently available are, in the main, in partnership with the University of Chester.

The degree level programme for pre – registration Adult Nursing is open to islanders on an annual basis and the three year programme is run on island. The interest in this programme has been significant and has attracted local people who would not have been able to pursue a career in nursing had they had to leave Jersey to train. Annual intakes are between 10–15 at present. Intake numbers are based on the expected retirements, turnover and skill mix changes. We currently have circa 45 students in training (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> years)

In addition to the above programme the department is now also able to offer training in Midwifery; there are currently three pre-registration midwifery students on the programme. Because of the size of the cohort these students undertake their taught element of the programme in Chester at the university and their practice placements on island. We are also able to offer small numbers of Paediatric Nurse training and Mental Health Nurse training, all of which is structured as the midwifery programme.

It is recognised that there will be local students who want to train outside of Jersey. Those students are offered a point of contact with the Department and encouraged to join the nurse bank as a healthcare assistant whilst they are students. This has proved successful in attracting Jersey students back to the island on completion of their programme, as they have the opportunity when they return in the university holidays to do some temporary work on the bank which familiarises them with the Department.

There have been occasions when trained nurses have either had a career change or a career break, for these nurses we have offered a "Return to Practice" programme. This programme offers nurses an opportunity to return to the profession and 13 nurses undertook the programme and many are now in posts across the island.

It is important that nurses who are already qualified undertake continuous professional development. This is a requirement of the professional regulator (Nursing and Midwifery Council) It is also important to nurses themselves that they have opportunities to continue to develop their knowledge and skills and this has improved recruitment and retention. The department runs a range of programmes which meet the needs of the nursing staff and the organisation. Offering education in a range of practical and analytical programmes from diploma to Masters level.

Succession planning for specialist nursing posts at higher grades is also being undertaken with development opportunities being provided for staff nurses. The promotion of staff nurses into some of these posts will provide the vacancies for the newly qualified staff later in the year.

#### **2.4 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ENFORCEMENT ACTION:**

##### **Question**

Will the Minister advise members of -

- (a) the number of enforcement actions brought in the Magistrate's and Royal Courts by the Department over the last five years without reference to the Law Officers' Department or to the Law Officers' Department's legal advisers before charges were laid in these courts;
- (b) who determined the public interest in these actions;
- (c) how many of the people charged with enforcement infractions pleaded guilty, not guilty and, if the latter, were convicted; and
- (d) in those cases in which the defendant pleaded not guilty, the number of cases that were then taken over by the Department's legal advisers?

##### **Answer**

The answer has been supplied in four parts as set out in the question, as follows:

- (a) *the number of enforcement actions brought in the Magistrate's and Royal Courts by the Department over the last five years without reference to the Law Officers' Department or to the Law Officers' Department's legal advisers before charges were laid in these courts;*

My department is responsible for progressing enforcement actions in relation to several different laws and a small proportion of these are brought to the Magistrate's or Royal Courts. Depending on

the law which has allegedly been breached and the particular circumstances of the case, my department will refer some cases to the States of Jersey Law Officers' Department or to the appropriate Parish Centenier before a case is brought to the Magistrate's or Royal Courts.

I have asked my department to confirm the number of actions brought to the Magistrate's or Royal Courts in the last five years without reference to the States of Jersey Law Officers' Department and this information will be made available to the Deputy as soon as possible.

*(b) who determined the public interest in these actions;*

The public interest test in deciding whether to bring a prosecution to the Courts is made by the Attorney General's Office or appropriate Parish Centenier. Officers from my department may submit a report to the Attorney General's Officer or Parish Centenier outlining an alleged breach of the Law, but it rests with the Attorney General's Office or Centenier to decide if to proceed with a prosecution.

*(c) how many of the people charged with enforcement infractions pleaded guilty, not guilty and, if the latter, were convicted; and*

Specific details of all enforcement actions brought to the Magistrate's or Royal Courts are held by the Judicial Greffe and I would ask the Deputy to approach the Greffe directly for the information he requires.

*(d) in those cases in which the defendant pleaded not guilty, the number of cases that were then taken over by the Department's legal advisers?*

My department follows the same general process when dealing with enforcement matters as briefly described earlier in my answer, regardless of the defendant's plea.

If the Deputy would like clarification on any specific enforcement process we follow or has an individual case he would like me to investigate I would be happy to provide more information.

## **2.5 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE DEVELOPMENT OF THE ESPLANADE QUARTER:**

### **Question**

Further to the letter dated 12th February 2015 to the Minister for Planning and Environment from Mr. Paul Harben of Collas Crill, which was copied to all States Members, regarding the Esplanade Development, will the Minister set out the questions and statements made by the author of the letter and the Minister's answers or responses to each of those statements and questions in the order they were presented?

### **Answer**

The Minister has reviewed the 12<sup>th</sup> February 2015 letter from Collas Crill regarding the States of Jersey Development Company (SOJDC) Esplanade Quarter development and will be replying to the author shortly, providing a comprehensive response to all matters raised. A copy of my written response will be forwarded to all States members.

## **2.6 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE NUMBER OF PEOPLE ACTIVELY SEEKING WORK WHO OPT FOR SELF-EMPLOYMENT:**

### **Question**

Will the Minister provide an annual breakdown of the number of people who were actively seeking work during the period 2008 to 2014 -

- (a) who opted for self-employment, together with the nature of self-employment they decided to pursue;
- (b) whose income had to be supplemented by income support whilst self- employed; and,
- (c) who returned to the unemployment register as actively seeking work after a period as self-employed, indicating the length of time they were classed as self-employed?

### **Answer**

Income support provides financial assistance to individuals who are actively seeking work, who are in employment or who have self-employment. Earnings from employment and self-employment are included on the Income Support claim with a disregard applied of 23% of the gross earnings. This ensures that as an individual moves into employment or self-employment, they can continue to receive Income Support whilst their income remains within the Income Support levels.

In December 2014 there were 185 individuals who were self-employed but also receiving Income Support. Precise information on the nature of their self-employment is only held on a case-by-case basis and is not easily collated. However, advisors working with these individuals report that the spread of businesses is broad, touching on many sectors from domestic to manual labour, to IT, marketing and catering. Likewise, the previous employment history of these individuals can only be ascertained by a case-by-case examination of their records.

Historic data to the level of detail requested in the question spanning the seven years from 2008 to 2014 would need to be collated manually from a variety of sources on a case-by-case basis. This would be extremely time consuming but an initial analysis completed in the time available indicated an average of just under 200 self-employed individuals receiving Income Support between 2011 and 2014.

The Back to Work teams support individuals who are Actively Seeking Work and wanting to set up their own business, and a specialist Advisor is available to support this group to increase their income or find more hours of paid work.

## **2.7 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE FUNDING OF THE COMMITTEE OF INQUIRY INTO HISTORIC CHILD ABUSE:**

## **Question**

Following recent media reports about the potential final cost of the Committee of Inquiry into Historic Child Abuse rising significantly above what was originally forecast, will the Chief Minister commit to making available the necessary public funds to ensure that the Committee of Inquiry is able to fulfil its purpose?

## **Answer**

The Council of Ministers meeting on 11 February 2015 decided that the Chief Minister should lodge a proposition in order that the States Assembly can decide upon funding for the Committee of Inquiry.

## **2.8 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING A PUBLIC REGISTER OF BENEFICIAL OWNERSHIP:**

### **Question**

Given the commitment by both the Conservative-led government and opposition Labour Party to see a public register of beneficial ownership of companies in the United Kingdom, what measures, if any, has the Jersey government taken to investigate the feasibility of creating such a register in the Island and, if measures have been taken, how long does he envisage that it will take to create such a register and what would the approximate cost be?

### **Answer**

Over the years the Jersey government has sought to comply with all the international standards on AML, financial regulation and tax transparency and information exchange, and has been recognised internationally for its achievements in this respect. One key aspect of the international tax initiatives in which Jersey is an active participant has been assisting law enforcement and tax authorities in the fight against tax evasion.

What those authorities require is adequate, accurate and current information on the beneficial ownership of companies made available to them in a timely fashion. This is the clear message to emerge for the G20 High Level Principles on Beneficial Ownership Transparency issued at the Brisbane Summit in November last year and it is also embodied in the draft EU 4<sup>th</sup> AML Directive and the FATF recommendations on AML/CFT.

The UK government and the opposition consider that a public register of central beneficial ownership is the best way for the UK to meet its international obligations. However this view is not shared by nearly all of the G20 and EU Member States.

The UK government has accepted that what is right for them is not necessarily right for others. It has been acknowledged that our approach of a central register plus the regulation of Trust and Company Service Providers (TCSPs) more than equates with the G20 and EU proposals in meeting the need of law enforcement and tax authorities for adequate, accurate and timely information on

beneficial ownership, and that it is at least an equivalent alternative to the UK's planned public central register.

Our present approach can and does provide law enforcement and tax authorities with adequate, accurate and current information on beneficial ownership.

As we have considerable experience of maintaining a central register of beneficial ownership, the content of which is subject to verification by the company registry, we have offered assistance to the United Kingdom and other jurisdictions which have yet to establish such a register.

## **2.9 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING ANTI-MONEY LAUNDERING REGULATIONS:**

### **Question**

Following my written question of 20th November 2012 and question without notice on 5th November 2013, will the Chief Minister inform members whether the Jersey Financial Services Commission has reported on the findings resulting from its investigation into the extent of breaches of Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) regulations previously reported in a U.S. Senate investigation into the activities of HSBC Middle East in Jersey?

If so, will the Minister inform members what sanctions, if any, the JFSC has imposed on the Jersey branch of HSBC Middle East, as a result of any AML/CFT breaches found?

If not, will the Minister inform members why this investigation has taken so long, and despite the assurances of the former Minister for Economic Development that "*we can be confident that the regulator will act properly and decisively in accordance with its mandate,*" whether and when we can expect any action at all?

What measures have been put in place by the Jersey authorities to ensure that the standards of governance and compliance of Jersey HSBC subsidiaries, such as HSBC Middle East, are much higher than those recently exposed in HSBC Switzerland by the International Consortium of Investigative Journalists?

### **Answer**

I am informed by the Jersey Financial Services Commission that the scale of the two year review undertaken by the reporting professional has been significant and resulted in the delivery to the Commission on the 19 December 2014 of a twelve thousand page report which is being reviewed and considered in detail. Clarification of points made in the report are currently being pursued. HBME has cooperated with the review and has devoted extensive resources to assist the reporting professional and the bank has consistently demonstrated a commitment to strengthen their AML defences wherever necessary. Any remediation plan will be monitored by the Commission.

No comment can be made on the issue of what may be an appropriate sanction as the Jersey Financial Services Commission will need to follow its published decision making process.

On the subject of the measures that are in place to ensure HSBC Jersey's compliance with high standards of governance I would refer the Deputy to my answer to written question 8640.

## **2.10 THE DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING LINKS BETWEEN HSBC SWITZERLAND AND JERSEY:**

### **Question**

Does the Chief Minister accept that any links provided by the International Consortium of Investigative Journalists between the activities of HSBC Switzerland and financial activities in Jersey such as the following, which appeared in the Guardian on 13th February 2015, do not reflect well on the reputation of our financial services industry:

*“In Malta, Tancred Tabone, ex-head of the state oil company, was charged in 2013 with alleged corruption dating back to 2005. Two HSBC accounts are named in the allegations.*

*HSBC also set up a Jersey offshore trust into which Tabone deposited \$1m (£650,000). He planned to transfer in more funds, the bank wrote enthusiastically, noting “the potential is evaluated [at] over US\$10m”, noting Tabone was “personally known by ... HSBC Malta”?*

Is the Chief Minister aware of any further links between HSBC Switzerland and Jersey implying lax application of compliance rules, and, if so, what actions will the Minister take to protect the integrity of Jersey's Financial Services Industry?

### **Answer**

Jersey's Government is fully supportive of international action in the fight against corruption, money laundering, tax evasion and other examples of financial crime. We share in recognising the need for a global approach for these crimes to be tackled effectively. We also recognise that should Jersey have any alleged or proven involvement in such crimes this will be extremely detrimental to the Island's reputation as a quality international finance centre.

However, no finance centre is able to ensure that such criminal activity can be avoided in its entirety. With this in mind, what is important is that our regulatory standards are high and can limit the risk of this occurring, and that where it is shown to have occurred appropriate action is taken to deal with the situation.

I am not aware of the links between HSBC Switzerland and Jersey because this would involve confidential information that would not be available to me. It would however be available to the regulator and I am confident that in the JFSC we have a regulator that is resourced and provided with appropriate legislative powers to take the necessary action if such links have been established.

Whenever information is provided that suggests a financial institution in the Island has not applied the desired compliance rules the JFSC will always take the necessary action. I have every confidence that this is the case in respect of the recent publicity given to the actions of HSBC in so far as the may involve the bank's Jersey operations.

## **2.11 DEPUTY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EUROPEAN UNION SAVINGS TAX DIRECTIVE:**

### **Question**

Does the Chief Minister consider that the schemes, recently revealed by the International Consortium of Investigative Journalists, devised and aggressively marketed by HSBC Switzerland, whereby wealthy individuals were encouraged to transfer their funds from a savings account to a corporate account (with no genuine trading activity) thus evading the European Union savings tax directive (EUSD), constituted serious tax evasion?

What assurance, if any, can the Chief Minister give to members that such a scheme has not been operated in Jersey by HSBC, its subsidiaries or by other banks or financial institutions either now or in the past?

Notwithstanding his response to the latter, what evidence does the Chief Minister have, or will he seek, to support any such assurance?

### **Answer**

I am not in a position to say whether the activity that has been publicised in the media regarding HSBC Switzerland constitutes serious tax evasion. That can only be determined by a proper process of investigation such as that being currently undertaken by the Swiss authorities

As far as the assurance sought in connection with the activities of HSBC in Jersey, I am confident for the reasons given in the answer to written question 8640 that the JFSC is taking all necessary and appropriate steps to assess whether HSBC Jersey has been involved and, if so, to decide what action, if any, needs to be taken.

## **2.12 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING VISIT JERSEY:**

### **Question**

Will the Minister set out for members the structure of the new body "Visit Jersey" which is to take over the direction of tourism policy in terms of:

- funding;
- remuneration of board members;
- staff numbers and positions;
- staff terms and conditions?

Can the Minister further inform members how many of the staff previously employed in Jersey Tourism have been offered employment with the new Public-Private Partnership body and if this is zero, or close to it, can the Minister state why so many years of experience have been ignored?



Can the Minister inform members what terms have been offered to those employees who have effectively been made redundant in the transfer of the Tourism Department to an outside body?

**Answer**

Visit Jersey is an independent limited company, funded by the States of Jersey. The relationship between the Minister for Economic Development and Visit Jersey, a private company, will be governed by a Partnership Agreement under which the Department can provide an annual grant subject to the agreement of an annual business plan. Visit Jersey is tasked with the promotion of tourism to and within Jersey under policy set by the Minister for Economic Development.

The Tourism Shadow Board, established by P.113/2012, has remuneration for the Chairman at £12,500 per annum with an honorarium of £5,000 per annum for up to 5 Non-Executive Directors.

As an employer, the States of Jersey has elected to redeploy (not make redundant) all Jersey Tourism employees elsewhere across the public service. Separately, all individuals were given an exclusive period in which to apply for roles with Visit Jersey. The terms and conditions on offer are a matter for Visit Jersey as an independent entity. A transition premium has been put in place by the States of Jersey for those who choose to accept an offer of employment from Visit Jersey. This process is still on-going and it would not be appropriate to comment further at this juncture.

**2.13 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING TENANTS' RIGHTS OF APPEAL:**

**Question**

Following the incorporation of the States of Jersey Housing Department into Andium Homes, could the Minister confirm that this has resulted in a significant reduction in the rights of appeal for tenants of, or applicants for, Andium Homes, in that they have lost access to the States of Jersey Complaints Board as the last resort before appeal to the Royal Court over important disputed housing decisions?

Could the Minister inform members whether the current appeals system put in place by Andium Homes is an entirely internal process with no recourse to an independent hearing, and, if so, has the Minister sought advice on whether the new appeals system is human rights compliant?

What measures in the short and long term, if any, does the Minister have under consideration to ensure that social rental tenants have access to an independent appeals process?

**Answer**

Andium Homes has in place its own robust appeals and complaints process, which provides applicants with 3 separate opportunities to put forward their complaint or appeal at increasing levels of seniority within the organisation. However, given that Andium Homes is a separate legal entity a person would need to seek redress through the Court if a complaint could not be addressed internally. The same position applies to all the affordable housing providers in Jersey, and all private sector landlords.

The Residential Tenancy (Jersey) Law 2011 Law gives the Court power to rule on matters relating to residential tenancies, and is a fair and transparent means to address disputes in respect of contractual arrangements between a landlord and tenant. As part of reviewing private and social housing regulation in 2015, the Minister will explore options for any improvements that are necessary.

## **2.14 THE DEPUTY OF ST. BRELADE OF THE CHIEF MINISTER REGARDING TAX AVOIDANCE MEASURES:**

### **Question**

Is the Chief Minister committed to tackling tax avoidance, more generally, in addition to his previous commitments on “tax evasion” and “aggressive tax avoidance”?

Will the Chief Minister also provide examples of when “ordinary tax avoidance” becomes “aggressive tax avoidance” and where the onus lies in Jersey for tackling these mechanisms, which may have their genesis elsewhere?

### **Answer**

A problem faced in responding to the question is that there is no precise definition of the various terms used in respect of the actions of those who seek to reduce their liability to tax. In particular there are no clear boundaries between tax planning, tax avoidance, aggressive or abusive tax avoidance and tax evasion.

However, tax evasion is criminal and in 1999 Jersey was one of the first countries to include tax evasion as a predicate offence in our AML legislation. The international Financial Action Task Force only included it in their recommendations in 2012.

Tax evasion also occurs when individuals fail to disclose income in their tax returns. An example of where the Island has acted in support of other jurisdictions is our voluntary support of the EU in its action to tax savings income.

On tax avoidance the position is less clear cut. Where an individual or company takes advantage of legislative provisions which the legislature intended, this tax avoidance is now often referred to as tax planning. For example those resident in the UK who qualify for the resident but non-domiciled status are not required to pay UK tax on foreign source income if that income is received into a Jersey bank account and is not remitted to the UK.

On the other hand, there will be cases where individuals or companies engage in tax avoidance which, while legitimate, seeks to exploit loopholes in legislation in a way that was not in the mind of the legislature when that legislation was enacted. It is for the legislatures in the countries concerned to close the loopholes, but Jersey has always sought to avoid any reputational damage that might be caused by an association with this activity.

In some cases there is an international response, as with the OECD Base Erosion and Profit Shifting (BEPS) programme. Jersey is supportive of this programme which includes, among other things, a country by country reporting requirement for companies.

In other cases there are schemes that were introduced by the UK Government to promote investment in certain sectors (e.g the film industry) which have subsequently been taken advantage of by tax advisers on behalf of UK clients with the objective of securing substantial savings in tax. In a number of cases these have been successfully challenged by the UK HMRC

Jersey does not need or want to be associated with any such arrangements that are considered to fall within the definition of abusive tax avoidance. This was the subject of a public statement issued in July 2014 in which I and the then Treasury minister said “We support fair tax competition, and view legitimate tax planning as an appropriate response to operating cross-border. We do not support that which goes beyond legitimate tax planning for commercial purposes nor do we want our service providers to host abusive tax schemes designed to frustrate the will of national parliaments.”

Government, the JFSC and JFL have joined forces to seek to ensure that in future such schemes do not involve the Island. We have also made it clear that we want to support the UK in achieving their ambitions in relation to that which we consider to be unacceptable and have had discussions with HMRC on how that support might be provided..

We will continue to respond to any situation where the reputation of the Island is threatened. There is plenty of legitimate business available which can be relied upon to support Jersey’s continued success as a quality international finance centre.

## **2.15 THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE PERCENTAGE OF HOUSEHOLD INCOME SPENT ON RENT:**

### **Question**

What percentage of a household’s net income does the Minister consider is reasonable to spend on renting one's home; what figures, if any, are available regarding the average spend in Jersey by tenants and is the Minister aware of how these figures compare with neighbouring countries in Europe?

### **Answer**

Using figures produced by the Statistics Unit from the Household Expenditure Survey 2009/2010, the net average weekly household expenditure on rents in Jersey as of December 2014 is estimated as follows:

<b>Category of tenure</b>	<b>2009/2010 average expenditure on rent (p/w)</b>
Social rental	£100
Private ‘qualified’ rental	£172.50
Private ‘non-qualified’ rental	£190

The next Jersey Household Expenditure Survey is expected later this year and will include figures on the average expenditure by households on housing costs, including rent.

However, a better measure of rental market affordability is the ‘stress’ that housing payments have on household incomes, which is provided in the 2013 Jersey Housing Affordability Report. The focus of the model is on low-income households who spend more than 30 percent of their gross income (including benefits) on housing costs such as mortgages or rent.

The Percentage of lower income households living in housing stress are:

	<b>Owner-occupied with mortgages</b>	<b>Social rental</b>	<b>Private rental</b>	<b>Non-qualified</b>
<b>2013</b>	35	31	56	52

The model does not take into account middle to high income households since some of these will be able to spend more than 30 percent of their incomes on housing costs and still have sufficient funds to meet non-housing costs.

Average household rents in Jersey are comparatively higher than in England and Wales, and mainland Europe, though like-for-like comparisons are difficult to make. Rental stress levels are therefore a more appropriate measure of affordability, but comparable data from the United Kingdom is not readily available.

## **2.16 THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING CO2 EMISSIONS:**

### **Question**

Will the Minister provide a breakdown for the estimated CO2 emissions made by Jersey (by cars, air travel, energy use and so on), how these compare in percentage terms with other countries and detail what steps, if any, are being taken to reduce emissions in all of these areas?

### **Answer**

The Deputy is referred to the Energy Plan (P.38/2014) which outlines Jersey’s Greenhouse Gas (GHG) Emissions (page 20 Figure 1) and also Jersey in Figures (2013 edition page 78).

Jersey’s emissions data is collected and audited by Aether; a company who annually compile the UK’s emission data on behalf of the UK Government, Department of Energy and Climate Change. Emissions are accounted for based on a number of factors such as: the amount of imported products and fuels (e.g. petrol, diesel kerosene etc); the number of vehicles and annual journey lengths and driving conditions; the numbers of livestock locally. Emissions calculations are carried out by sector and in accordance with the International Panel on Climate Change Common Reporting Framework Guidelines 2006. Disaggregated emissions data is supplied back to the Department two years in arrears i.e. the Jersey disaggregated data set for 2013 is expected towards the end of

February 2015. This delay is universal and due to the very thorough auditing of emissions. I would be happy to provide the Deputy with the full data set in spreadsheet format if he would find that useful.

A project is underway within the Department of the Environment and Aether to show the GHG data more interactively and in a more intuitive way so that members of the public can interrogate the data set online. This is expected to be in place by the summer.

Meaningful comparisons with other jurisdictions are difficult especially given our Island status and interconnectivity to the European Mainland via sub-sea connector. Overall Jersey's accounted emissions are relatively low c. 400,000 tonnes of CO<sub>2</sub> equivalents in 2013 and this is due to our small absolute size, importation of low carbon electricity and lack of any heavy industry. Our emissions are dominated from those arising from transport and space heating.

However, rather than make comparisons with other jurisdictions and focus on absolute numbers, the States agreed that Jersey should adhere to international best practice and its commitment under the Kyoto Protocol (extended to Jersey in 2007). In May 2014 the States agreed the Energy Plan (P38/2014) which outlines a number of policies that intend to reduce GHG emissions on a Pathway consistent with our Kyoto Protocol commitments.

There are 16 detailed separate Action Statements in the Energy Plan which each tackle and reduce emissions from the following areas: the built environment (domestic properties, commercial and government stock), the agricultural sector, transport, aviation, emissions from waste water treatment and F-gases (mostly coolants). Each sector plan is outlined in Chapter 3 of the Energy Plan and the projected emissions savings are illustrated assuming that the policy interventions are successful. Again, I would be happy to provide the Deputy with the spreadsheets that show the modelling and underlying assumptions of these emissions pathways.

## **2.17 THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE USE OF DILAPIDATED AND EMPTY BUILDINGS:**

### **Question**

Does the Minister consider that enough was done by his predecessors to tackle the problem of non-occupied, derelict or dilapidated properties and what action, if any, will he be proposing to tackle these issues?

### **Answer**

I don't think it is appropriate for me to comment on what my predecessors have or haven't done in relation to non-occupied, derelict or dilapidated buildings, but I am happy to clarify the legal powers I have and to clarify my views regarding such matters.

The first part of the question refers to non-occupied properties and I am not aware of any powers the Minister for Planning and Environment has in relation to non-occupied properties.

Article 84 of the Planning and Building (Jersey) Law 2002 is one of a number of Articles under Chapter 6 of the Law that deal with the condition of land (which in this context includes buildings

on the land), and confers powers on the Minister for Planning and Environment to abate any problem through the service of a notice.

Article 84 of the Planning and Building (Jersey) Law states;

*Minister may require repair or removal of ruinous or dilapidated buildings.*

*(1) If it appears to the Minister that a building is in a ruinous or dilapidated condition it may*

*serve a notice requiring that the building or a specified part of it be demolished,*

*repaired, decorated or otherwise improved and that any resulting rubbish be removed.”*

Article 91 of the Law requires the Minister to specify in sufficient detail the works to be carried out, and a reasonable time to complete them depending on what is required. Articles 93 and 94 state that it is an offence not to comply with a notice, and that in default, the Minister may undertake the works and recover his reasonably incurred costs from the person failing to undertake the work. There is no right for the owner to claim compensation under these provisions, but there is an appeal to the Royal Court on the grounds that the action taken by or on behalf of the Minister is unreasonable with regard to all the circumstances.

The Law does not define what constitutes a “ruinous or dilapidated building”. They are ordinary words, and the Royal Court is likely to apply the ordinary meanings to them. In order for a building to be ruined or ruinous I feel that the property would effectively have to be a wreck incapable of occupation or the possibility of occupation. A dilapidated building is likely to be a building in an extreme state of disrepair. Each case is be different, and will depend on the evidence of and the degree of ruination or dilapidation. In this context it might be reasonable to state that if a building is wind and watertight it is unlikely to be in such a state of ruination or dilapidation as to trigger action by way of Article 84.

## **2.18 THE DEPUTY OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING REDUCTIONS IN INCOME SUPPORT RENTAL COMPONENTS DUE TO UNDER OCCUPATION:**

### **Question**

Will the Minister inform members how many claims for Income Support (IS) are subject to a reduction in rental component because of under occupation?

Of those claims subject to this reduction how many are:

- a) pensioner households where the adult children have left;
- b) non-pensioner households where the family has left home;
- c) households where there are adult children still resident;
- d) households where there are health, disability or other needs which require an extra room?

Is it still the case, as previously with the Housing Department that in a) and b) above the under occupation is disregarded if the tenant has applied to downsize?

In this context how many Andium one bed properties become available for downsizing annually?

In c) if the family separated in order to release a 2 or 3-bed property, what proportion would result in an increase in IS paid as one rent component became 2 or 3 separate claims?

### **Answer**

The Income Support rental accommodation component is designed to help towards the reasonable rental costs faced by low income households who qualify for this benefit. The levels of this component are reviewed regularly, and were most recently increased in April 2014 to better reflect the costs of housing in the Island.

A household claiming Income Support receives an accommodation component at a level according to the size and type of property that is appropriate to its members; in practice this is calculated by looking at the number of bedrooms required by those people who are included on the Income Support claim. In cases where the household occupies a property that is larger than it needs, the Income Support system contains a mechanism to restrict the amount of accommodation component that is paid. This is essential to protect the Income Support budget and prevent the taxpayer from subsidising people who live in inappropriately large properties.

However, this is not to say that households will immediately see limits to their accommodation component if they suddenly have an additional bedroom because a family member leaves home, or that all households in this situation are suddenly placed into a situation where they are unable to meet the cost of their rent.

Households on the social housing transfer list, for example, because adult children have left home, will continue to be supported at the full accommodation component whilst they await a suitable property to move into. For private sector tenants in the same position, they are given a reasonable period of time (up to 12 months) to downsize to more appropriate accommodation and they may also qualify for assistance with the costs of that move.

Anybody who requires an additional bedroom for well-established medical reasons will also receive an accommodation component that includes the extra room.

There will also be situations where the amount of accommodation component paid changes because a person in the household no longer qualifies for help from Income Support. This typically happens when an adult son or daughter who has previously been included in the Income Support claim of the parents whilst the young adult is a jobseeker and is then removed from the Income Support claim because they have found full-time work, but have remained living in the family home.

For example, a couple with two children, one aged 14 still at school and an 18-year-old jobseeker are receiving Income Support in recognition of their costs in occupying a three bedroom house. The 18 year old then finds full time work, and is removed from the Income Support claim of the parents. The accommodation component included on the parents' claim will be reduced and the eldest child who is now earning an income of their own and remains in the family home will be expected to contribute towards the cost of rent. In this example, the total household income has increased, and the level of Income Support needed has reduced. The remaining members of the Income Support claim continue to receive a reduced accommodation component, so it is the case

that Income Support continues to pick up a reasonable proportion of the total rental costs of the household.

This concept is also applied where one or more adults who share a rental property qualify for their own separate Income Support claim; the total value of the accommodation component will always reflect the number of bedrooms required by people receiving Income Support.

In a minority of cases, an Income Support household will choose to rent a property that is larger than required for the number of people in the household. This is known as under occupation. In this situation, the rental component available to the household will be capped at a rental level appropriate to the size of the household. It will be up to the household itself to meet any additional rental costs. As noted above, if the household wishes to move to more appropriate accommodation, assistance may be available with the cost of a deposit and/or removal expenses. There will always be a minority of people who simply choose to occupy a property that is larger than their needs, and it is right that the support given in these cases is restricted.

As noted above, there are a variety of situations in which the size of the property does not match the size of the household but the household will continue to receive a full rental component. Although the Department keeps detailed information on Income Support claimant households, it does not continue to track people who leave the Income Support system. It is therefore not possible to differentiate automatically between a household receiving a reduced rental component due to true under occupation and a household receiving a reduced rental component because the accommodation is being shared with a family member (or someone else) who is not receiving Income Support. Establishing the precise reason for the reduced rental component in each case would require checking on a claim by claim basis.

Andium Homes Limited have confirmed that an average of 154 one bed units have been available to let each year over the last five years. It should be noted that not all these units will have been let to households that are moving from larger properties.

Social Security officers work closely with Andium to ensure that low income households are funded to live in suitable, good quality homes. The largest part of this involves financial assistance towards reasonable rental costs, but there are also situations where the Department assists people into moving into new homes so that Andium can make its properties available to those who most need them. When a person is required to downsize following a reduction in the size of the household, the higher rent will continue to be supported for up to twelve months.

In situations where adult children continue to receive Income Support, the accommodation component continues to recognise the need for extra bedrooms. In such cases the accommodation would continue to be supported at the full reasonable rate. If an adult child is unable to continue living in the former family home, Income Support will consider assisting them with the reasonable rent for their own independent property. Any change in the total value of Income Support provided would depend on the circumstances of all the various family members.

## **2.19 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING INVESTIGATIONS AT HAUT DE LA GARENNE IN 2008:**

### **Question**



Is the Minister aware of the current location of the item known as "Jar/6" which was unearthed by the States of Jersey police during investigations at Haut de la Garenne in 2008 and, if so, is she able to provide a dated chronology of where it has been since its discovery, including at which laboratories?

**Answer**

The item 'JAR 6' was found at Haut de la Garenne on Saturday 23<sup>rd</sup> February 2008.

Since this time it has been retained in secure storage at the States of Jersey Police Headquarters.

It has only been moved on two occasions.

The item was taken to the Radiocarbon Accelerator Unit Research Laboratory in Oxford on 6<sup>th</sup> March 2008 for testing, was securely held at the laboratory until its return to the States of Jersey Police on 4<sup>th</sup> April 2008.

The item was later taken to the Royal Botanic Gardens in Kew for analysis on 11<sup>th</sup> February 2009.

It was returned to the States of Jersey Police on 31<sup>st</sup> March 2009.

**2.20 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE HEALTH INSURANCE FUND:**

**Question**

Would the Minister inform members whether the Health Insurance Fund, which currently stands at £80m and had a surplus of contributions over expenditure in 2013, has sufficient reserves to fund any surge in GP consultations on the part of children currently subject to reduced or zero charges from some GP practices and, if so, does she consider that claims that the Department does not have sufficient funds to provide for any such surge are inaccurate?

**Answer**

The Health Insurance Fund had a balance of £86 million at the end of 2013 but, at the same time, is already in "current-year deficit". This means that the contribution income received into the Fund during 2013 did not cover all of the benefits paid out in 2013. Contributions totalled £28.6 million and benefit expenditure totalled £29.7 million.

The total value of the Fund only increased during 2013 due to a high return on investments and the Island should not be content to depend on variable investment returns to pay for statutory benefit schemes such as Medical Benefit. It is important that we try to match contribution income and benefit expenditure on an annual basis.

The budget for the Health Insurance Fund in 2015 has not made any additional provision in respect of an increase in visits from children. GP practices have always provided some visits for children at either no cost to the parent or at a reduced cost, and the Health Insurance Fund provides a subsidy of £20.28 in respect of each of these visits. We do not anticipate a sustained upturn in the

number of medical benefit claims on behalf of this age group but the Department will closely monitor any changes in patient behaviour.

Our continued prudent management of the Fund means it is able to absorb short term fluctuations in expenditure, if they do occur.

## **2.21 THE DEPUTY OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE USE OF LOANS FOR SPECIAL PAYMENTS TO INCOME SUPPORT CLAIMANTS:**

### **Question**

Can the Minister explain to members the justification for the use of loans rather than grants for special payments to Income Support claimants in respect of rental deposits and medical expenses?

### **Answer**

The Income Support legislation contains provision for special payments to be made in the form of both grants and loans. In the majority of cases the one-off payment is in respect of an urgent need that the low income household does not have sufficient resources to meet from its normal weekly budget. Providing the payment as a loan is entirely appropriate in respect of a one off expense which cannot be afforded as a single lump sum but could be afforded over a more extended period.

Rental deposits fall under this category, as the person requesting assistance needs a one-off payment in order to secure their move to a new property. It is not proper to make this payment as a grant as the person will eventually be refunded their deposit when they vacate a property, although this may be several years in the future. Rather than retain an outstanding debt that must be administered and monitored by Income Support staff, the property loan is recovered as a small deduction from ongoing weekly benefit. This scheme has helped a great many Income Support households secure suitable housing in the private sector, and I have no plans to change it.

The Income Support scheme includes additional weekly components to help people with significant long-term illnesses or disabilities. The Department also helps older people through the Over 65 Health Plan. Income Support Special Payments are available as grants for some irregular medical expenses, such as replacement glasses and visits to the chiropodist. All these payments are made as grants and are not required to be repaid.

A Special Payment grant for urgent and essential dental treatment can be given up to a maximum of £500 per person in any two-year period. Support for any additional costs above £500 is available in the form of a loan to be repaid from ongoing benefit. People over the age of 65, people living in residential care and people in receipt of personal care levels 2 and 3 are exempt from this limit, although they must still demonstrate that they cannot meet the cost themselves. The limit may also be waived in cases where somebody has serious dental problems due to ill health.

The limit on the value of a special payment grant for dental costs ensures that the tax funded budget is targeted to essential costs. The availability of additional support through loans provides a flexible system that acknowledges the high costs of some dental treatment, but also means that

claimants who request more than a certain amount over a set period will only be offered support for any additional costs in the form of a loan recovered in small amounts from their weekly benefit.

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

I wonder, before we go to Oral Questions, if I could ask for the views of the Assembly on whether we should indeed be debating in committee R.8 today on the strategic priorities of the Council of Ministers given that the consultation period continues until 27th February. It does seem strange to me that we are proposing to air our views on the strategic priorities before hearing from the public and making the consultation meaningful. So I would like to propose that we defer our in-committee debate until we have had those views from the public.

**The Bailiff:**

Is that proposition seconded? **[Seconded]** Chief Minister, do you wish to make any comment for Members?

**Senator I.J. Gorst:**

It is the first I have heard of such a suggestion so I would rather give it some consideration prior to acceding to it. The in committee debate is an important part of understanding what Members' response is and it will all be collated together. We need to have time to take consideration for Members' views and make any amendments accordingly, but if you could just give me until perhaps after questions to consider it and then ask the States to reconsider again.

[9:45]

**The Bailiff:**

Connétable, there is no urgency as long as we debate your proposition before we get to it on the Order Paper, so we will take it later on noting that it has been proposed and seconded.

### **3. Oral Questions**

#### **3.1 Deputy C.F. Labey of Grouville of the Minister for Home Affairs regarding addressing cyber-crimes:**

What progress, if any, are the police making to enable them to target and bring to justice perpetrators of cybercrimes committed from domains and servers hosted in other countries?

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

The States of Jersey Police continue to develop both their own local expertise and jurisdictional liaison in order to deal in the most appropriate way with any reported incident of cybercrime, including those that originate from domains and servers in other countries. Work is continually being done to ensure that the Island is able to comply with the Council of Europe Convention on Cybercrime. The convention is the main international agreement on tackling cybercrime. The States of Jersey Police also work with Action Fraud, which collates all incidents of cyberfraud, both actual offences and attempts, originating from foreign jurisdictions. The information is used to target those reports or individuals who are causing the most harm. The States of Jersey Police play their full part in this process. So far this year there have been 5 referrals and in 2014 there were 52. It is also acknowledged that the origin of some crimes is extremely difficult to obtain, if not impossible, and that is why the States of Jersey Police continue to develop links with Action Fraud, the National Crime Agency and other U.K. (United Kingdom) high-tech crime providers in order to take advantage of their expertise, extended links and influence through a wide range of foreign jurisdictions. The force have had recent success of their own in a case involving 2 foreign nationals

charged with cyberfraud offences and are currently liaising with a number of jurisdictions in order to secure related evidence. The Assembly will also be aware of the involvement of the States of Jersey Police Force in the successful convictions following Operation Enamel, which uncovered an international paedophile and sex exploitation ring and also another case where a man received a 5 and a half year sentence for targeting young girls over Facebook. The States of Jersey Police continue to focus on cybercrime prevention and have recently undertaken an Island-wide leaflet drop. The force is constantly working to protect the community from future incidents of this nature.

**The Bailiff:**

Excuse me, the young lady in the back there, would you mind just closing the curtain behind you because the sun is shining right in my eyes? Thank you very much.

**3.1.1 The Deputy of Grouville:**

At a recent conference I attended at the C.W.P.A. (Commonwealth Women's Parliamentary Association), it was a recognised fact by the women there that perpetrators will not remove abusive, harassing material unless it is made into a criminal offence. I gather we have a convention and we also rely very heavily on data protection controls, which seem to be applied in a discretionary fashion. Would she not agree these are woefully inadequate and the public would take some comfort in having a timescale when these sorts of crimes, which they are, become a criminal offence?

**The Deputy of St. Peter:**

As the Deputy, I saw in last night's *Evening Post*, there is some work being done currently by the Economic Development Department. It has been decided that the Electronic Communications (Jersey) Law would be the best fit for such legal work and, therefore, an officer is currently working on developing the correct framework for such offences to fit under that law.

**3.1.2 The Deputy of Grouville:**

A further supplementary: as I alluded to before, could she give us some form of timescale that the police will be bringing or she will be bringing in legislation - so that the public can take some comfort - to make these sorts of actions a criminal offence?

**The Deputy of St. Peter:**

As I just said, it is the Economic Development Department who are working on the Electronic Communications (Jersey) Law and they will develop the framework to cover those incidences within that law. I am not aware of the current timescale.

**3.1.3 Deputy A.D. Lewis of St. Helier:**

The Minister may well be aware of a term called cyberstalking, which maybe even some of us in the Chamber have been victims of. Will the Minister be considering further legislation to cover that element of cybercrime, which is very, very disturbing and upsetting for many individuals and could be incorporated within other stalking laws that already exist?

**The Deputy of St. Peter:**

There are many different types of cybercrime, as I am sure the Deputy will be aware, and, as I say, I am due to have a briefing with the relevant officer who is working on the Electronic Communications (Jersey) Law. I am aware that they are very closely following progress in other jurisdictions in relation to various types of cybercrime and we will be having very in-depth discussions about what elements will be placed within this framework.

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

I thank the Minister for her answers so far. The last Minister for Home Affairs had grave concerns that this piece of legislation had passed to Economic Development. Can she assure the House that she is literally on the Minister for Economic Development's back saying: "This is very important" or at least find out how important it is so her department can function properly because really this should be under Home Affairs? The Minister said "best fit", but how important is it to Economic Development? It is a policing matter.

**The Deputy of St. Peter:**

It is a good point but I am not really territorial about these matters. I think that as long as the work is done then I am very happy. We have a briefing very shortly with the Economic Development Department to discuss their progress on that legislation.

**3.1.5 Deputy J.A. Martin:**

A supplementary then: once that meeting has been held could the Minister then come back to the House or even email us and inform us when this legislation will be brought to the House?

**The Deputy of St. Peter:**

I would be most happy to.

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

Can the Minister advise us what prosecutions have taken place about cyberbullying within the Island? On numerous occasions, I have mentioned a particular cyberbully who seems to claim he has immunity from prosecution and I have not heard of his prosecution or anyone else's. Will she confirm whether or not the States Police have asked the Attorney General to prosecute anyone for cyberbullying in the last year?

**The Bailiff:**

You have just saved the question. It was out of order until that last question.

**The Deputy of St. Peter:**

I obviously cannot comment on individual cases and I am not aware of the specifics in that particular area, but I can find out for you and I will happily get back to the Deputy.

**3.1.7 The Deputy of Grouville:**

Is the Minister aware that the U.K. is very, very close to bringing forward or introducing legislation to make it a criminal offence for those involved with revenge porn? I would like her to explain to the House if we are close to following suit with this legislation. Again, some kind of timeframe that this can be introduced would be of comfort.

**The Deputy of St. Peter:**

As I described in my first answer, the element of revenge porn is being included in the Electronic Communications (Jersey) Law and I have already agreed that I will come back to the Assembly as soon as I have received my most recent briefing and I will inform the Assembly of the timescale.

**3.2 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the Minister's main challenges and priorities in relation to the Fiscal Policy Panel's pre-Medium Term Financial Plan Report:**

Following the publication in January 2015 of the Fiscal Policy Panel's pre-Medium-Term Financial Plan report, will the Minister advise Members what his main challenges are and his priorities?

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

My challenges are perhaps too numerous for an oral question, but in summary and most immediately - to develop a flexible Medium-Term Financial Plan that supports the economic recovery and delivers appropriate funding to meet States priorities while addressing any structural deficit that may be in the public finances afterwards - my immediate priority as Minister for Treasury and Resources is to agree realistic spending and savings plans with the Council of Ministers and States Members as any structural deficit and its size will depend on these decisions. If we agree affordable spending plans, modernise the public sector to drive efficiency savings and invest in growing the economy, there will be far less likelihood that we will need to burden Islanders with any more taxes or charges.

**3.2.1 Deputy M.R. Higgins:**

Obviously, it was a wide question. I would like to ask him specifically about economic growth. How does the Minister intend to deal with the failure to achieve economic growth, which has effectively flatlined since 1998? The economy is not growing; it is forecast not to grow, and despite being Minister for Economic Development with a responsibility for achieving economic growth, which did not succeed, how will he do so over the next 3 years?

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

I do not agree with the Deputy. I believe that having left Economic Development we are going to be (as the Fiscal Policy Panel has told us only recently) seeing growth in the Jersey economy in 2014 at 1.6 per cent they anticipated. The Fiscal Policy Panel has also forecast growth for the economy in this year, 2015, at 2 per cent and the following 2 years at around about 1.5 per cent. I do agree that from 2018 or 2019 onwards, the panel has pointed out that growth is likely to be more or less flat. That is the challenge we face. That is why we need to invest in the economy and invest in developing and creating job opportunities in particular for local people. That is where we are going to drive the revenues which will help to mitigate the chances of any increase in taxes or charges in the future.

**3.2.2 Connétable J.M. Refault of St. Peter:**

In answering the first part of the question, the Minister for Treasury and Resources said he was going to produce a flexible Medium-Term Financial Plan. I am quite interested in how he is going to achieve that.

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

By working closely with colleagues in the Council of Ministers and, indeed, with Members of this Assembly. I think one of the lessons perhaps that we have learnt from the first - and it was, we must remember, the first - Medium-Term Financial Plan was that it set a fairly rigid framework in which we could operate. I think the flexibility that is required in the future allows us to react more appropriately, bearing in mind it is a 4-year term we are setting our spending plans for. We need to be more flexible to adjust to a very rapidly changing world and a highly volatile world. I think that is one of the key aims that I will be looking for support from the Council of Ministers and, indeed, Members as well.

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

Does the Minister not accept that the figures show that in the past 8 years there has been a 13 per cent in total drop in G.D.P. (gross domestic product), no growth at all, and that even with predictions of growth these are unlikely to be met this year or any other year?

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

The Deputy can pick very satisfactorily any particular point of statistics. As we know, there are lies - if you will excuse me, Sir - damn lies and statistics. Indeed, he has picked 2 points which demonstrate his particular point about the position of the growth, or not in this case, of the economy. However, to be fair, you have to look across 2 points to look at the economic cycle, 2 low points or 2 high points, to estimate what the true growth or reduction in the economy happens to be. So I do not agree the figures are quite at the level necessarily as the Deputy suggests. I do agree with him, though, that we face challenges insofar as we do need to continue to invest at a time when it is clearly more difficult to do so with less funding available. Nevertheless, to invest in high value sectors driving growth, creating high-value jobs in particular, will have a trickle-down effect and is clearly in the interests of the Island as a whole.

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

Is the Minister accepting that there has been a 13 per cent drop in G.D.P. since the recession started in 2008/2009? Does he not accept equally that over the last decade and a half we have seen net zero growth in the economy in Jersey?

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

Let us put this into context if we may. Yes, we have seen a drop in the economy in the Island. I would agree with the Deputy on that point, but let us identify exactly why that is the case. Largely, it is attributable to the interest rate, the very low interest rate environment that we have seen since broadly 2008 since the crisis started. As Members will be aware, the finance industry is our largest industry.

[10:00]

It constitutes approximately 42 per cent of the size of the economy and the banking sector is the largest percentage part of that. Low interest rates have, therefore, impacted disproportionately on the G.V.A. (gross value added) figures. What I am pleased to say is that although we have seen job numbers in finance fall from a peak of 13,200 down to just below 12,000, they have now bounced back a bit to about 12,500. There is more optimism in the Jersey economy now than I have seen for some years. We need to build on that.

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

Yes, thank you. Before I do, I will just comment on that last one because the Minister I think is in danger of misleading the House. It is not just interest rates. If we look since 1998 at the zero, basically, or below zero growth in the Island, it is not all down to interest rates. The interest rate problem came from 2008 and is unlikely to recover for many years to come because, for a start, there is no anticipation of interest rates rising until at least 2016 and then only by a quarter or maybe half a per cent. That is not going to help our economy in that way. My question, however, concerns balancing the budget. I would like the Minister to confirm whether his aim is to balance the budget over the economic cycle or annually as they are currently doing?

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

I will be taking my advice from a number of sources, in particular from the F.P.P. (Fiscal Policy Panel). The advice is that in the short term over the next couple of years we need to be continuing to invest to support the economy as it appears to be recovering. We want to cement that recovery and so that is going to require some investment. That means running in the short term deficits but balancing over the economic cycles. I hope that makes the position clear with the Deputy that will be my position as we stand at the moment.

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

I must say I welcome that because one of our big problems has been trying to balance annually. I am pleased to see they are now looking at the economic cycle.

**The Connétable of St. Mary:**

Sorry to interrupt again, may we raise the défaut on the Deputy of St. Mary, please?

**Senator I.J. Gorst:**

Could I also ask for it to be raised on Senator Farnham as well?

**The Bailiff:**

It is proposed that the défaut be raised on the Deputy of St. Mary and Senator Farnham. Is that agreed? The défaut is raised.

**Senator L.J. Farnham:**

Now I can speak, may I just inform Members that I shall be out of the Island this afternoon and tomorrow on States business and will not be present in the Assembly? Thank you.

### **3.3 Deputy G.P. Southern of the Minister for Social Security regarding appeals against sanctions imposed for failure to actively seek work:**

What target, if any, does the Social Security Department have for the time taken to deal with appeals against sanctions imposed for failure to actively seek work?

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

In order to answer this question, I would first like to clarify the procedure when a customer disagrees with a sanction for failure to be actively seeking work. The first stage is for them to request that the decision is looked at again by a second officer: an internal review, which is referred to as a re-determination. We have a target that all such requests should be dealt with within 7 days of the request being received, which matches the similar time limit placed on the customer to submit their request for reconsideration to the department. This timescale is achieved within the overwhelming majority of cases, but there will always be situations where a delay is caused by the need to obtain supporting evidence. This is only proper and in most cases for the benefit of the claimant, who may need additional time to provide evidence; for example, obtaining a medical certificate. If the claimant still disagrees with the second decision, they have the right to appeal to an independent tribunal. The process of appealing to an external tribunal is managed by the Judicial Greffe and is independent of the department. When the department receives notification of an appeal, case papers are prepared and submitted to the registrar of appeals with a target of 2 weeks and up to 3 weeks for complex cases.

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

The Minister seems to be of the belief that these targets for response in these questions are being met. Does she not accept the evidence I have that in many cases the appeal system, the second re-determination, takes weeks rather than days and that the tribunal system is a very slow machinery to set in action? I have never seen that operate in less than a period of months rather than weeks, as she claims.

**Deputy S.J. Pinel:**

I think I already explained that in my original answer inasmuch as we hope to achieve the targets within 7 days, but when it goes to the second appeal it is then in the hands of the Judicial Greffe, not of the department.



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

Does the Minister not accept that if these targets are not being met - and they are not being met - this runs the risk of putting those who wish to appeal into serious jeopardy in terms of the fact that often their sole income is being stopped by a decision made by her officers?

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

Anybody whose sole income is stopped completely, which is on breach 2 after fair warnings and after 6 weeks, has really not complied with the statutory nature of the sanctions and has been advised all the way along by an adviser, by a mentor, by the department, and at no time would anybody lose their benefit by an accidental lack of claim.

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

Is it not the case that a breach can sit on a person's charge sheet for up to a year and if they breach again within that year they will get automatically put on that second level with a suspension of income and that that can happen to somebody with very short notice?

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

The breach will stay on their records for a year but equally they will be reminded consistently that if they fail to comply with the regulations they will fall foul of that breach and another warning will be issued.

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

Further, that that breach could be simply missing an appointment with an officer on one occasion in a year?

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

No, that is not the case. The advisers will advise that they are in danger of having a breach and a sanction if they continue not to comply with either facing an appointment, going for training or a work placement, and they will be advised of this if they have missed an appointment without notifying the department officers.

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

Can the Minister confirm that while the appeals for sanctions are taking place, if the whole family are then not receiving any money, that they are not receiving any money and if that is so, if the appeal is successful, is the money reinstated and backdated? In between, if you are appealing something you obviously think it is wrong. How does the department treat that family, especially if they have children? Do they have no money?

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

As I said consistently through every question on sanctions, the person who is in breach will be warned initially and then breach 1 and breach 2, if they do not comply, is consistently warned. If they consistently refuse to comply, then they have to accept that the money will not be forthcoming. The appeals will be dealt with as quickly as the department can and if it is a complex case then it will go to the Judicial Greffe.

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

Would the Minister come to the House with a list of the lengths of time taken between the registration of an appeal process and the final decision being met by the appeal tribunal for the past, let us say, year so that we can see how long these tribunals actually take, not the weeks that she says they take?

**Deputy S.J. Pinel:**

Yes, I will. There have been 101 breaches in the third breach, which means that the benefits are removed. Is that what the Deputy is asking for?

**Deputy G.P. Southern:**

I am asking for something further than that. I just want to know the length of time it takes between the first registration of an appeal, any appeal, against a decision of the department with a tribunal and when those findings are given. So what is the length of time it takes on average in the last year for appeals to go through? I think Members will be shocked to find that it is a matter of months rather than weeks.

**Deputy S.J. Pinel:**

Yes.

**3.4 Deputy J.A. Hilton of St. Helier of the Minister for Treasury and Resources regarding discussions relating to a pre-let agreement for the Esplanade car park site:**

Can the Minister as shareholder representative of the States of Jersey Development Company inform Members whether discussions have taken place between any Minister, the States of Jersey Development Company and government departments or quangos with a view to signing a pre-let agreement for the Esplanade car park site and can the Minister confirm that any agreement will be in line with what was agreed by the States Assembly in 2008?

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

In my capacity as shareholder representative of the S.O.J.D.C. (States of Jersey Development Company), I am not aware of any such discussions between the parties mentioned by the Deputy. The States of Jersey established the Jersey development company, S.O.J.D.C., in 2011 to act as a property developer and set down a clear operating mandate for the company in P.73/2010. I am advised that the company is carrying out the delivery of the Jersey International Finance Centre entirely appropriately and in accordance with its remit, including the masterplan approved by the States Assembly in 2008 and I would expect that to continue to be the case.

**3.4.1 Deputy J.A. Hilton**

Does the Minister agree with me that if the success of the financial quarter depends on a States department or quango occupying the buildings in that development, it rather proves the point made by the former M.D. (Managing Director) of W.E.B. (Waterfront Enterprise Board) in a letter to the Minister for Planning and Environment and copied to the then Chief Minister and Minister for Treasury and Resources expressing concerns on behalf of the directors of W.E.B. over the mismatch of supply and demand? I quote: "We believe that this could have an adverse effect on the economy and will make Jersey an unattractive environment for investors, especially the international investment community. This is because an oversupply of product will lead at best to nil growth in rental rates and also pressure for shorter lease periods. Currently, the institutions are less interested ..."

**The Bailiff:**

Deputy, the question has gone so long you cannot expect the Minister to answer that. The quotation is just too long for him to answer.

**Deputy J.A. Hilton:**

Okay, Sir, but would the Minister please answer the point that was made by the former M.D. in that letter to the Minister for Planning and Environment, copied to the Chief Minister and the Minister for Treasury and Resources, about the mismatch of supply and demand, which I understand the Council of Ministers are aware of at this time?

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

I think the Deputy is referring to a letter, if I recall correctly, that is, first of all, historic. It dates back to 2008 or there or thereabouts. Clearly, the market has changed since then and the Deputy is referring to issues around supply and demand. Clearly, that matter is something that is kept under constant review, as Members would expect. The view is that this scheme will be demand led and, indeed, there have been changes. We are now, as Members will be aware, looking at undertaking the development, S.O.J.D.C., on a building by building basis. That de-risks, first of all, but also it accommodates demand as it presents itself. The second point that the Deputy raised was around States departments, quangos and other entities. I think she was suggesting that there was some arrangement for one of those entities to undertake space within the development of the waterfront. I am not aware of that as an idea. That has not been presented to me, so I cannot comment any further at this stage on that but I am happy to update Members in due course if the matter changes.

**3.4.2 Deputy M.R. Higgins:**

For the avoidance of doubt, will the Minister confirm that no development will take place in line with the States decision that there should be no development unless the pre-lets are in place? Secondly, will he also confirm the States will not be pre-letting to enable the development to go ahead?

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

I think I have answered that point about the pre-lets with the States. There have been no discussions whatsoever with States or any associated organisations to take space in the International Finance Centre. If that position were to change, of course, Members would be updated straight away, but that certainly is not the position as we stand at the moment. With regard to the first part of the question the Deputy asked about pre-lets: yes, it is absolutely clear that pre-lets are being undertaken before, if I can put it this way, a shovel goes into the ground. I might add that in an attempt to de-risk this development we have hamstrung, if I can put it that way, S.O.J.D.C. into undertaking its duties by putting conditions on it such as these pre-lets, which no normal commercial developer would undertake. It has made it extraordinarily difficult to get the International Finance Centre started and it is a centre ... for the avoidance of any doubt, we need grade A office space if we are going to help to continue to cement the economic recovery, to stimulate our economy. We need grade A office space for inward investment and for existing businesses within this Island. I am very hopeful that very shortly heads of terms will be signed and the development will, therefore, start.

[10:15]

**3.4.3 Deputy M.R. Higgins:**

A supplementary: with the Minister's answer he gives the impression that we have hamstrung them. If that condition was not in place, S.O.J.D.C. would become a speculative developer, building on the hope of getting someone coming in, and considering they are supposed to be returning £50 million to the Exchequer over the development, which I do not believe, then again we would be risking even more money. Does the Minister not agree?

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

The Deputy is being very cynical and miserable this morning. **[Laughter]** I really do not feel in such a depressing mood as he is. I believe this development, as I have said, is needed. It is needed to stimulate the economy. I believe everything I have been told ... do not forget, this development has been reviewed and reviewed by Corporate Services Scrutiny Panels of the past. It is currently being reviewed yet again by the current Scrutiny Panel. It has had independent verification on the financial model. How much more can S.O.J.D.C. be expected to do? They are getting on with their job. They are following their remit. They are doing exactly what this Assembly tasked them to do and I am very hopeful that they have almost got to the line where they can start by getting a heads of terms signed up, the pre-let in place, and the development will start. I think it will stimulate a lot of other activity and boost the economy.

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

I do not know if the Minister has managed to confuse anyone else but me, but he started off telling Deputy Hilton that he was unaware of any discussions, anything was going forward, and no discussion had taken place, and he has just sat down and said they are very nearly signing heads of terms of lease. This Minister is accountable to this House to carry out what was decided in this House. Which is the truth?

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

It would be a very rare day that I could pull the wool over the eyes of the Deputy, but I would just clarify a point if I may. What I was referring to was the fact that the specific question from Deputy Hilton was as to whether there was any discussions between government bodies about government or quangos or associated organisations occupying space in the International Finance Centre. What I have said is I am not aware of any such discussions and if there were any discussions to come to light in the future, I would clearly make that a matter for this Assembly. To clarify the point, heads of terms that I was referring to, S.O.J.D.C. following the remit of this Assembly has been looking for prospective tenants to occupy space before they can start building. They are close with negotiations with a number of prospective tenants in the commercial sector, nothing to do with government, and they are, I believe, very close to heads of terms being signed and, therefore, pre-lets will be put in place and the development will be able to commence. I hope that clarifies the point.

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

Just a supplementary because that is not exactly the answer: you interpreted the question as you wanted to answer it and it does not say that. The Deputy is literally asking did you know of any discussions between you, the quango or any other company.

#### **The Bailiff:**

Deputy, that is a comment rather than a question.

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

No, the question is ... okay.

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

Will the Minister confirm any finance obtained by the States of Jersey Development Company for the financial quarter will have to be guaranteed by the States of Jersey?

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

No.

#### **The Bailiff:**

Mid-way through that question I thought I heard a machine going off from one of the western Parishes.

**Deputy G.J. Truscott of St. Brelade:**

Yes, Sir, I confess it was my mobile. I do apologise, Sir.

**The Bailiff:**

Well, there is a fine payable to the States charity, as you are aware.

**Deputy G.J. Truscott:**

I would just like to make the point that I am the first to get the fine this year, so it is very much appreciated, thank you. [Laughter]

**The Bailiff:**

Congratulations, Deputy. It is always good to be first, I am sure.

### **3.5 Deputy G.J. Truscott of the Chief Minister regarding a response to the U.K. Leader of the Opposition's suggestion Jersey could be blacklisted by the O.E.C.D:**

Following suggestions by the U.K. Leader of the Opposition that it would request the O.E.C.D. (Organisation for Economic Co-operation and Development) to blacklist Jersey should the Island fail to implement a public register of corporate beneficial ownership within 6 months of a Labour Government, does the Chief Minister agree with the U.K. Financial Secretary that the logical conclusion would accordingly be the blacklisting of 32 out of the 34 O.E.C.D. member countries, including Germany and the United States?

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

Could I ask Senator Ozouf to answer this question as it falls within his responsibility in my department?

**Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):**

Yes, I think the Exchequer Secretary was absolutely right in saying that most of the O.E.C.D. members do not have public registries. Indeed, the O.E.C.D. would only respond to such a request if there was a standard that they had requiring public registries of corporate beneficial ownership. However, if for the sake of argument the O.E.C.D. decided to put on a blacklist all jurisdictions failing to meet a requirement, it would need to apply globally. So the Deputy's point in David Gauke's comments was absolutely correct.

### **3.6 Deputy P.D. McLinton of St. Saviour of the Minister for Transport and Technical Services regarding the interpretation by officers, of the Planning and Building (Display of Advertisements) (Jersey) Order 2008, Article 8:**

Drawing the Minister's attention to the Planning and Building (Display of Advertisements) (Jersey) Order 2006, paragraph 8, conditions attached to the grant of permission to display an advertisement, could the Minister inform Members to what degree the conditions could be open to interpretation by T.T.S. (Transport and Technical Services) officers?

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

The Deputy is referring to a church-based community facility in his Parish district, which does excellent work within the community. I thank the Deputy for replying to my email seeking

clarification regarding this question, which allowed me to visit the facility over the weekend. The type of signs that they have requested in the past, I believe, have been the white on brown directional signs. These types of signs are for tourist sites and places of interest. The decisions as to which sites use the white on brown signs are made in conjunction with Tourism and the Planning and Environment Departments. Indeed, the piece of legislation referred to in the Deputy's question and the conditions in paragraph 8 relate to the powers of the Minister for Planning and Environment and not my own and hence they are not open to be interpreted by T.T.S. officers. That said, the Deputy and I have discussed this matter and if the community centres around the Island have been approved by Tourism to have such white on brown signage, then I will arrange for this particular community facility to be provided with the same. If for whatever reason they do not, then I will work with the Deputy and the church concerned to come up with a workable solution to highlight the location of their community centre and the good work that they do within our community.

**Deputy P.D. McLinton:**

I would like to thank the Minister for his prompt response and to point out some background that is up-to-date, bearing in mind the rather clunky system for getting a sign put up - which would be very good if it could be sorted out - that the centre had been refused 3 times with the excuse: "If you have one, everybody will want one." I got to wondering why that would ever be a problem anyway because they do excellent work in the community and why should people not know where they are? Again, I thank the Minister very much.

**3.7 Deputy S.Y. Mézec of St. Helier of the Minister for Social Security regarding raising the cap on Social Security contributions for high-earners to meet the cost of G.P. subsidies:**

Would the Minister be prepared to consider raising the cap on social security contributions for high earners to ensure that the department is able to continue to meet the cost of G.P. (General Practitioner) subsidies in the event of a surge in visits?

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

I would like to start by reassuring Members that there is no need for any short-term measures to support the Health Insurance Fund. My focus this year is on identifying a range of long-term options, which will provide local residents with a sustainable funding solution for both health care and pensions. The background to this is that a medical benefit of £20.28 is paid in respect of each G.P. consultation under the Health Insurance Law. This benefit is funded from the Health Insurance Fund, which receives contributions of 2 per cent of earned income up to the standard earnings limit. As Members will be aware, a review of primary care in Jersey is currently being undertaken. In parallel, proposals for the sustainable funding of health care are being investigated and my department will be drawing up options in respect of the social security old-age pension and the sustainability of the Social Security Fund during this year. The Minister for Treasury and Resources, the Minister for Health and Social Services and I are all part of the Ministerial Oversight Group in respect of the health review. All 3 departments are working closely together to produce co-ordinated plans which will seek to balance the cost of contributions against the increasing cost of health care and pensions. At present, a 2 per cent social security contribution is levied on employers on earned income between the standard earnings limit and the upper earnings limit compared to a total of 12.5 per cent social security contribution on earnings up to the standard earnings limit. Increasing the contribution rate in this higher range and adjusting the level of the upper earnings limit will both be considered within the reviews I have just mentioned. To sum up, we will be investigating a wide range of options during the year but there is no need for any immediate action.

### **3.7.1 Deputy S.Y. Mézec:**

I am delighted for that answer and hearing that answer, as well as the answer to my written question 20, which confirms that in the short-term there is no problem funding a potential surge in G.P. visits, would she agree that the comments that were reported in the media - perhaps misreported; she may wish to clarify - would have appeared unnecessarily alarmist?

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

I am happy to be able to agree with the Deputy. The word “surge” was lifted straight from the headline in the *Evening Post* and as yet we have seen no surge in G.P. visits. A surge as such has happened before and it was containable but, as I have answered in previous questions, the amount of free visits - “free” because we still pay the £20.28 subsidy; the actual G.P. may not choose to charge himself - is quite a frequent occurrence with children and in some cases elderly people, so this has been going on for some time.

### **3.7.2 Deputy A.D. Lewis:**

Also in recent media reports the Minister has been referred to as reconsidering the prescription charge. This would also make a contribution obviously to social security and perhaps assist with the funding of G.P. visits. Is that possible? What view does she have and will she be bringing forward suggestions to replace or reintroduce the prescription charge?

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

As I think I have made very clear in interviews over this last week, the discussion about reintroducing a prescription charge is merely that, it is a discussion. We have had to look at all sorts of ways in order to balance the books with the Health Insurance Fund and in future with the Social Security Fund which pays the pensions. So it is really just another avenue of exploration and was mentioned at a Scrutiny meeting, not something that is concrete but purely under review.

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

Since the Health Insurance Fund, in her own words, has gone into deficit over the past year, does she with hindsight regret the States’ decision to remove some £12 million-plus to spend on primary care in the hospital taken over the past 2 years? Does she regret that those sums were removed from the Health Insurance Fund?

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

That was a States’ decision so nothing I can regret or not. It was a decision made by the States to remove that money from the Health Insurance Fund, which is intentionally set up for primary care. It was just being offered from a different department. The deficit (the Deputy quite rightly mentioned) is to the tune of about £1 million. In 2013, the Health Insurance Fund on interest revenue earned £5 million. We do not think we are necessarily going to be that lucky again, which is why we are looking at the long-term view of the Health Insurance Fund and the Social Security Fund over the next year.

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

Can the Minister state whether she was in the House when that decision was made and which way she voted on that particular proposition?

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

I think I probably was and I cannot remember.

### **3.7.5 Deputy S.Y. Mézec:**

That was convenient, was it not? Is it not the case that many Islanders already struggle to afford to see a G.P. and it should be the priority of this Minister for Social Security to help sick people see their doctor when they need to? Would she agree that looking at her long-term view here, rather than cutting or threatening to cut services for vulnerable people that they rely on, it would be far better instead to ask our wealthiest residents to pay their fair share and in terms of potential options that should be towards the top?

**Deputy S.J. Pinel:**

I think that the benefit system in Jersey is incredibly generous in comparison with many other jurisdictions, and there is nobody who is totally vulnerable over here who is left to their own devices. As I said to the Deputy, we will be looking at this over the next year and investigating absolutely every angle of potential revenue.

**Deputy S.Y. Mézec:**

Could I have a final supplementary?

**The Bailiff:**

You have just had one, Deputy.

**Deputy S.Y. Mézec:**

A final, final one? It is really quick.

**The Bailiff:**

No, I am afraid you cannot because, apart from anything else, the Minister is up for Questions Without Notice, so you will get your opportunity in a moment.

### **3.8 The Connétable of St. Mary of the Chief Minister regarding actions taken to ensure that the U.K. Opposition was fully aware of Jersey's position on the transparency agenda:**

Could the Chief Minister confirm what actions have been taken by the Jersey Government to ensure that the U.K. Opposition are fully aware of Jersey's position on the transparency agenda and specifically the provision of beneficial ownership information?

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

Could I ask Senator Ozouf to answer again? Thank you.

**Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):**

The Leader of the Opposition has been made fully aware of Jersey's position on the transparency agenda and specifically the provision of beneficial ownership information on which Jersey holds a leading position internationally as one of the few territories to have a central registry. Of course the U.K. does not have one yet either.

[10:30]

The Chief Minister has written to the Leader of the Opposition telling him of the Island's continued commitment to the global transparency agenda, has extended a further invitation to him to visit the Island to learn of the high standards that Jersey applies, and the way that those standards have been recognised so well internationally. I believe the letter has been circulated to Members for information.

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



I confirm that I have seen the letter now. It does not take much forensic analysis of the press release that Mr. Miliband issued to ascertain that it was drafted by the Labour Party's economic adviser and I do know because I have made some inquiries, that the Island has had direct communication with this gentleman in the past at Labour Party conferences followed up with letters. Does the Chief Minister or his delegate agree with me that we seem to be having difficulty in getting our message to be understood by the people who are representing the Labour Party? Does he believe that direct personal contact is the only way forward? The letter that was circulated to Members yesterday extends a personal invitation to Mr. Miliband. Will the Chief Minister assure me that he will not be accepting any delegates or Deputies to attend because it seems that we have spoken to them in the past and have not had any answer?

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

As the Connétable will know, one of my jobs is to spend time in London and of course Senator Bailhache leads many of the direct engagements with the Chief Minister, but we do work really hard, and I was perhaps fortunate or not to attend all the political party conferences last year. I met Mr. Wolfman at the Labour Party conference. I had a joint meeting with Guernsey. I have a note of the meeting that we had. We explained all the issues and I wrote back to him on 21st October in my capacity as Minister for Treasury and Resources explaining all of these standards. It is very difficult. I think we are in an election and it was most unfortunate that clearly Mr. Miliband made certain comments which could not have been achieved - were unfair. I do not think it was fair to effectively group all of the Crown Dependencies and overseas territories together in such a way. Jersey has led on this agenda. We were outside No. 10 last May saying: "Jersey is not a tax haven. We are not the problem. We are part of the solution." That is our continued line. We have high standards and we are going to maintain them.

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

It is a minor point and the Senator may accuse me of nit-picking but does he not think it is a shame in an otherwise good letter designed to create a favourable impression of Jersey that is marred by errors of punctuation and a glaring elementary spelling mistake in the third paragraph that even a year 8 student would not have made? **[Laughter]**

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

That is obviously perhaps the Chief Minister's Department. It has had so many cutbacks that we cannot do it. **[Laughter]** When the *Leader* and the *J.E.P. (Jersey Evening Post)* also makes the argument about facts right and then says: "David Miliband should get his facts right", we are not the only ones to have made difficulties, but the point is understood. I am sure the Chief Minister and I will ensure that the letter is re-done. I am sure the Constable would agree with me that it is a brilliantly crafted letter in terms of the substance of it and sets out very brilliantly and clearly what the Island's position is without being rude, obnoxious in any way and is in fact a very polite but determined letter.

**3.8.3 Deputy G.P. Southern:**

Can the Minister assure Members that he has had nothing to do with the seeding of these 2 obvious planted questions that we have seen today, and if not will he start calling himself a political party if he wants to behave as a political party? Could he tell us what appointments he has in his diary this week?

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

It is very important that there is a wide appreciation of Members on these important issues and question time is a way of getting out of them. We have questions which are relevant and important. Perhaps the Deputy does not want to hear the answers of the communication that has happened

with the Labour Party. Perhaps the Deputy does not want to hear about the questions about the O.E.C.D. Perhaps the Deputy does not want to hear me also saying he did have an opportunity of asking a supplementary earlier. Perhaps he does not want to hear me say that I had a letter only yesterday by the Secretary General of the O.E.C.D. congratulating the Island's leadership in relation to global and transparency issues. Perhaps he does not want to hear those things. Perhaps he only wants to hear what his side of the argument is. Jersey has high standards and it is a great shame that the Labour leader made such comments which could have cast Jersey in an inappropriate light. Our job in this Assembly - and my job certainly together with ministerial colleagues - is to defend Jersey, to promote Jersey and to set the record straight where necessary and if it takes all of Questions to do it then so be it.

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

Supplementary for me: would the Minister circulate the letter he has received so we can see exactly what the words were; the words of praise from the chair of the O.E.C.D?

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

Providing the Chief Minister is happy for it to be done then I will do so. It is not an inter-governmental letter. It is a letter following the signing of the Berlin Agreement on tax transparency where, again, Jersey was one of the leaders which basically signed up to the multilateral convention and was one of the early adopters.

#### **3.8.5 Connétable C.H. Taylor of St. John:**

Not being too picky, but once the grammatical errors have been corrected could the Chief Minister's letter perhaps be published through the media in the U.K. because it is not just the Leader of the Opposition who needs to know, it is the members of the country who have heard our Island being pilloried and we need to put that record straight not just with one man but with every voter in the country?

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

The Connétable makes an important point and this Assembly has - and I think Members probably from the previous Assembly - given (and allocated) resources in order that we are better able to communicate across the political Westminster bubble, decision-makers, think tanks, policy-formers and we really do more than that. Compared to where we were 2 or 3 years ago, there is a much better appreciation of Jersey than there was before. That Value of Jersey to Britain report which had widespread coverage, Radio 4 *Today* programme, *F.T. (Financial Times)* and all the main journals, the message of Jersey of being one of the leading jurisdictions, having extremely high standards and being part of the solution to economic growth in the world and that was the work I was doing in Africa last week. We are not the problem. We are part of the solution but there is always more work to be done which is why it is a constant ongoing communication, but certainly after the election we have more work to do with the new M.P.s (Members of Parliament).

#### **3.8.6 Deputy S.Y. Mézec:**

I am delighted to hear that the Assistant Minister is so keen for Jersey to help assist with economic growth around the world. It would be good if we could have some economic growth here in Jersey. Alluding to one point that the Assistant Minister made before, does he agree with me that the local media coverage of this whole debacle was absolutely appalling and, in particular, certain media outlets were publishing articles with headlines that made no correspondence whatsoever to what was in the article below and what was in the letter from the Leader of the Opposition? Would the Assistant Minister agree that that is not conducive to having good relations with the person and the party which may well end up forming the next U.K. Government with whom we need to have excellent relations for the benefit of the Island and for the benefit of the U.K.?

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

I was not here; I did not see any of the media coverage of that because I was away in South Africa so I did not see any of the comments about it. What I was involved with was immediately explaining to the media what the facts were in relation to Jersey's position. Mr. Miliband's letter was unfortunate. No communication with the insular authorities in any of the territories have been contacted. No information had been said. I explained that I met with the gentleman who appears to have written the letter to explain what Jersey's position is. There is a whole load more information in this issue to the media. What is clear is that Jersey has enjoyed good relations with governments from all parties. We have had good relations with the Labour Party before. I was fortunate enough to be able to meet Mr. Blair in South Africa and I thanked him for a specific assistance that he gave the Island in relation to the E.U.S.D. (European Union Savings Directive) which former Senator Horsfall said: "The Jersey Government will enjoy relations with whoever the U.K. elects." When politicians are elected somehow their officials tell them what they can and cannot do. I am sure that when they are elected if they are elected, whatever coalition it will be, we will enjoy good constructive relationships based upon facts. At the moment we are in a short-term political election and sometimes people say things that perhaps might not fully be cognisant. It is more difficult to govern when you are in Government than outside. It is easy to make comments.

**3.8.7 The Connétable of St. Mary:**

Further to the Senator's answer to my last question I have understood that we have invited Mr. Miliband to come to the Island and see for himself. I also understood that we have spoken directly to the economic adviser. It seems to me that evidence shows the message is either not being passed back up the chain or it is not being properly understood. Again I ask: will we press for a direct meeting with Mr. Miliband, especially if the Labour Party of course wins the next election, to explain face-to-face, person-to-person exactly what the situation is?

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

That is obviously a matter for the Chief Minister who has Questions Without Notice. I think the Chief Minister did meet Mr. Miliband as I understand it at the Commonwealth Games, and I have seen correspondence with Mr. Miliband between the Chief Minister, so he has obviously met him. Certainly Senator Bailhache and I in the work that we do in London try often to meet with people that are informing these individual Ministers or potential M.P.s, *et cetera*, but it is difficult. What I think I would say to the Assembly in the next 82 days, or however long the election is, there are things that are going to be said. We should not get too excited about things that are said in the heat of an election moment. When the new Government is put in place we will engage in good relations and thank goodness we have that London office now doing such great work which is communicating and able to explain straight away, 3 minutes away from Parliament, able to receive people, explain to people and to provide briefings, circulate events and raise the profile of Jersey. We have good work to do. The previous question about economic growth, we are not a tax haven. We are part of the solution. We are a capital warehouse and we should be benefiting the U.K. economy and the international community. That is what we do and we should be proud of it.

**3.9 Deputy M.R. Higgins of the Minister for Home Affairs regarding 2 recent incidents involving armed police in the Island:**

I can assure Members this is not a planted question. Will the Minister make a statement to the Assembly setting out the full facts of the 2 recent incidents involving armed police on the Island and if not, why not? Will she also state whether the officers concerned acted correctly and proportionately and what lessons, if any, have been learned from the incidents?

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

I presume the Deputy is referring to the events of Sunday, 8th February and I will happily give a statement now. The States of Jersey Police were dealing with a threat to the lives of police officers based on intelligence received from a third party. The firearms response was led by a senior officer specifically trained and experienced in the command of situations which require the deployment of armed officers. Two members of the public were stopped by armed police as part of the operation. They were both safely detained in accordance with national guidelines for the deployment of armed officers, and immediately released unharmed when it was established that they did not pose any threat. This firearms operation was successfully concluded later the same day when a suspect was detained and arrested by armed officers.

**3.9.1 Deputy M.R. Higgins:**

Supplementary: two members of the public - one who was forced to the ground by officers, one who was detained in his car by armed officers in the country - does she believe that the police acted appropriately obviously because it was misidentification, in both cases acting on inaccurate information? Does she think it is proportionate for a member of the public to be thrown to the ground and detained while they were carrying out that raid?

**The Deputy of St. Peter:**

Yes, I do think it was appropriate. The armed officers were responding to a threat to kill an officer. It was absolutely appropriate to deploy armed officers in this situation when they had received such a threat. They followed absolute guidelines. If you read the *Evening Post's* report of the matter one of the innocent men who was stopped said that: "While it was scary I would rather they did these things and be safe. They are highly trained officers" and both stops were carried out in textbook fashion. Both men spoke to officers after they had been stopped and they understood exactly why the police had taken the actions they did.

**3.9.2 Deputy M.R. Higgins:**

Final one: would the Minister still be saying that if one of the 2 people detained had reached for, let us say, a mobile phone or something and been shot in the incident?

[10:45]

The point is armed officers should not be going out just detaining anybody. It should be based on intelligence and obviously there was faulty intelligence. They stopped the wrong car and they stopped the wrong individuals on the street. What I would say is there is a danger when armed police are used and they should be used only in cases when there is firm intelligence; does the Minister not agree?

**The Deputy of St. Peter:**

Although it was mistaken identity, when one of the men saw the photograph of the person that they were looking for, he himself acknowledged a very distinct similarity and resemblance to the person and absolutely understood why the police officers had stopped him. You raise the point of the danger, but I must impress again that these were textbook hard stops and in fact the commanding officer is considering using this operation as an example of best practice when training his new staff.

**3.10 Deputy J.A. Hilton of the Minister for Social Security regarding a legally binding repayment plan for the couple recently sentenced for defrauding the Department of £50,000:**

Can the Minister confirm whether a legally binding repayment plan has been put in place following the case heard in the Royal Court on 6th February 2015 where a couple were sentenced for withholding material information from the Social Security Department contrary to Article 16(a) of the Income Support (Jersey) Law 2007 and aiding and abetting the commission of that offence defrauding the department of £50,000?

**Deputy S. Pinel (The Minister for Social Security):**

The courts, as part of sentencing, may impose a compensation order for the recovery of a debt. If the court does not do this the department will always attempt full recovery of the overpayment through other means. As you would expect, I am unable to provide details in relation to specific individuals. I can confirm that my department will in all cases endeavour to recover all monies falsely claimed. In the first instance payment in full is requested. If a lump sum payment is not achievable due to the individual's financial circumstances, then monies can be repaid by way of an instalment agreement. If an individual does not sign up to an agreement the department may seek a petty debt or Royal Court judgment to safeguard the debt. If a judgment is obtained this can then be enforced by an arrest on wages or through referral to the Viscount's Department, likewise if an individual agrees to an instalment plan and then payments stop a judgment will be sought.

**3.10.1 Deputy J.A. Hilton:**

Is the Minister saying that a compensation order was not sought in this case?

**Deputy S. Pinel:**

As I said, I cannot really discuss the individual cases but when a compensation order is granted by the courts, payments are made directly to the Viscount's Department and the Social Security Department does not receive the funds until the debt is paid in full.

**3.10.2 Deputy J.A. Hilton:**

Is the Minister able to say whether the Social Security Department has approached the couple with a view to a pay back, an agreement to pay back the sums taken from the department?

**Deputy S. Pinel:**

As I said previously I cannot comment on an individual case.

**3.10.3 Deputy G.P. Southern:**

Does the Minister have a figure for the total amount annually lost to the department through deliberate fraud or error on the part of applicants or on the part of the department?

**Deputy S. Pinel:**

The department introduced a new fraud strategy and increased the manpower to exercise this in 2010 and I can answer the Deputy's question in as far as 2013 - I do not have the figures for 2014 as yet - when £464,000 was recovered by the department.

**3.10.4 Deputy G.P. Southern:**

That was a figure for total fraud discovered, or does she have an estimate for the total amount lost through error either on the part of applicants or on the part of the department?

**Deputy S. Pinel:**

I have a breakdown of the income support which was £398,000, sickness and invalidity benefits which was £63,000, survivors benefits none, and others £2,300.

**Deputy G.P. Southern:**

That was figures for fraud, was it?

**Deputy S. Pinel:**

This was the amount that I have just quoted of the monies recovered from fraud.

**3.10.5 Deputy J.A. Martin:**

The Minister said that the amount - I think over £400,000 was recovered, does she know the amount that was owed? How much fraud there was? Was that half of it, part of it, or all of it?

**Deputy S. Pinel:**

That was all of it recovered in 2013 and there are still 5 cases outstanding.

**3.10.6 Deputy J.A. Hilton:**

I am a little disappointed that I have failed to establish exactly what was asked for and not asked for in this case. It was a substantial sum of money, it was £50,000. The couple convicted were - by way of sentence, received a 210-hour community service which is very, very good going. It equates to about £120 per hour which is very good work if you fancy doing it. Was the Minister disappointed at the outcome of this case, and what message does she think it sends out to the hardworking taxpayers of this Island?

**Deputy S. Pinel:**

It took a long time to ascertain that fraud had been committed in this case and it was fairly recently in the court, and I cannot comment on what the department is doing to pursue the monies owed.

**3.11 Deputy S.Y. Mézec of the Minister for Treasury and Resources regarding losses incurred by the company CH2M Hill on the Gigabit project:**

Following reports that the company, CH2M Hill, is incurring a substantial loss on the Gigabit project what investigations has the Minister, a shareholder representative of JT Global, made to ensure that these losses are not the cause of the current dispute with the Gigabit Project workers?

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

The losses incurred by CH2M Hill were laid out in private documents presented to States Members at an update briefing on the Gigabit project on 19th January this year. CH2M Hill have not surprisingly taken measures to reduce their losses but there is nothing unusual about such an approach whereby companies reasonably take action to improve productivity and reduce unnecessary wastage. Following a number of discussions with J.T. (Jersey Telecom) executives I would not describe the losses themselves as the cause of the dispute with workers.

**3.11.1 Deputy S.Y. Mézec:**

It is of course entirely reasonable for a business to try and mitigate their losses when they come across them. What does the Minister blame it on then, because these workers I am speaking to regularly see it as quite a shocking coincidence that a company that they are working for, either directly or indirectly is suffering substantial losses, all of a sudden they find they are not getting paid anymore? Is it just a coincidence and if it is just a coincidence what is the root cause of it?

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

We have been over this ground quite a lot in this Assembly and I understand the sensitivities and I understand the difficulties for the workers of G.F.F. (Gigabit Field Force) who are involved in a dispute at the present time. There were, for clarity's sake, 17, there has been one additional worker who has been included in the group which CH2 have asked to be removed from the programme

while irregularities are being investigated. To answer the Deputy's question specifically: those irregularities involve a number of cases where allegedly workers were caught disrupting the programme and installations on the Gigabit project. I would not wish to say very much more and I hope Members appreciate that we are going through - I say we - G.F.F. are going through a process with the workers to determine the exact facts that are involved and that disciplinary process has to be allowed to run. I am very hopeful it will be resolved shortly. I am pleased to say that one worker has completed the course and is now back on the programme and back working. That is encouraging and I am very hopeful that conclusions will be reached with the remainder of the workforce as soon as possible. Five have left the programme altogether, of those that were asked by CH2M Hill to no longer be part of it.

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

Far from improving the productivity on this project, is it not the case that that productivity has gone down from 180 connections a week to 70 a week under the current regime? What contingencies does the Minister have in discussion with G.F.F. in order to deliver the Gigabit project within the timescale originally set out?

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

The Deputy's figures are broadly correct. For Members' interest, the peak - which was in July last year, 2014 - saw 164 connections. We have had recently as many as 70. What has improved - and this was misquoted in the media previously - the percentage success rate of connections has dramatically improved. From a productivity point of view, from a CH2M Hill perspective, they are finding that the installers are going out and a very much higher per cent, around about 70 per cent of connections that they attempt, are now successful. It was a fraction of that before, but there are a lot more workers working on the job, so they are getting a much better return. In terms of back online in terms of the delivery of the programme, we are all interested to see the Gigabit project, which is fantastic for the Island's infrastructure and for the development of our digital economy, to be completed as soon as possible. I have said to Members previously that J.T. are going to be giving an update, they have assured me, by June on exactly where we are with the budget, which Members will also - quite understandably, as I am - be interested in, and also the expected completion date of the project. Clearly they had some disruption due to the loss of some workers as a result of the circumstances we have been discussing today and in recent weeks.

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

In my diary, June is not very shortly. Could the Minister hurry up on the estimate of when we will see the Gigabit project completed and what figures are associated with it?

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

Like the Deputy, I am as interested - as he and I am sure other Members are - that this update is presented as quickly as possible, but I am sure Members will also appreciate that there are processes to go through with regard to a number of workers that we have discussed in this Assembly both today and in recent weeks. That has to be completed. Members will be aware that I have written to the President of Global Regions for CH2M Hill in America. He is visiting the Island in a couple of weeks' time and I will be having a discussion with him about the progress of the project. I can tell Members, for the avoidance of any doubt, in this letter to me - and I will quote if I may, and I will be brief - he confirmed: "Rest assured that this project is considered a regional priority for CH2M Hill and we fully intend to meet our contractual obligations to our client, J.T." I think that is an encouraging confirmation of the commitment of a global company. As Members are aware, CH2M Hill are a 6 billion dollar global company that work for governments and large corporations on an international basis and I would expect them to fulfil their

obligations and get this project moving at the speed that we expect and complete it as early as possible.

**3.11.4 Deputy S.Y. Mézec:**

I thought I saw another Member's light on. Would the Minister agree that this whole project has represented an inappropriate use of zero-hours contracts from the very start and would he further agree that the fact that these workers do not feel any closer whatsoever to a resolution demonstrates that oversight being provided by one Minister is clearly insufficient for dealing with issues like this? Would he reconsider the proposition brought by the former Deputy Baudains on transferring oversight to a committee of States Members, which included States Members who were not on the Council of Ministers, and would he agree that that would provide the ability to delegate sorting out these sorts of disputes to other Members and ultimately provide quicker resolutions to these problems in future?

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

No, I would not. What I would hope, Members who attended - and there were a large number of Members, I am delighted - the presentation on 19th January, that was a private presentation which gave Members the opportunity to first of all hear an update on the project as a whole, the Gigabit project, and its importance, but it gave Members an opportunity to speak directly to and to challenge, quite rightly, the executive of J.T. I think is most appropriate. There have been numerous numbers of updates for States Members and I think that is the forum where Members can express their views as well as, of course, to myself as shareholder representative. Just to clarify one final point on this particular dispute with these workers from G.F.F., I am pleased to say there has been progress - and perhaps this has not been made clear - to resolve the issues. As I understand it - and this was updated just yesterday to me - apart from the 17 plus one, the 18 which are being investigated, 5 of those have left through their own choice as a result of the difficulties, one has returned to work and the balance are still being investigated. The rest of the 88 resources that are utilised by G.F.F. for this particular project, only 2 of those have any unresolved wage claims.

[11:00]

Only 2 out of the remaining 88 have any unresolved wage claims and I understand those 2 have been away from the office recently and there is an intention to get that resolved very rapidly. Seventy-four wage claims, outstanding wages to workers, have now been resolved and G.F.F. have been working through that and have employed an external H.R. (human resources) company to accelerate the resolution with workers. There has been progress. It is frustrating for the 17-plus, but there are some serious allegations there and a process has to be gone through. I hope Members understand that. I am happy privately to give further details and I hope Members appreciate any more detail in an open forum about individuals is not appropriate.

**Deputy S.Y. Mézec:**

I did ask about zero-hours contracts and he did not say anything about that in his answer.

**The Bailiff:**

He said he did not agree with you. Anything else, Minister?

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

No, that was not specifically zero-hour contracts. I apologise to the Deputy. He is correct; I did not raise that particular point. I think I have made points about zero-hour contracts before. Zero-hour contracts are necessary in many cases. They are, however, abused at times. I have had discussions with the Deputy and his colleagues within the Reform party. I agree that the abuse of zero-hour contracts is something that needs to be resolved and I know that the Minister for Social



Security and members of the Council of Ministers feel strongly about such abuse, but as far as this particular project is concerned, in fact the majority of workers are now being moved towards contracts and I think that is a very positive sign of intent from G.F.F.

### **3.12 Deputy G.P. Southern of the Minister for Transport and Technical Services regarding the users of the bus service and changes to bus fares over 2014 and 2015:**

Will the Minister give Members details of the rider-ship of the bus service, including the numbers using pre-paid cards and an estimate of the overall changes to bus fares over 2014 and 2015?

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

Bus rider-ship across all Liberty Bus services in 2014 totalled just over 4 million passenger journeys. This is 10.6 per cent rise over 2013, and the first time this 4 million figure has been achieved in a 12-month period. The split of payment methods was as follows: cash on the bus for 56 per cent of the journeys; pre-paid AvanchiCard for 36 per cent of the journeys and the use of unlimited travel cards of 8 per cent of the journeys. The changes to the single bus fares can be summarised as follows: on-bus cash payments, 20 per cent increase on all adult and children tickets, although the AvanchiCard is mandatory on the school bus network, cash is not accepted on the school bus services; AvanchiCard fares for children have increased by 5 per cent; Avanchi pre-paid zone A has increased by 10 per cent and Avanchi pre-paid zone B has decreased by 10 per cent. Avanchi unlimited prices have also changed as follows: monthly tickets have decreased by £4; weekly tickets have decreased by £4.50 and annual tickets have decreased by £42.35. I will happily circulate hard copies of these details to States Members after the Question Time.

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

The intention of my question was that the Minister should state what the overall change has been because of the division in the rider-ship. It appears that over half are still paying cash, and that is where the price has gone up substantially over R.P.I. (Retail Price Index) compared to a lesser proportion paying through card, where the fares may have gone down. The overall is a rise, I believe, on those figures. Does he have a figure for how much that is over - as I suspect it is - inflation?

#### **Deputy E.J. Noel:**

I do not have a crystal ball or any other method of predicting the future. These increases are coming into effect on 1st March this year and the purpose of them is to encourage people to move away from a cash basis. The card system allows for quicker boarding, more convenience for passengers and allows them to take advantage of the reductions in fares overall.

#### **3.12.2 The Connétable of St. Helier:**

I am sure the Minister welcomes, as I do, this increase in bus usage in Jersey, but would he not agree with me that we need to press for an overall reduction in bus fares to further incentivise bus travel and to reduce traffic congestion, to free up parking spaces, particularly now the relative cost of motoring is likely to come down as fuel costs drop?

#### **Deputy E.J. Noel:**

We need to maintain a bus service that has as limited a subsidy from the taxpayer as possible, but we also - I agree with the Constable - need to increase usage of that service. It is the quality of that service that counts, as well as the fare structure. Liberty Bus are moving to bringing incentives to reduce the cost of bus travel in comparison to the main alternative, which is people using their cars. That is welcome. For 2016 they are working on a single flat fare for travel among the Island and

doing away with the 2 zones, zone A and zone B. There are a number of initiatives coming through, including for parents of schoolchildren to have a term or yearly payment for unlimited travel for our schoolchildren. Steps are being made to make the bus service both better in terms of quality but also more affordable.

**3.12.3 Deputy G.P. Southern:**

Will the Minister return to the House with a figure which gives the average price rise for this particular initiative, these changes? It is not that question of jam tomorrow and look into the future; it is what the bus company proposes. Does he have a figure; will he bring it to the House, of what the average overall increase will be in this particular case?

**Deputy E.J. Noel:**

I am an accountant, not a magician. The figure that Deputy Southern is requesting is simply not calculable, because it relates to future bus travel throughout the year. Hopefully the measures that have been taken by Liberty Bus will allow the public to make informed choices and to get a culture change away from cash to the AvanchiCard system and therefore the public can take advantage of the lower fares.

**3.12.4 Deputy G.P. Southern:**

I am aware that the Minister sometimes has problems with R.P.I. and whether calculating a change is greater or less than R.P.I. but the calculation is perfectly do-able. If you know the proportion of people riding under each ... yes, it will change in the future, but now, as of March, there will be a price rise for those people paying cash and a price drop for some of the people paying by card. It is not hard to work it out. Will he set his officers to work out what the average price rise is and return to the House with that figure?

**Deputy E.J. Noel:**

I have given full details of the price rises and indeed the price reductions going forward. The figure that Deputy Southern is asking for is not calculable, because the whole purpose of this exercise is to change people's behaviour away from cash payments to using the card system, which will give them a reduction in their travel costs.

**Deputy G.P. Southern:**

The Minister is misleading the House. It is perfectly calculable, as he knows well, because I taught him physics a long time ago [**Laughter**] and he does know to handle numbers, so it is about time he showed it.

**Deputy E.J. Noel:**

He did not necessarily do a good job, Sir.

**The Bailiff:**

Very well, that brings an end to the standard, as it were, questions. Perhaps I could just say something to year 8 students, because it is too good an opportunity to miss: what you have heard this morning - and as I know you will be leaving in about 5 minutes or so - are a series of questions to elected representatives, men and women, whether they are asking the questions or answering them, who are talking about really important issues which concern you and your future. They concern, among other things, the economy, the treatment of sometimes vulnerable people in the Island, the bus service and cybercrime. These are all important things. Some of you hopefully will want to stand for election and be elected and improve the numbers of women in this Assembly. [**Approbation**] But whether you are interested in that or not, all of you should burn this moment in your hearts and remember that you need to vote when you reach the age of 16 and inform

yourselves before doing that, and I say that on behalf of all Members to you. We now come to an urgent oral question, which Deputy Mézec will ask of the Minister for Social Security.

#### **4. Urgent Oral Question**

##### **4.1 Deputy S.Y. Mézec of the Minister for Social Security regarding the implementation of policy on Long Term Incapacity Allowance (L.T.I.A.):**

Following the announcement that more people on L.T.I.A. (Long Term Incapacity Allowance) are going to be forced to look for work or face cuts to their income support, will the Minister agree to delay the start of this new policy until she has consulted with States Members on what measures can be taken to safeguard the vulnerable from being adversely affected?

##### **Deputy S.J. Pinel (The Minister for Social Security):**

There is overwhelming evidence to support the view that an individual's health and self-esteem is enhanced by moving into safe and suitable employment, and I am very pleased that the improving employment situation means that the Back to Work teams are now able to extend the services that they already offer to more clients receiving L.T.I.A. Until this week, Back to Work services have been provided to all income support claimants who also have an L.T.I.A. award of between 5 per cent and 30 per cent and who satisfy the other criteria to be Actively Seeking Work. As with income support-only claimants, there is an expectation that they look for suitable work to meet their job-seeking requirements. From this week, the range of L.T.I.A. claimants who are supported by Back to Work has been increased by just 5 per cent to include those who have a 35 per cent award. In all, there are about 100 income support claimants who have a 35 per cent L.T.I.A. award who are not working and are not exempt from Actively Seeking Work conditions. Some claimants in this group are already working with an adviser from Back to Work after voluntarily engaging with the service last year through a small-scale pilot scheme. This group of claimants will now be offered appropriate support and training to help them move back into employment. Each individual will have their own employment adviser who is there to support and guide them on their journey to employment and tailor their Actively Seeking Work tasks to take account of their medical condition. I would like to reassure Members that this is not an attempt to save money. Rather, it is part of a larger project to encourage as many local residents as possible to take up appropriate and rewarding employment. This is included in the strategic priority document that has been published by the Council of Ministers under the economic growth sector: "3.5: All working-age people fulfil their potential in rewarding employment; remove barriers to work for key groups, for example, those wanting to work beyond retirement, looking after home and long-term sick." The Long Term Incapacity Allowance is an in-work benefit and this initiative will help more Islanders overcome existing barriers and take up meaningful employment. To sum up, far from having a negative impact on vulnerable groups, I believe that this additional service will be of significant benefit to many individuals who will welcome the specialist targeted assistance now available to help them return to work and increase their independence.

##### **4.1.1 Deputy S.Y. Mézec:**

The Minister made the astounding sweeping statement at the beginning that work for everybody with health problems can be the right way forward. That is simply not true. There are many people with mental illnesses in particular who simply cannot handle the pressure, the stress and the routine, and to be forced, to be threatened into that situation with cuts to benefits would adversely affect their health. Likewise there are people with physical illnesses who need time to recuperate once they have first become physically unwell, and forcing them into work too soon can adversely affect them as well. What I want to know from the Minister is what is being done to these people, because judging by an arbitrary percentage or by a tick-box analysis is simply illogical. What is

being done to help these people for whom work is not the answer and that they do need time to recuperate and do not, frankly, deserve to be threatened with cuts to their income support which may stress them out and make their health worse?

**Deputy S.J. Pinel:**

I fear that the Deputy has been rather encouraged by the flamboyant headlines of the *Evening Post*. Nobody is being forced into work whatsoever. We are merely just extending the facility for people who wish to work, who can work, from 30 per cent to 35 per cent. As I have said, this is not a money-saving exercise whatsoever. It is proven on very good evidence and research that it is good for the individual, good for their family, good for society and good for the economy if they are working.

**4.1.1 Deputy R. Labey of St. Helier:**

Instead of at this time of austerity recalibrating this disability threshold, would it not be more appropriate to ensure with renewed energy and vigour that all those entitled to disability benefits and claims are getting the help and everything that they are entitled to, because some people are falling through the net? This morning the Minister said that nobody who is totally vulnerable is left to their own devices. I have one, a constituent of mine; I am revisiting her tomorrow afternoon to try and get some action on her case. The Minister and an officer are very welcome to join me, because somebody from Social Security should see this woman in her own home. Talk about austerity: this is Dickensian penury, it is very grim. I will not go into all the details here, of course. It is multi-agency too, Housing are involved and Health and Education to a certain degree, because her carer is at school. There is a lot of talk of multi-agency in this Chamber, but getting a multi-agency approach for some women like my constituent is very, very difficult. Instead of getting tough on the disabled, should we not be getting tough on departments with renewed energy, help the disabled and get them the help the help that they need? **[Approbation]**

[11:15]

**Deputy S.J. Pinel:**

Of course I cannot discuss your particular parishioner's case, but the question is being asked about the establishment of what the particular disabilities may be. It is very carefully done. All the employment advisers have had safeguarding training in accordance with the safeguarding standards and some 202 staff members attended the children and adults foundation safeguarding in 2014. These are not percentages picked out of thin air to allocate to people. A third of the people on L.T.I.A. at the moment who are not on income support are working. The encouragement is to have the people on income support who are also claiming Long Term Incapacity, which is a reasonable amount of benefit, to encourage them back into work if they can, physically or mentally. They would not be forced to.

**4.1.2 Deputy R. Labey:**

A very quick supplementary? Can I selfishly ask, once I have written up this case on Thursday or Friday, will she receive my email, have a read of it and pass it on to an officer of seniority who can action some action here, because frankly, I do not know where to begin.

**Deputy S.J. Pinel:**

Absolutely, Sir. I would be very happy to.

**4.1.3 Deputy J.A. Martin:**

The Minister states this is being done because it is much healthier for more people to work and she states that it is only people now pushed up with a 35 per cent disability. Would the Minister not be

more productive in her time if she brought in - if these people do want to work, if they are able to work - some disability discrimination law and then it would be on the employer as well to encourage people back to work or in work?

**Deputy S.J. Pinel:**

Absolutely, and as the Deputy will be very aware, I am very, very keen on bringing on this disability discrimination, but there is only so much a department can do. At the moment we are bringing in sex discrimination, subject to the States debate, in September, followed by age next year, which will tie-in with the increase in the pension age, followed by hopefully disability discrimination in 2017 based on what the Chief Minister's disability strategy can inform.

**4.1.4 Deputy J.A. Martin:**

A supplementary. The Minister is saying she is trying to encourage people with a 35 per cent disability into work, and if the employer does not want to take them, she has no sanction on the employer, only the person who cannot get the job.

**Deputy S.J. Pinel:**

No, I am not saying that, because the advisers and the mentors would work with employers to find suitable employment for the people on the L.T.I.A. benefits. They are not asked to go and find jobs themselves, they are just given the training and the skills, updating skills if necessary, and will be found appointments with suitable employers, of which there are quite a few at the moment, and especially with the hospitality industry.

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

The Minister has told us that this is not a way of forcing people into work. Will she confirm that there is an appeal process in place, that she is satisfied that it works well and will she remind us how this system works, please?

**Deputy S.J. Pinel:**

The advisers are all very well-trained in advising people as to what sort of capacity work they can achieve, and there is always a question of having a redetermination if the client feels that they have been hard-done by or badly dealt with or that what they are being asked to do is unsuitable.

**The Connétable of St. Lawrence:**

Can the Minister confirm, please, that she is satisfied that that system is adequate?

**Deputy S.J. Pinel:**

Yes, I can, because the Back to Work team have been working since 2012 on getting people back into work in circumstances that are particular, pertinent to them. Nobody will be asked to do a particular job that they cannot or would not be happy with.

**4.1.6 Deputy G.P. Southern:**

Time and time again I meet people who have been forced into jobs that they do not appreciate and are not trained for. The Minister is talking about encouraging, supporting, helping. She fails to mention what appears in paragraph 5 on the first page of a news release, bottom line: "This will be backed up with financial sanctions." These people will be forced into work, whatever. Now, is it not the case that what the Minister appears to be doing is repeating the U.K. example, where Atos gave up in the end forcing people back to work because 40 per cent of the appeals were upheld against its decision? This was an absolute nightmare of a system. Is she not importing the system that failed in the U.K. into Jersey and is she not likely to have the same disaster happen again?

**Deputy S.J. Pinel:**

I cannot comment on changes to the U.K.'s benefit system, other than to say that they are not comparable to our own. The 2 systems have different qualifying criteria, different methods of assessment and serve different groups of people. The changes being brought in by Social Security differ in 2 key ways. First, unlike Employment and Support Allowance, Long Term Incapacity Allowance is not, and has never been, a benefit designed to assess whether or not you can work. There is no percentage of L.T.I.A. that attracts a medical recommendation for the person to be exempt from work, and in fact there have been people who have continued working with minor adaptations at the very highest levels of the award. All we are doing is making sure that people with a lower percentage of L.T.I.A. conform to the existing rules of income support. We are confident that we can help these people prepare themselves for employment.

**The Bailiff:**

I am conscious that there is not going to be a debate on this subject, although an urgent Oral Question was allowed; also conscious that the Minister for Social Security is up for Questions Without Notice and we are going to elide into that very shortly, so a final supplementary.

**4.1.7 Deputy S.Y. Mézec:**

Nothing the Minister has said has reassured me even slightly on this. She has said that this is about encouraging people into work. It is not about encouraging people into work, it is about threatening people, because if they do not look for work, they will lose their income support. That is a threat, not encouragement. She has repeated the mantra that work is good for people. I am sorry, for some people work is not good, it will make them worse, especially if they are suffering from certain mental health problems. I am aware of one person in particular who has had to beg the department for another 6 months, I think, to not have to look for work after she ended up in hospital, having caused harm to herself because of the pressure she was feeling from this. Can the Minister for at least one moment think about these vulnerable people and tell us what they are going to do to ensure that these people are not put through extra hardship, that these vulnerable people are looked after and so that nobody for whom work is not suitable for it is assumed that work is suitable and put them through the hardship and the stress and pressure and ultimately threats? What is going to be done to recognise that some of these people are just not able to work?

**Deputy S.J. Pinel:**

I am sorry, the Deputy uses very strong language. There are no threats. The sanctions that may be applied are exactly as the same as those applied in income support and it is over a period of weeks with very many warnings and mentoring and advisers to take you through why you are not complying with the sanctions and why you are not complying with the income support compliance. Just quickly, because obviously it is very difficult to go through a whole list of how the assessments are made, but, for instance, 20 per cent of Long Term Incapacity Allowance have always been required to look for work. You may have, for instance, lost an index finger or had very mild depression or anxiety. One can still work in that situation, and the 35 per cent is largely composed of mild depression or musculoskeletal or back pain, as better described. It is nobody who is in the later stages of claiming L.T.I.A. of a much higher percentage base.

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

**5.1 Deputy P.D. McLinton:**

That should segue beautifully. Many people's medical conditions can be very private and very personal to them, and I have been asked by a constituent - a concerned constituent, - whether or not any people claiming Long Term Incapacity Allowance will be required to discuss their medical condition with members of the Back to Work team.

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

I thank the Deputy for his question. The evidence of any sort of disability or illness will be provided by the medical practitioner, the G.P. or consultant and the advisers at Social Security are trained in analysing this medical evidence. They do not give the medical evidence themselves.

**5.1.1 Deputy P.D. McLinton:**

Nonetheless, will the person sitting in front of the Back to Work team be required to discuss their medical condition with the member of the Back to Work team if they wish to keep it private?

**Deputy S.J. Pinel:**

As I said before, they will have to have supporting medical evidence in order to assess where they will lie on the percentage scale of Long Term Incapacity, so it is not achievable without a report from the medical practitioner.

**Deputy P.D. McLinton:**

Sorry, that still does really answer the question.

**The Bailiff:**

I am sorry, Deputy McLinton, you have had your supplementary.

**Deputy P.D. McLinton:**

Beg your pardon, Sir.

**5.2 Deputy M.R. Higgins:**

In fact, it follows on in some respects from a question from Deputy McLinton. I am being informed that people are phoning-in to the department and speaking with advisers who seem to have access to sensitive medical information. Will the Minister confirm that sensitive medical information should not be available to all members of staff, certainly on the call centre, because under the Data Protection (Jersey) Law it should be restricted and it should not be available to people who should not have it and I do not see those staff should have it. Would she clarify the position? Thank you.

**Deputy S.J. Pinel:**

I absolutely agree with the Deputy that sensitive medical information should be kept between the adviser and the claimant.

**5.2.1 Deputy M.R. Higgins:**

You say the adviser and the claimant. What I am talking about is when people phone into the department, ordinary people on the switchboard have got access to that information. It appears to be on an open system rather than segregated. It is for the medical people to look at rather than Social Security officers, which they should not have. Would she confirm that I am wrong, that ordinary members of staff do not have access to that, that it is not an open system? If she does not know the answer, will she go away and find out and inform States Members, please?

**Deputy S.J. Pinel:**

As I have just said to the Deputy, I think he is absolutely right, the information should not be freely available and if anybody - referring to Deputy McLinton's question - wishes to keep their medical information private, then there is always the opportunity for a meeting or an interview with one of the advisers. We have many small meeting rooms that are completely private and that can be discussed there.

**The Bailiff:**

I think the question, Minister, was whether or not members of staff on reception had access to the medical information. That is the main question. That is a question of fact, really.

**Deputy S.J. Pinel:**

Sorry, Sir. They would only have access to medical information if the client or customer had supplied them with it.

**5.3 Deputy T.A. Vallois of St. John:**

The Minister has spoken quite briefly about the Long Term Incapacity Allowance, and my concern lies particularly with chronic illnesses, which are also known as hidden illnesses, that many people can suffer from. Could the Minister advise or confirm whether she has any confidence in the ability for businesses to provide proper flexible working practices that enable people to go back to work, especially with these kinds of chronic illnesses, whereby each day is completely different? They can wake up in the morning and be absolutely fine and carry out their whole day's requirements or the next day they can be held up in bed and just cannot even get out of bed due to their illness. What confidence does the Minister have in the businesses' ability in Jersey to have the flexibility to help these people?

**Deputy S.J. Pinel:**

I quite understand what the Deputy is coming from. I am quite aware of some of these illnesses. As regards businesses in Jersey, 80 per cent of businesses in Jersey are what we term small businesses, so 5 people or less employed. That of course makes it very difficult for the small businesses with one out of their 5 employees perhaps being in a situation where nothing is completely definite. As the Deputy rightly says, it can be from one day to the next. I think the larger businesses, the banks, the corporations or whatever, will already have complied with U.K. law on that sort of thing. When we get our discrimination law up to scratch on the disability discrimination which, as I mentioned earlier, we hope to see in 2017, it will make it much clearer for businesses in Jersey as to what the parameters are.

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

A supplementary. Does the Minister therefore think that having financial sanctions for things such as the L.T.I.A. and requiring ... I understand the need to help some people back into work, but if there is not the flexibility there within business to aid these people and therefore only adding more stress to what can be a very critical condition sometimes, does she not believe that there should be an easy way of addressing this, rather than just putting down financial sanctions on these people because they cannot get the job? It is not necessarily just their fault.

[11:30]

There is an inability with flexible working in the economy as it is.

**Deputy S.J. Pinel:**

I think there is a little bit of misunderstanding. Financial sanctions are not applied if you cannot get a job. They are only applied if you refuse to turn up to any interview that has been provided for you by the Back to Work team or failed to attend a day's training, for instance, or a work placement. All of this is being helped by the Back to Work team. It is not forcing somebody into a job. It is providing them with an opportunity should they wish to work.

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

Can the Minister explain to me, because I must be very slow this morning, how she can say that this is not forcing people back to work and yet she requires sanctions in order to do it? Would she not



be better waiting until she had got disability discrimination in place so she can apply some pressure to employers rather than employees and forcing them to take what they may consider to be an inappropriate work placement or inappropriate jobs?

**Deputy S.J. Pinel:**

I keep saying this is nothing new. We have already been asking people up to 30 per cent of disability on Long Term Incapacity Allowance to work. People are doing that already. This is just increasing the level to an extra 5 per cent. It is a well-known fact that if people were left, for instance, claiming Long Term Incapacity Allowance and not in work, by the time disability discrimination comes in and they have been out of work for possibly 2 or 3 years, it is far more difficult to encourage people back into work after that length of time. We are acting proactively with these people. It is not a matter of sanctioning them for not working.

**Deputy G.P. Southern:**

A supplementary?

**The Bailiff:**

I am sorry, I think you have just lost your turn. Can I come back to you in a moment? Senator Cameron.

**5.5 Senator Z.A. Cameron:**

Are there any plans to review the assessment process for Long Term Incapacity Allowance and any sort of feedback about how it works from Island's G.P.s planned?

**Deputy S.J. Pinel:**

The assessment process was set up with help from the Island's G.P.s and the actual assessment of getting people back into work has only been available for the last few years, so yes, a review of the assessment process is in a whole part of our huge review that we have to do this year.

**5.6 Deputy G.P. Southern:**

The supplementary was what research has the Minister done into the capacity of our economy to take on disabled workers and how many employers does she know of that are prepared to offer jobs to disabled workers in the way she expects?

**Deputy S.J. Pinel:**

I think there is nobody better placed than the Back to Work teams, who have been doing this work for 3 or 4 years now - 3 years - and they have all the experience of the jobs available by the constant meetings with employers, the engagement with job fairs, with the foundations, employment grants. They, of all people, will know what the facility is to get people back to work and to place people in the right environment.

**5.7 Connétable P.B. Le Sueur of Trinity:**

Could the Minister advise the Assembly if the new Long Term Care Scheme is working?

**Deputy S.J. Pinel:**

Yes, it is working very well. As Members will be aware, it only came into effect on 1st July 2014 and the contributions to it were taken by the Tax Department from January 2015 this year. Up to date, we have 1,200 people on the scheme in the space of 6 months, so that is quite substantial. It appears to be working very well. There was an initial hiccup with some of the assessments, but that has all been smoothed out now.

**5.8 Deputy M.J. Norton of St. Brelade:**

It was referred to earlier on, or a few moments ago, anyway: would the Minister be able to give Members an update on the progress with the impending sex discrimination legislation?

**Deputy S.J. Pinel:**

I have got the consultation paper out at the moment and it is the second consultation that we have done, because the first one really did not encompass ... even though it was sent to them, we did not get the necessary replies from a lot of religious groups, for instance, and clubs that we were hoping to receive. This is the second consultation, which will finish at the end of March, and the regulations will be lodged on 2nd April I think is the date for debate in June, with hopefully implementation on 1st September this year to tie-in with the maternity and paternity law.

**5.9 Deputy M.R. Higgins:**

It is 2 related questions, in a sense. Can I ask, Minister, does the Back to Work team have any quotas, incentive schemes or anything for getting people back to work? Secondly, in your answer to the Constable of St. Lawrence, you did not really answer the question in the sense of an appeal. You said people could have a reassessment. Who does the reassessment? Is that in the department or is there an independent assessment for these people?

**Deputy S.J. Pinel:**

I think the Deputy is referring to when people are in work, is that correct?

**Deputy M.R. Higgins:**

When they are being forced to work.

**Deputy S.J. Pinel:**

I object to the word "force" being used, but when people have a job that is deemed to be suitable for them, then they are mentored, which is an adviser will constantly be there ... not constantly in time, but be there for them and for the employer so that any potential possible breakdown or lack of communication is effectively determined very early and then can be sorted out.

**5.9.1 Deputy M.R. Higgins:**

The Minister did not answer the first part of the question about incentives or quotas for the Back to Work team. Are they required to get so many people back to work or do they get a bonus or anything else for doing it? What incentives or penalties do they face if they do not get a certain number of people back to work? What I was talking about, by the way, in terms of the appeal, if someone is penalised for not going out, you said they could have a reassessment. The reassessment would probably be done within the department, but what independent appeals mechanism is there if they are being penalised?

**Deputy S.J. Pinel:**

There are absolutely no incentives for the Back to Work team whatsoever. Their incentive is the delight really in finding the appropriate employment for somebody who may have been unemployed for 6 months or a year.

**Deputy M.R. Higgins:**

No quotas?

**Deputy S.J. Pinel:**

There are not any quotas. They obviously will try with as many as possible, and it is not easy to give accounts of how many placements, for instance, have been successful because if somebody goes to a job and we have given an employer incentives, such as the Employment Grant, which

pays the first 6 months to the employer of their salaries and allows them social security credits as well, so quite a generous package, the hope is that after that 6 months, the employer will find their employee indispensable and keep them on. But there is no guarantee that an employer will do that, we just hope that they will. With this mentoring that the Back to Work team is consistently doing, the chances are improving constantly, because obviously we do not want people to work for 6 months and then be back Actively Seeking Work.

**5.10 Deputy A.D. Lewis:**

In the absence of a prescription charge, is the Minister aware of any evidence that some doctors are over-prescribing drugs, which is somewhat costly and causing a significant amount of waste within the area of prescribing drugs?

**Deputy S.J. Pinel:**

Yes. Not as one might say hard evidence, but I think we have heard enough over the years that the prescription charge has not been in force that quite a few young people do not take the prescriptions that have been given to them, administered by their parents or not, as the case may be, and quite a lot of elderly because of either forgetting or not wishing to. Yes, there is prescription ... one hesitates to say stockpiling, but there is quite a bit of drugs that are just not used. I would hope that possibly if we were ever to reintroduce a prescription charge that that would help that situation.

**5.10.1 Deputy A.D. Lewis:**

A supplementary. Has the Minister discussed this with pharmacies as well as doctors, as I have some evidence from pharmacies or pharmacists that there is a considerable amount of waste occurring and returns coming back to their pharmacies at some considerable cost to the Social Security Department?

**Deputy S.J. Pinel:**

Yes, the cost of drugs to the Social Security Department is £18 million a year, with 1.8 million items being prescribed. We are in discussions with the pharmacists and with G.P.s and with optometrists and with dentists for the Primary Care Review, which is ongoing. I think I mentioned earlier working with the Minister for Health and Social Services and the Minister for Treasury and Resources also to try and come up with a whole package of primary care.

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

**The Bailiff:**

That brings us to an end of the first period in Question Time and we now have questions for the Chief Minister. Deputy Labey.

**6.1 Deputy R. Labey:**

I thought that Port Galots was dead, but according to the *J.E.P.* last night, it seems that the son of Port Galots is threatening to rear its ugly head. I know the Chief Minister has a special interest in this, and I know that it appears that now stakeholders will be consulted at the outside, but would he agree with me on this specific, that the whole Island is a stakeholder on this, because it is an historic, iconic view, one of the last of its kind of the harbour, it is much-loved and it is exactly the kind of view that is and should be protected in the Island Plan and should be sacrosanct?

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

Much of the comment that the Deputy just made I do agree with. Consultation with stakeholders is going to be important and those who are going to carry the programme forward of finding a

solution have agreed to do that and will do that. That will inevitably involve a wider consultation with the Island because, as the Deputy rightly says, one of the concerns raised to the previous plan was that it interrupted what is, I think we all agree, an unhindered glorious view across to the Elizabeth Castle, so we do need to ensure that there is the widest possible stakeholder engagement.

## **6.2 The Connétable of St. Helier:**

The Chief Minister will remember, because he was part of the discussions, that the Parish of St. Helier sold a site at Westmount Gardens for the creation of an important electricity substation with a sum of £250,000 payable by Jersey Electricity and the balance of £83,000 payable by the States. The Parish had originally asked for £1 million for the site, came down to £500,000 and finally settled for a third of a £1 million for the site. Will the Minister confirm with me that the States is going to come up with £83,000 of new money for the Parish and not simply cut the amount of money that is being given to T.T.S. for urban improvement schemes, which in effect would mean that we would not be getting that extra money that was negotiated by him?

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

I did notice on my travels yesterday that the Connétable had been in conversation with the Minister for Treasury and Resources and I was not able to fully digest what the Connétable was asking. I do confirm that commitments were made and that the Connétable in the municipality were reasonable in ensuring that that new substation could be built, but I cannot confirm exactly the detail of where that money was or was not going to be coming from, whether it was new or whether it was deducted from T.T.S., but I will endeavour to do so, and if there is a problem, endeavour to rectify it.

### **6.2.1 The Connétable of St. Helier:**

A supplementary. I thank the Chief Minister for his answer, but would he not agree with me that if you strike a deal based on a certain sum of money, you do not expect to find further down the road that part of that money has been taken off money you were already promised to receive?

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

Of course I would not agree with that. I think the question is - and this is the question I do not have the answer to - whether the money, if it were allocated to T.T.S. and has been taken from T.T.S., was due to be allocated to St. Helier originally, and if it was then that would seem slightly odd, to say the least.

## **6.3 Deputy A.D. Lewis:**

Given the recommendations made in the C. and A.G.'s (Comptroller and Auditor General) recent report on housing repairs and maintenance, would the Chief Minister explain what steps his Council took prior to lodging the Andium Homes incorporation proposition P.60 to ensure that cost assumptions built into Andium Homes' business model regarding repairs and maintenance have been appropriately tested?

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

Yes, there was extra work undertaken between those 2 events. They included external validation of the final business case. They included re-evaluation of the current or then housing stock, which took account of, as I understand it, an updated stock condition and the maintenance costs and of course it was all overseen by the Shadow Board.

[11:45]

I am not sure whether P.80 ... I think they are following up the work of the Comptroller and Auditor General, but I think her report was useful in saying there were some good areas of practice and others that needed improving.

### **6.3.1 Deputy A.D. Lewis:**

Would the Chief Minister confirm the extent to which the Council discussed the scope of achieving further efficiency savings from the then housing repairs and maintenance function prior to lodging P.60?

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

Without going back to the Council of Minister's minutes, I cannot recall exactly the extent that any particular item was discussed, but the overall incorporation in this way was discussed at great length, not only at the Council of Ministers, but also at a Ministerial oversight group which worked for many years.

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

Can the Chief Minister assure Members that the practice of HSBC Switzerland, whereby wealthy individuals were encouraged to transfer funds from savings accounts to a corporate account with no genuine trading activity, thus avoiding the European Union savings tax, that practice has never taken place in Jersey and does not take place now, and what does he base that assurance on?

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

The Deputy has asked an equivalent question in Written Questions and I can add no further to my answer then. We have a first-class regulator who, when breaches of regulation or law comes to its attention, it deals with them and investigates them appropriately and accordingly.

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

Does the Minister have any evidence relating to this practice of transferring funds from a savings account to a business account, albeit with no actual economic activity, that that practice has never taken place in Jersey and does not take place now on that specific way of avoiding tax?

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

It is quite difficult to get into a detailed discussion. I am not sure that what the Deputy has just referred to is tax evasion, but I do not know, because I am not quite sure what he is asking. He seems to be asking about the transfer of funds between a personal account and business account. I would need to have much more information to be able to make any comment on such a practice.

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

Just following up on Deputy Southern's question: we all know that businesses do not pay tax in the Island, other than finance firms, utilities, but most companies, both in the private sector, whether owned outside the Island or in the Island, are not paying tax. Therefore, if an individual transfers money into a business account but the business is not doing any business, it is just a company business and all the rest of it, then they are avoiding paying tax, are they not?

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

I think the Deputy perfectly illustrates my point. That is not what I am aware that the Deputy was asking me, because he was talking about tax evasion, and tax avoidance is something very different.

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

In that case, since the Chief Minister does not understand my question, will he seek some assurance from the J.F.S.C. (Jersey Financial Services Commission) that the practice which I am referring to, which is heavily detailed in the documentation about HSBC Switzerland, does not take place here and has not taken place here and whether such activity to avoid E.U. (European Union) savings tax would constitute tax evasion? Will he ask the J.F.S.C. to clarify his thinking on this issue?

**Senator I.J. Gorst:**

The reality is that such a question would be better dealt with in a written question, because I would need to have many details more than the Deputy has just provided me with to make any comment in this regard. What I can say is that Jersey complies with relevant international standards and has some of the firmest regulation in place to deal with tax evasion and anti-money laundering and our regulator is considered a first-class regulator and deals with issues in this regard accordingly. Not only that, but our regulation also places onus on financial services providers to report when they may suspect a tax evasion or anti-money laundering breaches, so I think that Members of this Assembly can be confident in those provisions that we have in place.

**6.7 Deputy A.D. Lewis:**

Is the Chief Minister satisfied that the funds allocated by the past Ministers for Treasury for the purpose of a new Sea Cadet headquarters have to date been appropriately spent? One example he may wish to consider in his response is whether he feels that the £40,000 spent on setting up a maritime trust represents value for money.

**Senator I.J. Gorst:**

At this point it may appear that it does not, but I believe that in the future when the Sea Cadets have a new headquarters it will. Thank you.

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

I heard on Jersey Radio this morning that there was not to be a Minister for Innovation and Digital and I was wondering whether the Chief Minister would like to inform Members why and whether he will give any further consideration to a Minister for Children.

**Senator I.J. Gorst:**

Thankfully I was not listening to my radio this morning - I was on a flight - nor yesterday afternoon. I think that what I wished to do when I was elected to this office was ensure that appropriate focus was given to generating economic growth in the areas of financial services, in the areas of the digital economy and making sure that the competition policy was working and competition was working in the Island and that we were being innovative as well. For my part, Senator Ozouf is already starting to deliver on those aims in a constructive way with colleagues. It is working so well that I think it has led both myself and him to ask ourselves should we or do we want to set up a new, in effect, department and create an additional potential silo, or should we not be thinking about taking these issues to the next step and asking ourselves: "How can we remove silos and merge departments, thus giving us a more efficient and cost-effective [Approbation] Government into the future?"

**Deputy J.A. Hilton:**

Sorry, he did not answer my question about a Minister for Children.

**Senator I.J. Gorst:**

I have been a supporter in the past of the creation of a Minister for Children. Whenever I have spoken about this in the past, there have been 101 reasons given to me why it would not necessarily work in our system, but I believe that this new approach that I think that we are going to see

developed over the next 6 to 12 months about merging, about working together across departments and reducing those silos perhaps for the first time will give us a much more realistic opportunity of creating such a Minister.

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

Further to his Assistant Minister's answers to questions earlier today, does he believe his department is under-funded and under-resourced?

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

If there is any accusation about my department not being able to spell, I take full responsibility for that, as you would expect me to. I am not sure that I heard the Assistant Chief Minister say that his department was under-funded. I think rightly what he was saying, and I would agree with entirely, is that when we look across the departmental system structure, it appears to me that there is some duplication and that duplication should be removed and those monies saved for investing in the areas of economic growth that the Minister and other Ministers are responsible for.

#### **The Bailiff:**

Chief Minister, your 15 minutes is now up, so we are not going to hear the rest of your answer. Thank you very much.

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

Perhaps I could then address the issue of the in committee part at this point.

#### **The Bailiff:**

I was just going to ask whether it would be convenient to deal with that now.

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

I am in the hands of the Assembly. When we lodged or when we considered the Strategic Plan 3 years ago, I think that most Members felt that the provision of an in committee debate was a useful sounding board and gave Members the ability on the record to talk about any potential changes or prioritisations that they felt were appropriate. Unfortunately, while I would like to accede to the Connétable's request, the reality is that under the States of Jersey ... **[Laughter]**

#### **The Bailiff**

Sorry, Chief Minister.

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

I do not really need to continue, because it was you that informed me the detail of the States of Jersey Law, but for the benefit of other Members, perhaps I ought. The reality is that the States of Jersey Law says that the Council of Ministers must lodge with the Assembly within 4 months of it being formed its Strategic Plan. What that means then is that such plan needs to be lodged by 6th March, which means that if the Assembly wishes to have an in committee debate, we must take it at this sitting, otherwise there will not be an in-committee debate. Personally, I think it is a useful part of the consultation process. However, I accept, as the Connétable said, that the formal public consultation process is not yet closed, but some of those consultation responses are available on the website, so I would ask the Assembly to consider that when considering the Connétable's proposal, that if we do not have the in committee debate today, we will not be able to have one prior to the lodging of the Strategic Plan.

#### **The Greffier of the States (in the Chair):**

Connétable, having heard that, do you wish to pursue your request?

**The Connétable of St. Helier:**

Other Members may do. I think it would be a shame not to have the in committee debate, so I accept the guidance of the Chief Minister on this and would therefore withdraw my proposition.

**The Greffier of the States (in the Chair):**

It is clear under the law that it is today or not at all. Does any other Member wish to comment? Deputy Higgins, do you wish to add anything?

**Deputy M.R. Higgins:**

Just a very quick comment, and that is to express the view that even as of last night I had a constituent saying that this is the wrong way around, that basically the public should be listened to before we take decisions and ignore what they are going to say.

**The Greffier of the States (in the Chair):**

Just to clarify, no decisions are taken during in committee debates. Do you seek leave to withdraw your proposition?

**The Connétable of St. Helier:**

Yes, please, Sir.

**The Greffier of the States (in the Chair):**

Are Members content the Connétable should withdraw his suggestion? Very well. The in-committee debate will continue later today, we hope.

**PUBLIC BUSINESS**

**7. Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201- (P.160/2014)**

**The Greffier of the States (in the Chair):**

We come now to the Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201- and I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201-. A law to amend to the Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 1964. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

**Senator I.J. Gorst:**

Sorry, could I ask, it is possible to take it as amended to ...

**The Greffier of the States (in the Chair):**

We will when we get to the Articles, but you are asked to propose principles at the moment, but if you wish to refer in general terms to the items, it will be amended. I am sure that Members will understand, of course.

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

Thank you very much for your guidance, Sir. It is a short amending law which amends the Criminal Justice (Insane Persons) (Jersey) Law 1964 and it is a short amendment, notwithstanding that a very detailed piece of work updating mental health provisions is being undertaken by the Health and Social Services Department in conjunction with the Law Officers' Department and appropriate expert advice. But it was felt that it was potentially important just to keep going ahead



with this small amendment should other cases come before the court during that intervening period. That bigger piece of work is going to take over 3 years to come to completion for the necessary codes of practice to be in place before people are dealt with under that new law.

[12:00]

This law would enable the Bailiff and 2 Jurats instead of the Bailiff and at least 5 Jurats to make a determination in criminal proceedings before the Royal Court as to whether or not an accused person is fit to plead and/or can understand the nature of the trial, so it is straightforward, and I maintain the principles.

**The Greffier of the States (in the Chair):**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show; any against. They are adopted. Deputy Bree, I think this falls within the remit of the Corporate Services Panel. Do you wish to refer it to your panel? No, very well. We therefore come to the Articles. You have indicated, Chief Minister, there is an amendment to Article 2, which I assume Members are content for you to propose that Article as amended, but in the interests of good order, I will ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 9, Article 2. For paragraphs (b) and (c) substitute the following paragraphs – “(b) in paragraph (2), for the words “by the Superior Number” there shall be substituted the words “by the Inferior Number”; (c) in paragraph (3) – (i) for the words “If the Superior Number” there shall be substituted the words “If the Inferior Number”, and (ii) for the words “original court” there shall be substituted the words “that court”.

**The Greffier of the States (in the Chair):**

Do you wish to propose Articles 1 to 5 and 2 as amended, Chief Minister?

**7.2 Senator I.J. Gorst:**

If I may. The amendment to Article 4 is not of substance. It is merely to remove a potential drafting ambiguity to make it clear that the court is referring to or meaning the inferior number, so Article 2 amended, not Article 4. Articles 2 and 3 would remove the requirement in the 1964 law for the question of whether an accused person is unfit to plead to be tried by the superior number of the Royal Court. These Articles would also remove references in the 1964 law to the death penalty, which are now obsolete, and Article 4 would replace the specific reference in the 1964 law to: “Detention of persons in St. Saviour’s Hospital” with a more general reference to detention in a hospital within the meaning given to that term in the Mental Health (Jersey) Law 1969. I hope Members can see why that would be appropriate and I maintain the Articles.

**The Greffier of the States (in the Chair):**

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? All those in favour of adopting the Articles, kindly show; any against. They are adopted. Do you propose the Bill in the Third Reading, Chief Minister?

**Senator I.J. Gorst:**

If I may, Sir, thank you.

**The Greffier of the States (in the Chair):**

Is that seconded? **[Seconded]** Does any Member wish to speak in the Third Reading? All those in favour of adopting the Bill in the Third Reading, kindly show; any against. It is adopted in the Third Reading.

## **8. Draft Amendment (No. 27) of the Standing Orders of the States of Jersey (P.1/2015)**

### **The Greffier of the States (in the Chair):**

We come now to the first of the items relating to the planning matters, which is the Draft Amendment (No. 27) of the Standing Orders and I will ask the Greffier to read the citation.

### **The Deputy Greffier of the States:**

Draft Amendment (No. 27) of the Standing Orders of the States of Jersey. The States, in pursuance of Article 48 of the States of Jersey Law 2005, have made the following amendments to the Standing Orders of the States of Jersey.

### **The Greffier of the States (in the Chair):**

Minister, the Standing Orders, there is no debate on the principles, we simply debate the Standing Orders. Do you wish to propose them all together or in ...

### **Deputy S.G. Luce of St. Martin:**

I do, Sir, thank you.

### **The Greffier of the States (in the Chair):**

Very well, so you propose Standing Orders 1 to 9?

### **8.1 The Deputy of St Martin (The Minister for Planning and Environment):**

Yes, Sir. If I could just at the outset say that I have 4 propositions to bring to the Assembly today. They are all related to the new process, and if I may, I would like to indulge Members by giving an overview of the whole process before I move specifically to the first of those propositions. These changes have been lodged by myself for approval by the Assembly following extensive consultation. These Regulations make the consequential amendments to the Planning and Building (Jersey) Law to allow Amendment No. 6 for the new appeals process to come into force. The merits-based cost-effective appeal system will run independently from the Planning Department. Appeals will be held at short hearings or by written submissions administered by the Judicial Greffe and considered by independent inspectors. The appeal hearing inspector will make recommendations to the Minister about whether the appeal shall be allowed or not. The process retains the Minister as the ultimate decision-maker to ensure democratic accountability. The Minister will no longer be involved in the initial consideration of applications or decisions that could be appealed. These decisions and actions include appeals against enforcement notices, listing of a building, place or tree, or the refusal to grant building by-laws approval as well as applications for planning permission. The changes include amendments to the Standing Orders of the States of Jersey so as to enable to the constitution of a Planning Applications Committee to consider applications for planning permission and similar issues. The Planning Applications Committee will replace the role of the currently constituted Planning Applications Panel and the resources for servicing the panel will transfer to the committee. I would like to indulge Members, if I might, with a little bit of history before I move on, because I think it is important. This is a very important day, not only for the Planning Department, but for Islanders generally. The current appeals process has its roots in the Island Planning (Jersey) Law from 1964, but in 2001 - some 14 years ago - the Planning and Environment Committee said: "The system of appeal against a planning decision to the Royal Court is invariably a slow and expensive process which effectively denies a right of

appeal to those of limited means or makes an appeal unworthwhile when the cost of the works to be undertaken are significantly less than the exposure of costs in an appeal to the Royal Court.” The committee proposed setting up a planning appeals commission to determine appeals on the merits of the case. During that debate, States Members accepted an amendment to introduce third-party rights of appeal against a decision to grant planning permission. Agreement could not be reached as to how to run a commission that could look at first party and third-party appeals and the proposal of the commission was dropped and appeals to the Royal Court for both first and third parties was introduced. At the same time, the rules governing the Royal Court appeals were simplified in an attempt to make the process more accessible. In 2005, there was a review of the planning system by Chris Shepley, the former Chief Planning Inspector for England and Wales. He recommended that a proposal for a separate, independent appeals tribunal should be considered. Since March 2007, there have been 3 reports which touched on how appeals were dealt with. All of these reports found that appeals through the Royal Court were in some cases unsatisfactory, and in fact in many cases there had not been an appeal at all, as the complexity and expense was too great. Given the rising concerns over how appeals could be pursued, the Green Paper was published in March 2013 seeking views on reforms to the appeals process. Deputy Young also suggested a new way of dealing with appeals in his proposition around the same time. On the basis of the responses to the Green Paper and indeed Deputy Young’s proposition, a model for the appeals process was debated and accepted by the Assembly on 11th September 2013. An independent inspector would consider each appeal case and then make a recommendation to the Minister. The Minister would make a final decision on the basis of the recommendation. The Minister would not be bound by the recommendation, but would have to explain any variation from it. Appeals could be pursued without the prospect of costs being awarded and a reasonable fee would be payable toward the cost of administering the process. Inspectors would be recruited the Jersey Appointments Commission and the process would be administered by the Judicial Greffe independent of the Department for the Environment. This system delivered independent scrutiny of decisions, along with democratic accountability for the appeals process. Reviews of decisions made by officers by a committee of States Members will be retained and the process of a request for reconsiderations that we have currently will also be maintained. The financial implications of the new appeals process are difficult to gauge, as they will reflect what the take-up rate of appeals will be, and as previously, we are not sure what exactly this will be, but using the Isle of Man as a template, who also have first and third-party appeals and a similar way of engaging inspectors, and on the basis of 200 appeals each year, the cost of the new process has been set out in successive propositions and estimated to be close to £200,000 annually. The cost will be partially offset by charging fees for appeals, but it will not be the full cost recovery and it has been agreed by States Members over quite some period of time and we indicated that this cost would be 25 per cent. This may change in the future, depending on the level of take of appeals and the type of appeals pursued. While it is vital that the cost of the new process is regulated and monitored, it must be considered in the context of the modernisation of the process that this new process will deliver. The ability to challenge decisions in an accessible and transparent manner will create accountable decisions. In this turn it will drive efficiencies in the processes involved and improve the function of government. I would say that I think this type of appeals process should be a function of a modern government. So if I might, I thank Members for allowing me that but I would like to come now to the Draft Amendment to Standing Orders. These amendments will allow the constitution of a Planning Applications Committee to consider applications for planning permission and similar issues. The amendments will allow the Assembly to choose the members and the chairman of the committee, and with that give the authority for the committee to operate with direct authority from this Assembly. As Members will have guessed, the process of selecting members will echo that of Scrutiny Panels. If all my propositions today are accepted, including these amendments to Standing Orders, it would mean at the next States sitting - Members are meeting on 10th March - the chairman of the

committee would be selected and the members of the committee at the following States sitting. Do I propose the principals there, Sir?

**The Greffier of the States (in the Chair):**

You are proposing Standing Orders 1 to 9?

**The Deputy of St. Martin:**

I am, yes.

**The Greffier of the States (in the Chair):**

Are Standing Orders 1 to 9 seconded? **[Seconded]** Does any Member wish to speak on any of the Standing Orders?

**8.1.1 The Connétable of St. John:**

Not being pedantic but as a new Member I am very confused by all the terms, the M.T.F.P. (Medium-Term Financial Plan), the F.P.P., the C.A.G., the this and that. I see we already have a P.A.C. (Public Accounts Committee) and we are now going to have a Planning Application Committee. Could we have another acronym for it? P.L.A.C. perhaps? I am very sorry.

**8.1.2 Senator I.J. Gorst:**

I would just like to rise in support of the Connétable of St. John, the very points that I made when this Assembly decided that it was going to use P.A.C. So the Minister is stuck with that because that is what the Assembly sadly decided.

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

All I can do is to say, as the Chief Minister already pointed out, I think the decision has been made but if it does cause confusion - and I quite agree it did cause me some confusion when I first saw it - I think we will have to look at it and decide whether we change the name of one of the 2 committees in question.

**The Greffier of the States (in the Chair):**

Do you want a standing vote? All those in favour of adopting Standing Orders 1 to 9 kindly show. Any against? They are adopted.

## **9. Draft Planning and Building (Amendment of Law) (Jersey) Regulations 201- (P.2/2015)**

**The Greffier of the States (in the Chair):**

We now come to the Draft Planning and Building (Amendment of Law) (Jersey) Regulations, also in the name of the Minister, and I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Planning and Building (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Article 8 of the Planning and Building (Amendment No. 6) (Jersey) Law 2014, have made the following Regulations.

**9.1 The Deputy of St. Martin (The Minister for Planning and Environment):**

This is, as I said, the second part and these Regulations in the second part make the consequential amendments to the Planning and Building Law to allow the new appeals process to come into force. The Regulations remove the Minister, that is myself or whoever is in my place in the future, from the first tier of decision making so that he or she can legitimately consider appeals against

decisions. I have to say that the authority to make decisions about policy and guidance will remain firmly with the Minister, but I will feel a little bit sad at the next sitting if this goes through. In some ways I feel that I have lost a little bit of my power which may or may not be a good thing. But certainly these amendments remove me from the middle process. I will be very much engaged at the policy right at the beginning and reserved really right until the end for any appeals which then have to come to me. I have tabled an amendment to the proposition regarding clarification on how decisions could be made to the Royal Court following a decision by the Minister, in particular setting time limits for when such an appeal could be made. This gives certainty to all parties involved and the amendment also identifies a consequential amendment that was overlooked in the main proposition.

[12:15]

I think it best if I just say a few more words before I propose the principles and that is that the involvement of Members of the States in considering issues such as applications for planning permission is a fundamental pillar of what I think the planning process is. Members are in a position to weigh matters of Island land use, planning policy against the aspirations of advocates and the potential concerns of the public. Previously a Planning Applications Panel was nominated by the Minister, but this would be inconsistent with the independence of the Minister from the first tier of decision making. Consequently the process of appointing the members of the Planning Applications Committee follows the same appointment process as the Scrutiny Panels. Article 9(a) of the principal law sets out the functions of the Planning Applications Committee to undertake this role. I think I would like to propose the principles at that stage.

**The Greffier of the States (in the Chair):**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If not, all those in favour of adopting the principles kindly show. Any against? The principles are adopted. Minister, we now come to the individual Regulations. You have indicated already there are amendments to Regulation 8, 37 and a new Regulation 70(a). I am presuming you would like the Assembly to agree that you propose the Regulations as amended by those amendments?

**The Deputy of St. Martin:**

If I could please, Sir.

**The Greffier of the States (in the Chair):**

Are Members content to proceed in that manner? How do you wish to proceed, Minister? Do you wish to propose the Regulations together as amended, or in groups?

**The Deputy of St. Martin:**

I would like to propose them all together. I think the whole thing hangs together and I am happy to speak on them as one.

**The Greffier of the States (in the Chair):**

Very well, do you wish to propose Regulations 1 to 71 as amended?

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

I will just say to Members that there are lots of amendments here for legislation drafted to allow the new appeals process to function. Legislation was debated in July 2014, the legislation allowed for regulations to further amend the law to fully reflect the shift in responsibilities, namely that the Minister - as I have said - will be removed from decision-making. All appeals against decisions or actions under the law will be considered by an independent inspector chosen from a panel and the Minister will make - as I have already said - a final decision. What I would like to do is to just

outline a few of the specific bits. The Minister will generally be removed from the first tier, as I have discussed. The Minister will retain the role of decision-making. The Chief Officer of the department will become the first tier decision-maker. The Planning Applications Committee will make decisions relating to applications, and for applications which do not have a subject or a public inquiry only the committee can make a decision to grant planning permission for a development, which would be inconsistent with the Island Plan. What I would like to do is just show or give some brief examples. The consolidated law - I am sure Members would like to know - runs to 98 pages and I will not bother to run through every one. But what I would like to do is to give a brief overview of the type of changes that the amendments that we are making here: for example in Article 20 where it said originally: "Where this Article applies a person may apply to the Minister" it will now say: "Where this Article applies a person may apply to the Chief Officer." In Article 22 where it said: "The Minister to give reasons for certain decisions" it will now say: "Reasons to be given for certain decisions." In Article 23, another example, where it said previously: "A condition the Minister attaches to the grant of planning permission" it will now say: "A condition attached to the grant of planning permission." I could go on, Article 28, for example where it said: "The Minister may issue a certificate stating" it will now say: "The Chief Officer will issue a certificate stating." Article 40 I thought was another good example, where it said: "This Article applies to the Minister" it will now say: "This Article will apply to the Chief Officer or to the Planning Applications Committee." The changes and amendments in the law just continue in the same vein all the way through. I would at this stage just like to speak to the amendment; there were 3 changes which came later that we realised. Both Article 12 and Article 116 refer to time periods and that is around the amount of time allowed for an appeal. The reason for bringing the amendment to my own proposition was that it was thought in the early days that these changes could be done under the Royal Court rules. But after discussion with the court it was decided that it was far better to put this in the legislation and I think it is extremely important that we do have a time limit so that we know exactly where we are, people can be very clear how long they have to appeal. We cannot have people coming back after 5 or 6 years saying: "I have decided that I think I would like to appeal this decision." The other part of my amendment to my proposition is Article 50 where we realised that we had not specifically listed that the Chief Officer would now be responsible for maintaining a list of sites of special interest. I think I would like to leave it there and ask the question to propose those Articles.

**The Greffier of the States (in the Chair):**

Regulations 1 to 71 as amended are proposed. Are they seconded? **[Seconded]** Does anybody wish to speak on any of the Regulations? If not all those in favour of adopting the Regulations kindly show. Any against? They are adopted. The Constable of St. Helier, this matter ... excuse me, we are too late, I should have asked you previously.

**The Connétable of St. Helier (Chairman, Environment, Housing and Technical Services Scrutiny Panel):**

In any case, we do not wish to.

**The Greffier of the States (in the Chair):**

Excuse me, I am too late, but luckily I am not too late. The Regulations are adopted. Do you propose the Regulations in Third Reading, Minister?

**The Deputy of St. Martin:**

I do, thank you.

**The Greffier of the States (in the Chair):**

Is that seconded? **[Seconded]** Does anyone wish to speak on Third Reading? All those in favour of adopting the Regulations in Third Reading kindly show. Any against? They are adopted.

## **10. Planning Appeals: fees (P.3/2015)**

### **The Greffier of the States (in the Chair):**

We come now to the proposition relating to Planning Appeals: fees. It is quite a lengthy proposition, are Members content for it to be taken as read in the interest of saving time? Very well, Minister, do you wish to propose the proposition?

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

I do, thank you. There has always been an intention to charge a fee to bring an appeal. While the cost of appeals to the Royal Court are one of the criticisms of being in appeal, the cost structures I am proposing are significantly less than at present, but they are not zero. The most expensive fee I am currently proposing is £300 and that is around half the cost of simply registering an appeal to the Royal Court and that does not include the cost of engaging advice to navigate the court itself. As with all fees they will be monitored annually and the level of structures can be amended to reflect the pattern and the different sorts of appeals that are lodged. Fees will be set by Order but I would welcome the Assembly's endorsement of my proposals. As I said, we will have to see how the system develops, we have worked very hard to come out with the 25 per cent and the fees will be set out and I will just very quickly explain to Members. For an appeal against a minor development the fee would be £100 and I might explain minor developments are one building or less, major developments are one building or more. So for an appeal against a minor development the fee is £100, for an appeal against a major development the cost will be £300. For an appeal against the imposition of a condition or the refusal to vary or remove a condition, for both major and minor, it would be £100. For an appeal against the granting of a planning permission, a third party appeal, the cost would be £300. I might just stop at this point and say the reason for the £300 for the third party appeal is that we feel that there must be a significant enough amount of money that we do not have frivolous third party appeals coming to us on a regular basis, but at the same time we cannot make it that expensive an appeal so people feel that they do not want to make third party appeals. So we are going to start at £300. Then for everything else, and there is quite a list there, listing of trees, refusal for bylaws, *et cetera*, for everything else the cost will be £100. The report to the proposition is quite detailed, it is all numbers and calculations which Members will have seen previously. But, again, I would just like to point out that we have done our very best to estimate where we think this appeals system is going, how many appeals we think we are going to receive, what we think the costs of the court are going to be, and using the £100 and £300 we feel that we have come to a system which allows us to approximate 25 per cent of the costs to be recovered. I will leave it there and ask for questions.

### **The Greffier of the States (in the Chair):**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If not, all those in favour of adopting the proposition kindly show. Any against? The proposition is adopted.

## **11. Draft Planning and Building (Amendment No. 6) (Jersey) Law 2014 (Appointed Day) Act 201- (P.7/15)**

### **The Greffier of the States (in the Chair):**

Finally in your package, Minister, we come to the Draft Planning and Building (Amendment No. 6) (Jersey) Law 2014 (Appointed Day) Act. I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Planning and Building (Amendment No.6) (Jersey) Law 2014 (Appointed Day) Act 201-. The States, in pursuance of Article 10 of the Planning and Building (Amendment No. 6) (Jersey) Law 2014, have made the following the Act.

**11.1 The Deputy of St. Martin (The Minister for Planning and Environment):**

This is very straightforward and it just proposes that the Appointed Day Act would be 10th March 2015 which, as Members will note, is the date for our next sitting. The reason that it is that date is that on that date we will, as I have said previously, come to elect the new chairman but it is very important that we have as small a window as possible where the system is inoperable, if you like, because we do not have one or the other. So I will be retaining all my powers, the system will stay as it is for the Planning Applications Panel, and everything will continue very much right up until 10th March and on that day this Appointed Day Act will come into force, and one of the things we will do during the course of that day is elect our new chairman. I would just like to say that is the date and ask for questions, if I may.

**The Greffier of the States (in the Chair):**

Is the Act seconded? [**Seconded**] Does anybody wish to speak on the Appointed Day Act? All those in favour of adopting the Act kindly show. Any against? The Act is adopted.

**The Deputy of St. Martin:**

Can I just thank a few people before I conclude, I should have done so a few seconds ago? Firstly I would just like to thank the Constable of St. Clement for allowing me to bring the amendments and Standing Orders that, as Members will know, would normally be his job, but I am grateful for that. I would like to thank the law draftsmen and the Law Officers who put an awful lot of work into this, the officers of the court and specifically the Judicial Greffe, who have been major contributors. But lastly I would like to thank the officers of my department, one in particular who I will not name, who has been very instrumental in bringing all these amendments to the Assembly today. We have dealt with them in very short order but I can assure Members there is a huge amount of time and effort and thought that has gone into making this work and I commend Members who are agreeing to let it go through. I hope very much we can have a really good planning appeals system that we will be starting in another fortnight's time. Thank you.

**12. Law Revision Board: appointment of member (P.8/2015)**

**The Greffier of the States (in the Chair):**

Therefore, we come now to the proposition in the name of the Chief Minister, Law Revision Board: appointment of member. 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 appoint, in accordance with the provisions of Article 2(1)(a) of the Law Revision (Jersey) Law 2003, the Deputy of St. Mary, as a member of the Law Revision Board.

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



I do not think I need to add anything to the reading out of the proposition which the Deputy Greffier has just done. I am grateful for the Deputy of St. Mary for allowing his name to be put forward and I hope that Members support his nomination. Thank you.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? **[Seconded]**

**Deputy D. Johnson of St. Mary:**

I was going to speak after the vote had been taken, Sir. **[Laughter]**

**The Greffier of the States (in the Chair):**

Well let us take the vote then if no one wishes to speak. It may yet go the other way, Deputy. All those in favour of adopting the proposition kindly show. Any against? The proposition is adopted and the Deputy is appointed.

**The Deputy of St. Mary:**

Just to thank the Chief Minister for proposing me and for his kind words in the proposition. I perhaps would have preferred him to have not mentioned the fact that I appear to have been the only candidate to express an interest. **[Laughter]** Which causes me to wonder whether other Members know more than I do. However, I do confirm that it is an area which interests me and which I have some experience so I do look forward to taking up my appointment. I thank the Assembly for their entrusting this to me. **[Approbation]**

**The Greffier of the States (in the Chair):**

Quality not quantity, Deputy, I am sure.

### **13. Draft Employment (Amendment No. 8) (Jersey) Law 2014 (Appointed Day) Act 201-(P.9/2015)**

**The Greffier of the States (in the Chair):**

We come now to the Draft Employment (Amendment No. 8) (Jersey) Law 2014 (Appointed Day) Act. I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Employment (Amendment No. 8) (Jersey) Law 2014 (Appointed Day) Act. The States, in pursuance of Article 14 of the Employment (Amendment No. 8) (Jersey) Law 2014, have made the following Act.

[12:30]

#### **13.1 Deputy S.J. Pinel (The Minister for Social Security):**

I am pleased to ask Members today to approve this Appointed Day Act which would bring into force the long awaited family friendly rights. From 1st September the Employment Law would be amended to give women the right to take time off work for antenatal care, up to 18 weeks maternity leave, including 2 weeks paid compulsory leave; and, most importantly, the right to return to the same job after a period of maternity leave. This is the most vital new protection and it is important it should not be underestimated in terms of skills retention in the workplace and financial independence. The law would also provide 2 weeks parental leave for the father or the mother's partner, similar rights for adoptive parents, the right to request flexible working, and protection against detriment and dismissal on grounds relating to these new rights. An Appointed Day Act would also introduce a number of other minor changes to the Employment Law on 1st April. These

are outlined in my report. Members will know that I am absolutely committed to the introduction of family friendly rights. I have said publicly that I would welcome a longer period of maternity leave but I support this first phase of protection. When the former Minister for Social Security brought this Employment Law amendment to the States last July he committed to reviewing the family friendly rights one year after the law comes into force. I will honour that commitment. Consultation will be undertaken that will consider extending the periods of maternity and parental leave, as well as considering the impact of longer periods of leave on businesses in Jersey. For now, however, I believe that these minimum entitlements are appropriate for all business sizes and I am satisfied that we have taken the necessary steps to bring these rights into force on 1st September as planned. We have consulted on the proposals over a number of years and widely communicated the new rights to businesses and the public generally. J.A.C.S. (Jersey Advisory and Conciliatory Service) have been providing free training on the family friendly rights since last September, and guidance notes are available on their website. On 1st January this year we improved the maternity allowance so that more women will be able to claim the full 18 weeks of benefit. In addition we are drafting the necessary regulations to protect against sex discrimination and I will bring these to the States Assembly shortly. It is vital that this protection is also available from 1st September 2015. I am sure that Members will still feel that the maternity rights should go further. I also know that other Members will continue to have concerns about the impact on businesses. However, I believe that we have found an appropriate balance. Of course we debated all of these issues when Members approved the new rights last year and this debate is about the date of enactment. I hope that Members will support the introduction of this amendment to the Employment Law by approving the Appointed Day Act. I make the proposition.

**The Bailiff:**

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

**14. Council of Ministers Proposed Strategic Priorities 2015 - 2018 (R.8/2015)**

**The Bailiff:**

We now come to the Council of Ministers Proposed Strategic Priorities and the proposition that we should have an in committee debate. Chief Minister, can you just help me with how you see this debate proceeding?

**14.1 Senator I.J. Gorst:**

Thank you, Sir, I hoped you were going to ask me that. I hope that I will make some short introductory remarks in the next few moments. I would then hope that you would call on the Minister for Health and Social Services to make some remarks in regard to the first of the 4 priorities, and I hope that then Members can comment on that particular priority. Probably they will not start doing that until after the lunch break, and if we could split the afternoon up into the 4 priorities with a Minister giving brief introductory remarks prior to Members then making their comments over the 4 priorities. It may be during the course of the afternoon that Members raise other issues that other Ministers may wish to respond to. But I hope that we can subdivide the afternoon in that way.

**The Bailiff:**

All right, and just so that I know, who is the Minister for St. Helier?

**Senator I.J. Gorst:**

That is a very good question. **[Laughter]** I am not sure which is going to speak first unless neither of them are in the Assembly at this moment in time so I cannot look for guidance from them. Taking the lead will be the Minister for Planning for Environment and the Minister for Transport and Technical Services, they will both make introductory remarks in that regard. Of course it also falls very squarely in the remit of the Minister for Housing so I suspect she will make some remarks, but that might be during the course of that particular section. Just to complicate it further, of course, Senator Ozouf has another remit about a new deal for St. Helier but he will make his remarks during the course of the afternoon as well.

**The Bailiff:**

Very well, thank you for setting that out. Can I invite you then to say what you would like to say in introducing the principles?

**Senator I.J. Gorst:**

I nearly almost have. No, this is of course the fourth Strategic Plan produced under the Ministerial system of government and I think as that process has evolved there has been a growing view that the purpose of the Strategic Plan should be to identify a small number of key priorities and that is what we have done. I believe that we have been ambitious but we have also been focussed. In my mind the Strategic Plan is intended to set a high level direction that will ensure that Jersey remains successful and that our Island becomes an even better place in which to live. That is what this discussion document sets out and it is what the Council of Ministers wish to achieve and deliver during its terms of office. Of course this is before us and we are consulting on a discussion document, there will need to be detailed delivery strategies setting out how we are going to deliver on those priorities in due course. Members of course know that the 4 priorities in the document are health and wellbeing, education, economy, and St. Helier; but Members are also aware that right through the document runs the themes of social inclusion and population and the effect that priorities have in delivering both of those extremely important agendas. That is not to say that the business as usual is not important during the course of the next 3½ years; it is extremely important. I think it says much about those departments who are delivering business as usual that we will, to a large extent, be letting them get on with it and focusing in other areas because we know that our environment must be protected; we know that our Island is kept safe and it must continue to be kept safe. There is some excellent work being done under the auspices of the Home Affairs Department in reducing the amount of crime and they will have other areas that they will be focusing on during the next 3½ years, which tie-in very much with the health and wellbeing agenda. We have heard the Minister for Home Affairs talking about some of those this morning in answer to questions, particularly around the role now of the internet and cyber bullying and the use of a whole new world of technology around the sadly increasing cases of domestic abuse and we are going to deal with that into the future. So they very much fit into on the one hand business as usual but also into the health and wellbeing and education agendas. Of course you would expect me to talk about efficiency savings, reorganising departments to make sure that we are delivering value for money to taxpayers. We know that we do this against the backdrop of instability and continued instability, not only in the global economy but also in the European economy. I suppose we are all hopeful that European Finance Ministers, either today in their conference call or over the course of the weekend, will be able to find agreement with the Greek Government to at least reduce some of that instability, albeit it in the short term. But those challenges remain. That means for us we face an increasingly fierce competitive market for our business and for investment and for talent. So we must respond to that increased competitive environment and that continued instability. I have said before but it bears repeating, all around us facing these same challenges, governments are dealing with tax revenues which are not growing as fast as they have in the past with income shortfalls, but I believe that we are in an extremely strong position to deal with these challenges, to meet the new

competitive marketplace that we find ourselves in. Yet at the same time deliver the social provision that will continue to make Jersey a place that people feel that they have a future and wish to live in, and that is why we pick the priorities that we have. I look forward to hearing Members thoughts, Members suggestions, and Members involvement into what the actual Strategic Plan document will look like when it is lodged at the beginning of next month. Thank you.

**The Bailiff:**

Thank you. It seems to me that inevitably when one proposes a series of priorities it will be over to Members to say: "Well that is a very good thing to do that but on the other hand we ought to do something else" but for the purposes of an in committee debate and giving structure to it, if I may say so to Members, it seems to me to be helpful to take each of the priorities separately and then we will have perhaps a moment for Members to say at the end of the in committee debate: "But what about all the other things that should be there and you have not thought about?" if there are any. So that seems to me to be the convenient way to do it, otherwise we will end up with a rather unstructured in committee debate, if I may say that Now, in about 3 minutes I should be inviting Members to withdraw until this afternoon. Minister for Health and Social Services, perhaps it would be convenient to start after lunch, would it?

**Senator A.K.F. Green:**

I think I could probably do it in 3 or 4 minutes, but if you would prefer to wait until after lunch?

**The Bailiff:**

No, if you think you can do it now that is fine.

**14.2 Senator A.K.F. Green (The Minister for Health and Social Services):**

I am just conscious it will give Members longer time then to discuss what they want to say. After all, this debate is our Strategic Plan but it is the views of Members that we want to hear, so I will be brief. The challenges and financial demands of a modern health service are clear. We have invested in health in the past and we will have to continue to invest in large amounts to meet the needs of our community. I do not want to spend a lot of time today talking about the ageing society, about new medicines and about technological advances. But of course this is all why we need to have a sustainable plan for the future. We know they are happening, we know they are challenging. The Assembly is already committed to P.82 - the transformation of Health and Social Services - and we are implementing this programme. But we need to do more. But failure to do this, failure to implement P.82 and the planned changes will cost us and this Island in the future far more than if we invest now. I believe that a new hospital and the excellent facilities are essential and they must be delivered as soon as possible. But for me it is what goes on within those facilities. Yes, Islanders do deserve to have those new facilities, our staff need to be working in modern, safe facilities, but what goes on in those facilities are more important, I might suggest. Equally, as we modernise our health services and we look at our primary care provision, it is also what does not go on in that hospital, what might need to be taking place rightly within the community. We need to be working with our partner organisations, benefiting from the expertise of voluntary organisations, charitable organisations, and our medical practitioners. Part of the new model of primary care is, as I indicated, that care takes place in the community, in the home, and in the G.P.s surgery. We all want an excellent and improved Social Services, supporting families, working with other departments, in particular Education, Social Security to provide the best support we can in that co-ordinated way, placing both patients and their families at the centre of everything we do. This includes the best start in life, from transition from childhood to adulthood. Better mental health services in which we need to invest. We also want to help people lead healthier lives. If we are not able to do this, if we are not able to convince people that those healthier lifestyles are essential, those choices are important, then we will face even more spiralling costs. I am pleased to

see the health service reorganised, again, as a priority. We need to continue the good work that has taken place and as Minister I am determined that we will deliver this. Of course this means funding - substantial funding - and we cannot avoid that. But the health service also has to look at its services. Look for delivering efficiencies and savings. The Lean programme has significantly designed a range of services and we need to continue that work. We must face up to the challenges of an ageing society, advances in medical science, and our own lifestyles. This does mean improved delivery of service and proper sustainable - absolutely sustainable - funding. If we do this I believe that we could be optimistic, but we cannot be complacent. This is about hearing the Members' view and I look forward to hearing them.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

The adjournment is proposed. The States will now stand adjourned until 2.15 p.m. this afternoon.

[12:46]

## **LUNCHEON ADJOURNMENT**

[14:16]

### **The Bailiff:**

Well we are now quorate. I am sure Members would like me to welcome more of the girls from Ladies' College from year 8 [**Approbation**] who are about to witness more democracy in action and are writing in their hearts the need to vote in a couple of years or 3 years' time. Now we had an introduction from the Minister for Health and Social Services just before lunch. We are addressing the question of health and I invite any Members who wish to speak. Yes, Senator Routier.

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

I am a bit shocked at the reluctance of Members not to be prepared to speak in this debate. I have come with nothing prepared but I hope Members are going to engage with this debate because this happens to be one of the most important issues we are going to be facing over the next few years. [**Approbation**] Not only is it important for having the health and wellbeing of our community as a top priority, we need to ensure that we have not only an appropriate hospital which, as the Minister has outlined, is a big issue for him to be dealing with, but what I would like to focus on are the issues with regard to social services. I hope every Member will be supportive of what the Minister wants to do with regard to ensuring that social services are enhanced within our Island because I have to say in recent years there has been a tendency to ensure that we are getting the acute services dealt with but social services unfortunately I think have fallen a little bit by the wayside. I hope that Members will be supportive of the Minister when he does come forward with his plans for ensuring that social services are a top priority. I will leave it at that because I think hopefully it will encourage other Members to become involved in this debate because it is vitally important.

### **14.2.2 Deputy S.M. Wickenden of St. Helier:**

Yes, I am going to come from a technology point of view that I think everyone will expect from me. With the new hospital, as important as it is, and the fact that it will be around in 2020, I think, when we are going to finally get it, are we going to make sure that we future-proof it so it is not only available for what the technology is now but make sure we are ready and available for what will happen in the future? I just want to make sure that is a key part of the build of the new hospital.

### **14.2.3 The Connétable of St. Peter:**

It comes as no surprise that I will be talking principally about the General Hospital which is my main role within Health at the moment. Certainly, I think it would surprise many Members to hear the number of patient visits we get a year; it is 200,000 patient visits a year from our own community. If we were in the United Kingdom we would be a small town and we would be travelling from, let us say, the toe of Cornwall up to London for some of our specialist treatments at a cost greater than it costs us to fly from here to Gatwick for some of these specialist treatments we have to send patients to the U.K. for. All of these things make life very difficult with the funding mechanism for Health. Just to give a few more dimensions, I was amazed to hear at the laundry they have just spent £1 million on a new washer, dryer and ironing machine up there and they process 1.6 million items of laundry every year and 1,000 mops a week. That is just for the cleaning areas in the hospitals. These are the sort of dimensions that we, the general public, do not see and these are the hidden costs that hide behind Health. It is not just the costs of the medicines. We had a visit recently from the Lieutenant Governor where we were in the pharmacy, being carefully watched I hasten to add, where he was given a packet of 28 pills in his left hand and that cost 11 pence. He was given another packet of 28 in his right hand and that packet was £11,664. Those are the escalating costs of medicine nowadays and what we must do as a government is focus on these costs, which are not going to go down; they are going to go up as treatments become more and more specialised for rare conditions, and finding a mechanism that enables us to continue to provide those essential medical services for the people of our Island. I think States Members particularly need to get underneath the headlines and look at what goes on behind the scenes that you do not see to understand the real challenges that we face within health services. Following on from Senator Routier, that is just another example. There is a whole raft of hidden things that the people receiving those services and the general public do not see and we need to see more into the detail. Okay, we do not need to delve too deeply. We need to understand there is a far greater detail and dimension behind delivering the services that we see, to understand where the real challenges and cost pressures are within Health and Social Services, and mental health is just another aspect of that. Thank you.

#### **14.2.4 Deputy P.D. McLinton:**

I just want to pick up on the mental health side. Health is not negotiable; it is going to cost an immense amount of money to run our Health and Social Services and of course it is an unknown quantity. It changes at all times. You do not know quite who is going to suffer from what, where and when. So this gargantuan task we have ahead of us is going to cost a great deal of money but we must attend to it, we must do it well and, as a department, we are very intent on doing so. Of course, with my remit being in mental health, there is no health without mental health. We absolutely guarantee we will take care of the populace of this Island in every which way that we can do but of course will require a great deal of support from you, so I would just like to say that is very important to us as a department as well. Thank you.

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

For the benefit of those in the gallery and probably listening on the radio, I do not think there is anything in our Strategic Plan that anyone would disagree with. We all want the best health service and wellbeing we can for our Islanders; we want the best education system we can get; we want to get economic growth back as we talked about this morning. We have had no economic growth since 1998 really with a little blip about 2006, 2007. Going forward we want to make sure we have growth. Most of the things in the Strategic Plan are like jam and apple pie; we all want it. The devil is in the detail. It is when you come forward with the proposals: how it is going to be brought about and what we are going to do? For example, one area that concerns me in the health area is going to be the integration between primary health care and the hospital. We are going to be putting more and more effort into the doctors and what is going on in the community and using

charitable organisations. We all know how bad the system is in the U.K. in terms of care. We have people in their homes who see a care worker for 5 minutes in the morning to get them up, they may get a cup of tea if they are lucky, and then they will maybe see them at 10.00 p.m. at night. I do not want to see a system like that. So we all want the best system we can get and until we see the detail you will probably hear nothing controversial, I think, in this debate today but, as I say, when the detail comes forward there probably will be. Because we will have alternative views, or we may baulk at the cost, or we may think it should be funded in a different way and so on. So my view is that whether it be on health or any of these other issues, I do not think there will be anything controversial today. I would say it is later the controversy comes. Thank you.

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

I agree with what the previous speaker, Deputy Higgins, has just said. I do not think there is anything within the strategic priorities that the Council of Ministers has brought forward; it is a good thing. What I would like to say, most importantly I believe that historically I think the States of Jersey have always taken a short-term view when they have come to funding essential services for Islanders. That has not become more apparent to me when going to the Safeguarding briefing we had last week when we were told that as a result of under-funding in Social Services, and particularly the Children's Service, we have a lot of legacy cases coming forward of some children who, very sadly, have been damaged by the lack of services that the States of Jersey have accorded them. I think it is really, really important that we all understand that if we want the best service, there is going to be a cost to that but we owe it to our young people; we owe it to our young children. I think one of the recommendations in Williamson I believe was about the lack of social workers at Social Services. I think this is borne out now by the evidence that is coming forward about those children who do not receive the service that under statutory law they are absolutely entitled to. They did not get it and we have got a lot of damaged children and adults in our community for that reason. So I would say to the Council of Ministers that you seriously consider this when you are deciding your priorities. Whether it is the hospital... looking forward to the hospital, the hospital should be invested in so that we are not having to return to it in 20 years' time. But that was why I felt very strongly that we should have a new hospital on a clean site if at all possible. Do not think short term, think long term, particularly when it comes to the Children's Service, Social Services, Mental Health Services, historically under-funded. When those please come forward from managers in the departments for additional funding, and I believe a business case has been put forward recently by the Children's Service for additional funding to cover upgrades in I.T. (Information Technology), that is something we have heard time and time again about the lack of relevant data to measure anything against within the Children's Service, Social Services Department and Safeguarding. The head of Safeguarding last week told us that. We were told there is no quick fix, there is no easy fix. It is not all going to come right overnight with regard to the Children's Service. It will probably take about 2 years before all those legacy cases do come forward. But the bottom line is it is going to cost the States a lot of money, I believe, so I will just appeal to the Council of Ministers that they really consider that very seriously when they sit down and decide what the priorities are with the funding we have available. Thank you.

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

Quite briefly, it probably applies to everything in this but I will stick to health. It was something that Deputy Wickenden said about future-proofing the hospital and it is future-proofing it for what size population. We have a few words at the back on the priorities and the population; Jersey does not make any statement where London is planning for a 15 per cent increase, and other cities. So, when the Minister is summing-up, can he tell me where the Council of Ministers are on coming to a decision on our population, if it is going to grow and what effects? I hope this Minister can answer the basic number of the population that this new hospital is designed for. It is a quite

straightforward question but if the population is going to rise and the hospital is going to last for 50 years, again, I hope a lot of people attended the excellent presentation from the Environmental Officer at the Environment Department. I was not there last week but we had seen it at Scrutiny and I asked if all States Members could see that, and the Minister organised that very well and very quickly, to think about all these high-level priorities when you are saying: "This is what we want to do" and be honest. If you want me to say you can have more and the hospital has got to be bigger because you are having discussions around your table with your other Ministers that this is going to be the population, I think that overrides everything in our Strategic Plan; you have got all the pages. Again, it is a bit like Deputy Higgins said, who could not wish for what is in here? Let us all vote now yes when we get the detail. Even 1.1 of Health and Wellbeing: "Identify and implement a sustainable funding mechanism for Health and Social Services." Now the last Scrutiny Panel brought an amendment and this should have been in 2014. September it was brought forward so it would be before the elections.

[14:30]

So, again we have no substance to go on. Of course we want it: when are we going to get it and what is it going to look like? Because only yesterday on the radio, because the Scrutiny Panel came out and said that taxes have got to rise, every Minister went on right up until 5.00 p.m. and said: "No, they will not." So how are you going to fund all this? I hope the Minister has an answer but the population and the funding are key. Thank you.

#### **14.2.8 Senator Z.A. Cameron:**

We seem very good at looking at the past and spending a lot of time predicting the future. I hope that we can focus more on problems we know that we have here at the present that if we do not address will cost more. In the U.K. 20,000 doctors recently gave evidence to Sir Francis who had all faced disciplinary procedures and complaints following raising patient safety concerns. Jersey is currently hearing stories from care leavers about their experiences of care in our public sector. I would like to see a commitment to ensuring that mechanisms that enable doctors, nurses, social workers, patients, carers, everybody who works within our service, can speak out now about patient safety concerns and be heard in a far timelier manner without fear of any repercussions.

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

I would just like to touch on the relationship there is with the voluntary and community sector in ensuring that services are provided to our community. I think it is something that we should really cherish that the voluntary and community sector are there to assist in providing services. I hope that all Members will join me in thanking those organisations and charities who do support our community. Because their contribution to our Island is immense and I believe that we should recognise that in anything that we are planning for the future. I know they are very keen to become involved in helping to provide services and we must embrace that and ensure that we accept their assistance. [Approbation]

#### **14.2.10 Connétable S.W. Pallett of St. Brelade:**

I do not want to speak for very long. I just want to pick up on 1.3 which is: Maximise population health and wellbeing. I think it would be wrong if I did not bang the drum for sports a little bit when it comes to keeping people fit and healthy. One of the 4 key themes of the Fit for the Future strategy was getting active and staying active. Obviously I think the cost of health is going to increase as time goes on. I think with an ageing demographic - and I will explain that to the younger members upstairs, that is us lot getting over 65 - we need to stay healthy and we need to stay fit. I think it is important that the work that the Sports Department do is really taken into account with the strategic priorities in terms of keeping people fit and healthy. We have, I think, over the last few years developed an exercise referral system that I think has been taken up by



many, many people in Jersey in regards to keeping themselves fit and active. Last year alone over 3,200 senior citizens took part in exercise referrals and I think that is a system that we need to make sure we adequately fund and resource going forward. It is important as well within that that the Sports Department ... and I have not had a discussion with Senator Green yet, the Minister for Health and Social Services, about how we can further develop those things with our professionals in terms of what Sport can offer. But we do need to create an environment that makes it easy for people to be more active. I think we need to find ways to attract people into sport and sports-related events to keep them fit over a longer period of time. But just as importantly, though, and I think this is where we do need to ensure that in future the correct funding is made available for sport, it is going to be difficult and I do realise that financial times are going to be hard. But we do need to focus on the physical literacy of young people and get them into a frame of mind early on that will keep them fit over the whole of their lifetime. So really that is just me, I suppose, as Assistant Minister for Education, Sport and Culture, just wanting to make sure that people understand that it is not just about treating people when they are ill, it is about keeping people fit and trying to prevent the sort of problems that they encompass through life. It could be mental illness, it could be physical illness, but prevention I think is just as important as the cure.

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

If I may I will try and discuss the whole of this strategic priority document in context. I am in this particular section but I do not intend to speak again. So a new strategic planning document: Proposed Strategic Priorities 2015 to 2018. I thought straight away: "Only 4 priorities in there. What do we need a new Strategic Plan for? We must have succeeded in the previous Strategic Plan which I remember well." So I went back to that and it had 7 targets instead of the 4 we now have. It started off: "Get people into work." Was that a raging success? We have limited perhaps a number of people who are unemployed just about but we are seeing still increasing numbers of young people unemployed and I do not think that was a success. "Manage population growth and migration." Well we did not manage that at all. We only barely got an Interim Population Policy at the very end of 3 years and that is still to be debated in any real sense. We have got a new document which again ducks the issue of what population we are going for and therefore ducks the issue of: can we deliver anything at all to that number of people? For any number of people. Another priority of then was: "House our community." Again, what have we seen: success or failure? Well the waiting list for social housing has grown and grown and grown and grown so that perhaps should still be on there because we certainly did not succeed last time out. "Promoting family and community values." Now that was an interesting one. That was a change; that was inserted due to pressure from a particular group that said: "Hang on, we have not got any community values in there and we should have something." Then I looked at that and it said: "Early investment and support of vulnerable children and families will improve the outlook for individuals concerned and benefit society as a whole." Investment in young people. Did we get any extra investment in young people? I am not sure that we did. To illustrate that I just look at the mishmash, the very limited maternity leave document that we came up with, which gives the bare minimum. Not even 6 months' statutory maternity leave in our system and that sort of support was not there, I do not think. "Reform the Health and Social Services" was a target and is in hand. I will not call it a failure; we wait to see what it turns out and whether we can deliver services in the community rather than in centralised institutions like the hospital. So that one is pending. We will have to see how it turns out. Then: "Reform government and the public sector." Complete disaster. We got no reform whatsoever. I will pick one of the old aims there: "Our procedures need to change to ensure that all States Members feel more involved in policy development and major decision-making and that information is more accessible." Did we succeed in that? Do I feel more included? Well hopefully I know what is going on. Have I received more policy information, more information at all? Well if you had sat with our Scrutiny Panel listening to the Minister for

Social Security as she told us time after time after time: “I cannot tell you anything about that, our priorities, because it all depends on other departments.” “Well what are your priorities? What are you considering?” “I cannot tell you because it is policy in development and nothing is finalised yet.” It was an exercise in pursuing the unattainable. “Develop sustainable long-term planning.” Did we manage that? I do not think so. We ended up with a 2015 Budget that had a shortage in it of at least £80 million, £100 million possibly. “Resource principles, balancing taxation and spending.” We did not. We failed entirely to do that. We ended up with a structural deficit because what is happening is that we want to spend money; it is not that the bill is too big, it is that we cannot raise the money. That is a structural deficit; that is what we have got. So, do I have any hope that this new Strategic Plan will work any better than the last one and will we see success? I do not think so. Why do I not think so? Because we are debating these particular issues in this particular format at a time when what we are talking about is cutting spending. We are not talking about the 2 per cent because that is 2 per cent for 2015. We are talking about accumulative 7.5 per cent at 1.5 per cent a year for the next 5 years. Just hang on, 2 per cent plus 7.5 per cent, where are we? Plus another £30 million taken from every department that has got education or health in order to make sure that we have got enough money for health and education. So 7.5 per cent, 2 per cent, plus £30 million, it is around about a massive 10 per cent cut in what we do. That is the reality. So Education can say: “This is what we are going to do”, Health can say: “This is what we are going to do. We do not know for what population.” Any department can say: “This is what we are going to do” but can they deliver in a time of cuts, cuts and cuts? Because we are going to do that by economic growth, by talking to our workforce, our public sector, and encouraging them to slim down, *et cetera*, and on top of that we have got our expert guru coming in to cut even more; to show us how we can really cut. That is the reality. So while this document contains all the nice, soft, guffy words about caring for people, *et cetera*, can it be delivered in times of cuts? I do not believe so. I do not believe so. Why? What has gone wrong? Because this Council of Ministers cannot accept its broken economic model. Low tax, low spend. The reality is we are an ageing demographic. We are ageing and we are staying alive longer, healthier, to a certain extent, but we are still staying alive, and that cost will go up. It is time that this Council of Ministers face the reality and stop saying: “It is the last resort raising taxes.” The reality is if we are to pay for our society and keep any level of decent standards, we have to raise taxation. That was true before the election but they did not want to say it and it is true now. Costs will go up; continue going up. The only way to deal with that is through taxation. Taxes will have to go up to pay for it. That is the reality. This Council of Ministers is in denial about that. It cannot say: “Last resort; we will cut first.” Cutting services affects the most vulnerable, the weakest, the poorest, the most ill in our society and that is the reality. That is the recipe that these kind, nice words are about. So can we do this? I hope so but not with this economic model, not with the cuts that are being delivered in what is proposed by this particular set of Ministers and without mentioning the inspired decision to have the future of St. Helier decided by people who are not from St. Helier, and who may live out in St. Martin or St. Lawrence. I do hope we hear from them because they have got lots of green fields to protect, and they can always build high and stack them high in St. Helier because that is the recipe. We are going to house our people in St. Helier: build them cheap, stack them high. We have already got one development massively on the top of the Town Park which is complete overcrowding.

[14:45]

That is on the agenda; that is the reality of what we will deliver. We will not be talking properly to St. Helier representatives about what we expect to happen in St. Helier. We will be piling in the housing; that is where it will go. So, while we can talk about this nice set of words, the reality, I believe, is that we will not be able to deliver them without tax rises. It is about time this Chief Minister and these Ministers came to us and said: “This is the way we are going to do it.”

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

I said rather disingenuously perhaps this morning that Deputy Higgins, when answering some questions, or delivering his view on the success or otherwise of the economy since 1998 where he suggested there had been no growth, was rather miserable. This afternoon he gave us a similar view again that there had been no growth since 1998 but he said it at least with a smile and I felt a bit better about that. I think that is good. **[Laughter]** There is a lesson in delivering bad news. You can do it with a smile and you can take people with you and you make them feel a bit happier. To correct again Deputy Higgins, of course this morning I did point out that 2014, last year, the Fiscal Policy Panel is estimating a forecast growth of the Jersey economy at 1.6 per cent and for growth this year of 2 per cent and growth over the following 2 years. I do accept that beyond that we have some challenges. But I mentioned the miserable aspect because I have just listened to Deputy Southern and I was really rather depressed with what he said. Understandably he is going to pick up on some of the areas where we have not been as successful as we should have been and that is quite as it should be. But for him to suggest as he did we are operating a broken economic model is truly unjust and it is not correct. I do not know what his model is. He suggests that we have a broken model. I think his model is: tax, tax, tax; spend, spend, spend. He wishes to speak and I will let him because we are having a very congenial discussion.

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

The broken model is the low-tax, low-spend model; that is what we have. A low-tax, low-spend model. It is broken because we are an ageing demographic; the spend inevitably will get bigger and bigger and bigger. The appropriate thing to do instead of running a structural deficit where we cannot collect enough money to fund that is to raise taxes. That is how you get rid of your structural deficit. That is what “structural deficit” means, that we are not raising enough money to pay for what you need. Most governments operate on need. What do we need to do? How do we raise money to spend it? This Government operates the other way around. We dare not touch: “How much can we raise?” that decides how much we can deliver and that is back-to-front thinking.

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

Yes, I was saying that the model seems to be from Deputy Southern’s point of view: tax, tax, tax; spend, spend, spend. Because quite simply to raise tax in the way that the Deputy is suggesting, the unintended consequences of an action of that nature, it is going to destroy the economy. We are going to see businesses that will be paying less tax, they will be employing less people, we will not attract inward investment and we will see people leaving to more competitive jurisdictions. It is all about competitiveness. We have to have a competitive economy. I am afraid if the balance is not right between tax and spend then you are going to get a distortion, we are not going to be competitive and we are going to seek to lose business. It is not an easy balance, I have to say, in order to get this right and we do have, without doubt, challenges as we move to prepare for the Medium-Term Financial Plan over the next 4-year period. That is the period from 2016 to 2019. The other point that the Deputy raised was about our “guru” as he described it. Yes, we have brought in somebody to assist with helping reduce the cost in the public sector and looking at the structure of the public sector because quite simply there are a limited number of levers that we have available. If we are going to grow the economy which, indeed, as I mentioned this morning, we need to invest in, we also need to ensure that the public services that are being delivered are delivered in a cost-effective way and that we are not over-bloated, we are not delivering inappropriate services or services that are no longer necessarily required now. To do that it is very difficult to reform effectively yourself. This is not just a government issue, it is an issue that any corporation faces when it seeks to reform itself. It is very useful and helpful to bring in an external perspective on a short-term basis to provide that level of expertise to look into the areas which it is

very difficult to identify ourselves. I would like to pick up - she is not here at the moment - but Deputy Hilton earlier on raised what I thought were some very pertinent points. She was talking about short-term views. It is an unfortunate issue that governments generally, and this is not just a Jersey issue; this is governments almost on a global basis, do operate on a short-term view. Unfortunately, politicians in most cases wish to get re-elected and as such it is very difficult to deliver bad news when the economic cycle and the electoral cycle is short. Therefore, towards the end of a political cycle you tend to find decisions which are more spend-orientated and the longer-term view which would require investment that you are not going to see a return on within that political cycle is less exciting and therefore tends not to be done. I think that is a great shame. I think Health is a good example of where preventative investment is something we should be considering as a government. It is something that is not very exciting in terms of getting re-elected because you will not see a return necessarily on the investment made in preventative medicine. I think another really interesting area here is 1,001 days which has been talked about, dealing with children at very young ages to make sure that they have the right investment, the right support and to cut down the likelihood of ongoing medical health issues and other issues from a whole raft of problems that occur in the very early years of a child. But again that is an investment that you do not necessarily as a government see a return on during the electoral cycle that is prevailing at the time the decision would need to be made. I do think we have got to work hard to try and get out of that but Deputy Hilton raised the point and I agree with her. The fact that we have got a focus on a limited number of priorities I think is very important because it does demonstrate the importance associated with health. We have just touched on a few of the issues. We know some of the shortcomings where investment is needed in Children's Service, in Mental Health, Social Services and such like. We know that if we are moving towards a new hospital and a significant capital cost that over decades we failed to properly maintain the existing hospital we have got. We failed. We failed, and I hate to stand here saying this, to make the decisions to depreciate that asset and prepare for its replacement. Why are we in a position where we are having to scabble around to find the money? Significant money. We are looking, well certainly prior to the elections, at close to £300 million for a new hospital. It could well work out to be a figure in excess of that. I would not want to be in a position after a new hospital is built that the next generation is having to do similar things. We need to take the difficult decisions now, if we build a new hospital, that we depreciate that asset, we put money aside so that it is maintained properly as we go along and, more importantly, when it needs to be replaced is replaced and we have got the money available to do it without having to talk about additional charges and costs. **[Approbation]** That is about long-term visions and I am afraid, although our forefathers made some excellent decisions in this Assembly, there were some areas where perhaps decisions were taken not to maintain key infrastructure and prepare for the future in the way that we perhaps should have done. I hope that the strategic priorities contained here, health being one, education is clearly another key area, particularly if we are going to stimulate our economy, particularly if we are going to develop new areas like the digital sector; we have to grow more of our own talent. We have to give opportunities to young people to have jobs, and interesting jobs, jobs that are fulfilling and well paid within Jersey rather than bring as many in as we have historically. There is no question of doubt in the short term to pump-prime new sectors like digital we are going to have to bring in the expertise in order to get that sector performing in the way that we need to and creating the jobs that we needed to create. But longer term, medium to longer term, we need our young people to have the skills to be able to have and enjoy the opportunities that are created by a strong and growing economy. Because growing our economy is where the taxes are going to come from that are going to pay for the services that we need to prioritise. Going back to the point, and again it was something that Deputy Southern was pointing out, or his view was that we would not have the money to pay for the services that we need to, well quite simply we need to grow our economy. We need to bring economic growth in, raise taxes through the growth of the economy by more activity. I am

convinced we can do that but we do need to ensure that we bear down on waste within the public sector. Unfortunately, there is waste and we need to look at fundamental areas that have not been touched before like structures. The Chief Minister touched on it earlier on today; numbers of departments. We talked and worry about Ministers and who has got responsibilities for what and whether somebody has got a Ministry around them. We do not want to increase the extra cost associated. There is no reason, for example, that one Minister or 2 Ministers or 3 Ministers, cannot operate within one department. There is no reason why we necessarily have to have the infrastructure and cost of as many departments as we currently have got. We have got to start looking at this and planning for the future a modern public service, not what we have had in the past, which is to deliver services in the way that they were needed in the past. We now live in an entirely different and rapidly-changing world. I hope that the format and the outline of these strategic priorities sets those key areas of health, education and the economy that will create the foundation necessary for the very difficult decisions that we as an Assembly, the Council of Ministers, are going to have over the coming few months as we prepare for the Medium-Term Financial Plan. It is about getting the priorities right, it is about, within each department, departments looking long and hard at their expenditure, looking at where there is waste and ensuring that they prioritise to deliver the services that the public of this Island want and we, as their representative, want to deliver for them. Thank you.

#### **14.2.13 Deputy R.J. Renouf of St. Ouen:**

We will debate, I have no doubt, the delivery of health services in the community and we will ask commercial organisations and the voluntary sector organisations to provide those, but it is my view that we should not just farm out that work purely on the basis of who may submit the lowest tenders at any one time. We as an Assembly must ensure that the effective service levels, the way that services are delivered to our community, are not only set once but monitored and we ensure that and prevent problems for the future. So, we should not have carers and nurses and physiotherapists running around the Island with unmanageable lists trying to reach people and spending very limited time with their patients. We should not have these people harassed, wanting to leave their jobs. We should ensure that we can deliver those services in the community effectively with excellence. It is not sufficient to say: "There are other organisations employing those people, it is their responsibility to work out how the work is done." No, it is ours and we must ensure, I think, when we come to deliver these services that we provide an excellence of care. Thank you.

#### **14.2.14 Deputy R. Labey:**

I hope the Minister for Treasury and Resources will continue to think the unthinkable in terms of reform of public sector because the public of the Island have been looking to its government to do that for decades and it steadfastly has not happened. I wanted to talk about the new hospital just very quickly. Obviously Health has engaged engineering consultants, *et cetera*, to plan this but what I would like to know is if we are tied into architects already because I think there is a huge opportunity here. If we are going to spend all these millions on a new hospital, it would be great if we could take the public of this Island with us on it in terms of getting behind it and getting excited by it. Whether it is a new build or whether it is the development of the old site, you can do many interesting things as we see popping-up all round London with old Victorian buildings. You can wrap them up; they can become very exciting new spaces. Of course, new buildings, it will be great if it is going to be a new one, but it was iconic and imaginative and exciting. So that was my question really about the architects. I think there is an opportunity here to perhaps increase this Government's standing with the public if we can do something that they can all get behind and get interested in. Functional buildings do not have to be aesthetically not very pleasing; they can be

aesthetically exciting too. Although this building will be built in a time of austerity, it will be a shame if it looked like it.

**14.2.15 Senator A.K.F. Green:**

I will try and pick up on most of the points and not necessarily in the order that they were raised.

[15:00]

But what we have heard so far this afternoon is general support for what people said were the right aspirations but merely aspirations. Of course, this is a high-level strategic document of the States. We are here to hear what Members have to say and we are still out in consultation with the public. As Minister, I would expect them, when that consultation period has finished, that we, if need be, adapt our high level and then we drill down into what success looks like and be held to account. What does success look like? It will be that we will have moved from A to B and we will do it in that time and I would expect this Assembly to hold me to account for those successful objectives. But it is right at the moment that this is high level. Picking up on the new hospital; I was asked: what size population, what size is the hospital going to be, have we got architects? We have not got any of that at the moment but what we are doing at the moment is carrying out an exercise that will determine the site on which the hospital will be developed. That site will be determined fairly soon and at the same time we will be looking ahead as part of that. Sixty years. Sixty years is the life, I am told - and I have worked in health - of a hospital normally. Now, I say "the life", of course it will go on way beyond 60 years but before you need to put in really significant investment. The Minister for Treasury and Resources made an excellent point in saying: "When you build it you do not forget about it for 60 years." Deputy Wickenden asked about: "Are we going to future-proof it?" Well, as much as we can. When I was a child I never dreamt that everyone would have a mobile phone. We did not even have a phone in the house. So we will future-proof it as much as we can and we will be dependent on that new technology to deliver more effective care, earlier care at a cheaper price although the investment might initially be quite high. So we are determining the site and then we will determine, in consultation with our G.P. practitioners, the sort of service that we will see them delivering, which will need to change and we are talking to them. I do not want a U.K. style lip-service community service. I want a good community service that supports people in their homes; that provides suitable sheltered housing, working with the Minister for Housing; that allows our children to be properly educated and therefore have aspirations of their own and have a good earning power and then have aspirations to build their own homes. All those things I want. Primary care needs to change. In some ways we need to go back a little bit. Go back to the G.P. being responsible for the majority of the care of the patient. So in some ways we need to go back. We are looking at putting in some high tech solutions as we go forward. I do not think we should lose sight of what a lot of members of our society need. They need the basics in life. They need someone to help them maintain dignity, to help them to the toilet, to help feed them, to go back, in some ways, to old-fashioned nursing principles but we need to allow our nurses to nurse and not be filling in forms and paperwork. All of that needs to be designed in a new hospital. Yes, we need funding in Children's Service and we are going to need some of it now I am afraid. I think it is right to look back a bit because we learn from the past but we must not beat ourselves up about that. We must learn from the past and go forward. For the Children's Service - I do not know if this will make Deputy Hilton happier - in addition to all the work that we are doing I intend to take to the Council of Ministers for discussion that we should put in a Children's Services Improvement Board so we can continue to see it going forward. So that is doing something now, not just in the future. I think it was Senator Cameron that mentioned the culture... well, she did not use the term "culture" but that is what she was referring to. Thank you, the term "culture". That it should be safe. You should have a safe environment, a safe culture, for people to be able to say: "Hang on, something is not right here." If you look at the model in Seattle, in the hospital in Seattle there, not only do

people feel safe to say something is not right but they feel safe to say: “I made a mistake.” There is a learning opportunity here for all of us. That is the sort of culture I would like to see right through our public sector but of course it does not help when we sometimes have the press and States Members calling for the heads of everybody that might have made an error. The person that did nothing is the only person who has not made an error in their time. So I want a new culture. I want a new hospital. I want a new service and I want one that is fit for purpose, that is going forward in the future but we cannot rest on our laurels, we cannot leave it as we have done in the past, let buildings deteriorate because it is convenient and therefore we do not have to spend. Because although this is a 60-year look forward, 20 years probably major renovation to be honest, you are going to be for ever investing in new technology, new changes and so on. So we need to have that in place. The Constable of St. Brelade mentioned sport. Yes, that is important, really important, and we need to invest in that but we need to also then continue with the event-led stuff because things like the Island Games, things like the annual Disability Sports Games inspire people to get involved that might not have got involved so all that is part of the culture in which we work. Are we going to do it well? Yes, we are going to do it well. To pick up on the Deputy of St. Ouen; yes, we are going into partnership, more partnerships than we have got now but we will regulate and we will set standards and we will work with people and one of the very clear standards I would like to see as we go forward, if it is not good enough for my mum, it is not good enough for yours.

#### **The Bailiff:**

It feels, from the Minister for Health and Social Security’s summing up, that we might be going on to the second item at this stage and education. Perhaps I could call on the Minister for Education, Sport and Culture.

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

I have added some detail to my summary to just really provoke a little more discussion and debate and confirm our commitments. Hopefully, you will see, as I move through our strategic priorities, how closely interwoven they are into those of other Ministers. Certainly, the health and wellbeing of our students is paramount. The economic growth of the Island is closely aligned to us teaching the basic skills to students, who are entering the Island’s workforce, and where we can, increasing their opportunities for employment. Jersey must be globally competitive as the Minister will outline. So it follows the skills and abilities of our Islanders must be of a very high level. As for St. Helier, virtually a quarter of our States nurseries, primary and secondary schools are within its borders with a further 14 educational establishments close by. St. Helier harbours a large proportion of our teaching environments and pupils. They will need well-designed housing and open green spaces to play. So what is education doing? Well, for those educating who are acutely aware that kids only get one chance, it is business as usual but we have to increase our effectiveness to get better at what we do. To do that we have outlined 4 areas to receive immediately attention. They are the raising of standards, a new locally focused curriculum, autonomy or great empowerment for schools, and finally, greater family focused engagement. We have been meeting with students, through the Youth Parliament, with heads, teachers, faith leaders, businesses and unions to gain their insights and ideas on those 4 priorities. Over the last few weeks the department, heads and teachers have been mapping out and creating plans in all of those areas. So, firstly, raising standards. We intend to strengthen arrangements to monitor our children’s progress and create a single Island-wide tracking and data management system. This will provide an exchange of performance data between schools and phases. We will create common reporting templates, setting schools within their particular context. These will be written in plain English being both parent and pupil friendly. A greater focus will be placed on a pupil’s progress and their value added. We will strengthen arrangements to challenge the profession by stretching targets

rather than predicting outcomes. We intend to strengthen and expand the school improvement scheme in every school. We intend to extend the moderation process with more subject areas, additional year groups, with more staff trained and involved. We want to strengthen arrangements to support the profession, creating a framework in which teachers can capture and disseminate Jersey's best practice to classrooms across the Island. There is an amount of remarkable work being done, we need to communicate it. We want to increase teachers' access to professional development and training and so we are creating a professional conference for all educational staff, the first of which will be in October this year. Teachers cannot inspire their students unless they are inspired themselves. Improvements will be made to improve the teacher recruitment process and reduce the administrative burden on teachers and heads. We will strengthen arrangements to intervene where needed. We are creating an early alert system using earlier, richer data and the professional partners to identify the underperformance of schools, groups of children or communities. A protocol will exist between schools and the department of the actions to be taken at times of underperformance. Redesigning Jersey's curriculum. There are 2 parts to this. Firstly, learning about the Island's history, heritage and culture. It is important they fully understand and appreciate the Island, its rich cultural heritage, its ancient history and the context of their own existence. We have a high status group currently rewriting the curriculum. We are creating a Jersey Cultural Passport for all children, collaborating with cultural services, voluntary groups and Jersey Heritage to secure access to key sites and expertise. Secondly, aligning education with the economy. We are mapping existing progression routes, the green-keeper in schools, for future routes, mapping new vocational training provision and establishing the functions of an education business partnership. We have already had meetings with the I.o.D (Institute of Directors) and Chamber of Commerce regarding this. Greater freedom and autonomy for schools. The first step has been to agree what this will look like in Jersey. Freedoms will be set in an Island-wide statutory framework; with greater freedom will come greater accountability. We will ensure that schools demonstrate the necessary skills and capacity. Particular focus will be given to financial controls and the recruitment and retention of its staff. Lastly, the family focus. We are working more closely with other government departments, as has already been discussed, to improve multi-agency working practice. We are looking to improve the lot of our more vulnerable pupils by introducing the Jersey version of Pupil Premium, targeting money to where it is needed most. We will look to provide greater support for very young children with special needs and as opportunities arrive, having adopted our own triage system, we will shift resources to early years. We are reviewing the policy of restricting school-based nurseries. We are learning from and extending the existing family focus work of the Bridge in Samarès School. We must ensure that all young people have a great start in life. Investing in early years brings returns for children, families and the wider community. We have formed, with the Chief Minister heading up, a cross-departmental group to work on the 101,000 Days Agenda. In doing this and working with Highlands College, its higher education agenda, we have embarked on a "from cradle to grave" approach to education. This will ensure social inclusion by providing every Islander with every opportunity to develop the skills necessary to become successful, independent citizens. It is our intention to reduce the number of people who leave our schools with low levels of attainment and poor basic skills. Beyond those aspirations we are still rolling out our digital strategy and maintaining our relationship with Digital Jersey. We are looking to create governing bodies and parent teacher associations for all schools. Finally, in summary, we aim, using these 4 strategies in consultation, to provide all Islanders with the tools, skills and ambitions to create better lives for themselves and their children.

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

That was quick. Yes, Strategic Plan debates are always - and I appreciate this is more a "formulate" one than necessarily the end product - difficult ones because in a sense we are being asked: where do we want the big strategic aim to be? While reading the education section, which is



always an interest to me, broadly there are a lot of things within there, a lot of buzz words, which we go: “Oh, yes, yes, that sounds very good.” But when you start to narrow-down, analyse, the questions that come forward to us are, well, what does this mean? What is being said here? So if you take some of the preamble, some of the things which I have highlighted where we talk about, we need to reform the education system in order ... invest in education reform aimed at improving standards.

[15:15]

This is seen in one of the sections later on. The question is: well, what do we mean by improving standards? Do we simply mean improving grades? That does not necessarily mean that is what we should be doing. Just because you might have some lovely letters on a piece of paper does not mean that you have got the skills in order to do X, Y and Z and certainly what has been the tradition in ... from what we have all been told from our education system is what the focus needs to be more on is the softer skills, to be able to communicate, to do teamwork and all these type of things which are not reflected or measured in our G.C.S.E. (General Certificate of Secondary Education) system, in our A level system, in our N.V.Q. (National Vocational Qualification system, in our B.Tech system. So when we are trying to produce a better quality of person out of an education system we do not necessarily have the best tools in order to measure that. So why does that matter to what we are saying now? I think it is because looking at what is trying to be achieved, one of my great concerns - in particularly section 2.2 - looking at monitoring the progress of individual children within schools, alarm bells start going off in my head and I know the chairman of the Scrutiny Panel, Deputy Doublet is not here today, but immediately the things we start worrying about is, great, all that means is more tick-box exercises for teachers to do instead of looking at a student’s holistic learning and saying: “Well, these are the areas which he needs to concentrate on.” Because some things that teachers have to do to say: “Right, well, a student can count to 5, they can recite the letters of the alphabet”, is not necessarily the best way of analysing how much they are learning, what they are taking on. It is great for a bit of postmarking of the system. So when it says “monitor the progress”, what does it mean? What is the Education Department going to do and I would really like to be informed about as and when it is appropriate. These are the type of questions which, when reading this document, is something which I have flagged-up and raised more of a concern with me than actual comfort. Also looking at that particular bullet point it then goes on to talk about cohorts of children and the Jersey system as a whole. Now, if one were to be cynical, and when one looks at this value-added aspect of the education system, it goes back to the issue around looking at kind of the league tables and looking at the difference between the fee-paying schools and non-fee-paying schools out of a very highly selective system. Now, part of me tends to think: “Well, is this just a way of going around in order to justify a current system so that we can say: ‘Well, okay, people are not getting above C grades or whatever but we have taken them into the system and instead of going through their usual ‘plus 1.5 level’ we have managed to move them on to ‘plus 2 level.’ That shows that it is a better education system than whatever’.” I like the Minister in the sense that he said that we are going to make more systems understandable to parents and to students because at the moment the current system, when you get a report card, can be quite confusing to parents. For example, if someone has got a 3C is that better or worse than a 4B and sometimes these things are quite confusing. So within the Strategic Plan what I would have liked to have seen is perhaps a greater focus on parents, the role of parents within education, because that is one of the most important parts in education, about the role that a parent or caregiver plays within an education system, the aspirations that they will give to an individual and also setting ambition. That is really important. I would have liked to have seen, perhaps, more of a focus on that and I know the Strategic Plan does touch on it but I would have liked to have seen that fleshed-out a bit more. In section 2.1, where it talks about all Jersey’s children and young people to understand the Island’s history, geography and culture, I would have

added in “and political system”. I would have bunged that one in and made it completely explicit because these people will be the future of tomorrow and time and time again the feedback that we get from P.P.C. (Privileges and Procedures Committee) is that young people do not understand our political structure and I am talking about more than just the Year 5 debate. There should be some sort of recap before the end of the G.C.S.E. level in order to bring that level up to standard because by the time ... it has been some years since the Year 5 debate, when people then have to think about this but then soon they come to being of election age, around 16, and there has not been any refresher in the education system. I think if we want to develop that in order to develop the values and the skills of engaging in a democratic society being a good system, *et cetera*, then we need to do something at around about Year 9 because that is when we start to do a refresher and reminder course within that. So I do welcome aspects of this. Again, I always worry about the Island’s history in the sense it is probably good that the J.C.G. (Jersey College for Girls) students have gone because certainly what I would like to see is when we talk about Jersey’s history, and inevitably we will talk about some of the famous people that have shaped Jersey’s history, I always feel slightly embarrassed that one the greatest things that we hold up to our young women in society is the example of Lillie Langtry and I go: “Is that really the best example that we can scrape together to illustrate to our Jersey women and girls that this is what you can aspire to?” I think in a way a change in the history to kind of illustrate the movers the shakers within Jersey’s history would be a better way because there must be other more shiny examples of women that have influenced our society that we should be teaching the Jersey people about, I think. I am sure many other Members could list-off plenty of examples but certainly in my mind that is the one that rings through from my education system and I would argue, perhaps, I am a bit closer to the education system than other Members within the Chamber, but that is just something to bear in mind about how we... because it makes a huge difference to our education to say people from our background, people from our area, people that we can identify with, managed to go on and achieve this. It is important to be able to find local examples in order to do this but we have got to be very sensitive to the examples that we choose or at least give many examples rather than perhaps just one or 2. The question of Jersey’s culture, what is Jersey’s culture, how do we experience Jersey’s culture and how should that be taught? Again, that is all very politically sensitive and that depends whose narrative you try to choose and influence and while I welcome kind of expanding that one we always have to be very careful about what is chosen and not to exclude other parts of the culture or history which, perhaps, we find less convenient for our own purposes. A classic example is that on Liberation Day we will hear the line: “And now our beloved Channel Islands are free”, but what you tend not to hear is what is in the Jersey Library is also what Churchill said about the Channel Islands which is: “What shall we do about the Channel Islands?” The response was: “Let them starve.” Now, we tend not to hear that at grand events but this is what I am talking about, about being selective in history and talking about there were different sides to the story depending on whose narrative you are choosing. It is important that within the future of our students that there are different perspectives. There are different narratives and it is important to bring that all together. So while I welcome kind of focusing on Jersey and bringing that more to the forefront in the system what I am trying to illustrate is perhaps what we do need is a very balanced one, one of many perspectives and many narratives within that story. Something else which I also want to touch on is while I welcome looking at the engagement with the private sector industry, however you want to frame it, something which perhaps I think was lacking was touching on third tier education. I have not chosen university education, I have chosen third tier education because that does not necessarily mean that people are going off to university but in order to have those skills, in order to bring forward and our people to compete we have got to look at other things. I mean our students are competing with other jurisdictions that will pay for - pay completely for - third tier education. How are we going to compete with that? If you are looking on that at a strategic level I feel that that aspect is lacking because if you are going to be competitive and look at our world in

that regard, and we want to focus on local people, if we do want to focus on local people then third tier education I think is a major part and we do need to look again at the funding for that I feel. Something else which I wanted to pick up on also is ... again, it is special educational needs but it is particularly looking at dyslexic people within our system. We did a review looking at suspensions and that kind of steered-off into special educational needs and when we went around talking to some of the specialist teachers in our system... and from one that I had because I will declare I am dyslexic myself, and speaking to one of the teachers that taught me I put her a very clear question. I said: "Are we any better at screening? Are we getting better at detecting so you can pick them at the right time?" Put her on the spot and she goes: "Well, Jeremy, I cannot really lie to you because you have been a student here before and I know what you are like and I know what you are asking and the answer is, no. We are not any better at picking up these things." I would really like to see a focus for young people on ... getting better at detecting these types of things and then providing the support in order to deliver these things because sometimes once someone is identified and starts getting the support in our education system it can take them from strength to strength. Sometimes the biggest block is getting that original diagnosis in order to then trigger all the supporting mechanisms and that is something we do need to work on and get better at and that is something which, if I was in charge, something which I would put in my strategic plan. On section 2.4 where it talks about: "Ensure that every child has the best start in life and is school-ready when they enter the education system." Again, are we looking at this the right way round through the telescope? Is it right that we create children that are ready for the education system or should we be creating an education system that is ready for children when they come along? Because we all develop at different rates and so to turn around and say: "Right, whoever you are, you are 4 years old we now expect you to go into the system and be able to do these types of things." Life does not work that way. Education does not work that way. People do not work that way. So reading the way that this is formed I am very concerned that we are looking at, perhaps, a system-based approach rather than a person-based approach when we are talking about education in children. I mean one of the simple things is, why do we insist, for example, sending boys and girls to reception at the same age. We know that they develop at different rates. We know that certain types of education suit boys at younger ages than girls statistically. You always get individual differences of course. Why do we not engineer a system in order to suit those needs and those learning styles if we are talking about education rather than trying to have a one-size-fits-all system if we are trying to develop a system that is best for each individual's needs? Just as an idea out there. Again, talking about the sub-systems, and I have broached it with the education system before. Again, looking at, perhaps, the French system whereby ... I need to think of a better term. But if students are not, perhaps, quite ready at a certain level, not necessarily holding them back a year but doing something about that in order to look at that system because sometimes we push people in our system too early when they are not ready for it. Then by the time they get to the end of the system they have not done particularly well, we then have to pick them up again at Highlands, build up their confidence and everything when, perhaps, we could have intervened much earlier and created a much better system around that individual than what we do now. Again, if we are thinking about strategic planning and doing things differently than our system this is something which I think should be considered. I will leave it at that.

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

I think I did say during my speech I was only to speak once. **[Laughter]** I apologise. I just lied. When I was listening to the Minister for Education, Sport and Culture after what turned out to be about 10 per cent of his speech I started feeling tired and then when he had got to the halfway point, as it turns out, of his speech I started thinking: "Well, gosh, even God only had 10 commandments, come on." When he suddenly got to the end of his speech all I could think of was, good luck, mate, because there were so many things he was going to do and ensure, it was like: "Wow, if you can get

one-tenth, one per cent of that done, you will have been a genius”, but there was a big long list, was there not? They were going to do this and we are going to do this with a reduced budget. That is the key. So when I saw... take one item - one item - I think it said: “Review limits on nursery places.” I was thinking: “Right, yes, okay, review the policy on nursery places. Yes, let us have more nursery places. That will help you get your kids educated properly”, and those places cost money.

[15:30]

Where are you getting that money from? Is it refocusing resources so somebody else loses in order that we can deliver this or is it fresh money? Is this extra money because I would hate to say this? I do not want to shock the Minister too much, but there is not going to be any extra money. It is do it with what you have got. It seems to me that if the Minister can deliver one-tenth of what he is suggesting he was going to do in the next 3 years he would be close to a miracle worker. But I think that is the disadvantage of working with this high level thing that says: “We are going to deliver all of this, are we not good?” Of course you can say you are going to deliver it. I will believe it when it happens. Especially when you are doing it on a reduced budget.

**The Bailiff:**

Can I just mention for the benefit of all Members that we have had the Minister for Treasury and Resources talking about “damn lies” this morning and now “God” has come into it with the last speaker? This is not parliamentary language and I would ask Members to respect that. Thank you. Does any other Member wish to speak?

**Deputy G.P. Southern:**

Talking about me.

**The Bailiff:**

You are not allowed to call on the Almighty, Deputy. Does any other Member wish to speak?

**14.3.3 Deputy S.M. Bree of St. Clement:**

There is one phrase in the key areas of focus on education that concerns me greatly. In 2.1 of the desired outcome we are told: “That Jersey’s education system is aligned to and supports the Island’s economic needs.” Well, as we all know, the Island’s economy is based mainly on finance and financial services companies. Are we to read from that that our schools are going to become factories churning out accountants and lawyers and nothing else? The point of an education is an all-rounded education, not just concentrating on what do the banks and finance houses need, therefore we produce it for them. We do not have an arts community in Jersey so does that mean that arts will cease to be taught in schools? We do not have premier division football club in Jersey, so does that mean football stops being taught? I am very concerned about that phrase because if it is true then it means that the States, and particularly the Education Department, and indeed, perhaps, even the Council of Ministers, their priorities are being determined by the finance industry and nobody else and that concerns me greatly.

**14.3.4 Deputy R.G. Bryans:**

I will try and take everything in reverse to Deputy Bree. No, I think this is a case of semantics. When we are talking about economic needs, I totally agree with him, it would be horrendous if the education system was formulating its education to simply provide students for the finance industry. That is not what that means at all. It is sitting down, as we already have done, with the I.o.D. and Chamber and everybody, all the employers and in fact the recruitment agencies and saying: “Where are we needing to put our skills?” In particular it is the digital industry that sort of provoked that more than anything else; there is a need to provide a lot more, as we already have done, provide a

lot more coding training for students. So I totally agree with him. It is not meant to do what he has read into it at all. This is about providing students with a very holistic overview of what the opportunities are to them in the world. In fact, last night before I attended the C.P.A. (Commonwealth Parliamentary Association) we were talking to Creative Industries Guernsey, looking at creating a Creative Industries Jersey over here. So I agree with him in the sense that the comments that are on that 2.1 is not to formulate just for the finance industry. If I go back to the comment from Deputy Southern, nursery places; it is not about the numbers in nursery places, it is just that a lot of the primary schools are crying out for having nurseries within the schools and we had taken the opportunity some time ago to stop doing that because we thought we were vying with the private sector and did not want to do that. It was too competitive. But in this situation he is exactly right, we have got to cut our cloth according to our need, so it is increasing nursery places within the primary schools. There is quite a long list from Deputy Maçon but if I deal with some of them. He is absolutely right when he talks about improving skills and improving standards and looking at the softer skills. That is something that we have been discussing just fairly recently. As an example, if you say to a student: “What I would like you to do is piece of course work for something”, they have got to go out, they have got to research, they have got to negotiate with the public, they have got to come back, they have got to formulate a report and then they generally have to present that. Now, the student, unfortunately, does not see the context of what he has just done. He thinks he has just produced a piece of work but at the end of the day if you look at what he has just done he has proved himself in terms of teamwork, he has proved his presentational skills, his listening skills, his emotional intelligence, his confidence has gained. It is our role, I think at this point in time, to begin to describe to these students the context of what they have been doing. So a focus on softer skills is really important, I totally agree with him. But I pick out a couple of other things he has talked about. “School-ready”, is an early years phrase which talks about ... from my perspective is not as he described it where we are creating school-ready kids for school. What we are talking about is the transition between nursery to primary or from primary to secondary. Those really fearful moments when children have to contemplate moving up in the world. So from our consideration what “school-ready” means is that they have to have strong social skills and that they can cope emotionally with being separated from their parents; that they are relatively independent and have a curiosity about the world. So “school-ready” is in context and is a phrase that is quite well-known in Early Years. I have spoken with Deputy Doublet about this. Other things were funding for the third tier. I know it is a bugbear with everybody at the moment regarding student loans. We have had discussions with the Community Savings Bank to see if we can accommodate some maintenance loans with them. They are sitting down and talking to our Finance Director and the Treasury about this to see if we can resolve that issue. In the matter of student loans; at the moment we have got a situation in the U.K. where student loans have risen to about £46 billion. This is the debt and the consideration is that it will rise to £200 billion by 2046. Just reading something I read this morning from one of the student leaders in the U.K., this is to use one of the phrases that Deputy Southern often uses, this model is broken and the government rushed in and did it far too quickly. The consideration is that students are not repaying these loans. Anywhere between 30 to 40 per cent of the loans are being repaid. So before we dash in and start contemplating doing this we have got to take great consideration. We know it is a burden on parents. Myself, I had to fund my own daughter through college so I know exactly how it feels to do that. So we are looking at it. We are looking at all of the details and all the various others elements of the education that has been discussed here and I thank Members for bringing this to my attention. The detail will come when we have contemplated our plans.

**Deputy J.A. Hilton:**

Excuse me, I missed my opportunity before. Could I just ask the Minister a question?

**The Bailiff:**

There are nearly no rules, in an in committee debate so, yes.

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

The Minister talked about refocusing resources to enhance services for the families and their children and especially to support funding for children. Currently children access nursery education in the year that they turn 4 and they receive 20 hours a week for 38 weeks. Can you tell Members whether you are intending on expanding the nursery provision to some of those more vulnerable families from maybe age 3? I am just wondering how you intend to focus resources to those more vulnerable families that currently are not receiving nursery education because of the age thing.

#### **The Bailiff:**

There is a rule of speaking through the Chair.

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

Yes. This, I think, really falls under the remit of the 1001 Days Agenda that we will be working on with Health. This is very much the Early Years consideration. It was written in the report from the M.P. (Member of Parliament), Graham Allen. I think the Deputy is absolutely right, it is a consideration. That is one of the first things on her agenda and I think we meet within the next couple of weeks to talk about that.

#### **The Bailiff:**

Very well, we now come on to the economic part of the plan.

#### **14.4 Senator P.F.C. Ozouf (Assistant Chief Minister):**

The front page of *J.E.P.* today speculates that I have been snubbed by not having a Ministry. So I want to let you, in the Assembly, into a secret; I am really, really happy. The Chief Minister asked me to lead on what, effectively, is one part of the economic growth agenda and in fact there are 2 other very capable Assistant Ministers in Economic Development, Deputy Norton and the Constable of St. Brelade, and effectively I am too but I sit in the Chief Minister's Department. For the avoidance of any doubt the purpose of giving a number of people the responsibility of economic growth is the recognition of the absolute need to not be complacent and to do everything we can to increase income. I have shed the difficult job that Senator Maclean has now got with Treasury and Resources and I will come on to why that is a difficult job and why this bit of the debate and this bit of the Strategic Plan is so important. What, effectively, we are trying to do is to do that elixir that all politicians want. There is something that almost unifies all centrist politicians in that they all talk about and all political parties effectively talk about, economic growth. Why do they do that? Or they talk about the fact that economic growth is almost the free money that pays for the things that politicians stand for office; that want to do for good, to provide the services. It is the elixir. It is the free money. It does not, of course, come without consequences. There are always consequences to economic growth. There is nothing like a free lunch and there is nothing without consequences. Clearly an island has choices to take. Governments are not very good at picking winners but what you can do is you can create the right environment in order to allow economic growth and entrepreneurialism, innovation, to thrive. Jersey is, effectively, today, a service-based economy. A lot of talk is spoken about the fact that we are just a one-trick pony in the finance industry. In fact the finance industry is a whole diversified set of industries, like the City of London, providing completely different services and different markets. It is a service-based economy. Without natural resources, wonderful beaches... we have not got any natural resources. We have got wonderful beaches, historic sites. We have got fertile soil but we have to effectively

have used our brains and the people of Jersey's brains to add value and to export the value created by those brains. We are an export island, always have been and always will do. Now, there is some loose talk sometimes about economic growth and Deputy Southern, this morning in question time, fell into the trap of simply looking at a G.D.P. line. Senator Maclean was quite right that he said, in fact, G.D.P., you need to take out the interest rate fall and look at the underlying level of Jersey's economic performance. The reality is that Jersey's economic performance has been remarkably strong, losing less jobs in the finance sector than most other off-shore finance centres. That we have ended with, I think, something like 500 less jobs at the end of the recession than at the start. That is absolutely incredible when you look at alternatives but, of course, the economy is looking internationally, continually unstable and that has its effect. The world does not end at St. Ouen's beach, even though it is very nice and beautiful and we live in a globalised world. We are living in a globalised world that is even more hungry for economic growth than other places. Most countries have a mountain of debt. There is the U.K. election that is talking about halving the deficit. They have not halved the deficit. They have halved the increase in the deficit. It is just a slowing of the growing mountain. We are in an unbelievably strong position with 100 per cent of G.D.P., no debt, stable government, a "can do" Assembly with a strong tradition in terms of being successful, punching above our weight. We should be proud. We need to get our mojo back in terms of believing ourselves and believing in ourselves. We need to seize the opportunities and you need Ministers and a strategic plan that puts at the heart of it some real innovative, deliverable solutions to economic growth. Economic growth is about getting productivity. I would urge all Members that might not have read the Economic Adviser's report prior to the former Minister for Economic Development's economic growth plan where he wrote a weighty tome on his analysis of Jersey.

[15:45]

He identified that it was productivity that was one of the issues that we need to focus on. Productivity: difficult to explain easily but effectively it is using less resources with a bigger outcome. Airbnb is an example where that could be making a productivity improvement in our tourism industry using beds that are currently not used, that are otherwise not used to bring more visitors to Jersey. That would be productivity improvement. That would mean those people, hopefully they are not going to be displaced by a hotel because our hotels are also going to be busier, are people that are going to come to Jersey, use transport links, walk up and down the Constable of St. Helier's fine retail environment, go and walk on all the other Constables' fine beaches and countrysides. I will not pick them all out. But effectively that is what productivity is, it is moving, it is doing more for less. Productivity means smarter working, it means using technology. Economic growth does not just produce income of course for Senator Maclean to deal with his apparent deficit, and I will come to that in a second, it creates the job of ...

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

Senator, would you give way just a moment. I just want to clarify a point, it is our deficit.

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

I was going to come and say precisely that because the media is personalising this and I was going to make the point that it is not his, if anything it the one that he has inherited. **[Laughter]** We will have some water in a minute, I am sure. What economic growth does do is it creates the job opportunities that allow Islanders to better themselves, to reach the potential into the career that they want and that they choose. Economic growth helps drive the social agenda. It provides social mobility. That means the children of parents aspiring to greater levels of standard of living than their parents. A competitive economy is vital to maintain that standard of living. It is competition that is going to be one of those areas where the Chief Minister has put a particular by putting it in

my portfolio, and it is competition that I am determined to put some real effort into effectively dismantling barriers to entry so that there is an appropriate way of people to have the choice in the purchases that they have and where there are monopolies that they can be regulated efficiently and effectively. In energy markets, in the petrol market, in gas, in all of these areas... which I have to say to Deputy Southern that work is already underway. Of course containing the cost of doing business in Jersey is one of the most important things that we need to do. If, as an Island, we have a U.S.P. (Unique Selling Point) it is also that we must contain our costs. We are going to bring business to Jersey, attract business if we maintain our cost base. That is office accommodation costs, that is our taxation costs, that is all the hidden costs and charges and one needs to be aware of that. We must be able to deliver, to the extent we can while we have an Island to deal and a piece of water between us, a low cost environment. But the internet is something that is opening up a huge realm of opportunities for both competition for people buying things in Jersey but also for Jersey businesses themselves to be able to be competing and offering their services in a vastly bigger market place than is available just simply on an iPad or a computer screen. Members will be aware that there is a new Visit Jersey organisation. I have had the privilege to meet the new chief executive, I am hugely excited, and I know the Minister also is, by the enthusiasm and the clarity that this individual has brought to the debate on tourism. A clear plan is now emerging of effectively what he intends to do. He is going to set out a plan to work out what our product is. What is it? Get consensus on that. Work out how it should be distributed. The days of a website, simply driving traffic into a jurisdiction... I think he mentioned on the radio only 5 per cent of bookings are through national websites. We all book directly in different ways and he has been very clear that he is going to create cross-working with partnerships. The tourism industry is not just about hotels, it is about visitor attractions, it is about heritage, culture. It is about the hospitality offering, food and beverage. It is about what the Island looks like and getting everybody to have a stake in the tourism sector. The Council of Ministers is determined to put a new emphasis and a renewed invigorated positiveness behind tourism, which I have to say was started by the predecessor, Senator Maclean. Ports of Jersey is one of the vital areas of infrastructure. I doubt whether many Members... I know Members have views about Jersey Post and Jersey Telecom but who could imagine a Jersey Telecom run as a States department? Similarly an airport, the harbour, is a commercial organisation and it is the plan of the Council of Ministers, lodged of course, to incorporate the ports of Jersey to allow us to be able to have those transportation links to be delivered quickly and efficiently. I would encourage Members to look at the Jersey/London cost of flights at any date in the future and compare them with comparative jurisdictions, to see what competition does with easyJet and British Airways competing against each other. Frequency, volume, advertising, I am a proud Jerseyman when I see Jersey advertised on the Tube in London with easyJet or co-branding. It is transportation links and regular, affordable and plentiful supply of transportation links. We need a harbour and an airport that is organised in a manner which is going to be effectively working with partners that are going to be deliver people to Jersey. Jersey Business receives an important government subsidy. Under the new leadership of a former banker it is now delivering real support and assistance to business. Helping them with their business plans, stopping them perhaps making the decisions that they may be too enthusiastic to make, bringing some realism, not quite *Dragon's Den* in terms of a quick-fire decision but certainly the support that many businesses need in business plans to grow their business. They will be an important part of the support the government does. The rural strategy will direct government support to farmers and rural businesses in an appropriate way. It does not simply put money into the pockets of landowners. Well-intentioned agricultural policies around the world have not always worked. The Council aims to make sure that the policies and the support that fishermen... the Deputy of Grouville also did a valiant job with farmers in the last term of office to bring the attention to the areas that need to be taken. There is the latest issue of the failure of a market garden organisation. It is important that Jersey does have... there is an N.F.U. (National



Farmers Union) study out today that says that 80 per cent of British consumers want to buy local. I think that is probably exactly the same thing in Jersey. There is a sign of intervention where we do need to see where we can help. I know the Minister for Planning and Environment has already been working on that. The construction industry is one of those other important sectors of the economy. We know that there is going to be a number of significant public projects and confidence returning in the rest of the economy. We will need to ensure that that industry has the capacity to be able to deliver the buildings that are needed. Effectively, safely, with the minimum amount of imported labour, but they are going to have to be dealt with in a costly way. A number of years ago there were huge concerns about the cost of building in Jersey. Those have somewhat abated but just simply having one or 2 firms carving-up the market and driving-up the cost is not the best way to effectively run the construction industry. So we need to be alert to that. There will be effort put on understanding the needs of that. We need to stimulate inward investment, enterprise, and in my area we, of course, have innovation and technology. So the more I see about the opportunities for digital the more absolutely convinced I am that Jersey has a unique wonderful opportunity for developing a digital space. Yesterday I was with Sir Philip at the Barclays incubator in London where I heard and saw some young fledging companies, some internet start-ups, getting the support from a consortium of individuals. I thought: "Why are these people not in Jersey." We will have incubators and bring people to Jersey and get them to set up their own start-up businesses. We have a lot to be proud of in Jersey. I often tweet how long it takes me to get door to door, some Ministers in an Island nearer also criticise that because apparently my costs are cheaper than theirs, but effectively it is not difficult to get to London. It is not difficult and we can be serving the huge growing tech market that exists in London, and we can bring to Jersey some innovative, profitable, high value, low footprint businesses which we can be proud of. It is going to be that infrastructure, that fibre. When I tell Ministers, when I tell other people, Jersey will have fibre by the end of next year, linking every single home and business, they are absolutely astonished. I said that to the Chairman of Ofgem at a meeting I was at with Deputy Wickenden in the House of Commons before Christmas. Absolutely astonished. We will be one of the few places in the world. We have not even begun to use that opportunity to sell Jersey and to position Jersey as one of those digital centres of the future. They say there is another island, the Silicon Island, well we will be certainly putting an emphasis on technology. I have probably spoken for too long but I am enthusiastic and I am optimistic with the economic agenda, which is a joined-up approach in government. This is not one department, this is not just Economic Development, this is the Chief Minister's Department, this is my own part of the Chief Minister's Department, this is External Relations and Economic Development working together, and it is seamless, does not have any silos, it does not have any egos but it has a lot of hard work and good people to achieve it.

#### **14.4.1 The Deputy of Grouville:**

Will there be an opportunity at the end of this... is there going to be a summary from the Chief Minister where we can all pile in with our comments then or are we meant to do specific comments on the economy in each section?

#### **The Bailiff:**

I think the Chief Minister's thought was that we would have, as it were, 4 internal committee debates within the overall structure and therefore if you have a contribution to make on the economy this is the time to make it. Or if you think that something is missing then, by all means, say it now.

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

Yes, I think there is something missing, it is probably more general but I will make it now because it alludes to the economy more than any of the other issues. I will make my comments about the

Strategic Plan in general and that is I wanted to see a vision. A vision for our future, a vision that we can sign-up to and share; a vision where we see Jersey at in 5, 10, 30 years' time that we can all buy into. I noticed Senator Maclean said earlier the problem is the political cycle is 3-yearly and nobody wants to make unpopular decisions. I am sorry but that is such short-termism and is not a way to set out a plan or a vision for our future. I believe that we need to be brave so the people can sign-up to something. If we can create a vision obviously the 5-year will be more realistic, we do not know what is going to happen in 10 years' time, let alone 30 but if we have got something to aim to and there are unpopular decisions to be made to achieve that, I think people are big, they are grown up, they can see that it is for the greater good. I am sorry, but with this Strategic Plan I have noticed there is no real passion in this room, there is no drive. I know it is an in committee debate and there is no decision so it is a bit odd anyway but what is being put before us health and wellbeing, education, economic growth and more spaces in St. Helier, these are all lovely things, nobody is going to disagree with it; motherhood and apple pie. If you want an impassioned debate you are not going to get it by putting these issues on the table. I am not going to disagree with that. They are all very worthy things that we should be working to but, as I say, I would like more of a vision. I remember a few months ago seeing a Twitter comment and there was a picture with it. This man, a Jerseyman, he was saying: "This is what we want to achieve" and it was a picture of bright lights, high rises, streams of traffic - what do you call those roads - flyovers, this is what we want for Jersey. I was absolutely horrified and I thought: "Well, if that is what you want I know that is not the Jersey I want."

[16:00]

That is the sort of debate that we really need. We need a vision as to where we are going and if that is where we are going then I am not voting for it. But obviously what we have got before us you cannot not vote for it when we eventually come to the vote in a few months' time. So if the Strategic Plan is going to change or proposals are going to be beefed-up or worked on or if we have got some long-term proposals for the future then I think I would prefer to be signing-up to that than these worthy 4 things that we have got in front of us. I want to see a diverse economy. I want to see creative industries. Yes, digital. Digital in everything that we do. We need to be at the forefront of this. We have decided to make the whole Island a fibre Island, it has not quite got to me yet but one day maybe in the depths of Grouville we will be on fibre like everyone else. Yes, we need digital but where is the green agenda. Yet again ... I am going to blame the Chief Minister because the green agenda did not feature anywhere in the statement he issued when he stood for Chief Minister. There is nothing about our environment, nothing about our traditional industries - he is laughing there with the Minister for External Relations - and this is quite lacking. I would sometimes like to see our traditional industries mentioned, not just the brand new ones. Solar power, tidal power, wind power, what are we doing about those? Those are not going to be achieved in 3 years. They are for a longer term. I want to see those worked on, I want a sustainable Island and obviously the elephant in the room, population. I will leave it there.

#### **14.4.2 The Connétable of St. John:**

Just before I start could I say that this debate is getting very hot or else the room is getting very hot, I do not know if that could be altered. I hate to be negative but I looked forward with excitement to the proposed strategic priorities and when I received it I would hate to have to say if I was a schoolmaster I would mark it as 5 out 10, could do better. When I received the document I turned to page 3, I think it is, and in bold red the highlighted: "Islanders say the things they value most about living in Jersey are safety, countryside and our coasts." I thought: "Whoopee, at long last they are recognising the work done by the custodians of the countryside." The countryside of this Island is undoubtedly, as is said here, one of our greatest assets and yet there is nothing, or very little, that I can find in this document that shows support and assistance in that direction. Farming

is prohibitively expensive. I attended an environment presentation last week at they claimed the cost or the saving to the taxpayer was £2 million a year on just branchage. But that is only one side of a hedge bordering a road. If you take the rest of the field and the fields that do not border the roads, you are looking at tens of millions of pounds in costs. If you take an example of my own farm some 12 years ago, I farmed 320 vergées, about 140 acres. This was 72 different fields. Now when you move cows from one field to the next it is not just a matter of opening a gate, it is a matter of getting the tractor, the trailer out, a couple of gates, the dog and few hands to help you load up the cows, take them down the road and put them in the next field. These are costs other competitors do not have. But on top of the cost of 72 fields I had 21 different landlords. The cost is phenomenal. We saw last week a major farmer, vegetable grower, who I have admired for many years as undoubtedly being one of the most efficient farmers, giving up growing vegetables and yet this is not being addressed. Farmers in this document have been demoted from being given lip service to being totally ignored. I hope the Chief Minister will take that on board and do something. The 4 sections are okay, fine, but when I got to economic growth it reminded me of a very, very good lecture I attended many years ago when I was in education. It was being given by a bank manager from Barclays Bank and he said: "Never, ever go to the bank manager asking for money and say I am going to grow my business. You have to be specific, you have to give targets, you have to give proposed results. What is it going to achieve? More employment or more taxation, what is it going to achieve? Not just, oh, we will grow the economy." He summed it up as being a bit like gold leaf, it looks very nice but it has no depth to it at all. The other, I believe, most pressing and most challenging issue facing this Assembly over the next 3 years is going to be balancing the books and there is no mention of that other than economic growth. The most important thing is we must balance the books and we must ensure that our expenditure is kept under control and that we are not forced into the position of increasing income. I attended a monastical school and when I was there one of the monks said to me: "The good Samaritan was a wonderful tale about how somebody can help those less well off than yourself but if you look behind the scenes the Samaritan was probably a very wealthy man, travelling in a carriage with bodyguards and a train and he probably glanced out of his window and said to one of his servants: 'Pick that man up, he looks untidy. Drop him off at the pub and give the pub owner a couple of quid and look after him'." The moral of that story is you can only have education, you can only have health, you can only have those policies if you have the money in the first place. So I would ask that significantly more emphasis is put on balancing our books and ensuring that we have a prosperous economy. Thank you.

#### **14.4.3 Deputy S.M. Bree:**

The big issue for me with the strategic priorities as laid out by the Council of Ministers is that it really lacks any substance. It is a wonderful utopian view but there is no mention in it whatsoever about the problems that we face immediately with our economy. We have been told that our economy is going to grow wonderfully and we are going to attract inward investment. We have been told by the Minister for Treasury and Resources that we have a very healthy balance sheet, we have billions worth of assets. Yet they are immovable assets which we cannot sell so that then means the balance sheet using assets is meaningless. Nowhere in the strategic document does it talk about rebalancing the books. If that had been strategic priority number one then perhaps we would have looked at this a bit more sensibly. It also paints a picture of a utopian world where everybody has a wonderful lifestyle, earns a lot of money, lives in a lovely property, but what it does not talk about is the things that make Jersey 'Jersey.' It does not talk about applauding, enhancing and protecting our uniqueness. The Council of Ministers, looking at this priorities document, wishes to turn us into Singapore, Hong Kong, maybe even London. I do not want that for Jersey and I do not think many people in the Island want that for Jersey, because the only way that the economic growth is going to work is if you increase the population. If you increase the

population you have to put somewhere for them to live, which is why one of the strategic priorities is to rebuild St. Helier as a residential centre, because where are you going to house the workers that you are going to bring in. I am sorry, I do not believe that this strategic priorities document goes far enough in addressing the issues that we face at the moment. That is why we are seeing a bit of a lacklustre debate. There is nothing to debate. We cannot really complain about the objectives you are putting forward because in an ideal world they are wonderful and we all agree with you but how are we going to pay for this? Nobody - and I am sorry, nobody - has answered that question satisfactorily yet.

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

I was going to speak before I got to do my presentation about St. Helier but I feel that I must rise in response to the Constable of St. John. I would like to just say 3 things. The first 2 are around the words “strategic priorities” and the third one is around the specific instance of growing vegetables in Jersey. The first thing is the word “strategic” does not describe something specific, it is not detailed. I do not apologise but the word “strategic” is a vision, it is difficult to define, it is a direction that we are going in, it is not specific, and “priorities” when it comes to how many priorities one puts in a strategic plan one is on a hiding to nothing because is it 4, is it 7, is 14, 28, 56, 192, it does not matter. The important thing is that these are 4 of the very many priorities that the Council of Ministers have and they are not the only 4. I would like Members to remember that. I would just like to return to the Constable of St. John who feels that the farmers are getting a raw deal and they are certainly very much in my thoughts. I would say to him the difficulties faced by the company that he was speaking about last week were being acted on literally within hours. Within a few hours myself and the Minister for Economic Development met, we had spoken, I spent the weekend putting a paper together which I delivered to the Council of Ministers yesterday morning, it has been accepted, the subject is going to be discussed specifically on Thursday afternoon. I would like to assure the House that the subject of our countryside and our coastline is always being considered. Just because Back-Benchers do not get to hear of it unfortunately, it is still in the forefront of our thoughts.

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

I just thought I would rise as 2 Members recently have said that balancing our books is not important and I just wanted to emphasise to Members, for the avoidance of any doubt whatsoever, that it is absolutely important. All of what we are discussing in terms of priorities clearly has to be funded and, as the Deputy of St. Martin has just said, there are many more priorities and spending pressures as we develop the rest of the Strategic Plan, which Members will debate in due course. All of those aspirations have to be funded and I think the point that I have made already today on more than one occasion is that it is going to require prioritising existing funding to the greatest extent possible because new funding is going to be hard to come by in the current environment in which we operate. In fact I was listening with interest to the Constable of St. John who spoke very passionately about farming in particular.

[16:15]

With his background in that area I can understand his passion. But on the one hand he was saying that farmers have been demoted and they no longer have the focus in economic plans that they had perhaps in days gone by. On the other hand he was saying there is no plan to balance our books or balance our budgets and this is one of the very difficult debates that we are going to have. This is just one example as to where we put the resources, the constrained resources, that we have and how we ensure that we get maximum return from every penny of taxpayers’ money and how we meet the obligations that we need to meet. The farming industry is important, it is certainly important to the environment, it is important to all those people that are clearly employed within it, it is very

important in terms of local home, organic produce, and such like. The dairy industry is internationally renowned. Farmers in Jersey are competing against farmers internationally that get significant subsidies. Having said that, our farmers themselves get a certain amount of subsidy and grants, not high in European or international terms but certainly high in Jersey terms, and when we are considering how we are going to spend our money and the return we get on that investment, these are the types of difficult considerations that we are going to have to make. So to the Constable of St. John and to Deputy Bree, how we are going to afford both these priorities and the broader aspirations and services contained within the Strategic Plan is something that this Assembly, the Council of Ministers, is going to have to debate long and hard. I would just remind Members that we have recently had the Fiscal Policy Panel delivering their assessment and that was quite sobering reading. Although in the short term, as I have said already several times today, it was positive in the respect of economic growth in 2014, 2015 and 2016 from a forecast point of view, and possibly 2017, beyond that if we carry on doing what we are doing at the moment we are looking at a flat G.V.A. That is why the focus is on the economy. That is why we have to invest more in it and work twice as hard developing new opportunities that Senator Ozouf was alluding to earlier on, to make sure that we do move the needle off the current forecast of zero from 2018 and beyond, because the big issue about structural deficit is looming. The warning is there from the Fiscal Policy Panel, they have made it absolutely abundantly clear that the probability of a structural deficit as we stand at the moment is high. What will determine that? Well, whether we have a structural deficit or not is going to be determined by the decisions taken in this Assembly with regard to spending. Largely spending. It is going to be a question of getting that balance absolutely right in terms of where we invest our money. In the short term the Fiscal Policy Panel are rightly saying to cement the recovery that we are beginning to see we need to invest. Good investment, infrastructure investment, not recurring investment on the revenue side, hardwired into department budgets that just sees our expenditure grow and grow into the future. But short term strategic investment over the next couple of years is something the F.P.P. have identified that we need to consider carefully. That is indeed what we will seek to do. What they have also said is that the end of the period, around about 2018, 2019, is when they anticipate our economy would have reached capacity. At the point it reaches capacity if we are still spending more than we are earning then that is where we will define whether we have a structural deficit or not. We cannot wait until that point to make plans to deal with it. Those plans have to be made today and they are going to be critical in the formation of the Medium-Term Financial Plan that we are all going to be involved in and Members will debate and decide upon later this year. That is the spending plans for the next 4 years, for the period from 2016 to 2019. So I cannot emphasise enough, balancing the books and making sure we spend our money wisely, growing the economy to bring in more revenues, cutting costs, restructuring the public service to make sure it is fit for purpose for the modern age, these are all critical things. By the way, restructuring and modernising the public service is not something that we can just glibly talk about here in this Assembly, this is something that will happen from the bottom-up by taking staff with us in the process. We have already started that. The reform programme that earlier on this afternoon Deputy Southern was rather disparaging about has got some traction, it has not moved as fast, I admit, as I would like to have seen but certainly a lot of the important unseen foundation work has been done in terms of preparing the public service sector organisation for change. Make no mistake, change is difficult. Change is difficult for anyone and nobody obviously really wants to get involved if they can avoid it because it just feels uncomfortable. But the reality is we do need to change and if we embrace it and if we lead it then we can have a great deal of confidence, I believe, in the future of this Island. Some of the areas that we need to start thinking about, I have talked about restructuring the public sector. I will give some examples, just briefly without going into too much detail, and I know Senator Ozouf has talked about the digital economy. Government should be leading in the digital economy. At the moment, and this has been quoted before, something like 7 per cent only of services that the government

provides are available online. That is shocking. We want to be a digital centre of excellence. We want to move from 7 per cent to 70 or 75 per cent within 4 or 5 years. We need to lead and by doing that we are going to be stimulating the private sector, because if government spends inputting its services - and yes it is an investment and yes I believe it fits into the criteria broadly referred to by the F.P.P. - if we make that investment now it is going to deliver longer term savings but it will also stimulate the private sector, the area of the economy that we want to see grow in the future. So technology is clearly really important. I will use one other example, and Deputy Hilton was referring to it this morning in a roundabout sort of way, she was asking the question about the International Finance Centre and investment in that. I know there are arguments both ways and there are some who say, and I have some sympathy for this view, that government should not be involved in the development world, but that horse has bolted, this Assembly made their decision some years ago. We have made the decision, we have made the investment, we need to get on with it as we are at the moment. But what the Deputy was asking this morning was: are States departments effectively underwriting or seeking to underwrite the International Finance Centre? That seemed to be the thrust of her question. She seemed to be of a view that either States departments or quangos or related organisations were seeking to take space within that development. In a funny sort of way that is an interesting concept. Not so much that you would want to use prime real estate like that for government but what was interesting about that was the fact that as a government we operate from something like 23 different locations around this Island. Twenty-three. We talk about, as a Government, productivity. We talk about the private sector must raise productivity. We look at the graphs which show very little success the government has had in telling the private sector how to be more productive. We do not even measure productivity. We, as a Government, do not measure productivity and yet we are trying to tell the private sector how to do it better. As an example with office space, 23 locations we operate from, if we want to deliver greater productivity, drive efficient savings, take cost out of this organisation a certain amount of that cost we are going to have to reinvest in areas of priority like Health, we are going to have to look at this operation across 23 locations and consolidate government down into far fewer locations, possibly just one or 2 or 3 government buildings, then you would find out how many people you need, then you would find out what type of services need to be delivered and that is how you are going to drive productivity within the public sector. This is the type of thinking at this point that we need to deliver on. I think I have said enough, I hope it is clear to Members that radical thinking is on the agenda, it is the only way forward but sensible well thought through radical thinking that involves the Council of Ministers, Ministers and Members of this Assembly leading the way forward for this community, which I believe will have a great future if we grasp the difficult decisions which we need to get our hands around right now.

#### **14.4.6 The Deputy of Grouville:**

Could I just come back on something Senator Maclean said in his speech? This is a battle that I had with Senator Maclean for the past 3 years so it will be no surprise to him. Agriculture and the investment we make in them to try and put our agriculture sector on a level playing field with the E.U. and the subsidies they receive. Wearing his Treasury hat, Senator Maclean is now saying: "Yes, but it depends on the return we get on our investment." Yes. How do you count the return on the investment, Senator Maclean? Because if it is just in monetary terms then you are missing the point.

#### **The Bailiff:**

Through the Chair.

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

Sorry, he is missing the point. What about the return of the greenfields, the knock-on effect to the tourism sector, the knock-on effect to people wanting to live here because we have got a beautiful countryside? How and when are we going to start to measure that?

#### **14.4.7 Deputy R. Labey:**

Could I just come back on something that Senator Maclean said as well before he answers the Deputy of Grouville? Senator Maclean said that subsidies for farmers as compared with the E.U. or the U.K. are way behind, and that is absolutely correct, but that they were high in Jersey terms. But that is meaningless, that is no good to the farmers whatsoever. It is absolutely meaningless. I think they are really uncompetitive, the Jersey farmers, because of the massive subsidies that other farmers are getting, are they not? I think they are. Subsidy is a dirty word but there are ways of helping the farmers, are there not? Practical ways, like how much it costs them to get their potatoes from here across to the markets on the mainland. That is what worries me about a ports authority that is at arm's length. Harbour dues: you know, take care of those for the farmers. That would make a big difference, a practical difference. What about for once a decent £1 million advertising campaign for the Jersey Royal, which is good for Jersey anyway? The potato companies do not have the money for that but what about match funding £500,000, we will put in £500,000 if you put in £500,000. Let us see if it works and if it works really well you may be able to get your £500,000 back. I do not know, I am not an expert, I am just making stuff up on the hoof but that is the sort of practical thing that farmers need. I do not know if anyone else has got any better ideas in the government. The Constable of St. John touched on it too, I do not know if you have asked a dairy farmer what the biggest problem is. I did and the Constable touched on it, it is pasture and not only pasture but getting the cows from one field to the other. Are we really protecting the Island's pasture? There is a big push for more 1(1)(k)s to come in and 1(1)(k)s like to come in, they like a big house and a massive curtilage and growing trees, *et cetera*, and they are being allowed to do it. We have to be very careful that pasture fields are not disappearing so that dairy farmers cannot get their cow from one field to the other. They are doing well with their exports to China but that is a massive problem for them. I just wanted to say that before Senator Maclean speaks. Just one more thing, very quickly, when I stood for election I asked a lot of people, Members of this House past and present, for advice before I stood and I got a lot of very, very good advice. One of the best pieces of advice I got was from a Member not a million miles away from here and still in this House. When I said I was standing, he said: "Very glad to hear it. Right, where do you see Jersey in 30 years, what does it look like?" You may recognise it. I think that the Council of Ministers with their strategic priorities need to ask themselves that same question and answer it for the public.

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

This is just a minor debate at the moment, the real debate comes when the detail comes in. But I would like to mention a few things. Senator Ozouf again gave us his rosy picture of how well our economy is doing.

[16:30]

All I would ask is I would ask Members to look at the Fiscal Policy report, look at figure 2.3 on page 21 and you will see that from 1998 to 2013 we have not really had economic growth. We have had one or 2 spikes here and there but if you take trough to trough or peak to peak, which is the normal way of measuring economic growth, we have peak to peak ... sorry, gross of 16 per cent and a fall of 33 per cent over that period. In other words, we have been doing badly over that period of time between one peak and the other peak. Overall we are worse off. If you look at the economy we have been flatlining essentially. The Fiscal Policy Panel on page 43 are saying that from 2018 onwards the panel's view is that there is not sufficient evidence to assume a trend rate of growth in Jersey that is significantly positive. Zero-based we are going to be flatlining for a bit

longer. Yes, we may see some... we have been in recession for 6 years, we are bound to see some growth as we come out of it but again there is a danger we are going to flatline. So the point is: our economy has got problems. If you look at the economy and we talk about the strength of finance. Finance is important because it does contribute money to the economy. It also contributes 23 per cent of employment, but it is not growing. If we look at banking, in particular, and we know we talked about interest rates and we know the future of interest rates are not going to go up rather rapidly. The latest estimates, as I said earlier, are something like 2016 before we see any rise in interest rates. As the Governor of the Bank of England has said on many occasions, we are likely to see it go up fractionally, a quarter of a per cent, half a per cent. It may take many years to get that back. So we have got problems with our economy. The other thing I want to mention as well is that Members keep on talking about the need to balance the books. The Fiscal Policy Panel are also telling us that we need to invest in the economy. We need to spend money. In fact we are going to have to spend more money than we are getting by way of income. That is going to come from strategic reserves or selling the family silver. We may have to sell off some of our utilities and come up with the money that way or raise taxes through property taxes or whatever it is they are going to come up with, we do not know yet. They are plotting away in the background. But the point is that we are going to have to spend more money in the short term to keep the economy, get it out of recession, and get us out of recession, try and get us moving. If you are talking about balancing the books do as they say, balance it over the economic cycle. Do not tie their hands and say each year you have got to balance. The Consolidated Fund essentially is a bookkeeping exercise. They are going to have to raid the money from somewhere just to make it balance. So from a bookkeeping point of view it does balance. In reality we are going to have to spend a lot more money than we have got at the present time just to get the economy out of this 6-year long recession and try and get some economic growth and try and get it from flatlining at zero. As I say, I am looking forward to the debates in the future on the economy. I am looking forward to hearing what the Minister for Treasury and Resources and the other Ministers are going to say because we are going to have a fantastic point. I am sure it is coming. But I would say to Members, go back, read the Fiscal Policy Panel report, especially look at page 21 and figure 2.3, just to see of our performance. Do not listen to all the waffle how wonderful we are. The same as we talk about our assets. One way, yes, we can get the money is to sell off those assets. Do you want to sell off the family silver for a short-term gain? That may be being considered. Do you want property taxes? Fine. The other thing too is that if we look at what the Council of Ministers have done over the last 10 years they have made the situation worse through their policies. For example, in the Budget what do we do? We passed a marginal rate of tax reduction. Why are we reducing taxes at a time when we **[Interruption]** ... Sorry, the Minister is protesting. If we want to stimulate the economy you go for G.S.T. (Goods and Services Tax). You do not do a permanent reduction in the marginal rate to try and increase the economy. You are losing that income for ever more. We could have taken G.S.T. off by 2 per cent to try and stimulate the economy and then put it back later if necessary. The other point I would make ... sorry, Sir, I mentioned God's name there. I do get frustrated with certain States Members, especially those who hype it up when they have been responsible for a lot of our failures. The other thing too I would say is Zero/Ten. Zero/Ten as a policy is going to bankrupt this Island unless something is done about it. Why? Because we have done away with corporation tax, essentially money from companies, with the exception of the banks, with the exception of the utilities; we do not get tax from companies. Senator Ozouf for many years was saying he was going to solve the problem. He was going to get the money back and he has failed. The truth of the matter is the E.U. (European Union) when they accepted the proposals that we adopt Zero/Ten knew that we would bankrupt ourselves because what it means is individuals in this Island are paying the taxes. You and I. People out there in the street. They are having to pick up the slack from the fact that corporations are not paying any money. What do we hear from corporations these days? The favourite chant is quite simply: "We are employing your



workers. You should be grateful.” They are paying the tax. We have got some major issues going forward and I want to mention this point about balancing budgets but certainly we need to look at tax. I will save my real thoughts for that when we finally do get to tax at the end of the session.

#### **14.4.9 The Connétable of St. John:**

I hate to come to the rescue of the Minister for Treasury and Resources but something that has always mystified me is the inability by people to make a distinction between spending money and investing money. Oh, he does not want to hear it. When you invest money, you are creating jobs, you are protecting your investment and you are protecting your assets. Jersey has failed over the last time immemorial to put aside money as depreciation on its assets. When the hospital was built in, I think, 1982 it was built with great excitement but no depreciation figure has been set aside year after year to build the next hospital. It is, in effect, been the rainy day fund. But one needs to raid that in order to reinvest in our assets and that is a way forward. What worries me is the revenue expenditure is too high. That needs to be examined right across the board, and I took a lot of heart in what the Minister for Treasury and Resources said when he talked about trying to put together 23 sites into one or 2 and create efficiencies and savings. That is absolutely right and I would support it. But having said that, was that not why Cyril Le Marquand House was built, so that all States departments went into that one building?

#### **The Bailiff:**

Is it time for Senator Ozouf to reply to this part of the debate?

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

Did you not see my light, Sir?

#### **The Bailiff:**

Yes, I did. [Laughter]

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

I am sorry to say to the Deputy of Grouville that this debate lacks passion because if I have been on any Council of... I have been on every single Council of Ministers for the last 15 years or the equivalent thereof, and I have never seen such a group of passionate joined-up Ministers trying to work out what to do. I am almost a little disappointed - perhaps it is in the communication - about what the strategic priorities are about. What the strategic priorities are about is not repeating everything that we do, it is about the list of things because we do have choices in our lives and in a political cycle of the things that we are going to do to make a particular focus on the thing we are going to change. So it is not... I remember the Senator Walker Strategic Plan which had everything that we were already doing and adding on the new bits. I think it is much more efficient, and I commend the leadership of the Chief Minister by saying: “No, what we are going to do is we are going to set out a plan of the things we are going to be putting and concentrating on difference.” These are the priorities of the new things. It is not everything. It is not a whole guide to everything. It has not got all the solutions for everything. But it is the major things that we are going to be focusing on. The good news I have got to the Deputy of Grouville, because she is a passionate lady, and she is a passionate Deputy, and she has got fire in her belly, and she cares about Jersey and she cares about the future of Jersey. Let me say to her: the good news is, is that your Council of Ministers is going to be delivering an opportunity to have a debate about the vision of Jersey in 2030, and we are going to have that debate later on this year. But what this M.T.F.P. is, and I completely agree with her about the danger and scourge of short-termism. Short-termism is the reason why most governments are in the trouble they are doing. They are only looking one year ahead. They are looking at that next ballot box. We are not. We are looking about 25 years ahead. We have had a track record in Jersey of seeing off a problem before it happens. The place

that put in social security, the place that has brought in social security contributions before the need of the ageing population. We delivered on a problem... yes, Deputy Higgins does not like Zero/Ten but there was a problem with Zero/Ten and it was the real issue of the fact that corporate tax rates were falling in Island to 12.5 per cent and we lost £80 million from the 20 per cent to 10 per cent rate. That is the truth about that. What did we do? We foresaw it and we tackled it before everybody else and that meant we did not have deficits when the economic crisis fell. We have a good track record. I am sometimes really amazed, and I know I am accused of perhaps spending too much time away and being more Anglophile or English-fied but what I tell people ... I am privileged tonight I have to get on another plane. I am having lunch tomorrow with the Prime Minister of Malta and I have got other things to do. I would like to do a comparison with Members if I had the time between Malta and Jersey about their deficit to G.D.P. funding, their economic growth, their success in financial services. I like Malta and I like Maltese, no doubt the Maltese Prime Minister is going to be a charming chap, but when you look at the economic performance of Jersey and Malta we are absolutely spectacular and at the end of the recession to have more jobs, to have unemployment falling, income being bigger; yes, G.D.P. is smaller but that is because the deposit base has fallen. When interest rates rise it is going to go up again. So let us look at the real economic performance and let us not do ourselves so down. Some people have been so depressed. I said in the M.T.F.P. 2 years ago I believe the best is yet to come for Jersey and I maintain it. I maintain that this economic plan is going to do just its part in doing that. I say to the Deputy of Grouville finally on the green agenda. The reason why the Minister for Economic Development is not here is because he is in Paris. He is in Paris at the Salon l'Agriculture, the biggest agricultural fair in the world addressed by the French President yesterday, because I tweeted it, and there is Jersey with Jersey produce. Fantastic. Does agriculture matter? Absolutely.

**The Deputy of Grouville:**

I know that, I was there last year.

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

And the Deputy did a great job. [Aside] Maybe she would charm even more people to come to Jersey as she did, I know, last year. She was very successful in that, and well done, because that really did matter. The green agenda does matter. Ultimately with a low footprint economy not having basically high value, low footprint is how you deliver environmental benefits. And we have an Environment Department and Minister for Environment that cares about that. I say to the Constable of St. John: farming does matter. Deputy Labey: his brother is a farmer, perhaps we should all declare our interest. I own land.

**Deputy R. Labey:**

I do not get any financial gain from my family's farming.

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

No, but one should always be clear about where one's influences are and my influences are [Laughter] potentially ... it is fine, there is nothing wrong with it. One just needs to say it. It is fine.

**Deputy R. Labey:**

I was speaking up for the potato growers in my constituency. [Laughter]

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

I did not know there were any in St. Helier No. 2, I am not sure they have a licence if they do exist. The fact is, we do care about farming and there is going to be a new rule of strategy, but the fact is we are putting subsidies not into the areas that matter, the £35 per vergée single area payment. I am

sorry, it goes to me as a landowner. It does not help the farmers and that is the economic reality of it. Declaration of interest. That is the truth. If we want to put money in farming, and there are quite a few ex-farmers in the Assembly, I can count 3 of them I think if not maybe 4. So they understand that. **[Aside]** Sorry. **[Laughter]** I did not think the Constable had time to do anything else, but okay. So balancing the books, to Deputy Bree, may I say that this is not a utopian vision and can I just explain to him what the sequence of decision making is? The strategic priorities are the things that matter. Is this the list that Members want us to focus on? What follows next is the detail of the Strategic Plan and the detail of that. Then what follows is the M.T.F.P. which is going to put the money to it. So there is a sequence of events and as the former Deputy Chief Minister said, the enemy of a good plan is a perfect plan.

[16:45]

Sometimes Members want everything before they can make any decisions at all. Deputy Bree will know that we are one of the only jurisdictions in the world to require independent high-level expert - and really expert, like Dame Kate Barker - economists, looking at our numbers. Is he really saying there is no analysis? Is he really saying that there is no analysis of the numbers? I think the F.P.P. report is brilliant. It is brilliantly honest because what it is saying is watch out. You might have a deficit. What they say in their report, they have not said there is a deficit, they say that there could be consequences of the decisions to be taken. If this Assembly wants to spend more money on health, which we have just had a debate, we are going to have a deficit unless we do something about it. What the Chief Minister has asked effectively 2 Ministers to do, and of course we share our responsibilities, and it is our problem, he has effectively said: "Senator Maclean, I want you to deal with a cost efficiency exercise." Not the first one that is ever done and, yes, the next lot is going to be more difficult and: "Senator Farnham and Senator Ozouf and other Ministers, I want you to put economic growth on steroids, rocket boosters and everything else" because it is income that is going to solve that deficit. But doing nothing, waiting like a fly for a windscreen, is not going to help. You have to go out there and drive economic growth and that is what this agenda is. So I say to Deputy Bree, have a little bit of optimism, have a bit of belief in Jersey, have a belief that we can solve these problems if we focus on the things that matter. The detail is coming but the detailed analysis of the problem is there: Economic Adviser's report, F.P.P. report, and all the rest of it. To Deputy Labey, important points about agriculture, effectively subsidies have got to be directed in the right area and that is why the rural economy strategy revisiting is there, and there are tough choices there. Of course when subsidies are being put into areas that maybe should not it is very difficult to remove them. I do not think we ever talk about low value parts of the economy. I do not think we have said anything about the traditional legacy sectors. The tourism industry is not a legacy sector, it is an industry for today and tomorrow and it has got a great future if we all get behind it and get behind the new Visit Jersey. So fundamentally we are a low-tax economy. We do have spending pressures and we have got to find the money to do it and we are going to do that in 3 ways. We are going to do that by cutting spending, increasing income through economic growth, and then looking at whether or not there is any charge. In fact the Chief Minister has been absolutely clear about and we are going to deliver that. Finally, Deputy Higgins. Deputy Higgins is one of those Members that only ever sees problems. I believe he thinks the best is in the past. I do not. **[Interruption]** I do not believe in spin either, and I do not believe in telling people what the reality is of the statistics of our economic numbers, and I am going to repeat it. Unemployment falling, income rising, more money in the bank, more investments at the end of the recession at the start. Is that failure economically? I do not think so. So in terms of balancing and in terms of the future plan for finance I have stood on this seat, I have stood here and defended the finance plan. I have heard the end was nigh. How many times have I heard the end is nigh for the finance industry from other parts of the Assembly? I have never been more optimistic about the finance industry. It is now growing. We are now winning business. We

are winning trust companies. We are winning business from Africa. I met Standard Bank, the chief executive, saying that they are going to put all of their offshore activities in Jersey: 200 staff and growing. There is a huge amount of interest in Jersey in the mining and resources area. Some good work done by Senator Maclean's former team in terms of Locate Jersey. A quality jurisdiction where people will want to do business. I was absolutely overawed with the optimism of Jersey when I was in Africa last week, and I believe that there is good business, quality business, with good people wanting to do good business. That was well received. So we do need to invest in the economy and the Constable of St. John is right. We need to separate out investment from spending. He is absolutely right and I think that is what the Minister absolutely said we should do. We are going to have to invest and what the F.P.P. is saying is, is that we have some excess capacity in our economy because we have unemployment. When you have excess capacity you need to fill it because that is what delivers economic growth. I say to Deputy Higgins, I would not criticise the cut in marginal tax. We delivered a tax cut to hard-working individuals in Jersey in a recession so that we can ease the burden after years of recession. If that has caused a deficit then fine. We could afford it and it was the right thing to do and we have eased the burden. But Deputy Higgins would never agree, I think, on these things. We are excited. We are optimistic. We are joined-up and we have exciting plans to deliver good value, targeted, economic growth across all our sectors, and we want to create the most vibrant. Talk about a vision: we want to be the most well-regarded Island in terms of entrepreneurialship in terms of innovation. We want to add further legs to our financial services industry. We want to revitalise tourism. We want to give hope and encouragement to the areas such as agriculture that exist and the importance of our domestic economy, including construction and retail. By hard work, by targeted resources, by optimism, we will achieve it. Thank you.

#### **The Bailiff:**

We come now to the St. Helier questions. The Deputy of St. Martin.

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

The time is ticking on and I will assure Members I will not go on at length. I have written down a few notes and across the top of my paper I have started with "Regeneration of St. Helier. The future of St. Helier. Renaissance of St. Helier" and they are all the sentiments that I would like to give this afternoon. Deputy Higgins is quite right when he says that our 4 priorities are ones that we could all agree with, there is nothing too controversial. The first thing I have written down here is a sentence which says: "We have ambition for our capital." I look at the word "we" and I think: "Who does that refer to?" Certainly not the royal "we". Is it my department that has ambition? No. Is it Council of Ministers that has ambition? No. It is not even the States of Jersey that has the ambition when we say: "We have ambition for our capital." I would like to think that the ambition that I am talking about is an ambition that everybody on this Island can share with so that when I say we have ambition for St. Helier I represent everybody's feelings. We want to regenerate St. Helier to become more vibrant, more attractive, and with outstanding character and economic growth. We want it to be a place for choice and choice is an important word here. Choice of a place to work, choice of a place to visit, choice of a place to shop. But most importantly we want it to be the choice of many as a place to live. We want it to be a place where people get experience, whether that is a good experience of living, an experience of shopping, visiting or working, we want people to enjoy that experience and it to be one that they want to return to. So why are we focusing on this particular priority? Throughout its history St. Helier has been at the centre of the Island's economic growth and prosperity and, yes, we want it to continue to be the retail heart of the Island: King Street, Queen Street, the markets, Kensington Place, all these areas. We have managed against the trend of the U.K. to keep our High Street at 100 per cent

occupancy, and we have to continue to do that. If Jersey's economy is going to continue to prosper we need to maintain the business centre and the finance centre alongside the retail heart in town. We need to continue to fulfil the role of our powerhouse capital of the Island delivering good things for everybody, and that is to support a growing population and to protect our coast and countryside. I say those 2 very close together because there has been criticism that the Council have not had at their heart environmental priorities. But I would like to think that a lot of the priority that we place on the future of St. Helier comes from also the role that we recognise that our countryside and coastline plays in the future of our Island. We all know that visitors and tourists come here for those reasons. We also now know the high net worth individuals most likely relocate here because at the end of the day the safety and the beauty of this Island that we all live in, is the reason they can find a differential between our financial centre and other financial centres around the world. We need to develop a clear vision for the regeneration of St. Helier to inform a programme of action and delivery. We have had much talk this afternoon of how we pay. Yes, it will cost some money. It may not be as expensive as we think because it would be my idea to use planners and developers to help in their own small way to contribute to the future of St. Helier project. I can see a logo being created and that logo can go on the side of every development board on every building site on the Island, and alongside that logo would be a short piece which explains where the contribution for that particular development was being used. It may be only a single tree on a street. It may be a bench or 2 along a pavement. It may be the increase in the width of the pavement. But there will be ways to find ways to make St. Helier better and ways to make a payment for that work. We will engage with those who live and work in town and with those with an active stake in its future. We want to understand the issues and challenges. Working together is something I always mention and I have to say at this stage that working together could not be more important than in this future St. Helier project. Whether it is T.T.S., Home Affairs or Economic Development, whether it is the Parish of St. Helier and the Constable who will have a vital role to play in this project, whether it is other town Deputies, whether it is clubs or in associations, people like the Chamber of Commerce, the town centre manager, the retailers, Visit Jersey, Hospitality Association, most importantly the residents; we intend to consult with everybody and make sure that everybody's views are heard. Deputy Southern criticises us and he says: "Build cheap, stack high, no consultation." I would like to think in 12 months' time I will be able to look back and say that I have achieved none of those things because I intend to speak to everybody. I certainly do not expect to be building cheaply or stacking anything high. Finally, we have a vision for green, open and amenity spaces in St. Helier. Surely we can all agree that we want to give more priority to pedestrians to make it easier for people to enjoy walking around town. We want them to have a better experience in wider, more green and open areas. We want to give more priority to bikes. We want to give more priority to buses. While we must not forget cars, we must remember that cars at the moment enjoy priority in St. Helier in the vast majority of the places. So I challenge people, I challenge my officers, I challenge the officers of T.T.S. and other departments, to be bold and to think outside of the box, to come outside with some really good ideas of how we can ensure that St Helier is a liveable town with a range of good quality residential accommodation and commercial buildings. How we can ensure St. Helier has pleasant and stimulating public streets and spaces for people to pass through and visit, with great places for community activities and for people to meet. How we can ensure that St. Helier is easy to get into and out of and get around in a way that is most conducive for all. Finally, to ensure that it is a vibrant town with a distinct character and identity that protects and celebrates its heritage, because there is lots of heritage to celebrate. Where local business and culture can thrive and people can live happily. I am going to finish this, and some people will say: "When are you going to get on and do any of this?" I would say to them: our policy paper has already been written. It has gone to the Council of Ministers. It has gone to the Constable of St. Helier and the Constable and I already have our first walk with the Minister for Transport and Technical Services around St. Helier planned so we can start to make

some real detail and put some meat on the bones of how we are going to drive this forward. I will stop there and welcome comments from other Members.

#### **14.5.1 The Connétable of St. Helier:**

Like other Members I only really wanted to speak once and I thought I would wait until the fourth priority came up, though there have been other opportunities to speak earlier. As chairman of the Environment, Housing and Technical Services Scrutiny Panel I was desperate to get on to my feet during the last section of the debate when the environment came up, but it was extremely well covered by a number of Members, including the Deputy of Grouville who reminded us that the word “environment” had been missing from the Chief Minister’s opening speech, and that was something I pointed out to him on the day and got a smacked wrist for mentioning it. Clearly when the final version of the Strategic Plan comes forward I think there does need to be a greater recognition that, while we may welcome these 4 priorities, and I quote from the second sentence of R.8: “Islanders love Jersey because ...” and Members will probably know what comes next: “... its natural beauty, access to countryside, coast and sea, and the lifestyle these natural assets afford.”

[17:00]

Some of us, certainly those on the panel, and other States Members have seen an excellent presentation by officers of the Environment Department which spell-out some of the challenges to maintaining Jersey’s environment in the future. That really should be required reading, required watching and not only for States Members but really for many people in Jersey who perhaps do not realise how under pressure our precious environment is. In past Strategic Plans, I have had to amend the plan even to define the term “sustainability” because previous - and not this Council of Ministers - Council of Ministers have equated sustainability with the ability to pay the bills. In other words, economic sustainability rather than the environment. The environment is important and it should perhaps be the first priority of this Assembly because without Jersey’s special environment, we know from that sentence, Islanders will not like it here but nor will businesses. Businesses choose to stay in Jersey and to move to Jersey because it has such a wonderful environment. Visitors choose to come to Jersey for the same reason. So I would challenge the Council of Ministers to think about whether the environment globally perhaps, or holistically, needs to maintain a place in their priorities - and I say this now putting my St. Helier Constable hat on rather than my Scrutiny Chairman hat on - because it would be quite easy to put the urban and the rural environments together as a strategic priority. It does not mean that St. Helier will not get that special and extra attention it needs but we surely cannot take our eyes off the ball when it comes to the rural environment and when it comes to the coastal environment. More Islanders joined hands and stood together on St. Ouen beach not that long ago to indicate their concern about the pressure on the environment that has been seen probably in any demonstration of public feeling in the Island perhaps since Queen’s Valley. So, again, I would say to the Council of Ministers: “Think very hard about the environment.” Of course our panel is working now on a review of environmental policy since the report prepared by the then environmental adviser which did not perhaps get the attention it deserved because it did major on population ceiling as the only way of tackling environmental pressures. But we are looking at that and we are look forward to working with the Council of Ministers to make sure that the environment, in the broader sense, gets the full recognition it deserves in the Strategic Plan which comes forward for debate shortly. Members will expect me to be delighted with the fact that St. Helier has got such prominence in the Strategic Plan. It is the first time it has happened. I have been a Constable for 13 years and I have almost got tired of coming to Strategic Plans and amending them and coming to Island Plans and amending them to try to get St. Helier the necessary tools to do the job. It is particularly tiring and depressing when those amendments are just completely ignored as time goes on and we have seen that recently in the business side of the Jersey Gas development site where amendments for the Island Plan to secure

visitor parking were simply ignored by the then Ministers. So, yes, of course it is a delight to find 4 out of the 5 pictures on the front of R.8 are of the town. I think the Council needs to change those pictures because 2 of them are practically the same. I am not sure about the one of La Fregate. There are so many wonderful photographs of our Island but I think they probably did those in a hurry. But let me draw Members attention to the one up there in the top right-hand corner. This is a photograph of the Millennium Town Park as seen from the road. We have got a few challenges there. Just the bit we are looking at has turned into a £10 million skateboard park and that presents us with a few challenges but I invite Members to look underneath that curtain of water because just there in the distance, they can see the first site we are currently discussing, the “pile them high and stack them” as Deputy Southern was saying of his district. Through that arch of water is where it is planned to create an enormous high density development of, I can barely call them, “homes” for Islanders. The reason I am pleased the photograph is here is because I fully intend, once the plan has been determined by the Minister, to ask the States to consider acquiring the site once we have a price on it, so that we can provide the kind of green space that we are reading in the strategic priorities that is vital. It is the vital *quid pro quo* if you are going to put all or most of your housing units into the town. I am not going to make the arguments now. I made them before we debated my proposition and I will make them again when I ask the States to acquire the site but it clearly is absolutely fundamental that, if people are going to live in town by choice, they must have room to run around. Kids must be able to run until they are out of breath rather than finding themselves in a tiny pocket park where they are cheek by jowl with thousands of the other people trying to do the same thing. I think the other point I want to make to Members is - and this is inevitable I suppose - there have been quite a lot of comments about the appearance of St. Helier as a strategic priority and comments about the future of St. Helier and how disappointing it is and I think the words in the priorities here is: “It does not fulfil its potential.” Well, no Parish Constable would complain that their Parish is perfect but I would ask Members to consider - and all 11 would I think - at present St. Helier has a lot going for it and I would echo the, I think, extremely useful and timely speech by Senator Ozouf where he tried to correct some of the rather soul-destroying and pessimistic speeches we have heard today from certain Members for whom the glass is definitely half empty. I feel that way about St. Helier when people say: “It is disappointing.” St Helier has weathered a major recession incredibly well just in terms of its town. Town traders have done a fantastic job. We recently did some work in Colomberie and we discovered that there are more than 50 separate shops in Colomberie currently trading. We are doing some work on fashion next month. We have discovered there are more than 70 separate shops in St. Helier selling clothing and footwear and we have an extraordinarily vibrant town centre. We are very lucky to live in St. Helier and, for me, the glass is definitely half full and while I am delighted that the Council of Ministers are going to make town a priority, I honestly think that St. Helier has got a lot going for it at the moment and that is why people currently choose to live here because of what it offers. I welcome the speech by the Minister for Planning and Environment. It was a very good speech and I look forward to going over it in more detail. He talks about developer contributions across the Island helping to pay for some of these improvements and that is an extremely welcome thing to hear because I know that a lot of people have been saying: “We love the idea of all you are proposing in town but how are you going to pay for it when there is apparently no money?” So that is very good news and of course the proof of the pudding will be when the Medium-Term Financial Plan comes forward, and I look forward to working with the Council of Ministers to make sure... the last M.T.F.P. left out St. Helier altogether and put money into village improvement schemes in my fellow Connétables Parishes. I do not have a problem with that because, as I have said many times in this Assembly, St. Helier residents want to enjoy the rest of the Island. They want to get out there to see St Aubin’s wonderful new village improvement scheme. They want to go to St. Mary when that one is done and to St. Lawrence and so on. So we have certainly got a lot of interest in what happens out there but it is good to know that the M.T.F.P. this time around is going to include resources to

make town much more liveable in and a much better place to visit and do business in. Of course the cynics will argue - and may argue in this debate - that all of this is just a P.R. (Public Relations) exercise to justify what is an attempt to stuff all of the homes into town and this, in effect, is the kind of spin doctoring exercise around which I am too gullible to see. In fact, the former Constable of St. Helier had a meeting last night of our **Comité Municipal**, did a quick calculation and pointed out that we are talking in current schemes of around 2,000 units that are coming into town; 2,000 units. He also pointed out that of course not just the units but we are getting all the development. We are getting all of the recycling activities. Some of them are in Bellozanne and some of them are at La Collette. All of them are going down to La Collette. He was concerned about the quality of life that people who live on the way to La Collette and on the way back are going to experience once all this extra traffic is thundering past their doors. So there are very real concerns I think about what this means and while I, again, seeing the glass half full, I see 2,000 new units as meaning possibly 4,000 new residents who will contribute to the growing vibrancy of town who will enjoy its restaurants, who will spend money in its shops, who will socialise in its open spaces and other people see this as simply a device to shoehorn units into the town. But we have really no choice. If we want to keep the environment special, then St. Helier really does need to open its arms to these new residents. I think what we will be holding the Council of Ministers to account on is to make sure that these new units are big enough, have parking, have open space and mean that these people who come to live in St. Helier by choice have homes that really are fit for purpose and can enjoy a quality of life similar to people living out in St. Mary, for example. So I think I have covered some of my reservations but also my hopes for this plan. I welcome it. I do not share the dismal view that many people have painted of it today. I would just flag-up one other thing which I think is missing in the strategic priorities, because I think Islanders love Jersey not just because of its environment but because of its heritage and I do not see the word “heritage” in the plan. I think clearly St. Helier is lucky. We have a lot of the heritage on our doorstep but I will certainly be talking to the Council of Ministers about what more we can do. I know Fort Regent is mentioned which is very welcome. That investment will certainly transform the lives of many town residents and visitors but I also want to see some funding put into Elizabeth Castle, one of our greatest assets, which is, quite honestly, languishing. It needs investment and it will repay investment because just as **Mont Orgueil** repaid the investment we made in that some 10 years ago, investment in Elizabeth Castle I think will have the same effect on our economy. So I would commend that idea to the Council of Ministers and I look forward to working with all of them on these priorities. I look forward to my first walkabout with the Minister for Planning and Environment and the Minister for Transport and Technical Services in a couple of weeks’ time. Thank you.

#### **14.5.2 The Connétable of St. Peter:**

I was delighted to hear the Constable of St. Helier commenting that we should be looking at the urban rural areas at the same time as part of the same plan and I will give you the reason why I am delighted with that. This morning, I joined the traffic queue just inside St. Lawrence border and St. Peter’s Valley. When I got to Bel Royal, I noticed this rather attractive young lady - and not because she was attractive but because of the high coloured trainers she was wearing - and I overtook her. She overtook me again 100 metres short of being on the park. That is how long it took to come into town this morning and that was all because one lane was closed to traffic in front of the Grand Hotel. That is where my issue at the moment is. If we want to improve things in St. Helier, we can do that by looking more at providing facilities in the rural Parishes to encourage people like me not to sit in my car on my own, like the majority of other car drivers were doing this morning, and come in by public transport. The public transport we now have in the rural areas, certainly in St. Peter, is the best that we have seen in several generations. The quality of the buses that we have now is the best we have seen in several generations. What we do not have are the safe pavements in the rural areas for people to stand on waiting for these buses. What we do not have is



the shelters to stop them being splashed by cars going past their toes when it is raining on wet mornings. That is where we can help St. Helier by reducing the amount of traffic that we are pouring in and out of there every day polluting the atmosphere with tons of Co2 coming out of the back of our cars and sat there taking an hour to drive 5 miles. So that is why I am delighted by the Constable of St. Helier's view. Let us look at the rural and the urban all at once. Thank you.

### **14.5.3 Connétable M.P.S. Le Troquer of St. Martin:**

Obviously, I am only going to speak once. I was going to speak earlier in the debate this afternoon. If I could speak both generally, as certainly most Members have, and also about the St. Helier aspect. I would turn initially to the comments of Deputy Southern and I was very sad with the comments he made and I think all Members that were in the previous Assembly should probably not be in this Assembly if we failed so dismally. That was the concern. I know he spoke a second time and I am sure he will probably speak a third time now.

[17.15]

We must have strategic priorities and I was not sure what Deputy Southern wanted or how many he wanted. We have got 4. We could have had 7 and the Deputy of St. Martin has said we could have a lot more. The fact is that 49 of us will not agree. Forty-nine Members will never agree to the same thing. But we have to have something and there are all types of policies and plans and mission statements, future visions within the States, within the Parishes and also in business. I have prepared a policing plan in St. Martin. The Chief Officer of the States of Jersey Police has got a policing plan. It is only a small part of the Parish Plan and the Chief Officer's is part of the Home Affairs one. All departments in the States will have similar things but not at this strategic level. The strategic priority paper is top level and it has been said today it has to be very general. It cannot be drilled down. We may fail in some, I will probably fail in the Parish one and it is never going to be complete. We cannot achieve everything that we would like. So back to Deputy Southern and his part of the plan for St. Helier. I am delighted - and the Constable of St. Helier has just said it - St. Helier is one of the 4 priorities that has been identified. The Deputy did mention the Parish of St. Martin by name and that was probably like a red rag to a bull. It is sad that the Deputy feels like that. I love St. Helier. I was born in St. Helier. I lived in St. Helier for 40 years. My wife is from St. Helier. My 2 daughters were born in St. Helier, although one was nearly born in St. Brelade but we managed to get to maternity in time. I have lived in the Parish of St. Martin for a third of my life and we have built things in St. Martin and we have played our part in the community. I believe we have. We have the Maufant Village which is a massive village but a beautiful village. It is a real community. We have got the St. Martin village that we built in the housing association. Gorey is full of tourism and there is sport around St. Catherine. We have built sheltered homes in our Parish. The previous Assembly agreed when we amended the Island Plan that we are going to carry on with that and of course we have got both angles there. We have got to build in the country but we have got to support the farmers. We cannot have both. We do support our farmers in St. Martin. We are very lucky. So I am not sure why St. Martin was identified by the Deputy. I want an exciting St. Helier and very much so. There are lots of communities in the Parish of St. Helier. I worked for the Parish of St. Helier for various Constables for a 15-year period as a young apprentice and then later on, as the Constable of St. Helier knows. The shops, the restaurants, the cafés, the finance sector; it is an exciting place. Members will have heard in the last Assembly my experience at the night club and I know Deputy Southern brought me to task with that one. But we do need to have a plan and we need to have a vision. Everything is important and everything has priorities for the next 3 years. There are 49 views in this Assembly, I am quite sure, and we would not all pick the same 4 or 5 but we have to have something and I think this is what today's debate is about, and I am sure the Council of Ministers and the Chief Minister should go back. But we have got a public consultation on the go at the moment and then we have got today's

debate where the Chief Minister and the Council of Ministers are supposed to be listening - and I know they will be listening - to all the views that have come out and amend the strategic priorities plan if they think it needs to be amended. That is exactly what today's debate is about. We had 4. Of course there are other issues that we address. We will have to address those in the next 3 years. I agree with the Deputy of Grouville. I think 3 years is a very short period. I am trying to do that in the Parish of St. Martin now to increase the length of a plan. I think a 3-year plan, and every time we get a new Government, really probably is not right. How can we plan for the next 10 or 15 or 20 years? It is very difficult. I have a plan for the Parish in the next 3 years. Some will fail. At least I have set them out in my own mind. If the Parish fails, I hope it is not because of an error but because of a change in circumstance or the Parish, the economy or events. I must be prepared for those changes and we, as Government, need the same vision and I welcome the drilled down targeted 4 that we have. Thank you.

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

Yes, just briefly. As a St. Helier Deputy - and I do not always agree with my Constable - and I know that the House has agreed that the majority of building will go into St. Helier and we heard a lot of reassuring words from the Minister for Planning and Environment about what this means but I really do not hope it is lip service because I think the big test - we have said it and we have said it at other presentations - is if you take this green land away which is the Gas Place and put 1,000 more homes in that particular square literally around there, what sort of life do you really think people are going to have? I hope that people do not look at me as my glass is half empty because it never normally is. **[Laughter]** I do not allow that. I do not allow that. I keep it as filled as possible but on page 22, and it just goes back to where I started, and I will be very brief, improving St. Helier enables us to support limited population growth while helping to save our coast and countryside for everyone's enjoyment. Make St. Helier better? Yes, it is great if you can live in a good part of St. Helier, you can walk to the shops, you can walk to work if you are living there, you can walk to these nice, open spaces we are going to have but they should be good open spaces that everyone can enjoy. We seem to be developing in the same part of St. Helier. St. Helier is quite big and there is lots of open space in it - and I know I am going to upset my Constable here - but you have got to spread it. We do not want town ghettos and building them too high or too many in one place with no parking and that is what we will get but, as the St. Helier Deputy, probably I will be on the same page as the St. Saviour Constable, the St. Clement Constable and their Deputies which is that this, to support limited population growth, will be voted on by every single 49 Members and it will not affect the majority of them in their Parishes because they have all done their bit. That is how they see it. So this is my looking at it. Of course I want to see the town better and, do not get me wrong, I know there is a lot more we can do and I think we have started. It does look beautiful, that park, but as the Constable says, you imagine looking through that water fountain at a 4-stories and one 6-storey building taller than the building behind. It is not a very good prospect to start St. Helier's new deal with, so I just give a warning to the Minister for Planning and Environment and the rest of the States. If these things have got to hang together, we do need to look at our countryside, we do need to look at what the farmers are doing and I will repeat again. I am so glad that the environmental officer did give that presentation to all States Members because the environment is massive. Even down to talking about a water shortage, if we do not start to do something and plan, it is about planning, a water shortage by 2030. Maybe extra flooding and extra reservoirs rise in the walls. This all should be in train now and I have always said: "As long as you are all honest with me, telling me how many more of this we need and where they are going to live, schools, roads, sewerage, everything else and what it is going to cost, explain it to me quite simply and you can have it." But you cannot sit there: "It does not affect my Parish." It does because your Parish is next to that Parish. Those people travelling to my town. My townies go out to your Parishes so I think if we can carry on like this, give St. Helier the deal it does need

and it really does need a bit of an extra deal, we can all start working a lot better together and, hopefully, the meat on the bone and the money in the M.T.F.P. will hopefully convince everybody that the glass is really full. Thank you.

#### **14.5.5 Deputy A.E. Pryke of Trinity:**

Housing. As everyone said, and the Minister said, it is important to be joined-up and that we all have a part to play in these strategic priorities. Housing will contribute towards the delivery of these priorities because housing affects every single one of us. A house is more. It is a home and is the importance of a central future in everybody's lives by providing stability, security and, as has been said, it can affect health and well-being. It also encourages social inclusion and also, importantly, being part of a community. Clearly, if we want to deliver on strategic priorities, especially the health and well-being and generating St. Helier, then we must ensure that everybody has access to decent, secure and affordable homes. This must include homes for our ageing society and those with special requirements and also to look at key worker accommodation. This will be supported through our housing strategy, which is being developed, and through the introduction of a Regulation of Care Law, which I am leading on behalf of the Chief Minister, and through Dwelling Houses Law, we can do this. I will focus on all categories of tenure supporting home ownership while also ensuring that all rental accommodation, whether private, social and unqualified, is of a good standard and one that we can all be proud of. I will be bringing forth proposals on rental accommodation shortly. I do not underestimate the challenge that we all face in affordability and quality. As in a written question today, 56 per cent of people renting privately are in rental stress spending more than 30 per cent of their income on rents with average prices of a 3-bedroom house at 7 times more than an average household's income and a 2-bedroom flat is 5 times. As I said, good homes generate health and an increased sense of empowerment and involvement in the community. All will contribute to the Island's success and economic future. So the regeneration of St. Helier, for example, and making it a more attractive place to live and work depends on all of us delivering good quality and secure homes in the town and with open space that people wish to be part of and enjoy. I therefore welcome these strategic priorities and Members can be assured of my firm commitment to champion housing at the heart of these priorities and also work in conjunction with the other Ministers. Thank you.

#### **14.5.6 Deputy E.J. Noel:**

I made it very clear in my election speech for Minister for Transport and Technical Services that I intended to forge good working relationships with the Parish Constables. I singled-out the Constable of St. Helier and the town Deputies, one of whom, Deputy Rondel, is the T.T.S. Assistant Minister. This is because St. Helier is important to Jersey as a capital, a central hub of our community and a major business location for the Island. I am pleased that we have made St. Helier one of our 4 strategic priorities. Like Deputy Martin, I think it is important that the future of St. Helier is looked at holistically. How old and new can be combined, how change needs to be supported or what is needed to ensure that St. Helier is an attractive place to live and the provisions for working space that meets expectations. A town where people want to live, want to shop and eat and socialise. To do that, we need to have an integrated plan that addresses the various roles of the town. Once this plan has been developed, States departments and organisations must work together with the Parish of St. Helier to make this vision a reality. T.T.S. is the custodian of the infrastructure in terms of main roads, parking, public transport, drainage and sewer systems and public open spaces such as the parks. So I see T.T.S. playing a key role in the development of the plan for St. Helier. We have had plans before but I see this one to be comprehensive and coherent. It must strive for improvement and be capable of execution and must be based on the needs of our society for living, for work, for rest and play. I welcome the comments of the Constable of St. Helier and I am delighted that in fact he has joined the Fort Regent Steering Group. We need to

improve our urban environment and that will help protect our rural and coastal environment. I have spoken before, some Members will remember, about what I call our Town Park 2, a.k.a. (also known as) Fort Regent, and I hope Members will be supportive of the detailed proposals that the Steering Group will be bringing forward via the Council of Ministers into the M.T.F.P. I believe that the Constable, the Minister for Planning and Environment and myself are already aligned. Our job now is to take other Members and Islanders with us.

[17:30]

**14.5.7 Deputy R. Labey:**

Very quickly as the Minister for Transport and Technical Services has just spoken. T.T.S. has got a big part to play in helping St. Helier and silly little things like putting all the green waste down at La Collette increases traffic along commercial buildings at an enormous amount. That is not good for St. Helier. I am afraid the Island should share the burden of the green waste and it should be deposited around country Parishes as well.

**The Bailiff:**

Well it is now 5.30 so I am charged to ask Members whether they wish to continue tonight or to adjourn until tomorrow. There seems to be a mood to continue. Does any other Member wish to speak? We have not had a great many Members who are not Ministers or Assistant Ministers speaking so far as I thought was the intention of the in committee debate, but clearly not.

**14.5.8 Deputy J.M. Maçon:**

Very briefly I want to touch on when I read this section part of me did think it should not be called St. Helier, it should be called Central and Eastern Urban Area. Essentially a lot of the development which will go to facilitate all of this is not just going to be in St. Helier; it is going to be in parts of St. Saviour, St. Mark's Road and not that I am fighting my own patch but the point is sometimes indeed because we are not rural or seen as such we did not benefit from those things; and because we are not St. Helier but we are a town we have got to be very careful of the language here because when you look at the planning map you talk about town and that covers parts of St. Lawrence, parts of St. Saviour, parts of St. Clement. That is all town and but it is not St. Helier. When things are getting cleaned-up magically we seem to lose all the investment and all the benefit, but we still have to be aware: "Oh, we have to house everyone. We have to provide transport through our Parish for everyone else." So I do not think this is quite... the implication of what is being asked for is not just St. Helier; it is the central and eastern urban areas. That needs to be borne in mind because of all the aspects of the infrastructure that will be needed to support that. The Constable of St. Peter commented about bus shelters. Well, those of us in urban areas do not necessarily get them either. It is not just a country Parish. They are easy things to suggest - representative; and 2 further points. Again I think we have a problem where we have 2 competing policies which are competing against each other: one about the pedestrianisation of town and then the desire to increase shopper parking in town. I mean, some things that certainly my constituents always argue and suggest to me is: "Why did they do away with all the short-stay parking aspects in town because if they want to put areas like the market in that part of town the best thing they could do is bring back the short-stay parking for people?" We have a problem with that. One aspect which really did get to me and it is again talking about the planning aspects of it. It is in the language about people work in an urban area; that is brilliant because they do not have to go far for work. They do not have to do this. The fundamental problem, as I find myself having to argue in this case, is just because you live in an urban area does not mean that you work in an urban area. That means you might need aspects to get out of there. The reason why that of course is because I am an urban Deputy and of course we deal with the aspect of not planning-in enough parking provision because there are some offices in certain departments who think cycling will be the solution to all

problems and it is not. So I just want to make those points to say I think the underlying thinking about this is just to show we have different competing policies in this area and I think that needs to be fleshed-out a lot more by the Council of Ministers.

#### **14.5.9 Connétable S.A. Le Sueur-Rennard of St. Saviour:**

Could I just add something very quickly to what my Deputy has just said? We are an offshoot of St. Helier and I think it is worth thinking about for everybody here while we were talking about the rural thing: we have more farmers in St. Saviour than anywhere else and yet we have less land. Most of the farmers who have cows, dairy farmers, in St. Saviour have to rent land in other parts of the Island because we are just built-up. Earlier on we were talking about the traffic and how difficult it was for the Constable of St. Peter to come through; well, welcome to our world. That is what happens in St. Saviour every day.

#### **The Bailiff:**

Perhaps I could call on the Minister for Planning and Environment to sum up this point.

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

I am already on my feet. If I might, I will be as quick as I can. I will go in reverse order. I am not quite sure what to say to the Constable of St. Saviour. I am sure there must be an analogy if she has the most amount of farmers with the least amount of land it has got to be good somewhere. I have not quite worked it out. But I will come back to the traffic in a minute. Deputy Maçon, parking I am coming back to, but I could not agree with you more about St. Helier and St. Helier and whether it is St. Helier or St. Helier. It certainly was on my mind and the intimation is not St. Helier the Parish; the intimation is St. Helier the town, the capital of Jersey. I appreciate that St Saviour and St. Clement to a certain degree are involved in that absolutely, and it is not just about what we are going to do does not finish at the Parish boundary. I would like to thank Deputy Noel and the Deputy of Trinity for their contribution, and I come to Deputy Martin and Gas Place. Obviously there is a live application in place on Gas Place at the moment, so I cannot talk about it at all. But what I would say is this: the first thing I would say is this is not where I would have chosen to start my career as Minister for Planning and Environment with a future for St. Helier. It is a little bit beyond my control and I will say it is beyond my control for this reason. It is something that I inherited. It is something that came with the Island Plan and was debated in July 2011 before I was even a States Member, when over 20 Members of this Assembly who were there at that time voted overwhelmingly to put 300 units on Gas Place. Only one Member objected and that Member was Deputy Wimberley. I say no more other than I am doing what I can but my hands are pretty much tied. The Constable of St. Martin, I thank him for his talk about future visions and about how in our Parish of St. Martin we have a future vision for our village; and also the contribution about Parishes like St. Martin basic to Island life. We are not the only place that has built houses, residential homes and homes for young families. Certainly at the moment there are plans in St. Clement, there are plans in Grouville, there are plans in St. Ouen and St. Brelade. So we do all share it around. Like him, I spent the first 26 years of my life growing up on the outskirts of Georgetown in the New Era; and like him I can only hope that people can genuinely believe that people like the Constable and myself want to do the very best we can for St. Helier because we were brought up there. The Constable of St. Peter spoke about cars and traffic, and I say to him, whether you are part of the users' group that I met only last week, a resident of St. Helier, whether you are the Constable of St. Peter, a retailer, a market trader, St. Brelade's motorists with just about everybody else on this Island, you want to talk about parking. I say to him this is an issue we must resolve. My vision for St. Helier was one where every parking place in St. Helier is maximised with full potential. I do not want to see residents' parking places which are left empty all day when we have shoppers who are desperate to shop; neither do I want to see parking places which are

occupied all day and are left empty at night when we have residents who cannot find areas to park. I do not know what the answer is, but certainly it is one that we must work on and we must resolve and that has to be done working in partnership with the owners of these sites. So I say to them, thank you for bringing it to our attention and we certainly need to look at that. Finally I come back to where we started with the Constable of St. Helier and I am really pleased that he gave us so much of his thoughts and ideas. The first one I have on my list here is La Collette recycling and I would say to him and Deputy Labey that, yes, there are some questions on recycling at La Collette, but I would advise him that it does not matter whether you take it to Bellozanne first, it ends up at La Collette. Moving all the green waste to La Collette is not going to change very much because it is all going there anyway. Secondly, there is a mix always to be had when we build residential accommodation. The size of the accommodation, the size of the amenity space and the size of the parking area all have to be thrown into the mix. Usually when one gains more space inside the house you might lose out with less space for parking or less space for garden or amenity. The challenge to us all is to see if we can create residential areas where there is big enough for proper living inside the house, where there is a big enough garden and amenity space and where there is space to park cars where they are needed. The Constable mentioned the motto "Love Jersey because ..." Well, yes, I agree with him. I appreciate every morning I get up how lucky I am to be living in the countryside. But would it not be nice in the future to think that people think: "I love Jersey because St. Helier is such a vibrant and good place to live"? Yes, we are going to have to put more people in St. Helier and it is not about stacking them high; it is about making the living and the residential sectors better. I will finish with this: like him I am grateful, very grateful that St. Helier has been made a priority of the Council of Ministers this year, and I agree with him when he says that St. Helier has a lot going for it. Since I have been Minister for Planning and Environment I take a very different view of things and I would ask all Members when they walk through St. Helier next time to do 2 or 3 things: stand back, look up, stop and look around, and you will realise as the Constable said: "The glass in St. Helier is definitely half full." With his help and others I look forward to filling it up even more over the next 3 years.

**The Bailiff:**

Does any other Member wish to speak with anything they have not yet said but feel that they need to? Then Chief Minister, if you wish to have your concluding remarks.

**14.6 Senator I.J. Gorst:**

I am conscious of the time, but I am equally conscious that one or 2 Members felt that there was not much passion involved in this discussion document. I take heart from the fact that most Members have said that they think that these are the right priorities. They have just questioned whether there is enough detail there. Some Members struggle with this sort of strategic policy document and where there does it fit with decisions in this Assembly when we are not going to be able to make a decision today but the detail follows; and some who just are generally cautious about where the future lies, and others who perhaps think that we should focus more on the money than we should on the social issues. These 4 priorities I believe get to the heart of what we need to put in place in our community, not just for the next 3½ years - these will be foundations for the next 5, the next 10 and the next 20 years. The ageing population is with us now and it is only going to increase. Trying to get it right, recognising that we should focus on health care and well-being for the next 3½ years I think is the right thing and we believe passionately that we should not put those decisions off lightly as we might have done in the past. Of course we are going to argue about the detail in due course about where we might put the hospital, about exactly what service should go into the community and what should be in the hospital and which model we are going to follow in a world where those models are changing. But the thing we have to be committed to is that this has got to be a priority. Providing appropriate health care for our community must be a priority. We

cannot just say that our economy has not been growing as much as it has in the past and therefore we are going to ignore these social and community issues. We have to commit to it. The same with education. If we send our mind back to the election, many, many Members spoke about the need to think about how we were educating our children for the future. That is not a short-term effect. It is not something that the department is going to be able to introduce a couple of policies over the next 2 years and it is done. No, dealing with education is about ensuring that our children are prepared for the future and supporting future generations, and I think that has got to be a right priority. It is not short-term; it is the best sort of long-term planning laying the foundations. The same for economic growth. Economic growth is good for a community because it creates jobs; it puts money into people's pockets.

[17:45]

It is not a dirty word; it is an important part of a vibrant functioning community. The challenge of course is how we are going to deliver it and that is what we will go on talking about into the future. At the heart of that economic powerhouse has to be our city, and that city is St. Helier. I accept what Deputy Maçon said that we often use the term St. Helier to describe all of our urban areas that roll into one. We need to perhaps look at a better way of dealing with that particular issue. Do we have challenges about the funds that we are going to have available? Yes, we do. My friend Deputy Southern I see has written a blog and he appears to be very afraid. I do not think being afraid should have any part of the decision making process in this Assembly. I think that we should face the future and make difficult decisions. He talked about 7½ per cent and 2 per cent, but do not forget that we up-rate budgets every year; we give up-rating for all sorts of things. So it is about what do we want to do in the future. This deficit that we all talk about and the difficulty in our financial circumstances only occurs if we continue investing in our capital programme, if we continue up-rating, if we put 50 million new pounds into health over the course of the next 3½ years. Do we want to face up to those challenges or do we want to primarily focus on money? I do not want to go back to coming into an Assembly where we purely focus on the bottom line. I think the progress that we have made in voting on community and social provision over the last 3 years is one that we want to maintain and this strategic priority document does exactly that. But it acknowledges that we need money in the bank in order to be able to pay for this provision. So, I thank Members for their comments. We will now of course take them away and together with the comments from the public in due course lodge a completed plan which we are required to do by the States of Jersey Law. Every time that we go through this process I think some of us wonder whether that was such a wise part of the States of Jersey Law, but I am not sure that there has been yet a better solution for our system of independent politics and therefore it is the system that we have and I am grateful to Members for their input this afternoon.

**The Bailiff:**

Thank you very much. Before we come to the end can I just give notice to Members that the Draft Amendment (No. 28) of Standing Orders of the States of Jersey lodged by the Chief Minister has now been looked at in accordance with Standing Orders.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Bailiff:**

We now come to Item M on the Order Paper, the arrangements for public business. Chairman.

**15. Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):**

I draw attention to Members the Consolidated Order Paper. The items for future business are as per that Order Paper, plus on 24th March, an amendment in the name of Deputy Southern to his own proposition "Gas Tariffs: reduction" and also the addition of Projet 24 in the name of the Chief Minister which is a minor amendment to Standing Orders and on 14th April the addition of Projet 25 in the name of Chief Minister, the Draft Crown Advocates (Amendment) (Jersey) Law. The next sitting is on 10th March as per the Consolidated Order Paper. Members will be excited to note that there is a proposal for an in committee debate on external relations by the Minister for External Relations. I would suggest that the business could be completed in one day but Members I think should perhaps put 1½ days aside in case one or 2 of the propositions went a bit longer than I think they might. I propose that.

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

I have more than 2 items, but 2 broadly grouped together items that I would like to beg the States indulgence to consider. The first is that Members will be aware that I have today launched a proposition asking the States to approve further funding for the Committee of Inquiry and I would like to ask the States to agree to take that particular proposition. I appreciate it is a lengthy document and Members appropriately want time to consider it, but I would be grateful so that certainty for all can be given if we could consider that on the sitting of 24th March. I think it is an important decision and I think it warrants it being brought forward by those 2 weeks for a lodging period of 4 weeks.

### **The Bailiff:**

Under Standing Orders, Chief Minister, the States needs to be satisfied that it is in the public interest to reduce the lodging period and I think before I put it to the States for that question, there is the threshold issue of the Chair being satisfied it is in the public interest. Can you just help me on that?

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

I think it is absolutely in the public interest. I do not think we can be in a position... I think it is unsatisfactory for all concerned (a) if the committee were to run out of funds without a decision being made of this Assembly. I do not think this Assembly would want to put the Accounting Officer in the position of having to refuse expenditure without knowing whether this Assembly itself was going in effect to seek a halt to the Committee of Inquiry by not accepting these additional monies. I do not think it is satisfactory for those who have been involved in any way with the Committee of Inquiry and I do not think it is satisfactory for States Members; they need to come to a decision.

### **The Bailiff:**

I have not understood from the report that the Committee of Inquiry was likely to run out of money by 24th March. I thought the date in April was given. That is why I was asking the question about the public interest to advance it by 2 weeks. Not the public interest in having debate at all, but the public interest in advancing it by 2 weeks.

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

The reality is that Ministers there are trying and have agreed that they would try and find funding to allow the Committee of Inquiry to continue its work until such time as the Assembly made its decision. So that is under the current financial constraints that we find ourselves difficult, and it is hardly appropriate that departments are having to make those sorts of decisions. I think it is far preferable for all concerned and is in the public interest that we go ahead and give certainty one way or the other.



**The Bailiff:**

Are both propositions seconded? **[Seconded]** Does any Member wish to speak? Members in favour of taking the Chief Minister's proposition and the P.20 this is, Chief Minister, is it not? P.20 on 24th March, kindly show. The appel is called for. I invite Ministers to return to their seats and I ask the Greffier to open the voting.

**POUR: 36**

Senator P.F. Routier  
Senator A.J.H. Maclean  
Senator I.J. Gorst  
Senator P.M. Bailhache  
Senator A.K.F. Green  
Connétable of St. Helier  
Connétable of St. Clement  
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 of Grouville  
Deputy of Trinity  
Deputy E.J. Noel (L)  
Deputy of St. John  
Deputy J.M. Maçon (S)  
Deputy S.J. Pinel (C)  
Deputy of St. Martin  
Deputy of St. Peter  
Deputy R.J. Rondel (H)  
Deputy S.Y. Mézec (H)  
Deputy A.D. Lewis (H)  
Deputy of St. Ouen  
Deputy R. Labey (H)  
Deputy S.M. Bree (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)

**CONTRE: 1**

Deputy M.R. Higgins (H)

**ABSTAIN: 0****The Bailiff:**

Now, Chief Minister, there were 2 things you wanted to ...

**15.2 Senator I.J. Gorst:**

I thought that was going to be the straightforward one. Members will be aware that we recently had a visit by MONEYVAL and Members will also be aware that during the course of those visits the inspectors might make certain recommendations or ask for clarification of various pieces of legislation. Any jurisdiction or country of which they are visiting then for the purpose of the final outcome of the review there is what we call a 60 days' window from the departure of the

assessment to make any what might be thought to be necessary amendments. So there are a number of items which have been worked on. They are P.21, 22, 23, P.16 and of course P.6 but that is I think further down the page on the centre part. Some have been long worked on; others have been worked on arising from that visit and I therefore would like to ask Members if they would be satisfied to debate all of those items which I have just listed at the next sitting which would be 10th March. I think, I hope that the Chair would agree, that it is in the public interest for Jersey to get the best possible assessment by the MONEYVAL assessors and in order to do that these must be completed in that 60-day window and as far down the legislative programme to completion as possible.

**The Bailiff:**

The proposition is seconded? [**Seconded**] Does any Member wish to speak?

**15.2.1 Deputy M.R. Higgins:**

Just clarification from the Chief Minister: I assume it is a fact we are not compliant in those areas and that is how you wish to make this compliant. Is that correct?

**15.2.2 Deputy J.M. Maçon:**

Just another point: if the Assembly does adopt the Chief Minister's proposal perhaps we could have a very succinct but quick briefing on all these matters to assist Members in understanding them.

**15.2.3 Connétable J.E. Le Maistre of Grouville:**

The Economic Affairs Panel scrutinises these matters. We were briefed before Christmas on similar items. We have been promised a briefing in the next week or so and all 3 of my panel agree that we should try and take this matter as soon as possible.

**15.2.4 Senator I.J. Gorst:**

Yes, we can arrange full briefings on all the matters. As I say, some of them have been long outstanding and I could go into the details this afternoon, but I am not sure that that would necessarily be productive. A good majority of them are about clarifications. We work in a certain system and sometimes the wording in our regulations assessors might feel that because it is not necessarily as specific as they might like, even though it is functioning in an appropriate manner, they wish to see amendments to create that specificity of wording. So it is not always a straightforward issue about whether what we are doing is working properly; it is sometimes about their interpretation of what the words say in our law and where that is clarified or whether it is necessary to be clarified or not.

**The Bailiff:**

You were asked about a briefing for Members.

**Senator I.J. Gorst:**

Sorry, Sir. Yes, that will be arranged.

**The Bailiff:**

All Members that are in favour of adopting the proposition that P.16, P.21, P.22 and P.23 should be taken on 10th March kindly show. Those against. Very good. Then that is fixed. The arrangements for 10th March are now settled and the States will stand adjourned until 9.30 on that day.

**ADJOURNMENT**

[17:58]