

#### **4. Questions to Ministers Without Notice - The Chief Minister**

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

That brings question time for the Minister for Social Security to an end. We now come to questions without notice to the Chief Minister. Deputy Tadier?

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

Would the Chief Minister inform Members why stakeholders were not informed of the engagement of Mr. Williamson when clearly they were informed at the outset of the engagement of Verita and also invited to speak to him about the consideration in the formation of the terms of reference?

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

I am not sure that there is an answer to that question. Perhaps, if anything, it is an oversight on my part, which I am trying to correct now.

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

Sir, supplementary? The Chief Minister is far too much of an erudite and clear-thinking man to make such an oversight. Clearly he realised that an undertaking was given by his predecessor and when Verita was engaged the first thing that was done was for those States Members who were interested and members of the public and groups like the Jersey Care Leavers Association were brought in immediately to discuss with Verita. Was it not the case that the Chief Minister did not want to inform anybody that Mr. Williamson had been engaged and it is only when myself and other interested States Members started to make inquiries that we were told that Mr. Williamson had been engaged? Otherwise we would never have known. The public would never be in this position to know at this stage.

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

It is not the case that the public would never have known, because I intend to publish the results of Mr. Williamson's work. I can simply reiterate the first answer that I gave, that it was an oversight on my part, which I am now endeavouring to correct.

#### **4.2 The Connétable of St. John:**

Could the Minister give details of his calendar engagements for the rest of this week, please?

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

I think I am going to have to refrain from answering that, because I have only got 15 minutes and it would take considerably longer?

##### **4.2.1 The Connétable of St. John:**

Could he give the calendar events for one day of this week, please?

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

Yes, today, I have had a meeting prior to this States sitting. I am hoping, Sir, and I am relying on your good judgment that we might finish by lunchtime. I have 2 meetings in my diary to take place during the lunch interval. I have 4 other subsequent meetings this afternoon. Then I have an evening meeting starting at 6.00 p.m. which I expect to finish around 9.30 p.m. I was pleased to be able to read in my papers overnight that there might be light refreshments provided at that meeting, which means that I do not then need to rush home and eat my cold dinner.

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

As per the response in the written question to the Chief Minister by myself, could the Minister explain why it is only now that H.R. (Human Resources) needs investment and why it was not 3 years ago when we were given exactly this same kind of response and nothing happened?

**Senator I.J. Gorst:**

Some people have referred to me as an optimist. I am sure that that is rather too generous. I cannot always speak on behalf of those who have gone before me, but I am absolutely certain that investment is required now. I believe that we have probably had report after report which is now showing that the central corporate functions have been under invested. It is not right. We are paying too high a price for that under investment. It cannot go on.

**4.3.1 Deputy T.A. Vallois:**

Supplementary, Sir? Could the Chief Minister give an indication of how much that investment will be for H.R. function?

**Senator I.J. Gorst:**

Off the top of my head I think that we are looking at around £500,000 to strengthen that H.R. function and ensure that it is fit for purpose. The complete redesign of the public service is going to cost much, much more than that.

**4.4 Deputy J.H. Young:**

In the absence of an ombudsman, is the Assembly to conclude from his actions in approving the *ex gratia* payment in the planning enforcement matter brought to our attention by Deputy Higgins, that in the future he and his department will be dealing with all claims and complaints against all States departments? If not, will he provide guidance whether powers exist for Ministers to deal with them?

**Senator I.J. Gorst:**

I think that any complaint should in the first instance be referred to the department. There were some exceptional circumstances in this case, that the Council of Ministers felt with regard to undertakings given, but the legal situation that the department found itself in, we felt that this *ex gratia* payment was the right way forward.

**Deputy J.H. Young:**

I would like some clarification from the Attorney General on this question of the *vires* of Ministers being able to authorise *ex gratia* payments. I think it is a point of principle there. Now is the time to do it.

**The Deputy Bailiff:**

But not during Chief Minister's question time. Deputy Martin?

**4.5 Deputy J.A. Martin:**

Would the Chief Minister confirm that Jersey Post is collecting V.A.T. (Value Added Tax) for the U.K. after the kicking we got? If it is not collected this end, the English Post is holding the collector or the receiver, mainly on eBay, on even very small amounts, to ransom for the minimum amount of £5.95. What is the Minister intending to do about this?

**Senator I.J. Gorst:**

I think that this does not necessarily fall under the Chief Minister's remit, but the Minister for Economic Development or Minister for Treasury and Resources remit. It is my understanding that, yes, the memorandum of understanding, which I think it is, is still in place and therefore in effect, Jersey Post are collecting V.A.T. on the pre-paid system as they were previously. The difficulty, of course, is that while we might feel that that is extremely uncomfortable, the United

Kingdom has made that decision. What it does continue to allow is that those who are posting high value items into the U.K. market place are able to do so quickly, which is critical to the mail order delivery business model.

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

The Chief Minister mentioned the total redesign of the public sector. Does the Chief Minister consider that he is treating the public sector pay negotiations seriously enough, given his postponement yesterday of a meeting due on the 11th January because of other pressing matters? Although his representatives had insisted that national representatives of the public sector workers were required to attend on 11th January, he postponed this meeting. For this vital meeting, he was told, they have to be there and yet he postponed.

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

I am not sure where the question was. It is indeed extremely important. I issued a statement, I believe, on Friday saying that I am sorry that that meeting had to be cancelled, because there were people travelling from the United Kingdom, it had to be considered in early course. I recognise it is no excuse, I do have a very busy diary and it is only appropriate that there is appropriate preparation time for those important meetings as the Deputy will be aware. It has been an extremely busy time and it was with regard to the appropriate preparation for that meeting.

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

Is it beyond the wit of the Minister's department to fix up a date, which still has not been fixed, for completion of this particular meeting? Does he not consider that the whole progress of pay negotiation is being unnecessarily delayed by his department? Is it not about time he got a move on?

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

Pay negotiations have historically taken a number of months, because by very nature they are negotiations. I am not sure that it is fair to criticise one side and say it is time they got a move on. But, yes, negotiations must continue.

#### **4.7 The Deputy of Grouville:**

As a Member of the Scrutiny Panel at the time, I suggested to the Migration Advisory Panel to consider the introduction of a deposit for an employment card with a nominal sum of perhaps £300. That would be refunded upon leaving the Island. That way, it would act as the only mechanism for knowing who has left the Island. Would this not be a better way to pay for the administration costs of cards?

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

I was not aware of the Deputies recommendation. It is perhaps not too far removed from what is now being suggested, other than if we were to take a deposit and refund it obviously that would not then help with the cost because the amount would be refunded. The purpose of the consultation on the fees is to cover the cost of the mechanisms for control of migration. I think probably that is an appropriate methodology to adopt.

#### **4.8 Senator L.J. Farnham:**

I would like to ask the Chief Minister the position in relation to the Chief Officer of the States of Jersey. I understand the incumbent is there in an acting basis and I wonder if any thought had been given to making a position of Chief Officer of the States of Jersey permanent in the near future.

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

Yes, it has. The issue was discussed by the Council of Ministers and we are now in a position of actively dealing with that particular issue. We hope to be able to recruit to that post.

**4.9 Deputy M. Tadier:**

Will the Chief Minister confirm or say whether he thinks that the recent suggestion for charging immigrants to enter the Island risks sending out a wrong and xenophobic message of an Island, which has traditionally been welcoming and dependent on immigrants, both culturally and economically.

**Senator I.J. Gorst:**

I do not believe that it does. Guernsey charges for such administration, as does the Isle of Man. Therefore, I do not believe that it does, because the Deputy makes the right point. The Island has historically been reliant upon immigrant labour and we must acknowledge the benefit that those individuals have and continue to give to our community.

**4.9.1 Deputy M. Tadier:**

Supplementary? If the charges are to be retrospective, will the Chief Minister envisage himself having to pay this fee?

**Senator I.J. Gorst:**

I am not sure that the charges are to be retrospective. If the Deputy has read the consultation document, there is no proposal to charge what will be entitled individuals. Of course, it is not really for me to talk about my individual circumstances and therefore I will not.

[11:45]

**4.10 Deputy T.A. Vallois:**

Could the Chief Minister confirm whether he will be appointing a Chief Executive within his term of office?

**Senator I.J. Gorst:**

I hope to be able to do so, yes.

**The Deputy Bailiff:**

Very well. If there are no other questions, that brings questions to the Chief Minister to an end. Senator Le Gresley, the departure of yourself from the Assembly room seemed to coincide with the absence of noise; I wondered whether this was a coincidence or whether you have an admission to make?

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

I had a feeling that I might be the guilty party, but I have checked my piece of equipment and no message came through, so I do not believe I was, Sir.

**The Deputy Bailiff:**

It must have been a coincidence then. Very well, that brings question time to an end. I give notice to Members that P.61/2012 Vote of Censure: the Minister for Treasury and Resources has been lodged by Senator Ferguson. There is nothing under J, Personal Statements. There is nothing under K, Statements on a Matter of Official Responsibility.

**2.2 Deputy M. Tadier of St. Brelade of the Chief Minister regarding delays in introducing 'Vulture Fund' legislation:**

Will the Chief Minister explain if there has been a delay in introducing "Vulture Fund" legislation and inform Members when the promised changes are likely to be implemented?

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

There has been no delay in consulting on or commencing drafting of legislation to limit practices that could undermine international debt relief. To date, the U.K. (United Kingdom) is the only country in the world to have enacted a law of this kind. Alongside Guernsey and the Isle of Man, we are proposing to join the U.K. as leaders in this field and to do so expeditiously on a timescale in line with that of the other 2 Islands.

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

I believe the Council of Ministers discussed this back on, I think, the 15th of December, so could the Chief Minister just assist us perhaps and encourage us by giving us a little bit of indication when this might finally come forward? As I think most Members would agree, it is something that is a bit of a stain on everywhere who fails to act on it.

**Senator I.J. Gorst:**

As I said, the U.K. is currently the only jurisdiction/country in the world that has such legislation. We are proposing to be at the forefront as well of such legislation. Earlier this year in late January, I instructed the drafting of such legislation and I hope that I will be in a position to lodge during September.

**2.2.2 Deputy M. Tadier:**

Could I just thank the Chief Minister? Clearly, this was something which was initially, I think, adopted in November in a Statement by the Chief Minister and I would just encourage the Chief Minister - I hope he agrees - that this should be given top priority among, no doubt, other competing priorities. Will the Chief Minister just give an assurance that in the autumn, we will be able to see this legislation so that high profile cases such as those recently happening in London will not be a potential embarrassment to our industry and our Island?

**Senator I.J. Gorst:**

Obviously this is a piece of legislation similar to the United Kingdom's in that the aim is to ensure that debt relief efforts for developing countries are not interrupted by those who are not abiding by the rules agreed upon by the Paris Club nations and are recovering debts outside of the Common Reduction and Decision Point factors, so it gets quite technical. That is what we are talking about and that is what I am committed to delivering.

**2.3 Connétable P.J. Rondel of St. John of the Chief Minister regarding the retirement of the consultant gynaecologist:**

Would the Chief Minister inform Members whether the agreement made earlier this year between the former consultant gynaecologist and the States Employment Board contains a provision that the Chief Minister would make a public statement relating to the consultant's retirement and, if so, when will the Chief Minister make this statement?

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

The agreement between the States Employment Board and the former consultant contained a statement which could be made by me as follows: "The conclusions of the independent reports prepared by Verita and Goodwin Hannah and their specific findings regarding the handling of the exclusion of - I will use the individual's name, Sir, because that is what was included in the statement - John Day, a senior and long-serving hospital consultant have previously been acknowledged. An amicable settlement totalling £448,000 has been reached in relation to the net losses suffered by him, including in relation to a loss of private income and which also includes a contribution to his retraining and legal costs. It is hoped that we can now place these sad events behind us."

### **2.3.1 The Connétable of St. John:**

Would the Chief Minister confirm that the correct version of the settlement and acknowledgement to the House will also be released to his colleagues and friends within the hospital to prevent any confusion that may arise?

**Senator I.J. Gorst:**

It is my understanding that that statement was issued to hospital staff some weeks ago. I will double-check that and ensure that it was but it is my understanding that it already has been.

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

Will the Chief Minister check with the Director of Human Resources that the other requirement under the contract that a statement exonerating the consultant in all the matters has been placed in his personnel file?

**Senator I.J. Gorst:**

Due to the unusual nature of the conclusion to these particularly sad events, I was drawn into reviewing and agreeing this agreement. I am not aware of the inclusion of such a clause that the questioner suggests but I will certainly go and review that in case my memory is faulty.

**Senator S.C. Ferguson:**

I will send the details to the Chief Minister with pleasure.

**Senator I.J. Gorst:**

I am not sure that the Senator needs to do that. I can indeed review the agreement.

## **2.4 Deputy T.M. Pitman of the Chief Minister regarding the terms of reference for the historic abuse enquiry as proposed by Verita:**

Will the Chief Minister clarify precisely what the perceived problems are with the terms of reference for the Historic Abuse Inquiry as proposed by Verita? Would he state whether Mr. Andrew Williamson has been engaged to review the terms of reference and, if so, what the cost of his engagement is?

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

There is no question in my mind that a Committee of Inquiry is needed to provide help with closure of this difficult and long-running period. The Verita terms of reference were open-ended as a strategy. I have therefore asked Mr. Andrew Williamson, an experienced Social Services Director from the United Kingdom, who also has much experience of working in Jersey, to review the original terms of reference to see whether they could be set in such a way as to ensure that unanswered questions are investigated and answers are provided without the requirement to reopen individual cases. The cost of Mr. Williamson's work has amounted to £2,000 to date and I expect that the total cost of his work in relation to reviewing the terms of reference will not exceed £10,000.

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

Perhaps the Chief Minister could enlarge for me and perhaps a few others what he means by "open-ended". More specifically, can he ensure that having decided we did not need independence to do the Electoral Commission, for instance, can he give assurances that we will come up with a format that will ensure closure for those people who were victims and, just as importantly, that those who are ultimately found to be responsible will be held to account?

**Senator I.J. Gorst:**

As I said in answer to questions on this subject before, I will be in a position where I can lodge the terms of reference for the Committee of Inquiry to this Assembly for Members rightly to decide. At the same time, I will be appending any other work which has been undertaken to get to those terms of reference. Equally I, of course, would like to think that closure could be brought but these are very difficult long-running issues and I think that what we can hope for is that people are able to move on with their lives. I am not certain that for lots of people closure will be found by a Committee of Inquiry but I hope that it will help with the healing process and it will allow some answers to be given. With regard to the open-ended nature, that of course is very difficult because we have a responsibility to ensure that a Committee of Inquiry reaches its findings in an appropriate timescale and within a suitable budget. What I have been concerned about is that every person appearing before the inquiry might feel that if it is too adversarial, they need to instruct legal counsel and that, of course, will change the budget and the cost requirements entirely.

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

Can the Chief Minister explain the process about how external parties can contribute to Mr. Williamson's review, given that they might be best placed to indicate what these unanswered questions are?

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

Yes, the Deputy raises a very good point that he raised at the last sitting. Mr. Williamson will be on the Island again this week and I will be meeting with him to ensure that that is done, so that individuals that we perhaps are not aware of now - albeit some I have written to and invited to meet with Mr. Williamson... perhaps some are not yet aware of that and would like to and we need to ensure that they have that ability to do so prior to lodging.

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

Will the Chief Minister provide the dates of - if he has them available, and if not to provide them and circulate them - when Verita was initially commissioned to provide the terms of reference, when they reported back and when Mr. Williamson was commissioned to produce further terms of references?

[10:00]

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

I do not have those dates with me. Members are well aware that this has dragged on far longer than I would have liked and I am keen to bring a proposition to this Assembly so we can decide and the work can get started. I can provide those dates but I will certainly, of course, be including them in any proposition lodged as well so that Members are fully informed and are able to make a decision with all the facts in front of them.

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

Would the Chief Minister agree that the terms of reference set by Verita were not faulty? Rather, they were politically unacceptable to certain Members of the Council of Ministers? If they were faulty, would the Chief Minister explain how it came about that it was the Council of Ministers who commissioned Verita and why did they not set their own terms of reference and their own criteria to make sure that what Verita reported back was acceptable and in line with the terms of reference that the States Assembly agreed only recently before that?

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

That is quite a multi-faceted question. I would not wish to use the word "faulty" for the terms of reference but more as I did with regard to open-ended and wanting to limit the need for those appearing before the Committee of Inquiry to have to instruct legal support at that point. I can reassure Members that they will be able to judge for themselves when the terms of reference are

before them. That is absolutely right and proper, and not that it is just simply the domain of either me as the Chief Minister or the Council of Ministers.

#### **2.4.5 Deputy R.G. Le Hérissier of St. Saviour:**

I wonder if the Chief Minister could elaborate on his earlier comment - which I found confusing - as to the presentation of individual cases to the inquiry. Could he agree that these cases will indeed be put forward, albeit perhaps not in the adversarial sense that he quite rightly does not wish? Secondly, will it adopt any of the procedures of a truth and reconciliation approach?

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

Deputy Le Hérissier raises once again 2 good points. I went through Hansard to look at the points that he raised previously, where he asked me how I was going to ensure that the Committee of Inquiry was carried out in a timely and cost-effective manner and this morning he has asked me about the *modus operandi* of the Committee of Inquiry; will it be more like a truth and reconciliation committee? All those issues were and are in my mind and that is, to a large extent, why I asked Mr. Williamson to do the review because we have got to be clear that a Committee of Inquiry is not a truth and reconciliation committee. This Assembly has chosen that it wants to have a Committee of Inquiry and I will be bringing forward terms of reference that I hope allow a more reconciliatory approach rather than an adversarial approach, which can be the hallmark of a Committee of Inquiry.

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

Could the Chief Minister explain his earlier comments about how individual cases will be dealt with?

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

Sorry, yes. Sometimes when there is more than one question in one question, I forget to answer the earlier part. Again, the Deputy makes a very good point. Of course individuals must be allowed to appear before the committee and talk about their experiences because that is the way that answers, I hope, will be provided. Albeit that might be quite difficult but that is quite different from an adversarial approach where people feel that they need to have legal representation because they are being challenged and because it is a much more confrontational approach. That is what we wish to avoid.

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

I imagine I am probably in a fairly small minority of Members who have read some of the statements of what happened to people. I have to say they made me both sick and angry. So while cost is important in all things, can the Chief Minister agree with me that when it comes to justice, cost should never be an excuse that that will not be fulfilled? Can he, in answering that, ensure that those people who spoke to Verita and did not know about Mr. Williamson's involvement will also be able to discuss what has happened with Mr. Williamson himself?

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

I am committed to a Committee of Inquiry and that is right and proper. Ultimately we should make our decision in light of hopefully getting some answers and helping the healing process and helping people to move on, albeit with the caveat that I have said. Therefore budgetary considerations should not be at the forefront of our mind. However, of course, we all have a responsibility to ensure that costs in any project are controlled. Sorry, could the Deputy just remind me of the second part?

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



Yes, of course. Could the Chief Minister just advise ... obviously many people have not known about Mr. Williamson's involvement, so will those people who have spoken to Verita now be able to speak to Mr. Williamson?

**Senator I.J. Gorst:**

The Deputy makes a very good point. It is not something that I had considered in that format but that is a good way of dealing with the issue that Deputy Maçon spoke about which is to re-contact all those who contacted the Verita terms of reference.

**2.5 Deputy G.P. Southern of St. Helier of the Minister for Economic Development regarding the 11 new companies in the oil, gas and mining sector in the Island and the residential status of their beneficial owners:**

Will the Minister name the 11 companies in the oil, gas and mining sector he referred to in his oral answer on 29th May 2012, along with the residential status of their beneficial owners? Would he confirm his response that all but 2 of the 59 jobs created are for locally-qualified employees and state how many of these 59 jobs have been filled by local and non-local employees?

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

My department has previously sought legal advice on the public disclosure of information gathered for statutory purposes. From this, I am advised that I am not in a position to publicly name the companies or the details of their beneficial owners as the Deputy requests. However, what I can say is that most of them are either listed or subsidiaries of listed companies and, as such, their shareholders are worldwide and fluid. With respect to the second part of the question, I can confirm my previous answer that 57 of the 59 job opportunities created were for locally-qualified employees. Manpower returns are conducted twice a year. As such, we have no information as yet for companies that moved here during 2012 which were incorporated in the Deputy's question. Based on the December 2011 manpower returns, 37 of the 53 job opportunities created have been filled and only one was for a non-locally qualified position as defined under the Regulation of Undertakings and Development Law. A large proportion of the opportunities created that are not filled relate to a company that established at the very end of 2011 and, as such, we will have to wait until the June manpower returns to see how they are progressing.

**2.5.1 Deputy G.P. Southern:**

Can the Minister then confirm to me that most of these companies are merely headquartered here and are not gold mining in Rozel or fracking for gas in St. Ouen?

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

I can indeed. In fact, I think I made that point at the last sitting so yes, I can confirm that.

**2.6 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development regarding the powers of the Financial Services Commission to protect the consumers of financial services and products and the reputation of the Island:**

Is the Minister satisfied that the Jersey Financial Services Commission has the powers and resources it needs to carry out its functions effectively in ensuring that the Island is a well-regulated financial centre that protects the consumers of financial services and products and the reputation of the Island?

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

I am satisfied that the Jersey Financial Services Commission has both the powers and the resources it needs to carry out its statutory functions effectively and I have no reason to believe that either the Commission's powers or the Commission's resources are in any way deficient.

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

Does the Minister in particular think that the Jersey Financial Services Commission has sufficient funds to take on the very large banks operating in the Island when they are determined to be in breach of regulations, bearing in mind that they have deeper pockets to contest these matters than the Commission? Does he also feel they have sufficient money to cover the many enforcement actions that are likely to be brought because of a number of firms engaging in business that because of the recession that they would not otherwise be dealing with?

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

Yes, I do. The J.F.S.C. (Jersey Financial Services Commission) has significant resources and, with regard to taking on large organisations like banks, there is a track record where, in fact, the Commission has in the past successfully taken on a bank that acted inappropriately.

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

On this particular matter, I know for a fact that the Commission does not have sufficient funds to contest these actions and has shown reluctance to take on, for example, Standard Chartered Bank who are alleged to have committed a fraud by Mr. George Burrow, a Canadian investor who has been standing outside Standard Chartered Bank with a placard for the last week. Now, the point on this is that this man has been let down, not only by the Jersey Financial Services Commission who are afraid to take action because they realise that Standard Chartered Bank have a bigger bank balance, if you will pardon the expression, than the Commission does. I do think that the Minister is highly misleading if he feels that the Commission is properly resourced in this area. The question is again specifically how much money do they have to fight court actions and is it sufficient?

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

As I have said, the J.F.S.C. has significant reserves. If the Deputy refers to their latest stated published accounts in 2010, he will see that they have got more than £6.5 million of reserves. There is no question that they are not prepared to take on banks or any other organisation if indeed there is a case where they can so do. I am afraid the Deputy is talking about a specific case here. Clearly he would appreciate that neither I nor the J.F.S.C. are in a position to comment publicly about that but nevertheless I am very satisfied with the way in which the J.F.S.C. has undertaken its duties and indeed engaged in this particular matter that the Deputy is so concerned about, and rightly so, as I might add, has my department.

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

Can the Minister confirm whether the J.F.S.C. has indeed the powers to investigate a case where a person contends that they have received the wrong advice and indeed that they have been lied to? How would the J.F.S.C. embark upon such an investigation and can he confirm it has powers so to do?

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

The J.F.S.C. has no explicit statutory responsibility for consumer protection. I think that is a key point and I think if we were to get to the heart of this matter, the Financial Services Ombudsman, which this Assembly voted upon progressing and is indeed being progressed. I have previously said at the last sitting, I believe, that we hoped to have that legislation in place by the beginning of 2014. That indeed is the route that would have perhaps provided some resolve for the individual case that the Deputy is referring to.

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

Can the Minister confirm that in a case such as has been alleged or that I have outlined and the mis-selling that has occurred recently in the U.K. and which has been the subject of massive compensation that the J.F.S.C. cannot act in those cases?

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

There is a route through which the J.F.S.C. could act in a case such as this and it relates to Article 26 of the Financial Services Law and that is in regard to restitution orders. Clearly in order to do that, the Deputy and Members would appreciate, that it is an extremely expensive route to take. That said the J.F.S.C. has in the past taken that route. In 2006, Members may recall the Alternate Insurance Services case where the J.F.S.C. successfully took a restitution order to the courts and won. However, in this particular instance, upon advice, there was not sufficient evidence in order to go down that particular route.

**2.6.5 Deputy G.P. Southern:**

Is it not the case that the Minister has to maintain the pretence that J.F.S.C. can take anybody on whereas the reality is that £6.5 million would soon be eaten up by 2 or 3 of such cases?

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

No, the reality is the J.F.S.C. do take on, where necessary, organisations and have a successful track record in so doing. That is absolutely clear. There is no pretence whatsoever.

**2.6.6 Deputy T.M. Pitman:**

It is a shame that Deputy Higgins or any of us have to bring individual cases up in the States but we are seeing this type of thing more and more. So does the Minister not concede that if finance is not the issue here, then for people like Mr. Burrow, the real issue is that there is an unwillingness to take that on and have this bad publicity? I understand this is going into the national papers now, you know, a man walking the streets with a sandwich board. I have met with him. How very sad is that. Does the Minister not agree that Jersey cannot afford this type of publicity? We need to act.

[10:15]

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

Indeed, Jersey does not like this type of publicity and that goes clearly without saying, but the suggestion there has been a lack of action is not true at all. The J.F.S.C. have been communicating with this individual and I think it is regrettable that his name has been mentioned in public since 2008. They have voluminous files on the subject and, indeed, on his recent visit to the Island, they even provided him with coffee and shelter from the rain. The Commissioner of the J.F.S.C. met with him personally and went through the details of the case and explained the limits of which the J.F.S.C. can act, in particular with regards to his particular circumstance. Officers from my department also met with this individual and gave him as much support as possible and I myself have written to the bank laying out our position. There has been significant assistance to this individual. The circumstance he finds himself in is clearly most regrettable.

**Deputy T.M. Pitman:**

Could I just point out that the individual is quite happy with his name being mentioned.

**The Deputy Bailiff:**

I took it that it was necessary to mention his name to identify what the questions were about. Final supplementary, Deputy Higgins?

**2.6.7 Deputy M.R. Higgins:**

Just a brief comment first. Yes, the Head of Jersey Financial Services Commission did meet with Mr. Burrow and again he did emphasise his lack of resources as one of the reasons why they did not take action. Secondly, the Minister was asked to meet with Mr. Burrow and could not find the time in the, I think, 2 weeks that he has been in the Island. In terms of the final question, is the Minister aware that Jersey's reputation has already been damaged by this particular incident because the visiting French delegation from the French Senate that were coming in to examine how well we regulate our finance industry went across the road to meet Mr. Burrow and discussed the practical aspects of the regulation in this Island? They said they were told one thing in the Commission, how well we are regulated, and they were very interested to hear in practice how we do regulate. Is the Minister aware of this?

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

Yes, I am aware that the Senate met him. Clearly, they were having meetings with the J.F.S.C. and he was located very close by. Yes, I am aware of that. I also would like to restate the inaccuracies of what Deputy Higgins has just said with regard to the lack of resources of the J.F.S.C. I met with the Commissioner of the J.F.S.C. yesterday and that was certainly not said. What was probably said was the fact that it is an expensive route to take and there has to be solid evidence in order to go for a restitution order. There was not and is not, on the advice that has been received, sufficient evidence to pursue that particular course.

**Deputy T.M. Pitman:**

Sir, could I raise the défaut on Deputy Martin please?

**The Deputy Bailiff:**

It is proposed the défaut be raised on Deputy Martin. Do Members agree? The défaut is raised.

## **2.7 Deputy R.J. Rondel of St. Helier of the Minister for Economic Development regarding the introduction of revised licensing legislation:**

Would the Minister advise Members when the revised licensing legislation will come before the Assembly?

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

Delivering a simplified modern and flexible Liquor Licensing Law is well overdue and remains a priority of my department. However, in order to ensure that the new law is part of the wider States strategy on alcohol, I am working with the Ministers for Home Affairs, Health and Social Services and Treasury and Resources to bring forward a joint strategy which not only deals with licensing but also public safety and public health. The timescale of work in this area is currently dependent therefore on a number of departments. That said, good progress is being made and I am confident that joint proposals for future alcohol and licensing policy will be published soon. This will include a Licensing Law White Paper and the new legislation should then be lodged for debate in early 2013.

### **2.7.1 Deputy R.J. Rondel:**

Does the Minister agree that it should perhaps be given even more of a priority than its current position, given the increasing problems of alcohol due to the high costs of the Health Service and could he elaborate on when soon may well be?

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

Yes, I would agree with the Deputy that this is a serious issue in terms of alcohol abuse. Certainly the Health Department feel very strongly. They have an alcohol strategy which they are bringing forward, which will assist with this issue. It is not just the licensing legislation. Clearly it is a number of areas that need to conspire in order to try and tackle alcohol abuse

within the Island, particularly underage drinking which is a problem and does need to be addressed. As far as specifics, it is a matter of weeks in terms of publishing further details. The White Paper, for example, the legislation, as I have said needs to go to law drafting and that is why I have said the beginning of 2013 is when I hope we will be in a position to lodge for debate the new Licensing Law.

### **2.7.2 The Connétable of St. John:**

Given this new Licensing Law is in the process of being reviewed, will the Minister make sure that it is reviewed along with the Taxi Law? A lot of the problems that have arisen over recent years, since the law was last reviewed by the then Tourism Department - which comes under his remit - back in the 1990s, and a lot of problems at the Weighbridge and in outlying areas were caused because there was not the joined up thinking between the 2 departments. Would he give that some thought?

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

One of the reasons for delay is that it has been so joined up across many departments, clearly it takes a little longer to get these matters progressed. That is regrettable and indeed, I might add, not an acceptable answer, but just a fact. With regard to the taxi issue, there was, of course, a Green Paper, which covered a number of areas. I will check on the results with regard to taxis. I do not know whether the now Connétable was involved in the Green Paper consultation, whether he fed into that, but I am happy to supply him with any results that came through as a result of the Green Paper that was consulted on last year.

### **2.7.3 The Connétable of St. John:**

Will the Minister please confirm that he will look at the Taxi Law in relation to this because they are very close together? A lot of the problems arise because there has been no joined up thinking between the 2 areas of pubs or discos that empty out at a certain time. You want to make sure there are sufficient taxis on the rank to clear the people. This is where a lot of the problems have arisen, having been at both ends of the spectrum when we put the law in place and previous to that when I was in the Honorary Police.

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

The Connétable's point is well made. It is not directly involved within the Licensing Law but it is relevant and I will certainly ensure that it is taken into consideration.

### **2.7.4 Deputy T.A. Vallois of St. Saviour:**

The Green Paper was completed in 2009 and it has taken 3 years to get to this stage. Could the Minister confirm that this was due to departments not being able to agree and not being able to compromise on a way forward? If so, what is the Minister doing differently to bring this forward within the next 3 years?

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

Yes, that is broadly correct. I would not disagree with that point. However, as I made the comment in my opening answer, there is now good progress being made and the fact that the departments are operating together whereas they were not before. There was more of a silo operation previously. That is not the case now. I am very encouraged by the very constructive way in which the departments that I have mentioned are working together to try and find a solution. I believe the timescales that I have outlined are realistic. I am certainly determined and I know the other Ministers are determined and the Chief Minister has been watching with a beady eye as well to ensure that we progress this matter.

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

Could the Minister, if and when he does look into the taxi problem to do with the licensing, also look into the fees for the taxi marshals and so that every Parish contributes? As they leave St. Helier to go to every other Parish and it is St. Helier and the Minister for Home Affairs who pay for it at the moment.

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

I believe this is straying way out of the question and also my remit. I do not have my sticky fingers in so many pots but I will certainly pass it on to the relevant Minister.

**Deputy R.J. Rondel:**

Just to thank the Minister and assure him that we will all be watching him with our beady eyes.  
[Laughter]

## **2.8 Deputy J.H. Young of St. Brelade of the Minister for Transport and Technical Services regarding threatened strike action by bus drivers:**

Will the Minister inform Members of the circumstances which led to the threatened one-day strike by bus drivers and state whether the States contract with the operator provides for the public to be compensated in the event of the unavailability of the publicly subsidised bus service without adequate notice? Would he give details of the action he proposes to take, particularly his contingency plans to prevent a repetition?

**Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):**

I am delighted to inform Members that Connex announced yesterday that all of the planned industrial action has been cancelled following a successful conclusion of negotiations with union representatives. However, in answer to the Deputy's question, in a press release issued on the morning of Thursday, 7th June 2012, Connex set out the circumstances which prompted Unite to announce industrial action. In essence, the union was unable to reach agreement with the company on the workforce's 2012 pay claim of 1 per cent above inflation despite the involvement of J.A.C.S. (Jersey Advisory and Conciliation Services) in negotiations following the notification of strike action to the company. In the event of a strike, the States of Jersey would have been compensated for the non-operation of public bus services in accordance with its contract with Connex. The relatively small proportion of passengers who prepay for travel tickets would be provided compensation by Connex. Connex is a private company and I wish to make clear that these are employees of Connex and the management of employee relations is a matter solely for them and therefore I am not party to internal negotiations. However, T.T.S. (Transport and Technical Services) liaises closely with the company to ensure that the effects of any potential industrial action on the public is minimised and mitigated. Additionally, T.T.S. officers have remained in communication with coach and taxi operators to ensure as far as possible alternative public transport services would be available in the event of a strike, particularly to important locations such as the airport. In addition to this, contingency plans have been developed to manage the additional commuter parking demand which would have been generated.

**The Deputy Bailiff:**

Minister, 2 minutes is the Bailiff's general rule for answering questions and you have now been going for nearly 3.

**Deputy K.C. Lewis:**

Just finishing off now, Sir. T.T.S. has also kept key stakeholders closely informed such as Education Department, Jersey Tourism and Ports of Jersey so they could also make arrangements to mitigate the effects of a strike.

**2.8.1 Deputy J.H. Young:**

Thank you for the very detailed answer. Just a couple of points if I may check. Is the Minister satisfied that the formula for public subsidy would not mean that the public had to pay out more subsidies if the service did not run?

**Deputy K.C. Lewis:**

No, the State is compensated.

**2.8.2 Deputy J.H. Young:**

Is the Minister satisfied that this eleventh hour deal which was announced, I think, calling off the strike at 17.14 of the evening when it was due to start, is he satisfied that that eleventh hour deal will not affect the negotiations in a new contract and will not reduce any opportunity there is to change the service in future to an improved service, particularly on Sundays?

**Deputy K.C. Lewis:**

No, my information is this will not be binding on any new company.

**2.8.3 Deputy G.P. Southern:**

I think I just may have heard a part answer to my question there in the last few words. Can the Minister confirm that there is no agreement with the new company taking over these jobs as to terms and conditions being protected by T.U.P.E. (Transfer of Undertakings (Protection of Employment)) type conditions as promised? I go even further, that is the situation.

**Deputy K.C. Lewis:**

No, T.T.S. will use its best endeavours to transfer all staff to the new company.

**2.8.4 Deputy R.G. Le Hérissier:**

Would the Minister not concede that while he portrays Connex as independent in its labour relations, essentially the ultimate stop is the public who pay the bills and pay a massive subsidy for the public transport service on the Island? So therefore we have, indirectly or otherwise, a vital interest in what occurs. Would he not also agree that a lot of this has been fermented by a major culture of overtime where overtime has become the factor in the wage structure of the company and has made it very difficult to get it organised on another basis?

[10:30]

**Deputy K.C. Lewis:**

Yes, the preferred tenderer, CT Plus, has made it clear that if they were to get the contract, they would expand the service and employ many more drivers which would alleviate that problem.

**2.8.5 Deputy R.G. Le Hérissier:**

Would the Minister not concede that his department is intimately involved in the process because we, the public, ultimately pay all the bills?

**Deputy K.C. Lewis:**

Yes.

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

I do not want to repeat Deputy Southern's question but maybe I could be a little bit more specific. Would the Minister tell the Assembly whether it is his intention to transfer terms and conditions from Connex to the new bus company?

**Deputy K.C. Lewis:**

Yes, as I say, it is all under negotiation at the moment with the preferred tenderer, CT Plus, that all the basic conditions would be carried forward. With regard to pay, I think they would be linked to the 2011 pay scale.

**2.8.7 Deputy T.A. Vallois:**

Could the Minister confirm that a bus strike would be classed as a service failure by his department under the contract and therefore the penalty regime invoked upon the company?

**Deputy K.C. Lewis:**

Yes.

**2.8.8 Senator L.J. Farnham:**

Could the Minister remind Members how much public money is paid under the contract to Connex each year please? 2011 will be fine.

**Deputy K.C. Lewis:**

I am not sure of the exact figure off the top of my head but I believe it is about ...

**Senator L.J. Farnham:**

To the nearest million would also be fine.

**Deputy K.C. Lewis:**

If I can speak, I think it is about £7 million out and about £3.5 million back.

**2.8.9 Deputy G.P. Southern:**

Does the Minister accept that sadly only the threat of strike action has brought a resolution to this problem and does he see that being the case for public sector workers in general?

**Deputy K.C. Lewis:**

No, this was resolved by the union Unite, their drivers, and Connex sitting around the table and talking.

**2.8.10 Deputy G.P. Southern:**

Does he accept that there are several parallels in this particular case with the public sector case especially that the 2012 pay offer is not consolidated, which is the same offer coming from the current Employment Board.

**The Deputy Bailiff:**

I am not sure the Minister has responsibility for the pay offer, Deputy. Deputy Tadier.

**2.8.11 Deputy M. Tadier:**

It is interesting to note the Minister says he is not privy to the negotiations but knows exactly what factors have led to the success of it. Will the Minister inform Members whether or not Connex received an index related increase in their budget for 2011? Thank you.

**Deputy K.C. Lewis:**

Yes, I will have to get back to Members regarding the amount.

**2.8.12 Deputy J.H. Young:**

Would the Minister accept that the public do expect continuity of service, that these kind of situations cause anxiety and that there is a responsibility on the Minister in handing out public money to ensure that not only is the service as good as possible but at least there is some stability of it?



**Deputy K.C. Lewis:**

Absolutely. We were all distressed to hear of a possibility of a bus strike and, yes, that will all be in the new contract.

**The Deputy Bailiff:**

I congratulate the Deputy on having 4 questions there which have got passed the Chair.

**2.9 Deputy G.P. Southern of the Minister for Economic Development regarding the breakdown of new job opportunities in terms of high-value (professional and managerial) posts and those of lower value (clerical/manual):**

It contains several strands, Sir. Will the Minister give a breakdown of the 1,011 job opportunities in P.55/2012 to show in each sector the number of high-value professional and managerial posts and those clerical and manual which are of a lower value and inform Members how many of the 1,011 jobs have been filled and would he further state how he proposes to ensure that future growth creates high-value employment and diversity?

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

Three minutes did you say, Sir?

**The Deputy Bailiff:**

Well, you have got 1,011 questions there I think [Laughter].

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

We do not hold a breakdown of specific job types within each sector as manpower returns request information on total staffing numbers but not the type of roles. I should add that job titles alone are not necessarily an indicator of what can be deemed high-value as jobs with similar job titles in different sectors may get paid very different salaries and may require significantly different skill sets. With regard to the second part of the Deputy's question relating to jobs filled versus opportunities created, I have already stated that these statistics will be published. However, it seems sensible to await the June manpower returns to ensure a fully up-to-date picture. To answer the final element of the question, future growth that creates high-value employment opportunities is a clear objective of the draft Economic Growth and Diversification Strategy that was lodged on 1st June. That is why we have already created Locate Jersey who are specifically tasked with targeting inward investment business. These are high-value, high productivity sectors including financial services, e-commerce, intellectual property, I.C.T. (Information, Communication and Technology), renewable energy and so on. Thank you, Sir.

**2.9.1 Deputy G.P. Southern:**

What powers does the Minister have which will ensure success in promoting high-value job creation, which has been the long-term aim of his department for the last decade? What is the difference?

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

One of the biggest differences is the fact we are specifically and proactively targeting, outside of the Island, inward investment. We have created Locate Jersey, we are going out and successfully over the recent years - hence the statistics - bringing a wide variety of businesses, not just financial services business, but other sectors into the Island to set up and create employment here. The statistics, I have mentioned. We are continuing to analyse those statistics, as I have said, from June manpower returns and we are happy to publish even more.

**2.9.2 Deputy G.P. Southern:**

The Minister does not know what high-value jobs are and what is not because the labels are different in different firms but, nevertheless, he is going to make sure that he produces high-value jobs. Can the Minister refer to his document on page 26 and recognise that over 400 of the 1,000 jobs are in retail. Are these high-value jobs or are they shop assistants?

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

In fact, part of what the Deputy is referring to is the inward investment activity which was part of an M. and A. (Merger and Acquisition) with Waitrose and, yes, 200 of those are in retail and are in relation to that particular organisation but having said that, that is 200 new jobs created within that particular sector. It is job creation. You cannot have jobs in just one particular sector or one particular area. We are interested in all jobs but the aim is clearly raising the productivity in existing sectors and introducing new inward investment businesses which are of a high-value nature.

**Deputy G.P. Southern:**

If I may, Sir, another supplementary please?

**The Deputy Bailiff:**

All right.

**2.9.3 Deputy G.P. Southern:**

On the detail on page 26, how come he is aiming for diversity when the record says that 270 of those 1,000 jobs, a quarter of the jobs, are in finance, so it is more specialisation?

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

I would simply say to the Deputy he would be better informed if he bothered to come to the Economic Growth and Diversification Strategy Briefing that was offered to States Members where there was an opportunity for him to ask questions. **[Approbation]** Indeed, I am always available if he or any other Member would like to come to Economic Development and discuss these matters in detail. I am very satisfied that inward investment is working. We have got a lot more work to do but we are bringing in high-value businesses, they are creating job opportunities for Islanders and we have got to do more of it and not less of it. I would simply add to that, the Deputy should perhaps not be looking so short-termist. Economic diversification is a long-term game and we are in that game.

**2.9.4 Deputy M.R. Higgins:**

The Minister has admitted that he does not know the breakdown of the jobs into the type of category they are. Is this not just another example of the failure to monitor what is going on? You state the policy that we are going to go for high-value, low footprint type industries but you do not have the facts to back it up. So is the Minister going to ensure that the statistics that will be gathered will enable us to be able to monitor this particular process?

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

I think the Deputy and Deputy Southern are missing the point. When we seek to drive inward investment businesses, we talk to businesses and we seek their business plans and the value they are going to add to the economy. What I have been asked this morning is of more than 1,000 job opportunities, to give a breakdown of what those are. That is completely unreasonable. What we do do is that we look very closely on every application for an inward investment business wishing to set up in Jersey, we look at the business plan and the value that that business is bringing to the Island.

**Deputy M.R. Higgins:**

With respect, the Minister did not answer the question. The question was, going forward; will you gather that data so we can monitor what is going on?

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

I have already stated that with regard to the gathering of data between job opportunities created and jobs filled, yes, we look at that through manpower returns, which happen twice a year. The June statistics are coming out shortly and are going to be analysed. These will help to inform the debate and we are happy to publish them.

**2.9.5 Deputy R.G. Le Hérissier:**

Apropos job creation and job removal, would the Minister comment on whether the anticipated decline in the fulfilment industry has indeed occurred or have the prophets of doom been stopped at the gates, so to speak?

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

Surprisingly, it might be a little early to give a conclusive answer to that. Yes, there have been job losses, as one would anticipate, but businesses are continuing, as good businesses do, to apprise themselves of other opportunities. They have been slow in that respect to make as many people redundant as perhaps we would have expected at this stage. So there have been job losses, not to the levels yet that we had anticipated but it is still very early in the process.

**2.9.6 Senator L.J. Farnham:**

Two small parts to this question. The first one is, is the Minister extremely puzzled and confused at the type of questions being asked by Deputies who seem to be interrogating him for a policy that creates jobs? Secondly, could he just confirm please that jobs in retail and low-value parts of the economy as described, including tourism, are not only important but vital to the Island?

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

I am often perplexed by some questions but that, as they say, goes with the territory. With regard to the last question, yes, we need a balance in our economy. Clearly there are different skill sets throughout our community. We have to ensure that we provide job opportunities for all. That goes without saying and that is why such an investment is being made, particularly at this time with regard to job creation. We will continue to do that through Skills Jersey and all the other educational establishments within the Island.

**2.9.7 Senator S.C. Ferguson:**

Is it not for the Government to provide the environment? Does the Minister really believe that Government can identify successful new business areas? Has the Minister got the information on which to make any decisions considering that we have no economic analysis of the fiscal stimulus?

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

Economic analysis of the fiscal stimulus is not really particularly relevant to this but what I would say is that it is not - and I have often said this - for Government to start trying to pick winners. What we can do is we can work in partnership and we should work more and more in partnership with the private sector in order to set the foundations to ensure that business can succeed in the Island. That, I believe, is what we are successfully attempting to do with the creation of the bodies that we have put in place like Digital Jersey, Jersey Business, which is now privately operated to support smaller and medium-sized businesses in the Island and so on. We will continue to work in partnership with the private sector. That is where the ideas are and that is what we need to continue to do. What we also must not do is be frightened to take risks and I believe that as much by Government as it is by private sector. We see that particularly in

my recent visit to Israel where there is no fear of taking risk. They realise there will be failures but they have to and continue to invest in growth opportunities.

**2.9.8 Deputy G.P. Southern:**

Will the Minister accept nonetheless, notwithstanding his answers, that 70 per cent of these new jobs are in retail and in finance? He has singularly missed his target so far and will continue to miss his target after promoting diversity. In terms of the question he was asked by Senator Farnham, the record shows - and these are his own figures - that one new firm has been set up in tourism creating one job.

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

I really do not know the point that the Deputy is trying to make. It is not clear at all. He is thinking, in my view, short-termist, he is not thinking of the long term and he is not looking at the successes that have been achieved. There is a lot more work to be done. This is the beginning and not the end but what he should not be seeking to do is to take cheap pot shots at...

**Deputy G.P. Southern:**

That is unfair, Sir.

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

... I may say companies and individuals that are prepared to have confidence to invest in Jersey, which is exactly what they are doing. We should reciprocate that confidence by giving them our support and that is exactly what we are seeking to do.

[10:45]

The businesses that we drive into this Island through inward investment, we want to be successful, we want them to continue to grow and we want them to continue to employ local people. That is what is beginning to happen but there is a lot more to do and I would hope the Deputy would get behind a positive initiative like that and make some constructive suggestions. Yes, come and engage with the department. We would like to hear about his ideas, if he has got good ideas. We are in this together. Let us work together **[Laughter]**.

**Deputy G.P. Southern:**

Does the Minister accept that all I have done today is quote his own figures?

**The Deputy Bailiff:**

Deputy Southern, you have had your final supplementary.

**Deputy T.M. Pitman:**

Sir, before we move on, is it possible to request that some of the Constables quickly return to the Chamber because I am one Member who does need a comfort break and we have been quorate for quite a while?

**The Deputy Bailiff:**

I am certainly not going to identify any particular section of the Assembly but it is true that we are on the minimum 26 and you are now free to go, Deputy, if you wish to. **[Laughter]**

**2.10 Deputy M. Tadier of the Minister for Social Security regarding the frequency of Long-Term Incapacity Allowance benefit payments:**

Will the Minister advise what process and criteria are employed when deciding whether to grant a request for a weekly, rather than a monthly payment of Long-Term Incapacity Allowance

benefit and would he state how many individuals currently in receipt of L.T.I.A. (Long-Term Incapacity Allowance) are paid by the week?

**Senator F. du H. Le Gresley (The Minister for Social Security):**

Long-Term Incapacity Allowance is paid 4-weekly in advance in accordance with the Social Security Claims and Payments (Jersey) Order 1974. This benefit is available to working age people and is paid based on an individual's assessed loss of faculty. Over two-thirds of the current 3,500 L.T.I. (Long-Term Incapacity) claimants receive payments of less than £100 per week and it would not be cost-effective to administer this benefit on a weekly basis. L.T.I.A. is an in-work benefit and many people who receive payments have other sources of income. Those on low incomes are likely to also be receiving income support, which is paid weekly. In the very small number of cases where L.T.I. claimants have difficulty in managing their money on a 4-weekly basis, alternative solutions are provided such as making payments to a relative or friend acting as an appointed agent or paying the benefit through income support on a weekly basis. Those few individuals in this situation are assisted on a case by case basis, tailored to meet their particular circumstances. I can confirm that 6 L.T.I. claims are currently paid through income support and approximately 70 people have agents. This will be for a variety of reasons and not just to help out with their financial management.

**2.10.1 Deputy M. Tadier:**

Thank you for the information, Minister. I understand the point about it not being cost-effective and the suggestion is not in any way that everybody should be paid on a weekly basis. Simply I am trying to get information about how those who think that they could benefit from a weekly payment, because they have difficulty perhaps managing their budget, can go through that stage. Will the Minister confirm that although there are two-thirds on that who earn less than £100 a month, there are also those on income support who get very small amounts of money, perhaps less than £25 a week who also get paid on a weekly basis. Therefore, there is no reason in reality that in individual cases, perhaps more people should be offered the payment of a weekly L.T.I.A. benefit.

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

The Deputy, I think, has slightly confused the Members. I think it was inadvertently. I did not say people were getting £100 a month. There are people getting the equivalent of £100 a week, which of course over a 4-week period would be £400. The point with income support is it is a weekly benefit and is paid weekly. Therefore we would be very reluctant to change the current arrangements which are in place by law to pay this L.T.I.A. on a 4-weekly basis, which is the same way as we pay old age pensions and maternity allowance.

**2.10.2 Deputy G.P. Southern:**

If relatively small sums can be paid on a weekly basis as a matter of routine through income support, why will the Minister not consider more generally paying weekly benefits rather than, in this case for L.T.I.A. monthly, to enable more people to better manage their budgets?

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

Anything is possible. It is just a matter of cost. There has not been sufficient demand, as I have already indicated, to change the current procedure. I would have to have far more evidence that there is a major concern out there before we would change legislation and also incur extra costs.

**2.10.3 Deputy G.P. Southern:**

Does the Minister accept that there may be a lack of demand because as with many other benefits, the department does not advertise the possibility that this might happen in the first place? Will he accept that he ought to do more to advertise what is available through the benefit system than he does now?

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

The department has a very comprehensive website on the States of Jersey website which explains all the benefits and how they operate. We have numerous leaflets in the front of the department when people arrive, so I do not accept the Deputy's criticism about lack of information. Insofar as L.T.I.A. which is the subject of the original question, it is the case that if a recipient does ask and we feel that there are genuine reasons why they would need to receive their benefit weekly, we will make those arrangements. I really think that is a very good arrangement and I do not propose to change it.

**2.10.4 Deputy J.A. Martin:**

Would the Minister not agree, or perhaps he could find out, that of these 3,000 people on L.T.I.A., I would presume - and the Minister may have the figures - that the majority are topped up weekly by income support? So why is it physically impossible not to because I do know people are very confused to get these 2 separate payments? I think to say that it is not cost-effective when, as I say, the majority are already topped up by income support weekly ... can he let the House know the figures of the 3,000 who are topped up and really look into this a bit deeper?

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

I am happy to provide the Assembly with more information about the number of recipients of LT.I.A. who are also on income support. I am quite happy to do that. I do not believe that it will change the view of the department and my view that this benefit is a 4-weekly benefit in the same way as I have mentioned to other benefits. We all have to remember of course that most people these days are paid monthly if they are in work and the majority in fact of the recipients of L.T.I.A. are people in work and therefore they are used to budgeting over a 4-week period.

**2.10.5 Deputy M. Tadier:**

There will be more questions perhaps asked privately as well as publicly and I appreciate the Minister has also been very helpful up until now, something which the Assembly will not necessarily appreciate. Can the Minister acknowledge that there is potential in looking for efficiencies as Deputy Martin suggested, when there are 2 different systems, some of which pay very small amounts of money; the others which are paying larger sums of money? I appreciate that some people are working on LT.I.A., some people are not working. Many who do work are also receiving weekly payments if they were a manual worker for the States, for example. So will the Minister look into a more holistic approach to make sure that there is joined up thinking at his department in terms of income support payments which are done weekly, L.T.I.A. which is done monthly? In order to see if a more appropriate and user-friendly system can be come up with which would potentially save money but which would certainly benefit the recipients of those benefits?

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

I am pleased that the Deputy recognises the help that I have already given on this matter directly to him. I am quite happy to look into the matters he has just raised. I do not expect to see any dramatic changes required but I am certainly happy to look into the matter further.

**2.11 Deputy M.R. Higgins of the Minister for Home Affairs regarding the oversight of the States of Jersey Police:**

Would the Minister inform Members who, if anyone, has the power to ensure that the States of Jersey Police carry out investigations into alleged wrongdoing when the police decide not to do so and who has oversight of this aspect of police operations?

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

The oversight of the States Police is the responsibility of the Minister for Home Affairs. The police have a statutory duty to take all such lawful measures as may be necessary for the purpose of bringing offenders, with all due speed, to justice. When an allegation of an offence is made, they are duty bound to make an assessment and to give proper consideration to the allegation to establish if an offence has been committed. They will normally make a preliminary assessment to determine that there is some substance to the allegation and some evidence of an offence having been committed. In some cases, they will conclude that the matter is a civil matter and not a criminal matter. In some cases, they will conclude that the allegation is spurious and not based upon evidence. Sometimes claimants even fail to attend at police headquarters to make a formal complaint. Where matters are referred to me, it is my role to ensure that proper consideration has been given and a proper process followed in relation to the investigation. I must not, for important constitutional reasons, override the principle of the operational independence of the police. Therefore, the ultimate decision remains with the police. In addition, the Attorney General has the power in some cases to institute investigations and will also sometimes request the police to do so where he finds this appropriate.

**2.11.1 Deputy M.R. Higgins:**

Is the Minister aware that in the George Burrows case, the Jersey Financial Crimes Unit and the J.F.S.C. are playing ping pong as to who should be dealing with the alleged fraud by Standard Bank to the detriment of Mr. Burrows?

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

I do not believe that to be so. This was yet another example of a general question being asked of me which was going to be followed up by a specific question. With respect to the Deputy, that process is not helpful. I did, however, correctly guess what this was about and indeed have a copy of a letter written recently by the police to Mr. Burrows explaining that this matter. The criminal investigation has been looked at and reviewed by 3 different officers at different levels. Each of those 3 officers looking at it concluded that there was insufficient evidence to warrant a prosecution. So I do not agree with the assessment of the Deputy. The police have looked at this independently as a criminal matter. Three different officers on different occasions have assessed it. They have all come to the same conclusion.

**2.11.2 Deputy C.F. Labey of Grouville:**

Would the Minister also confirm who has the power to investigate when the allegation is of the Jersey Police wrongdoing?

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

Well, the main issue in relation to wrongdoing with regards to individual police officers of course is a matter for the Independent Police Complaints Authority to oversee an investigation which may or may not subsequently lead to a disciplinary hearing. If the Deputy's question relates to a complaint against individual officers, that is the appropriate process. If the Deputy is asking me a question in relation to my role in relation to overseeing such matters, I certainly can inquire into matters and do so on appropriate occasions but I normally will not do so until the matter ceases to be an operational matter. I will normally, if I think it is appropriate to do so, make inquiries to find out what happened, to draw conclusions and to see whether there is a need for change in terms of processes and procedures.

**2.11.3 The Deputy of Grouville:**

I would like to take the Minister up because I am not entirely sure he answered my question. Who should an individual go to if there is an allegation against the Jersey Police Force, not an individual, and what if the Police Complaints Authority fails to respond?

**The Deputy Bailiff:**

I am sorry, Deputy. Do you mean an allegation of criminality or an allegation of some civil wrongdoing?

**The Deputy of Grouville:**

Criminality, Sir.

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

Well, inevitably, an allegation of criminality would be an allegation against individual officers and not against the force as a whole. Therefore a person should make a complaint in the normal way to the States of Jersey Police and then officers not connected with the matter will become involved in the investigation. If necessary, officers will be brought in from outside the Island to conduct an independent investigation in relation to the matter. I have tried earnestly to answer the Deputy's question but I am not sure I understand what the question is.

**The Deputy Bailiff:**

Deputy, do you wish to press it any further?

**The Deputy of Grouville:**

Yes, Sir. If an external police force is brought in, who is responsible for drawing up the terms of reference?

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

If an external police force was brought in to investigate a matter, then clearly the nature of the matter that they would investigate would be set out by leadership of the police force. The leadership of the police force is the answer to that unless, somehow, the Attorney General had got involved in the process.

[11:00]

**2.11.4 The Deputy of Grouville:**

So the terms of reference are drawn up by the police force that is being investigated? Is that what the Minister is saying?

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

The Deputy keeps on referring to a police force being investigated in the context of criminality. There cannot be a possibility of a police force being investigated quite in the way that she means. It is individual officers. If it were very, very senior officers, then, obviously, there would be a need to ensure a sufficient degree of independence but processes also exist in relation to that.

**2.11.5 Deputy M. Tadier:**

It is at times like this I wish I had gone to a posh school and then my Latin would have been better but I know there is a saying about who polices the police - obviously, Deputy Le Hérissier is more well-versed in that - and I think that is what the Deputy of Grouville was getting at. If I can ask this question, it may be helpful. I think what one is trying to ascertain is that the Minister has quite clearly reminded the Assembly that it is inappropriate for the Minister to get involved in operational matters. However if there has been a suggestion - and it is hypothetical it seems at this point - that a lack of confidence in the institution of the States of Jersey Police were to be a problem for an individual or a group of individuals, would it then be appropriate for a complaint to be made to the Minister, because it becomes a political issue, and for the Minister to then take action?

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

The structure of authority in relation to matters concerning the police flows down via the public who elect the Members of the States; the Members of the States who elect the Minister for Home



Affairs; the Minister for Home Affairs whose job is, among other things, to hold to account the Chief Officer of Police; the Chief Officer of Police whose job is to ensure that matters are operating properly within his own police force. So there is a structure which flows down. Ultimately, the Minister for Home Affairs holds to account the police force by holding to account the Chief Officer of Police in relation to ensuring that he is conducting matters properly and overseeing matters properly.

**2.11.6 Deputy M.R. Higgins:**

The Minister is wrong. It was not just the George Burrows case that I was going to raise. There are a number of cases. Members are contacted by members of the public in fact far too frequently on matters concerning the police force including further reports of police officers entering property without lawful cause. In other words, entering without a warrant and so on or taking property from premises and then losing the property. We have incidents reported where the cases have involved former police officers and all of a sudden the inquiry has come to an end. Those types of matters, who should we take those to? Is it you or is to whichever?

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

I think it is a matter of choice. I would always suggest that matters be taken initially to senior police officers. But if people are dissatisfied with the outcome of that, they should come to me, because I have the wider role of oversight. In such cases, I will pass on information and request a brief report in relation to the matter, so that I can assess what is going on and whether it is being dealt with properly. As I say, I would always, in relation to any of the Home Affairs departments, urge people to go first of all to the senior officers of the department and only if that fails then to come to me and I will then intervene.

**The Deputy Bailiff:**

Minister, I hesitate to intervene, but public confidence in the police is very important. Is it worth adding something about the Police Complaints Authority? You have mentioned it briefly, but Members perhaps have not focused on that.

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

I thought I did mention that. That is precisely why we have an independent Police Complaints Authority. The Police Complaints Authority has the role of overseeing the investigation of complaints against individual police officers and can, at the end of the day, require a disciplinary charge to be brought, even if senior officers are declining so to do. But that process is not a criminal process. That is a process in relation to disciplinary action against individual officers. That is precisely why it has been set up as an independent body.

**Deputy M.R. Higgins:**

Just a comment on that, complaints have been made to the Police Complaints Authority, who do not inform people what the incident was about and also have not got back to people who have made complaints.

**2.11.7 Senator L.J. Farnham:**

Not a question, just an attempt to be of assistance, the rules relating to the Police Complaints Authority are clearly set out on the States of Jersey website indicating the process to follow in the course of a complaint.

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

I am grateful to my Assistant Minister. I also have responsibility under the law for oversight of the Police Complaints Authority. So, if people have problems with the way in which the Police Complaints Authority is operating, they should ultimately refer those matters to me, because I also have an oversight responsibility there.

## **2.12 The Connétable of St. John of the Minister for Transport and Technical Services regarding tenders for the scrapyard contract:**

Would the Minister inform Members whether Picot and Rouille Limited has been chosen to tender in the current round of tendering for the scrapyard contract? Would he also state whether all the preferred companies on the shortlist are locally based companies with experience in recycling?

### **Deputy K.C. Lewis (The Minister for Transport and Technical Services):**

As Members will appreciate the questions being asked would require me to divulge information that is restricted by the tender process. With this in mind, I am not in a position to answer them at this stage. I can, however, give the Constable of St. John and the Assembly my assurance that the tender process being undertaken meets the appropriate States of Jersey procurement rules and pursues a number of other criteria such as employment of local staff. Leading practice in environmental and safety management and the requirement to provide a business model which offers best value to the States of Jersey. The Environment Scrutiny Panel has been fully briefed on the scrapyard contract progress to date and all the issues relating the existing and new contract. I do not believe that information relating to a particular company should be discussed in this public forum. I do not think it fair and reasonable to do so while my department is under strict rules of tendering. I am happy to provide further and the latest information to the Environment Scrutiny Panel, which will answer the question asked by the Constable of St. John.

### **2.12.1 The Connétable of St. John:**

Given the Minister's answer, is it usual that when a company has been told that they are not going to be on the tender list, for the department to write an unsigned letter to Picot and Rouille - which I have a copy of here - saying that they are not on the tender list, but their name will be given to companies to ask if they wish to become junior partners in any deal? Can that be right for the Minister and his department to be using an odd way of approaching this situation, given these people are not on the tender list?

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

I am not sure of the letter to which the Constable refers. Hopefully he will furnish me with a copy. Obviously we would like any local companies employing local people to be involved in any new or further contracts. But nothing is guaranteed.

### **2.12.2 Deputy J.G. Reed of St. Ouen:**

Would the Minister advise whether the shortlist of preferred companies is still to be finalised?

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

The amount of companies invited to tender is 6, following first stage assessment.

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

Does that mean that the list has been finalised?

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

The final list, yes.

### **2.12.3 The Deputy of St. Ouen:**

When will the tendering process be concluded?

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

I believe that will be in several months' time.

**2.12.4 Deputy T.M. Pitman:**

Maybe I have missed something, but with fairness to the Constable of St. John, the letter he refers to does seem to suggest a process that hardly seems appropriate or above board. Could the Minister clarify a little more in his answer?

**Deputy K.C. Lewis:**

I would need to see the letter.

**2.12.5 The Deputy of St. Ouen:**

Could I ask the Minister, would he reconsider including the local company on the tender shortlist?

**Deputy K.C. Lewis:**

The tendering process is a very rigorous process. Quite a few companies have applied. There have been local companies, there have been off-Island companies and there have been a combination of local and off-Island companies. As I say, there has been a very, very strict process and the list is there. The number is 6.

**The Deputy Bailiff:**

I think you were asked whether you were going to reconsider.

**Deputy K.C. Lewis:**

That would not be in my remit.

**2.12.6 The Deputy of St. Ouen:**

I struggle to understand that, because this is a company that has been providing a service to this Island for 40 years [**Approbation**] and I would ask that the Minister would seek to find a solution that would allow this company to tender or take part in the tender process for the new contract.

**Deputy K.C. Lewis:**

The company tendered along with every other company. The tender process is very rigorous.

**2.12.7 Senator L.J. Farnham:**

Could the Minister give an example of why a company such as this would be excluded from the final tendering process?

**Deputy K.C. Lewis:**

Quite bluntly, they did not come up to the mark.

**2.12.8 Senator S.C. Ferguson:**

Would the Minister care to explain whether the tender was being handled through the Procurement Department or through his own department?

**Deputy K.C. Lewis:**

It was through a combination of the 2, I believe.

**2.12.9 Senator S.C. Ferguson:**

Supplementary, please, Sir. Does this mean in effect that the Procurement Department, who perhaps do not know the industry as well as the Minister's department, were in fact taking the lead on this contract?

**Deputy K.C. Lewis:**

The departments do have experts employed in the industry and it was a very rigorous process.

**2.12.10 Deputy M.R. Higgins:**

If I could just seek clarification on that, is the Minister trying to tell us that the State's Procurement Department have specialists in material handling and recycling?

**Deputy K.C. Lewis:**

Transport and Technical Services has experts in materials and recycling.

**2.12.11 The Connétable of St. John:**

I hope I can get given a bit of leeway given my colleagues have had considerably more bites at the cherry than I have. Given that there will be remedial work on this site, who will be undertaking the work? Also, of those companies tendering, are they all fully experienced in recycling? If not, how could they be on the tender list?

**Deputy K.C. Lewis:**

All the companies tendering are experienced in recycling. Any remediation work is under investigation.

**2.12.12 The Connétable of St. John:**

Sir, a supplementary on the final part? If the remedial work is currently under investigation and there is less or about 6 months left on the contract, when will this work be carried out and by whom?

**Deputy K.C. Lewis:**

The remediation inspection is under investigation as we speak. It may not be possible to use exactly the same site to start with. But we have to do exploratory works on the site to see if there is pollution there.

**The Deputy Bailiff:**

By whom? The question was by whom.

**Deputy K.C. Lewis:**

I beg your pardon, Sir, T.T.S. officers.

**2.13 Deputy T.M. Pitman of the Minister for Housing regarding the provision of adequate safe play areas for children in States Housing developments:**

Can the Minister give assurances that efforts will be made to ensure that all States Housing developments are provided with adequate safe play areas for children as a matter of urgency?

**Deputy A.K.F. Green of St. Helier (The Minister for Housing):**

I would like to see play areas on many of our estates, where appropriate. But I cannot give assurances that all States housing developments will have a play area provided. There are a number of pertinent considerations which have to be taken into account. These include the availability of land and or facilities that lend themselves to that provision or conversion, the dynamic of the resident population on the estate, consultation with representative tenant associations, planning consent in some cases and the availability of funding.

**2.13.1 Deputy T.M. Pitman:**

I thank the Minister for his answer and I know he is committed to this. Indeed we visited a site just the other week. Does the Minister agree, I am sure that he will, that a small amount of

investment in young people now can save a fortune in the long term with regards to vandalism or perhaps avoiding accidents?

[11:15]

So, when we have areas that just perhaps need fencing around them, that given his £27 million windfall the other week, if there is any spare change from that, could he channel some of that into those areas?

**Deputy A.K.F. Green:**

I do agree that investment in our young people is important and pays dividends very often. Throughout the development of our estates, we have found that working with the community is key. We have had evidence of this and its successful provision of safe play areas at Clos St. André, at Le Geyt and La Collette. As the Deputy referred to, we are working together with the residents of the Cedars where we met with the District Deputies and the delightful young people in the Cedars and I hope to provide a facility for them if we can.

### **3. Questions to Ministers Without Notice - The Minister for Social Security**

**The Deputy Bailiff:**

Very well. We come to the end of that part of question time. We now come to questions to Ministers without notice. The first question period is to the Minister for Social Security. Deputy Le Hérisssier?

**3.1 Deputy R.G. Le Hérisssier:**

Can the Minister confirm that the delay to the introduction of the insurance scheme, the Care for the Long Term Elderly, is solely based upon the fact that he does not believe that the suggested rates were set at the right level or are his changes going to be of a more radical nature?

**Senator F. du H. Le Gresley (The Minister for Social Security):**

In answer to this question, I could speak for about half an hour, but I am sure you would not wish me to do so. The suggested rates that the Deputy refers to were, of course, in the report accompanying the proposition which introduced the enabling law. The rates that were mentioned there were as a result of the Green and White Papers that were consulted on. It is a fact that in reviewing these rates that they do not appear to be adequate. There will have to be streamlining of not only the contributions required but also the means testing and the eligibility to the scheme. There are a number of aspects that I am looking into. That is a reason for the delay coupled with, of course, the need - which I believe is imperative - to make sure that we collect contributions from people who have earned and unearned income. That is why we are looking to work with the Tax Department for the collection of the contributions.

**3.1.1 Deputy R.G. Le Hérisssier:**

Could the Minister explain his concern that this scheme may be placing a much greater burden, as indeed are other schemes now because of the way the economy is moving, upon the younger generation and that the older generation, those who have now moved into retirement and have in some cases, for example, done well out of property, that they should bear a greater burden? Is that his thinking?

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

This is such a difficult area that it is difficult to answer very quickly in a couple of minutes. The fact is that that Green Paper showed that the calculation was that contribution rate for employees could be 6 per cent by 2036 and possibly 8.5 per cent by 2049. I am very concerned that with the projection of the ageing population that that 8.5 per cent may be even exceeded. That is why

we are looking at the contribution rates and also whether we need to phase this scheme in gradually rather than offer all benefits from day one.

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

That is a major change of policy there, we just heard. Could I ask the Minister, does he have figures for the amount of overpayments made under the Income Support System? Does he accept that when overpayments occur it does cause hardship in paying those overpayments back?

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

I would be very well prepared for this question time if I had that sort of figure at the top of my head. However, I agree completely with the Deputy that when overpayment occurs it does create great difficulties for the individual who has to repay the department. I can tell the Deputy, and I think he is well aware, that the rate that we collect any payment is at £3 per day or maximum of £21 a week. But there is discretion and we do work very carefully to make sure that people are not placed in a difficult financial position.

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

Will the Minister then examine this particular area and produce some figures as to how often this occurs? Will he take measures if he considers it appropriate to alleviate or to ameliorate this situation?

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

I think it may well be very difficult to provide the Deputy with the information he is seeking, because overpayments can occur in very small amounts, which the department may decide to overrule and not claim back or there could be substantial amounts. Current claims are about £6,600. So, to go through the claims over the last 4 years would be incredibly time consuming and I am not sure they would be of great value. However, I am prepared to consider whether the rate of £3 per day is appropriate for collecting money overpaid and that is something I would be quite happy to look at.

### **3.3 Senator L.J. Farnham:**

Given the high level of unemployment, is the Minister considering introducing any form of work scheme that will help facilitate in returning some of the unemployed to work? I am alluding to schemes such as work involving environmental projects that include a certain amount of training and skills implementation.

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

I am pleased to advise the Senator that the use of environment work schemes is something that the Back to Work programme is currently developing. These are voluntary schemes, I would stress. We are working with the Men of the Trees, in particular, to have an ongoing scheme to do with the trees in the Val de la Mar reservoir and the restoration of the forest there. So, that is an example of a scheme that is currently up and running. We have people from the Workwise area who are currently doing voluntary work. I am sure that in conjunction with the Minister for Planning and Environment that we will hopefully have other such schemes coming forward in the future.

#### **3.3.1 Senator L.J. Farnham:**

Just a point of clarification, the Minister when he says “a voluntary scheme”, does he mean it is voluntary as to be included in the scheme or it is not remunerated?

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

Voluntary to take part in the scheme.

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

Given the Minister's comments that he thinks that ... estimated the long term care is at such a low rate, I have grave concerns of the delay. What I would like to ask the Minister for Social Security is would he look into the amount of people who are on the verge of keeping their main residence, but now could be delayed for up to 2 years? Would the Minister look into people not signing over their main residence to Social Security, who on their demise will then be able to sell that property, which is happening now? I think that is the main concern. That is really sort of 2 questions. Why the delay, because we should get started if it is not enough? Secondly, the concerns out there again about the main residence of people ... you are going to capture a lot of people's homes in the next 2 years.

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

To bring in a temporary relief pending the full scheme coming into force is something that my officers are looking at. Sadly, I have to inform that Assembly that to do anything of that nature is going to cost significant sums of money and this would probably mean an increase in the amount of income support benefit that we pay for people in nursing or residential care. There is no budget for this and I am not sure that the Minister for Treasury and Resources would give me the increased budget to introduce a temporary scheme to relieve some of the problems that the Deputy is referring to. We are looking at it and if we are able to do anything I will come back to the Assembly with some proposals.

**3.5 Deputy T.A. Vallois:**

A large number of recommendations were made in 2 Scrutiny reports over the last 3 years and were deferred due to a review being undertaken by the Minister's department. What has happened to that review and will the Minister endeavour to update Scrutiny as to those particular recommendations?

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

That is quite a vague question, because the Deputy has not told me what it is that she is trying to get me to respond to.

**Deputy T.A. Vallois:**

Sorry, it is with regard to income support.

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

I think the fact is we are continually reviewing income support. It never stops. Members will be aware that we have recently lodged the proposition, which again is the result of reviewing income support. One of the main recommendations of the last Scrutiny Panel report was that we produce a report on the components and the cost of income support and how the money has been allocated. I am pleased to advise Members that that report is nearly ready for publication. I am due to see the final draft very shortly. It will be released as an R. I am sure that Deputy Southern, in particular, will have plenty of questions once he reads the report.

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

There were many other recommendations that were made and deferred due to a review being carried out by the department. This was specifically stated in the response by the Minister. Now, will the Minister come back to Scrutiny and advise us on an update as to where they are with those recommendations or whether they are even accepting them?

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

To the best of my knowledge, the previous Minister responded to the last Scrutiny Panel report. I have read his comments and I believe that we are covering all the angles.

**3.6 Senator L.J. Farnham:**

Could the Minister just remind the Assembly please, of the level of benefits that are currently paid out on an annual basis, and an indication of how they have increased or otherwise over the last 2 to 3 years?

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

The department's report on the payment of benefits out of the Social Security fund will be available very shortly. Insofar as income support, I have already indicated that we will be producing a separate report of the components. I can say that the figure in total for income support, which includes residential care transition, winter fuel, was just over £90 million in 2011.

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

In a previous answer the Minister said he is reviewing low income support payments. I wanted to ask him whether any consideration had been given to tie in low income support payments in with housing qualifications. What I am referring to is increasing the period of time to 10 years that people would need to be living here before they qualified for low income support payments.

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

We have taken the opportunity of using the Jersey Annual Social Survey, which has just been sent out to approximately 4,000 households to ask the very question the Deputy is raising as to the length of residence that people feel is appropriate to qualify for income support. This is just one source of information that we will use should we decide to increase the current period of 5 years to a longer period.

**3.8 Deputy G.P. Southern:**

Could the Minister inform Members what take up, I know it is early days, of the subsidised work scheme he has so far met on the scheme that he announced last month?

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

I think the Deputy refers to the employment grant, which is to encourage employers to take on somebody who has been unemployed for more than 12 months, of which there are approximately 310 people at the moment. The answer to the Deputy's question is that as of yesterday we have had about 40 inquiries. Some are progressing to the point of selection of candidates and taking up employment.

**3.8.1 Deputy G.P. Southern:**

Is the Minister content that that is an appropriate response, 40, some of which will not be progressed, out of 310? Is that enough? What more can he do?

[11:30]

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

The scheme has been made available and publicised since 18th May, so it has not really be running for 4 weeks yet, so that is an average of 10 inquiries per week, which I do not think is too bad. We have to bear in mind that, of course, in many cases it is about creating new jobs, because employers may be thinking of using this scheme to perhaps increase their workforce. So, in the current economic climate, some employers may not feel that they are ready to increase their workforce.

**3.8.2 Deputy G.P. Southern:**

Could I have a supplementary, Sir? What measures does the Minister have in his armoury to improve that particular score?

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



The Back to Work team are doing a fantastic job in communicating with employers, making sure that we try and match skills and bring in appropriate training. Certainly we are working in particular with the Jersey Hospitality Association, because personally I see that as an opportunity to find new employment for people. A lot of work going on and where possible if new schemes arise that will generate opportunities for employment then we will progress those.

#### **4. Questions to Ministers Without Notice - The Chief Minister**

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

That brings question time for the Minister for Social Security to an end. We now come to questions without notice to the Chief Minister. Deputy Tadier?

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

Would the Chief Minister inform Members why stakeholders were not informed of the engagement of Mr. Williamson when clearly they were informed at the outset of the engagement of Verita and also invited to speak to him about the consideration in the formation of the terms of reference?

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

I am not sure that there is an answer to that question. Perhaps, if anything, it is an oversight on my part, which I am trying to correct now.

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

Sir, supplementary? The Chief Minister is far too much of an erudite and clear-thinking man to make such an oversight. Clearly he realised that an undertaking was given by his predecessor and when Verita was engaged the first thing that was done was for those States Members who were interested and members of the public and groups like the Jersey Care Leavers Association were brought in immediately to discuss with Verita. Was it not the case that the Chief Minister did not want to inform anybody that Mr. Williamson had been engaged and it is only when myself and other interested States Members started to make inquiries that we were told that Mr. Williamson had been engaged? Otherwise we would never have known. The public would never be in this position to know at this stage.

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

It is not the case that the public would never have known, because I intend to publish the results of Mr. Williamson's work. I can simply reiterate the first answer that I gave, that it was an oversight on my part, which I am now endeavouring to correct.

#### **4.2 The Connétable of St. John:**

Could the Minister give details of his calendar engagements for the rest of this week, please?

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

I think I am going to have to refrain from answering that, because I have only got 15 minutes and it would take considerably longer?

##### **4.2.1 The Connétable of St. John:**

Could he give the calendar events for one day of this week, please?

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

Yes, today, I have had a meeting prior to this States sitting. I am hoping, Sir, and I am relying on your good judgment that we might finish by lunchtime. I have 2 meetings in my diary to take place during the lunch interval. I have 4 other subsequent meetings this afternoon. Then I have

an evening meeting starting at 6.00 p.m. which I expect to finish around 9.30 p.m. I was pleased to be able to read in my papers overnight that there might be light refreshments provided at that meeting, which means that I do not then need to rush home and eat my cold dinner.

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

As per the response in the written question to the Chief Minister by myself, could the Minister explain why it is only now that H.R. (Human Resources) needs investment and why it was not 3 years ago when we were given exactly this same kind of response and nothing happened?

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

Some people have referred to me as an optimist. I am sure that that is rather too generous. I cannot always speak on behalf of those who have gone before me, but I am absolutely certain that investment is required now. I believe that we have probably had report after report which is now showing that the central corporate functions have been under invested. It is not right. We are paying too high a price for that under investment. It cannot go on.

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

Supplementary, Sir? Could the Chief Minister give an indication of how much that investment will be for H.R. function?

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

Off the top of my head I think that we are looking at around £500,000 to strengthen that H.R. function and ensure that it is fit for purpose. The complete redesign of the public service is going to cost much, much more than that.

#### **4.4 Deputy J.H. Young:**

In the absence of an ombudsman, is the Assembly to conclude from his actions in approving the *ex gratia* payment in the planning enforcement matter brought to our attention by Deputy Higgins, that in the future he and his department will be dealing with all claims and complaints against all States departments? If not, will he provide guidance whether powers exist for Ministers to deal with them?

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

I think that any complaint should in the first instance be referred to the department. There were some exceptional circumstances in this case, that the Council of Ministers felt with regard to undertakings given, but the legal situation that the department found itself in, we felt that this *ex gratia* payment was the right way forward.

#### **Deputy J.H. Young:**

I would like some clarification from the Attorney General on this question of the *vires* of Ministers being able to authorise *ex gratia* payments. I think it is a point of principle there. Now is the time to do it.

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

But not during Chief Minister's question time. Deputy Martin?

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

Would the Chief Minister confirm that Jersey Post is collecting V.A.T. (Value Added Tax) for the U.K. after the kicking we got? If it is not collected this end, the English Post is holding the collector or the receiver, mainly on eBay, on even very small amounts, to ransom for the minimum amount of £5.95. What is the Minister intending to do about this?

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

I think that this does not necessarily fall under the Chief Minister's remit, but the Minister for Economic Development or Minister for Treasury and Resources remit. It is my understanding that, yes, the memorandum of understanding, which I think it is, is still in place and therefore in effect, Jersey Post are collecting V.A.T. on the pre-paid system as they were previously. The difficulty, of course, is that while we might feel that that is extremely uncomfortable, the United Kingdom has made that decision. What it does continue to allow is that those who are posting high value items into the U.K. market place are able to do so quickly, which is critical to the mail order delivery business model.

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

The Chief Minister mentioned the total redesign of the public sector. Does the Chief Minister consider that he is treating the public sector pay negotiations seriously enough, given his postponement yesterday of a meeting due on the 11th January because of other pressing matters? Although his representatives had insisted that national representatives of the public sector workers were required to attend on 11th January, he postponed this meeting. For this vital meeting, he was told, they have to be there and yet he postponed.

#### **Senator L.J. Gorst:**

I am not sure where the question was. It is indeed extremely important. I issued a statement, I believe, on Friday saying that I am sorry that that meeting had to be cancelled, because there were people travelling from the United Kingdom, it had to be considered in early course. I recognise it is no excuse, I do have a very busy diary and it is only appropriate that there is appropriate preparation time for those important meetings as the Deputy will be aware. It has been an extremely busy time and it was with regard to the appropriate preparation for that meeting.

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

Is it beyond the wit of the Minister's department to fix up a date, which still has not been fixed, for completion of this particular meeting? Does he not consider that the whole progress of pay negotiation is being unnecessarily delayed by his department? Is it not about time he got a move on?

#### **Senator L.J. Gorst:**

Pay negotiations have historically taken a number of months, because by very nature they are negotiations. I am not sure that it is fair to criticise one side and say it is time they got a move on. But, yes, negotiations must continue.

#### **4.7 The Deputy of Grouville:**

As a Member of the Scrutiny Panel at the time, I suggested to the Migration Advisory Panel to consider the introduction of a deposit for an employment card with a nominal sum of perhaps £300. That would be refunded upon leaving the Island. That way, it would act as the only mechanism for knowing who has left the Island. Would this not be a better way to pay for the administration costs of cards?

#### **Senator L.J. Gorst:**

I was not aware of the Deputies recommendation. It is perhaps not too far removed from what is now being suggested, other than if we were to take a deposit and refund it obviously that would not then help with the cost because the amount would be refunded. The purpose of the consultation on the fees is to cover the cost of the mechanisms for control of migration. I think probably that is an appropriate methodology to adopt.

#### **4.8 Senator L.J. Farnham:**

I would like to ask the Chief Minister the position in relation to the Chief Officer of the States of Jersey. I understand the incumbent is there in an acting basis and I wonder if any thought had been given to making a position of Chief Officer of the States of Jersey permanent in the near future.

**Senator I.J. Gorst:**

Yes, it has. The issue was discussed by the Council of Ministers and we are now in a position of actively dealing with that particular issue. We hope to be able to recruit to that post.

**4.9 Deputy M. Tadier:**

Will the Chief Minister confirm or say whether he thinks that the recent suggestion for charging immigrants to enter the Island risks sending out a wrong and xenophobic message of an Island, which has traditionally been welcoming and dependent on immigrants, both culturally and economically.

**Senator I.J. Gorst:**

I do not believe that it does. Guernsey charges for such administration, as does the Isle of Man. Therefore, I do not believe that it does, because the Deputy makes the right point. The Island has historically been reliant upon immigrant labour and we must acknowledge the benefit that those individuals have and continue to give to our community.

**4.9.1 Deputy M. Tadier:**

Supplementary? If the charges are to be retrospective, will the Chief Minister envisage himself having to pay this fee?

**Senator I.J. Gorst:**

I am not sure that the charges are to be retrospective. If the Deputy has read the consultation document, there is no proposal to charge what will be entitled individuals. Of course, it is not really for me to talk about my individual circumstances and therefore I will not.

[11:45]

**4.10 Deputy T.A. Vallois:**

Could the Chief Minister confirm whether he will be appointing a Chief Executive within his term of office?

**Senator I.J. Gorst:**

I hope to be able to do so, yes.

**The Deputy Bailiff:**

Very well. If there are no other questions, that brings questions to the Chief Minister to an end. Senator Le Gresley, the departure of yourself from the Assembly room seemed to coincide with the absence of noise; I wondered whether this was a coincidence or whether you have an admission to make?

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

I had a feeling that I might be the guilty party, but I have checked my piece of equipment and no message came through, so I do not believe I was, Sir.

**The Deputy Bailiff:**

It must have been a coincidence then. Very well, that brings question time to an end. I give notice to Members that P.61/2012 Vote of Censure: the Minister for Treasury and Resources has been lodged by Senator Ferguson. There is nothing under J, Personal Statements. There is nothing under K, Statements on a Matter of Official Responsibility.

