

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 25th FEBRUARY 2020

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[9:30]

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

The Deputy Bailiff:

We do return to the matter of Senator Le Fondré. There was a suggestion that he should be marked *excusé*, which was disputed. If Members wish to address this issue now, that would be a convenient moment.

Deputy K.C. Lewis of St. Saviour:

Yes, it is quite true that Senator Le Fondré has been away on leave, but he was in London yesterday very early and obviously delayed because of the fog, but he is working from the London Office and attended a conference call for the Council of Ministers via a conference link yesterday. So I would maintain that he be *excusé*.

The Deputy Bailiff:

There is a distinction to be drawn between absent on States business and simply being away from the Island. Does any other Member wish to speak on this issue?

Connétable L. Norman of St. Clement:

I do have certain sympathy for what Deputy Le Hegarat was saying, but the reality is, as a States Member, Senator Le Fondré was booked, due to come back to the Island - I am not sure if it was yesterday, or on Sunday, in fact - and through no fault of his own, his flight could not get in. **[Approbation]** Through no fault of his own he could not get a replacement flight until tomorrow. I think it would be, in these circumstances, whatever the reason for him being away in the first place, it would be unreasonable for him to be marked *en défaut* when he had no control over the circumstances, whatsoever. So, I really do think it would be proper for the States to declare him excused.

Deputy M. Tadier of St. Brelade:

Personally, I am minded to accept that Senator Le Fondré, the Chief Minister, should be marked as excused and the reason he is excused is because he is late. So, he has been away on a personal holiday and he is late coming back, due to circumstances out of his control and I think that, in future, we need to extend that principle, if we make the precedent today, to anybody, whether they are in the Island, or out of the Island, if they are late for the Assembly, due to circumstances out of their control. So, for example, if I have trouble getting in one morning, as has happened in the past because my moped has not worked and it was a matter out of my control genuinely because it could have ... these are all hypotheticals which we will have to deal with in the future, it could be that there has been a car crash on Victoria Avenue, which is again outside of one's control, or it could be that there is an accident that has happened on the motorway, when you are driving back to Poole and, therefore, you have missed the ferry and it was out of your control. So, I think we just need to be mindful of that and I, certainly, for one, am happy to excuse Senator Le Fondré today. Others might have said: "Well, we know that Jersey gets fogbound quite often and, therefore, people tend to leave more time to come back and forward from the Island", so that is fine. So, let us extend that principle to every Member, otherwise we will look like we are just showing favouritism to one particular Member, who, in this case, happens to be the Chief Minister.

The Deputy Bailiff:

I do not want to have too much debate on this issue, because it is not the most important thing on the Order Paper, but maybe 2 or 3 more speakers.

Deputy G.P. Southern of St. Helier:

I will be brief. If the Chief Minister has allowed 2 days to get here and has been defeated in getting here, then I think that is reasonable action and it appears to be taken and he should be made *excusé*.

Deputy M.R. Higgins of St. Helier:

Again, I am just wondering whether this is just because he is the Chief Minister. We can be terribly petty in this House at times. We all have had times when we have been interrupted, we have not been able to get somewhere on time and everything else. I think we should be more generous to people. People are not deliberately avoiding being in the States. I think we should give *défaut excusé*.

Deputy R.J. Ward of St. Helier:

I would just say that whether, or not, we excuse the Chief Minister, perhaps this should ... and there are difficulties in getting back to the Island, but this should be extended to all public servants and sometimes the policies that are put in place for those public servants, without power, does discriminate against them and give them a difficult time. If we are going to do this with the Chief Minister, let us look across our public services and be equally as accepting of the difficulties that people face.

The Deputy Bailiff:

Those in favour of marking the Chief Minister *défaut excusé* please show. The *appel* has been called for. Members are asked to return to their seats. I ask the Greffier to open the voting. *Pour* if you are in favour of marking the Chief Minister as excused.

POUR: 33		CONTRE: 3		ABSTAIN: 0
Senator L.J. Farnham		Connétable of St. Saviour		
Senator K.L. Moore		Deputy M.R. Le Hegarat (H)		
Senator S.Y. Mézec		Deputy S.M. Ahier (H)		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy J.H. Perchard (S)				

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

I am very pleased to welcome His Excellency the Lieutenant Governor to the Chamber this morning.
[Approbation]

QUESTIONS

2. Written Questions

2.1 Deputy J.M. Maçon of St. Saviour of the Chair of the States Employment Board regarding the resourcing of the Jersey Appointments Commission: (WQ.63/2020)

Question

Given that, in ‘Jersey Appointments Commission: Annual Report 2018’ (R.23/2019), it was stated that “*there has been no solution to the resourcing of [the Commission], despite the matter being raised on a number of occasions during the year and being an outstanding issue from [the Commission’s] inception as an independent regulatory body*”, will the Chair explain what action, if any, has been taken to address this situation; and, if none, will the Chair commit to put forward a bid for the next Government Plan in order to ensure that the situation is addressed?

Answer

The current Government Plan provided for these resources to be made available to the Jersey Appointments Commission in 2020.

The new function will sit within People and Corporate Services and act as joint secretariat to the Jersey Appointments Commission (JAC) and States Employment Board given the mutual nature of their work for senior appointments and that the JAC report into the States Employment Board.

The new function is established from the 2nd March 2020 and is fully resourced. A transition from the temporary arrangements that have been in place since 2018 is underway to ensure that we enhance the support to the JAC.

The Group Director of People and Corporate Services also provides support to the JAC when requested and will make resources available for communication, research and additional secretariat support by agreement.

The Chair of the JAC received notification at the start of February 2020 of these arrangements.

2.2 Deputy J.M. Maçon of St. Saviour of the Chair of the States Employment Board regarding the recording of conflicts of interest during recruitment processes within the States of Jersey: (WQ.64/2020)

Question

Given that, in ‘Jersey Appointments Commission: Annual Report 2018’ (R.23/2019), it was stated that “*conflicts of interest [in States recruitment] are not always recorded before interviews*”, will the

Chair explain what action, if any, has been taken to address this situation; and, if none, will he explain why that is the case?

Answer

The Chair of the Jersey Appointments Commission has introduced a standard form of recording for all stages of the interview process. This includes the Commissioner chairing the interviews to ask for any potential conflicts of interest and to record these for audit purposes.

2.3 Deputy J.M. Maçon of St. Saviour of the Chair of the States Employment Board regarding the involvement of outgoing States of Jersey post-holders in the recruitment of their successor: (WQ.65/2020)

Question

Given that, in ‘Jersey Appointments Commission: Annual Report 2018’ (R.23/2019), it was stated that there had been “*continued requests [from the Commission] to involve [an] outgoing post-holder in the formal process of recruitment of their successor*”, will the Chair –

- (a) explain what action, if any, has been taken to implement this request;
- (b) state, in particular, whether any consideration has been given to the introduction of financial penalties in the event of non-compliance with such a requirement; and
- (c) if no action has been taken, explain why that is the case and commit to ensuring that this is made an explicit requirement during States recruitment processes?

Answer

- (a) Part (a) of the question relates directly to a specific incident. The general stance of the JAC is that the out-going post holder should not be involved in the recruitment of their successor and that organisations should be mindful of the guidance issued by the JAC when undertaking their recruitment. The States Employment Board remains supportive of the JAC’s stance on this matter.
- (b) The Jersey Appointments Commission have no powers to issue financial penalties.
- (c) The States Employment Board will be receiving a report on the powers and functions of the Jersey Appointments commission for consideration of amendments or new legislation to be introduced at the end of 2020. However, we cannot comment on the content of any proposed amendments to the powers or status of the Jersey Appointments Commission at this stage. The Jersey Appointments Commission will be consulted as part of this process.

2.4 Deputy J.M. Maçon of St. Saviour of the Chair of the States Employment Board regarding the diversity of candidates for senior posts in the States of Jersey: (WQ.66/2020)

Question

Given that, in ‘Jersey Appointments Commission: Annual Report 2018’ (R.23/2019), it was stated that “*there is still a need to attract a broader range of candidates for senior posts in the independent sector and in the States of Jersey*”, will the Chair explain what action, if any, has been taken to address this matter highlighted by the Commission and, if none, will he explain why that is the case?

Answer

The States Employment Board agreed with the need for more diverse experiences and a broader range of candidates in the independent sector and across the Government.

In 2019, the States Employment Board instigated additional fields for approving roles to go to the market to consider on-island recruitment and routes to market that broaden the field. Specifically, for senior roles within the Government, our partner agencies were reminded of the need for a diverse range of candidates and on-island.

In her briefing to the third sector and regulated bodies, the Chair of the Jersey Appointments Commission explained that the Commission would be looking for a greater commitment and consideration of how to attract candidates from a broader and more diverse range of backgrounds.

In 2020, additional resources have been allocated within People and Corporate Services to address this issue more systematically and monitor more closely our ability to attract and support candidates from the Island.

The States Employment Board have also endorsed a programme run through the Government 'I WILL' network (women into leadership) to work with a partner to sponsor the development of women into senior and non-executive roles.

2.5 Deputy J.M. Maçon of St. Saviour of the Minister for Treasury and Resources regarding the application of States Employment Board processes to States wholly-owned bodies: (WQ.67/2020)

Question

Given the issues relating to States wholly-owned bodies that were highlighted in Paragraphs 13.4 and 13.5 of 'Jersey Appointments Commission: Annual Report 2018' (R.23/2019) including a "*continued resistance*" by some to the "*regulatory processes determined by the States Employment Board*" and a lack of transparency, will the Minister, as shareholder representative, explain what (if anything) has been done to address the issues highlighted in these two paragraphs; and, if nothing, will she explain why that is the case?

Answer

The question covers two areas:-

Paragraph 13.4 of the 2018 Report – Appointment processes

It is important to set some context to the issues that the Deputy refers to in the Jersey Appointments Commission ("JAC") 2018 report:-

- This was an issue that had occurred prior to the JAC's 2017 Report.
- Action was already being taken before the 2018 Report was issued - Section 10.3 of which notes that the JAC had worked with the Shareholder Executive on ensuring that States wholly owned bodies were compliant with the requirement for appointments to be overseen by the JAC. It further noted that they were pleased that they had been contacted by the Ports of Jersey to oversee the recruitment of the CEO and noted productive discussions with Jersey Post and JT Group Ltd and during the early part of the year.

The Assistant Minister regularly meets with the Chairs of States owned entities and reinforces the need to comply with JAC requirements as part of this ongoing engagement. The Minister is not aware of any areas of specific concerns raised since the 2018 Report, in this regard.

Paragraph 13.5 of the 2018 Report – Remuneration issues.

To increase transparency, the Assistant Minister wrote to all States wholly-owned entities in January 2019, requiring them to make extensive disclosure in their Annual Report and Accounts on the remuneration of each executive director including:-

- total remuneration for the year split by basic salary, bonus, pension contributions and benefits in kind.
- total remuneration for the previous year.
- Remuneration as a non-executive director of an external body.

This issue was also the subject of a recent review by the Comptroller and Auditor General – R.132/2019: “Remuneration of Board Members: 24th October 2019.”

The response from the Chief Executive and Treasurer of the States/Director General of Treasury and Exchequer setting out the actions taken and planned is included in” R.132/2019 (Res): Remuneration of Board Members (R.132/2019): Executive Response with Comments of the Public Accounts Committee.”

A key action contained in this is that a One Government approach will be adopted in establishing a strategic oversight board, chaired by the Chief Executive Officer. Its work will include the development and oversight of a policy for Board remuneration.

2.6 The Deputy of St. John of the Minister for Infrastructure regarding the number 5 bus route: (WQ.68/2020)

Question

Will the Minister ask Liberty Bus to extend the Number 5 bus route for all journeys beyond Temple Court in St. John to the large car park opposite Les Fontaines Inn on La Route du Nord, St. John; and if not, will he explain why not?

Answer

LibertyBus recently conducted a customer satisfaction survey which generated hundreds of comments and requests, and an extension of service 5 to terminate at Les Fontaines was not put forward by anybody. The company also regularly invites feedback from the travelling public prior to finalising seasonal timetable changes, and this is the most appropriate way for suggested amendments to the network to be proposed. However, I am always happy to listen to suggestions about how the bus network might be developed in future, and will continue to work closely with the bus operator to determine which alterations would be desirable and feasible.

2.7 The Deputy of St. John of the Minister for Infrastructure regarding cycle routes from Town to the north of Jersey: (WQ.69/2020)

Question

Further to the responses he gave during questions without notice on 4th February 2020, will the Minister provide details of the plans to create additional cycle routes to the north of the Island from Town, in addition to the route that already exists along St. Peter’s Valley?

Answer

The Sustainable Transport Policy (STP) Framework, published as part of P.128/2019 identifies the need to create an Active Travel Plan, and we will be looking to address the locations of additional cycle routes once the STP is approved by the States Assembly.

After this time, we would anticipate working with the Parishes to identify routes and create a delivery plan for new cycling infrastructure and key cycling corridors. This will ensure that these corridors can be preserved in the emerging Island Plan and identify the level of medium-term investment required to deliver the routes.

The Government Plan makes provision for appropriate funding to accelerate the delivery of cycling infrastructure, and this is only available if the Sustainable Transport Policy is approved by the States Assembly.

2.8 The Deputy of St. John of the Minister for Health and Social Services regarding homecare services delivered by Family Nursing and Home Care: (WQ.70/2020)

Question

Will the Minister advise whether there are any plans to reinstate the States subsidy for homecare services delivered by Family Nursing and Home Care, following its removal in 2016?

Answer

There are no plans to reinstate the States subsidy for homecare services delivered by Family Nursing and Home Care (FNHC).

It may be helpful to set the context of the change in 2016. The introduction of the long-term care scheme in 2014, which included funding of care provided by approved providers in people's homes, prompted a change in the market for homecare. There are now more than 20 approved providers of homecare on the Island. Given this increase in the number of providers, it was no longer appropriate or fair for Health and Community Services to carry on subsidising a single homecare provider – FNHC – such that it could continue to charge well below market rates. Other providers received no such subsidy and their clients were already paying market rates.

To help those who might have had difficulty in meeting the cost of higher care fees, HCS worked with the Social Security Department in introducing a new Income Support flexible personal care component, with the assessment process based on the same one as required for packages approved under the existing long-term care scheme.

My department continues to commission services from FNHC, which include district nursing, health visiting, rapid response, reablement, and services for children. HCS meets FNHC on a regular basis to measure progress and to work in partnership to develop services.

2.9 The Deputy of St. John of H.M. Attorney General regarding the prosecution of parents as a result of their child's absence from school: (WQ.71/2020)

Question

Will H.M. Attorney General advise –

- (a) how many parents, if any, were required to attend a Parish Hall Enquiry in 2019 as a result of their child's absence from school; and
- (b) how many parents, if any, were required to attend Court in 2019 as a result of their child's absence from school?

Answer

H.M. Attorney General can advise that –

- (a) two parents were required to attend a Parish Hall Enquiry as a result of two children's absence from school; and
- (b) no parents were required to attend Court in 2019 as a result of their child's absence from school.

2.10 The Deputy of St. John of the Minister for Education regarding the exclusion of students from the Island's schools: (WQ.72/2020)

Question

Will the Minister advise –

- (a) how many primary and secondary pupils were excluded from the class room in 2019 because of disruptive behaviour; and
- (b) how many such pupils were placed on internal suspension (i.e. isolated in a room for a period of time without access to educational materials) in 2019?

Answer

Background

Schools operate a rewards and sanction policy that is suitable for the age and learning stage of each pupil. For example, in primary school pupils may gain points or recognition for behaviour or actions linked to school values such as respect or kindness. In secondary school, this develops into rewards for academic or pastoral effort and achievement, as well as recognising community-wide involvement. Some schools operate a house system and award points for positive behaviours in this way, others use year groups or form aggregations.

Sanctions will usually begin with a verbal warning and may progress to loss of recreation time, usually at lunch or break time. If a pupil needs time out from their primary learning in the classroom, they may be taught in a smaller group or offered 1:1 support with another teacher or teaching assistant.

Schools can operate a referral system where pupils who are not settling well in their class are supported in a separate area with specialist support from pastoral and academic staff. In some schools this system will be referred to as an internal suspension, as it means that the pupil is supervised and supported in completing their study. At no point should a pupil be 'isolated in a room for a period of time without access to educational materials' as the questions suggests. Any pupil not working with their ordinary class should be supported with appropriate staff, resources or activities to meet their needs, be those emotional, behavioural or academic.

- (a) The phrase 'excluded from the classroom' is taken to mean an external or fixed term exclusion where pupils may be suspended from school for between 1 and 15 days. For detail on this please see the [Positive Behaviour, Exclusions and Part-Time Timetables Policy](#).

In the 2018/2019 academic year, 30 primary school pupils and 311 pupils at secondary school or alternative provision were given a fixed term exclusion. In total, there were 1,059 instances of exclusions totalling 3,408 sessions. The reasons for exclusions in Government of Jersey schools with the number of instances (not pupils) alongside is given in Table 1.

Table 1: Reason for fixed term exclusion from a Government of Jersey school and number of instances, 2018-2019

	Primary School	Secondary School	Alternative Provision
Bullying	-	9	-
Damage	-	18	<5
Drug & alcohol related	-	34	<5
Other	<5	118	<5
Persistent disruptive behaviour	30	251	5
Physical assault against a pupil	25	162	10
Physical assault against an adult	18	18	9
Racist abuse	-	11	-
Theft	-	6	-
Verbal abuse/threatening behaviour against a pupil	7	24	<5
Verbal abuse/threatening behaviour against an adult	<5	276	14
Total	85	927	47

(b) Internal suspensions are served on the school site and are not treated as an external suspension from school. Internal suspensions may be more appropriate in cases where a pupil is subject to a Child Protection Plan, is looked after, or where the Head teacher believes a formal suspension might pose a safeguarding risk. Internal suspensions will reflect the behaviour policy of each school but will also be applied taking the individual needs and vulnerabilities of each pupil into account.

There is no central record of internal suspensions held at the Department.

2.11 Deputy G.J. Truscott of St. Brelade of the Minister for Health and Social Services regarding the Island's preparedness for a positive diagnosis of coronavirus: (WQ.73/2020)

Question

Will the Minister advise what preparations have been made in his portfolio to deal with a positive diagnosis of Coronavirus in Jersey?

Answer

The Department has developed robust plans to manage patients with a confirmed diagnosis of coronavirus. We expect most patients to be able to be supported by self-isolation at the usual place of residence (home), but in some cases we may require hospitalisation and were this to occur we have clear plans in place to manage patients within the General Hospital in isolation beds.

2.12 Deputy R.J. Ward of St. Helier of the Minister for Education regarding the development of a youth facility in the north of St. Helier: (WQ.74/2020)

Question

Will the Minister advise –

- (a) what progress, if any, has been made with the development of a youth facility in the north of St. Helier, as agreed by the Assembly in the amendment to the Common Strategic Policy (P.110/2018 Amd.(2)); and
- (b) what the timescale is for development of a site, construction of the building and the opening of the facility?

Answer

As agreed by the States as part of the Government Plan 2020/23 debate in December 2019, a new centre for children & young people will support the vision and four outcomes of the Children & Young Person plan. These have been highlighted in the project outcomes:

Outcome 1: - All Children in Jersey **Grow up Safely**

Outcome 2: - All Children in Jersey **Learn & Achieve**

Outcome 3: - All Children in Jersey **Live Healthy Lives**

Outcome 4: - All Children in Jersey are **Valued and Involved**

- (a) Officers from the Youth Service and Property Holding have met regularly to progress the project. Work undertaken includes:

Business Plan developed and submitted in March 2019, tested and progressed through the Government planning process with resource agreed as part of the capital programme

Site visits carried out to exemplars of community buildings hosting young people's services in the UK

The specification for the Centre is being developed using professional expertise of Jersey Property Holdings and Youth Service with a proposed building of approximately 2500 metres square

The first draft of the feasibility study is almost complete

The building of a new community centre in the north of town presents an opportunity to house the developing and increasing family and community services (early help) to children and families. This will mean that in addition to youth services the building will also be used for the Right Help Right Time Children's Hub (the front door) where children, young people and families can access a range of supports on offer.

The identification of the site is a critical component of this development and must meet the service specification requirements while being in the 'right' location.

- (b) Moving forward

A definite timescale is not available as several elements of the project prior to the development of an implementation plan require to be firmed up.

This includes a final feasibility study which sets out:

- The finalisation of the service specification and subsequent design of the building
- Identification and agreement of site which will support the aims and outcomes of the service

- A full business case written for the centre and service identifying resource required taking into account any impact on other elements of the service
- To develop an implementation plan which sets out roles, responsibilities with timescales

In addition, preparatory work will take place in advance of the centre opening and will include:

- Staff engaging with children and young people living within the North of Town. It is proposed that this team will work with children and young people from the area to get them involved in the design of the centre, encouraging ownership by young people so they start to take some ownership of the centre for example by helping design the centres logos, opening times, what activities they would like delivered from the centre
- A Youth Project Advisory Group to be formed similar to all other youth projects around the island who can support links into the community and carry out fundraising event to support the Youth Work delivery. This group would consist of adults and young people.

The North of Town Centre illustrates the Government of Jersey's commitment to children and young people which will inspire children and young people and transform lives for the better where children and young people are put first and know that they are cared for, recognised, supported and valued.

The intention is to have a building that houses services that are examples of best practice.

2.13 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding the categorisation of the new hospital: (WQ.76/2020)

Question

Given the new health care model that is being developed, will the Minister advise what proportion of the new hospital will be categorised as providing an acute service and how much of it will be considered as a 'general hospital'?

Answer

All of the current services that need to be provided in a hospital setting will continue to be provided in that setting. Some services that do not require hospitalisation and that can safely be provided elsewhere could be provided in a community setting.

2.14 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding the protection of mature trees: (WQ.77/2020)

Question

Will the Minister advise –

- (a) what protections are in place for mature trees, particularly in St Helier, during housing developments; and
- (b) what actions, if any, are planned in light of the continuing development in the Island to address the protection of mature trees?

Answer

- (a) Trees can be protected under the Planning and Building (Jersey) Law where it is 'in the interests of the amenity of Jersey' to do so. Tree protection can be given regardless of the age of the tree or the parish in which it is situated. According to the law, a tree means:

- (a) a single tree of whatever age, genus, species, cultivar or variety;
- (b) a group of trees;
- (c) a shrub;
- (d) a bush;
- (e) a hedge.

The current List of Protected Trees can be found on the [gov.je](https://www.gov.je) website at <https://www.gov.je/citizen/Planning/Pages/ProtectedTrees.aspx>.

It is also possible to attach a condition to the grant of planning permission, under Article 23 of the law specifically, at (f) for ‘the preservation and planting of vegetation on the land’.

Regardless of the type of development, preservation and planting of trees in connection with planning permission (Article 62) states that those who grant planning permission ‘shall ensure, whenever appropriate, that adequate provision is made for the preservation and planting of trees...’

The protection of a tree or trees using the provisions set out above is not absolute, but simply means that any proposal to undertake works to or remove any such tree requires permission to do so. The general removal of trees, unless they are on the List of Protected Trees; are the subject of a planning condition; or form part of a hedgerow or banque defining a boundary of land or any part of it, does not currently require permission.

(b) I have approved law drafting instructions to amend the Planning and Building (Jersey) Law to provide greater protection for trees. The proposed amendment of the law will be the subject of consultation.

Additionally, following the approval of the government plan, funds have been allocated to help deliver better tree protection. This will, in the first instance, enable the department to scope what a new regulatory regime will be and to provide some interim resource for regulation.

2.15 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the levels of confidence in government in Jersey: (WQ.78/2020)

Question

Given the Jersey Better Life Index 2019 reported very low levels of confidence in government in Jersey, what action will the Council of Ministers take to address this situation?

Answer

It is important to note that the findings of the 2019 index are not as clear cut as the question initially makes out.

The 2019 [Better Life Index](#) published on the 14th February 2020 cites, on page 11, the [Jersey Opinion and Lifestyle Survey 2018](#) to gather a figure on trust in Government.

The 2018 Survey asked over 1,000 adults selected at random; “do you have confidence in the following institutions?” Government, Judicial system and courts, media and charities.

Of these institutions, the Government ranked lowest with 28% of respondents declaring their confidence.

The [2019 Jersey Opinion and Lifestyle Survey](#) asked a similar question, requesting respondents to give a score out of 10 to indicate their trust in; charities, the States of Jersey Police, their parish, Statistics Jersey, the judicial system and courts, people in Jersey, the honorary police, local media, government departments and the States Assembly.

The findings of this survey, detailed on page 56 of the report, found that local media, government departments and the States Assembly were the three institutions with the lowest scores.

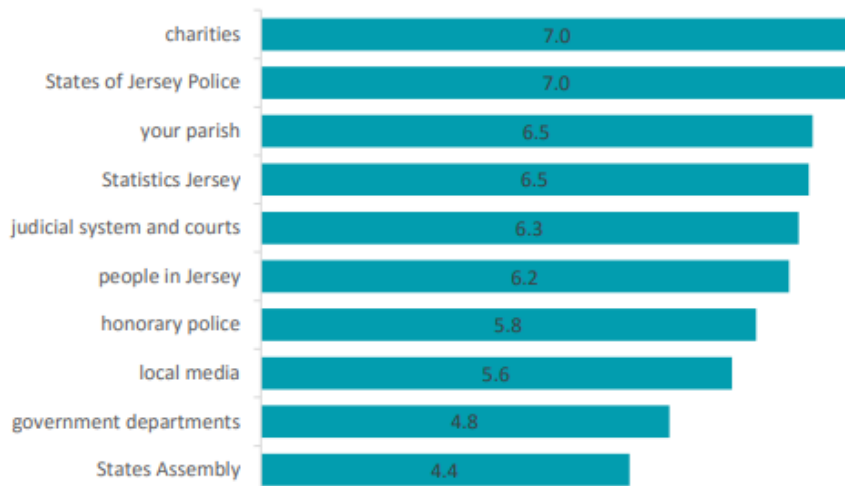
Trust in Jersey institutions

A series of questions asked how much people trusted: other people in Jersey; and a range of different civic or other community institutions.

Figure 9.6 Average (mean) score of how much adults consider that other people in Jersey can be trusted (1 = most people are untrustworthy, 10 = everyone can be trusted)



Figure 9.7 Average (mean) score of how much people trust the following institutions (1 = do not trust at all; 10 = trust completely)



- Jersey charities and the States of Jersey Police were scored as the most trustworthy institutions with mean average scores of 7.0
- the States Assembly was the least trusted institution with a mean average score of 4.4

[\(Source, page 56. Jersey Opinion and Lifestyle Survey 2019\)](#)

Global research into people’s attitudes to professions shows that politicians and government ministers are among the least trusted in all the countries surveyed. This data indicates that a lack of trust in politicians is not unique to Jersey¹.

The Council of Ministers as the Government of Jersey is committed to providing opportunities for islanders to engage with local politics and the government. Since the introduction of electronic petitions in 2018, members of the public have found them a popular way to interact directly with government.

The [2019 Jersey Opinion and Lifestyle Survey](#) found that 34% of adults in Jersey signed an e-petition last year, an increase from 2018 and 11% higher than the corresponding UK figure².

¹ [IPSOS – 2019 Global trust in professions](#)
[IPSOS MORI 2017 poll](#)

² “Getting Involved” National Council for Voluntary Organisations. (2017) p.47

Additionally, the 2019 Survey also found that one-in-five Islanders had voiced an opinion to a politician or government official, in the last 12 months.

The better life index measures civic engagement by the simple measure of voter turnout. It is worth noting that a number of countries listed in the index use compulsory voting, including: Australia, Luxembourg, Belgium and Brazil.

Additionally, the diverse backgrounds of Jersey's population have also been found to influence voter turnout. As a [study from 2018](#) found; six in ten of those who were born and live in Jersey, or born elsewhere in the British Isles and live in Jersey say they voted in the Jersey general election (57% and 63% respectively), compared to one in six of those who were born in Portugal or Madeira (17%) and half of those born outside of Europe (46%).

Last year the Government organised dozens of public meetings and consultations to enable islanders to have their say on significant policy issues, including the Government Plan, the Jersey Care Model, and Jersey's future immigration system. The Government Communications team also engaged with Islanders directly using social media, with 5,834 posts in 2019.

Jersey's Government provides vital services for Islanders: employing more than 6,500 people who teach our children, deliver vital hospital services, maintain our roads, sewers and sea defences, and keep our Island and our borders safe. Their hard work is invaluable in making Jersey such a good place to live and the services they provide are highly valued by those who use them.

Through the changes we are making to the culture of government and delivery of improved services, we hope to increase public confidence in the Government and continue the progress we've made in civic engagement.

The Government is committed to improving its service to customers and this includes way it gathers, handles, and manages complaints, compliments and comments about the many services it delivers. A new Government-wide customer feedback policy was developed last year and came into effect on 30 September and we are encouraging customers to share their feedback about government services, good and bad to ensure we learn and improve. Our new approach to feedback is part of the Government's overall commitment to putting customers at the heart of its services.

The Council of Ministers recognises that steps to increase both civic engagement and public confidence in the Government and States Assembly are needed. One significant issue is that Islanders do not understand the roles, functions or even workloads of States Members (as individuals) or indeed as Ministers or members of Scrutiny. The Chief Minister has already initiated some informal discussions with the Chair of PPC, about improving this deficit in such understanding. Additionally, the Government will continue to support the States Greffe and PPC in its efforts to increase electoral turnout as part of that process.

2.16 Deputy K.G. Pamplin of St. Saviour of H.M. Attorney General regarding the policies in place in the Law Officers' Department in respect of bullying and whistleblowing: (WQ.79/2020)

Question

What procedures and processes are in place in the Law Officers' Department in relation to bullying, or claims of unfair treatment of staff, and whistleblowing?

Answer

The Law Officers' Department adheres to the same anti-bullying, harassment and whistleblowing policies as the Government of Jersey.

These policies are:

The Bullying and Harassment (Policy and Procedure), effective date 20/11/2019, version 1.2

The Whistleblowing Policy, effective date 21/01/2019, version 1.0

Line managers from the Law Officers' Department attended the 'Bullying, harassment and whistleblowing' training arranged by People Services for all Government of Jersey departments in 2019.

All Law Officers' Department staff are able to use the independent Expolink service to make anonymous reports of bullying and harassment and/or whistleblowing. The Expolink service is easily accessible through links on the home page of the staff Intranet titled: 'Speak-up line, bullying and harassment' and 'Speak-up line, whistleblowing'.

The whistleblowing policy is also highlighted in the Law Officers' Department's Lexcel Standards which are available to all staff on the home page of the Department's practice management system.

The Expolink service is also promoted through an advertising campaign, with colour A4 posters provided by the Government of Jersey's Communications Unit. Posters titled 'Don't ignore it, speak up' and 'If it feels wrong, speak up' are sited in prominent areas around the Department. The call to action on the posters are the Expolink service's confidential telephone number and the web address of the confidential online form.

All staff at the Law Officers' Department are bound by the States of Jersey Code of Conduct which states that: "Everyone has a right to be treated with respect" and that "bullying is totally unacceptable."

The Department's staff also adhere to the Government of Jersey's Collective Core Values and Behaviours, particularly the "We are Respectful" core value, and lawyers working in the Law Officers' Department also adhere to a specific Code of Conduct for Lawyers which sets out the high standards of behaviour required.

2.17 Deputy K.G. Pamplin of St. Saviour of the Minister for Education regarding mental health support and education provided in the Island's schools: (WQ.80/2020)

Question

Will the Minister provide an update on any developments made to the mental health support and education provided professionally within the Island's secondary schools and higher education establishments since her response to Written Question 217/2019?

Answer

Developments made since the answer was provided to Written Question 217/2019 in May 2019 include:

The Educational Psychology Team, Social and Emotional Mental Health Team and Skills Jersey have now attended significant training in Attachment Based Mentoring and this training offer will be made available to any professional working with children and young people shortly.

The Educational Psychology Team also offer face to face and consultation for parents/carers through weekly consultation lines and 6 weekly Parentscope meetings across island. Work is currently underway to link the established Parentscope project with The Closer To Home initiative, to offer community based drop ins for families, and March introduces the first pilot of this kind offered from Communicare in St Brelade. Additionally, exploration is currently underway to consider rebranding and relaunching Parentscope to encourage a greater community focus and enable access to young people also.

Within the academic year 2019 – 2020 all secondary school students have been offered Emotional First Aid workshops, run by the Primary Mental Health Team, involving small group work to explore looking after mental health and well-being.

A pilot project at Hautlieu School has also begun, developing study skills and mindfulness with students, with a particular focus on supporting one's self during exam times. This project is co-delivered by the Primary Mental Health and Educational Psychology Teams and will be offered to all schools once perfected.

The La Passerelle Team, supporting secondary students with declining school attendance due to heightened levels of anxiety, has also been created and began working with its first students in January 2020. The team has the capacity to work with up to 15 students and is currently supporting 10 at their base at The Bridge. The core aim is to offer early intervention in an effort to support full time return to mainstream education by offering enhanced support regarding mental health and well-being management. Due to several students who are currently in receipt of support being in Year 11, the La Passerelle Team are currently adapting their service offer to host formal exams for these students also.

A project team led by the Group Director, Children, Young People, Education and Skills (CYPES) and the Operations Director, Health and Community Services (HCS) delivered the safe and effective transfer of CAMHS, Family Care Co-Ordination and the Community Short Breaks service from the operational management of HCS to CYPES in October 2019. The governance of these services is jointly managed across both departments through the Joint Governance and Oversight Group (GOG). A new interim CAMHS Manager is in post, their focus is on stabilising the current offer, developing the operational policies and improving the pathways between services such as schools and colleges that support children and young people and the CAMHS service.

Following this successful transition, work commenced in November 2019 to redesign children and young people's emotional wellbeing and mental health services, focusing on integrating the pathways with other children and family services and the Right Help Right Time model. The redesign is using a commissioning based approach with co-production at its heart- involving and coproducing services with key stakeholders such as children and young people, parents and carers and voluntary, private and government departments. The redesign is currently just completing the analysing phase which has included:

- Mapping the services that support children and young people's emotional wellbeing and mental health
- 1:1 interviews with key managers discussing strengths, weaknesses, opportunities and threats (SWOT) of current services and pathways
- Two workshops, skills audit and diary with the CAMHS team
- Three focus groups with parents and carers
- Questionnaires for parent/carers (c.300), children (c.58) and professionals (c.60)
- Needs assessment and data analysis
- International best practice review

The next phase of the commissioning cycle is the planning phase. Three multi-agency workshops which include schools and colleges are planned for the 25th February, 17th March and the 2nd April. These are solution focused events, which will develop the commissioning strategy, business cases and service design. The workshops are focusing on five key priority areas developed from the analyses to date, these include:

- Perinatal and Early Years
- Community Approaches to Prevention & Early Intervention this includes improving the pathways between school/college and CAMHS
- Crisis and Urgent Care Provision
- Specialist Services - Neurodevelopmental & Paediatric Psychology
- Specialist Services – Trauma

Service specifications detailing new services and pathways will be developed by June 2020, with new service models being implemented from the second half of the year.

2.18 Deputy K.G. Pamplin of St. Saviour of the Minister for Children and Housing regarding the number of families considered to be living in sub-standard accommodation: (WQ.81/2020)

Question

What data, if any, is available to the Minister regarding the number of children and families considered to be living in sub-standard accommodation?

Answer

We currently have 29 active applications on the waiting list who are deemed to be living in poor housing standards. 26 of these are in the private sector. Of these, 11 applications include children. The other 15 do not include children and require bedsits or 1-bedroom flats. The 3 remaining applications are already in social housing and although categorised as “poor housing” are in fact cases where the needs cannot be met in the existing accommodation for various reasons.

2.19 Deputy K.G. Pamplin of St. Saviour of the Minister for Children and Housing regarding the number of families in social housing or on the affordable housing gateway living in accommodation with an insufficient number of bedrooms: (WQ.82/2020)

Question

How many families and children who are living in social housing, or who are on the Affordable Housing Gateway, are considered to be living in housing that is inadequate due to an insufficient number of bedrooms for the families’ needs?

Answer

The Gateway currently have 131 active applications on the waiting list where the property is deemed to be overcrowded. 129 applications include families with children. 68 of these applications are already in social housing and 63 are in the private sector. These numbers will be significantly reduced with the new stock coming on line in the upcoming months.

2.20 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the improvement of mental health services in the Island: (WQ.83/2020)

Question

Further to the presentation of the Ministerial Response to ‘Assessment of Mental Health Services’ (S.R.4/2019), will the Minister provide an update on the action being taken to improve mental health

services in the Island and will he advise, in particular, whether this work has involved any developments in respect of the Suicide Prevention Framework?

Answer

The Mental Health Improvement Board continues to drive the required changes in our services and the Mental Health Improvement Plan is expected to be ratified this week with publication shortly after.

The Listening Lounge continues to see increased activity and as such we have increased the support for counselling to this service. We are working on implanting a ‘Street Triage’ service to work closely with the police and we continue to develop plans for our crisis prevention and intervention service which we aim to have in place by Q3 2020.

The La Chasse development is due for completion by mid-March and we anticipate the new MH unit at Clinique Pinel to be in place in early 2021.

In terms of suicide prevention, we are awaiting the outcome of a thematic suicide review that was requested by the Safeguarding Partnership Board, as well as a local service assessment by a lead clinician in Mental Health. We anticipate the need to refresh the suicide prevention strategy and framework as a result of the recommendations and we envisage increased Government-wide input to this area with a more prominent role for Public Health.

2.21 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the digital transformation required to deliver the Jersey care model: (WQ.84/2020)

Question

Given that, at a public hearing on 13th February 2020, the Minister stated that he did not think “*we could deliver a care model with the digital services we have at the moment*” and that officers from his Department stated that a comprehensive electronic patient record “*is integral to providing joined-up care*”, will the Minister inform members –

- (a) whether the funding for this digital transformation will be sourced through any of the expenditure projects listed in ‘Government Plan 2020–2023: further information on Additional Revenue Expenditure and Capital and Major Projects Expenditure’ (R.91/2019) and entitled ‘Digital Health and Care Strategy’, ‘Maintaining health and community care standards’ or ‘Technology Transformation Programme’ and, if not, where the source of the funding may be found in the Government Plan;
- (b) what the total cost will be to ensure that all those involved in primary care in the community (including hospital staff, G.P.s, family and practice nurses, therapists, pharmacists, care workers, carers and voluntary workers) can communicate readily whilst delivering appropriate care for individuals in a cohesive manner; and
- (c) by what timescale it is envisaged that this digital transformation will be in place?

Answer

As stated, digital health transformation is integral to the provision of joined-up care, which itself is integral to the new care model and the building of a new hospital.

- a) Funding for the digital health transformation will not be sourced from the projects listed, but instead we are working towards developing the likely cost implications and potential funding sources, which we anticipate concluding ahead of the Government Plan for 2021/24.

- b) As noted above we are currently working on establishing the costs and funding which we anticipate concluding in the near future.
- c) It is envisaged that digital health transformation would take around 5 years from inception, assuming continued financing throughout this period.

2.22 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the assumptions underpinning the development of a scheme for affordable primary health care: (WQ.85/2020)

Question

What options has the Minister given to the health economists charged with developing the scheme for affordable primary health care, and what are the latest available figures, in relation to the following groups of economically, socially or clinically vulnerable patients?

- (a) Over 65s;
- (b) Over 75s;
- (c) Under 5s;
- (d) Under 16s;
- (e) Recipients of Long-Term Invalidity Allowance (L.T.I.A.);
- (f) Recipients of Short-Term Incapacity Allowance (S.T.I.A.);
- (g) Recipients of Income Support;
- (h) People in receipt of Income Support impairment components 2 and 3; and
- (i) People in receipt of the clinical or mobility component.

Answer

The Health Economists have a wide brief to consider the Jersey Care Model and its suitability and sustainability for Jersey. Following commitments made in the Government Plan, P125 and the vision of the Jersey Care Model, officers are developing options to improve access to primary care by reducing financial barriers for patients who are financially, clinically or socially vulnerable. This involves identifying and prioritising which vulnerable groups are most in need of such access.

The demographic data requested is shown below:

- a) Over 65s **14,533**
- b) Over 75s **6,853**
- c) Under 5s **5,015**
- d) Under 16s **16,213**
- e) Recipients of Long-Term Invalidity Allowance (L.T.I.A.) **3,878 claimants as at Jan 2020**
- f) Recipients of Short-Term Incapacity Allowance (S.T.I.A.) **789 open claims as at Jan 2020 – note the majority of these are very short term**

- g) Recipients of Income Support **5,648 households (10,221 participants; Income Support is a household benefit, paid to a claimant in respect of the whole household, so the claimant receives the benefit but the whole household benefits from it)**
- h) People in receipt of Income Support impairment components 2 and 3
- i) People in receipt of the clinical or mobility component.

There are people who fall into all three categories e.g. personal care level 2 and a mobility and clinical component.

Additionally, multiple people in a household could be receiving impairment components.

- There were 583 people receiving P2 or P3 components (personal care)
- There were 1,434 people receiving either C1 or C2 (clinical)
- There were 994 people receiving either M1 or M2 (mobility)

The data is not collected in a way that can be directly compared, but approximately 1,960 have either M or C.

2.23 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the intention to ‘double run’ the Health Insurance Fund in order to pay for primary care transformation: (WQ.86/2020)

Question

Further to statements made at a public hearing with the Health and Social Security Scrutiny Panel on 13th February 2020, will the Minister –

- (a) explain the intention to ‘double run’ the Health Insurance Fund as a means of funding primary care transformation in the short term and state whether this specific piece of work will be financed from within the ‘Our Hospital’ estimates; and
- (b) explain why such expenditure on service transformation was not included in the Government Plan but is being sought as an allocation of additional funding early this year?

Answer

- a) Double running refers to a period of transition where we are moving services and activity out of the hospital into the community, but when we are still required to maintain staffing levels for the existing hospital-based services during the period of transition. As such, for a period, we will be required to run two parallel services i.e. “double running”. The double running for primary care transformation can be from a number of budgets e.g. Health Insurance Fund (HIF) or HCS. It is not anticipated that this will come from within the ‘Our Hospital’ project.
- b) The Government Plan process for 2020 started in April 2019. The Jersey Care Model (JCM) was not developed at that point. HCS officers started work on the JCM in May 2019, and so were not in a position to submit any request for funding in the 2020 Government Plan. We are not seeking an allocation of funding early this year. The JCM feasibility and costing will be presented back to the Assembly later this year and we will be following the Government Plan process for any funding requests for 2021.

2.24 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding measures to attract more family members to become carers: (WQ.87/2020)

Question

Will the Minister inform members what actions, if any, she has under consideration to attract more family members to become carers by reducing the income barriers that apply, and what discussions, if any, there have been in this respect regarding the carer's allowance and components?

Answer

Home Carer's Allowance is a benefit available to people who give up work or substantially reduce their working hours to care full-time for somebody. Home Carer's Allowance was designed so that people can continue to earn a modest amount alongside their caring responsibilities. Not every carer wants to work, or is able to work, whilst caring but for some carers it is important to maintain a link with the world of work. The income rules for HCA are currently under review.

The Government has identified one of its Common Strategic Priorities as:

CSP2: We will improve Islanders' wellbeing and mental and physical health -

We will do this by supporting Islanders to live healthier, active, longer lives, improving the quality of and access to mental health services, and by putting patients, families and carers at the heart of Jersey's health and care system.

Jersey benefits tremendously from the care delivered by family members. We already support family carers through the benefit system but are also taking positive steps to give greater recognition to families who care for a member in the home. I hope this will make it easier for families who want to provide care to a member who needs it.

We are also committed to the following Government Plan action under Common Strategic Priority 4

In 2020, we will develop additional support for disabled people who continue to live in their own home, and their carers. This may include the provision of a personal budget, or financial help with the additional costs faced by households looking after a family member at home.

A budget allocation of £150,000 has been made to support this project in 2020 with further funds available in future years. We are addressing this commitment through a joint project between the Health and Community Services, Customer and Local Services, and Strategic Policy, Planning and Performance Departments. Officers have been tasked with gathering evidence on additional household costs from families who provide care. They have studied the information we already have from families and have looked at the types of costs that families face in the UK, as well as evidence from the voluntary and charitable sector. The project will run through 2020 and it is likely that benefit regulations will be brought to the States Assembly for debate later in the year.

2.25 Deputy S.M. Ahier of St. Helier of the Minister for Children and Housing regarding the adherence of the Ann Court development to the disability strategy: (WQ.88/2020)

Question

Will the Minister advise the Assembly whether –

- (a) the new Ann Court development will adhere to the Disability Strategy for Jersey;
- (b) there will be purpose-built flats for people with disabilities within the development; and
- (c) special facilities will be incorporated in the development (such as hoists, wet rooms etc.)?

Answer

The Ann Court development will deliver 130 x one-bedroom apartments 35 x two-bedroom apartments.

- (a) The Disability Strategy for Jersey does not provide any direct instructions regarding new build developments. However, under Section 2.2 “Accessible housing options” the following areas are covered: -
- To ensure that social housing providers allow for adequate adaptations to homes, to meet individual tenant’s needs. Andium Homes has an annual budget of £220k for medical adaptations and carried out 168 such adaptations in 2019.
 - Andium works closely with the Occupational Therapy Services to ensure adaptations are carried out to the specific needs of the client.
 - Andium Homes will also offer clients in bedsits and one bed apartments the choice of a bath or shower as part of its Bathroom Replacement Programme, and larger units if there is a medical need.
 - To review current and future provision, as well as exploring options to increase supported housing provision for people with care support needs.
 - Andium Homes is currently working with Health and Social Services to deliver a new purpose-built facility at Pine Ridge for two clients with significant complex medical and social needs.
 - Andium Homes is also working with Health and Social Services to deliver 10 x apartments at the newly built Le Squez Phase 4 for clients with Learning disabilities.
 - Andium Homes is also working with Autism Jersey to deliver a new purpose-built facility from which it can deliver its support services, along with several “autism friendly” homes within the development of the Ann Street Brewery site.
- (b) All the apartments at Ann Court are being developed in line with Technical Guidance Document 8 of the Building Byelaws. This will ensure that they all can have various adaptations carried out to meet an individual’s needs, through the Medical Adaptation scheme mentioned in (a) above.
- All the ground floor flats will be fitted with wet rooms (10 x 1 beds and 1 x 2 bed)
 - All one beds on the upper floors have a slightly raised shower tray. The two beds on upper floors all have a bath with shower above.
 - All units will be lift accessible with low thresholds.
 - All habitual internal room doors are enlarged 926mm leaf giving access of 850mm clear width.
 - All balconies/terraces are level access, the communal podium is fully accessible.
 - The ground floor two-bedroom apartment has provision to adapt to fully accessible with carer.
- (c) As mentioned in (a) and (b) above, all the apartments can have special facilities incorporated on a need’s basis.

Demand for specialist disabled accommodation is not clearly defined within the current Affordable Housing Gateway. In my recently published response to the “Review of Access to Social Housing”, one of the recommendations within the review was to develop a specific and discrete scheme for vulnerable households with care and support requirements. This is clearly an important issue and work will commence on this project this quarter.

2.26 Deputy C.S. Alves of St. Helier of the Chair of the States Employment Board regarding the number of public sector staff accessing the AXA support service: (WQ.89/2020)

Question

Will the Chair provide a breakdown for the past five years of the number of staff accessing the AXA support service that is made available, showing the results by department and year?

Answer

AXA Be Supported guarantees a strictly confidential service to users. The support line is available to staff and their immediate families 24/7 and provides assistance on a number of topics, both home and work related, which may involve challenging issues including medical or financial concerns. We recognise that in many situations there is an overlap between work and home issues and the overall aim is to support individuals at an early stage to minimise the impact on their mental wellbeing.

The usage data is provided to the Government of Jersey in a format which does not identify the department (or location) where the employee is based, as this in combination with the reasons for use of the service, may compromise the confidentiality of the individual

The usage data for 2015 -2019 is shown in the table below:

Year	No using the service	Work Related	Personal problems
2015	25	Not given	Not given
2016	27	Not given	Not given
2017	34	Not given	Not given
2018	99	28%	72%
2019	142	27%	73%

There has been an increase in the promotion of this support line through 2018 and 2019 which may account for this increase in usage of this service over the period.

2.27 Deputy C.S. Alves of St. Helier of the Chair of the States Employment Board regarding exit interviews undertaken by managers in the States of Jersey: (WQ.90/2020)

Question

Further to the response to Oral Question 212/2019, in which the Vice-Chair stated that “*it is the manager’s responsibility initially to approach the employee and ask them if they would like an exit interview and to book that interview*” and that a failure to do that would constitute a “*breach of their managerial employment code (the States employment code) so that they could be disciplined if that was the case and they refused to do it*”, will the Chair –

- (a) provide an update on whether he has become aware of any breaches, or complaints of any breaches, in such circumstances; and
- (b) state what work, if any, he has undertaken since that oral question was posed to investigate whether there have been any instances where managers have not offered exit interviews?

Answer

Further to my response to Oral Question 212/2019, I met with officers to request enhancements to our current approach.

From this, since December 2019 The Government has initiated an automated approach to capture information from employees, who have resigned, about why they are leaving and what their experience was like working for the Government of Jersey. This is done through an on-line Leaver Survey consisting of 31 questions covering topics such as; reason for leaving, working for the Government of Jersey, management and leadership, pay, terms and conditions, wellbeing and work life balance and learning and development.

An online link is included within the electronic letter that is sent to the employee to acknowledge their resignation, removing the requirement for the line manager to notify the employee although this remains our request of line managers.

Within the introduction to the leaver survey, the option of a face-to-face interview is given with the line manager, a line manager from another area or a member of the People and Corporate Services Team. If the individual does not want to undertake the face-to-face meeting with their line manager, then they are asked to organise an alternative meeting through People and Corporate Services.

To date, 16 responses have been received. People and Corporate Services will analyse the data gathered to report high level trends and inform changes in practice where appropriate. The high-level trends, and any resulting action, will be reported to the States Employment Board quarterly, the first being in April, once the initial quarter of the survey being live has passed.

2.28 Deputy C.S. Alves of St. Helier of the Chair of the States Employment Board regarding the payment of the living wage by contractors engaged by the Government of Jersey: (WQ.91/2020)

Question

Further to the response to Written Question 172/2019, will the Chair state –

- (a) the current number of contracts that fall under the contractual requirement to pay the living wage (i.e. arising from the Government’s standard terms and conditions that apply to all contracts over £100,000);
- (b) how many of the 150 contracts referred to in the response to the Written Question, and in respect of which the terms and conditions remained to be renewed, have since been so renewed and thereby seen the Living Wage condition applied; and
- (c) how many contracts that fall under these terms and conditions are not currently paying the living wage and the reasons why?

Answer

- a) We understand the question to be asking the total number of contracts that fall beneath the £100,000 threshold. We currently do not hold all contract information centrally and therefore do not have a comprehensive list of all contracts. This will be addressed by the investment

of a new technology system which should be in place by 2022/23, as outlined in the Government Plan. It is important to note that the criteria for application of the Living Wage is not based upon contract value. The criteria states that it is applicable for suppliers who have contracted staff on government premises for more than 2 hours a day, or more than 8 hours a week for 8 consecutive weeks.

- b) As detailed in WQ444/2019, a review determined that of the 150 contracts only four met the living wage criteria. None of the four contracts expire until 2021. These contracts are currently compliant with the Living Wage requirements.
- c) All four of the contracts referred to in (b) above, meet the requirements of the Living Wage and these have been reviewed to ensure compliance. The remaining contracts were not identified as meeting the living wage threshold.

2.29 Deputy C.S. Alves of St. Helier of the Minister for Infrastructure regarding the decision to allow a public cycle path on property alongside Le Rocquier school field: (WQ.92/2020)

Question

Will the Minister advise what consideration was given to student and staff safety at Le Rocquier School when the decision was taken to allow a public cycle path (part of the Eastern Cycle Network) to be constructed through school property alongside the school field?

Answer

The Le Rocquier field path was constructed in 2017 formalising an existing walking route being used by the local community through the area.

The public path was developed with Le Rocquier school as part of the Safer Routes to School programme, to encourage walking and cycling to school. Surveys undertaken at the time indicated that students were keen to take up active travel. Consultation showed there was parish and community support.

It was agreed with the (then) Education Department, as the landowner, that the path would form part of the emerging Eastern Cycle Network without any management concerns from the school. There was a joint initiative to develop signage and fencing to ensure potential safeguarding issues for the school were appropriately addressed.

The path creates an improved routes between the Le Squez and Samares Nurseries housing estates, creating a safer route for students and staff, in particular to connect with the school and St Helier.

2.30 Deputy C.S. Alves of St. Helier of the Minister for Education regarding school governing bodies: (WQ.93/2020)

Question

Further to the response that was circulated to Oral Question 36/2020, in which it was stated that “*nine Government-provided schools are supported by seven Governing Bodies*”, and given that only two of the schools listed were primary schools, will the Minister –

- (a) advise why other primary schools do not have Governing Bodies; and
- (b) whether the Governing Bodies of the schools that were listed communicate and share information with the Minister’s department and, if so, when and how they do so?

Answer

- (a) The EDUCATION (JERSEY) LAW 1999 does not require Governing Bodies for all schools. There has been no decision that the non-fee paying provided primary schools should not have a Governing Body.
- (b) Information from Governing Bodies is shared with the Minister's department.

Each of the five Governing Bodies has a departmental senior adviser as member who attends the Governing Body general meetings, normally 1-2 per term. Governing Bodies can also have sub committees or groups such as 'Safeguarding' or 'Standards' who meet in between full Governing Body meetings and report back to them.

2.31 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing regarding compliance in his portfolio with the Data Protection (Jersey) Law 2018: (WQ.94/2020)

Question

Will the Minister explain to members how Government officers supporting his portfolio and functions ensure that the working practices required to administer these functions are compliant with the Data Protection (Jersey) Law 2018, including specifically to ensure that childcare records are accurate and up to date?

Answer

CYPES follows a data protection framework. The framework outlines a process of audit inspection and review, training and compliance statements completed to help ensure the accuracy of any data collected, processed and/or shared. Additionally, a high-level data protection action plan sets out the responsibilities and accountabilities of accountable officers within the department. The framework allows for bespoke training to be administered to all areas of the business.

All CYPES employees undertake mandatory training upon employment. Any information collected, processed and/or shared via a non-statutory function is underpinned through a data sharing agreement and/or memorandum of understanding and/or a contract/standard level agreement. Children's records are kept on a central database with limited access. School pupils' files are kept on a central Management Information System (MIS) database and are continually updated.

A self-evaluation process of health checks and analysis identifying specific areas for improvement is completed and reported to the department's leadership team (DLT) for internal challenge and scrutiny. The outcomes from this process inform the decision-making process and the development of the department's high-level plans and projects.

2.32 Deputy M.R. Higgins of St. Helier of the Minister for the Environment regarding compliance in his portfolio with the Data Protection (Jersey) Law 2018: (WQ.95/2020)

Question

Will the Minister explain to members how Government officers supporting his portfolio and functions ensure that the working practices required to administer these functions are compliant with the Data Protection (Jersey) Law 2018, including specifically to ensure that records are accurate and up to date?

Answer

It should be noted that all departments are expected to follow the same rules regarding compliance with the Data Protection (Jersey) Law 2018 and general information can be found on the gov.je website.

The planning regulatory division of GHE commenced a programme to review all application forms to ensure they were GDPR compliant which began in April 2018.

In addition, privacy notices have to be published on gov.je which sets out how the Environment division of GHE handles personal data. There is a work stream in place that will break down the former Environment Department Privacy Notice into more detailed Notices for each section of GHE and move this under a GHE approach.

As part of this work, Data Sharing Agreements are being reviewed and there is an ongoing assessment as to whether any new Data Sharing Agreements are required.

Work is also underway to change registrations with the JOIC in line with the new Government structures.

Privacy Impact Assessments for various work streams within GHE are being undertaken as and when new processes or systems are introduced or where existing ones require amendment.

With regard to keeping information accurate and up to date, data housekeeping exercises have taken place in various areas, and are still on going. Sections of the Department have written to customer's whose contact information is held for the purposes of notifying them of events, law changes, etc to ask for consent to continue to hold their information and to provide details of any changes in their information.

Information held in legacy systems, such as planning and building systems, remains correct at the time of collection. The department is required under the Planning and Building Law to keep certain documents in perpetuity and these need to be maintained as they were at the time of collection for legal and historical Archive purposes.

Any data published is subject to proper redaction and held in line with privacy statements and certain information is required to be published under the law.

2.33 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing regarding the measures in place to ensure that officers act with honesty: (WQ.96/2020)

Question

What measures are in place to ensure that officers who support the Minister's functions act with honesty in administering those functions?

Answer

All civil servants and other officers providing advice to Ministers are required to abide by the Code of Conduct for employees and the standards in public life.

Through our recruitment practices, we ensure that all potential appointees are of good character and competent. We do this through assessment against pre-defined criteria and references from previous employers.

As an employee, they are also required to understand their roles and duties and discharge them to the best of their ability. This includes compliance with the Codes of Conduct for Employees which includes, but not limited to, management and supervision, raising concerns, performance management and disciplinary matters.

There are also a number of officers who are required to register with a professional governing body and as such are subject to professional codes of practice and conduct.

Regular supervision with an employee by their line manager will also discuss the advice and approach to the role of officers.

Where a Minister has a concern about the conduct, impartiality or integrity of an individual officer they may contact the line manager, the appropriate Director General or the Chief Executive.

2.34 Deputy R.J. Ward of St. Helier of the Chair of the Privileges And Procedures Committee regarding compulsory voter registration: (WQ.97/2020)

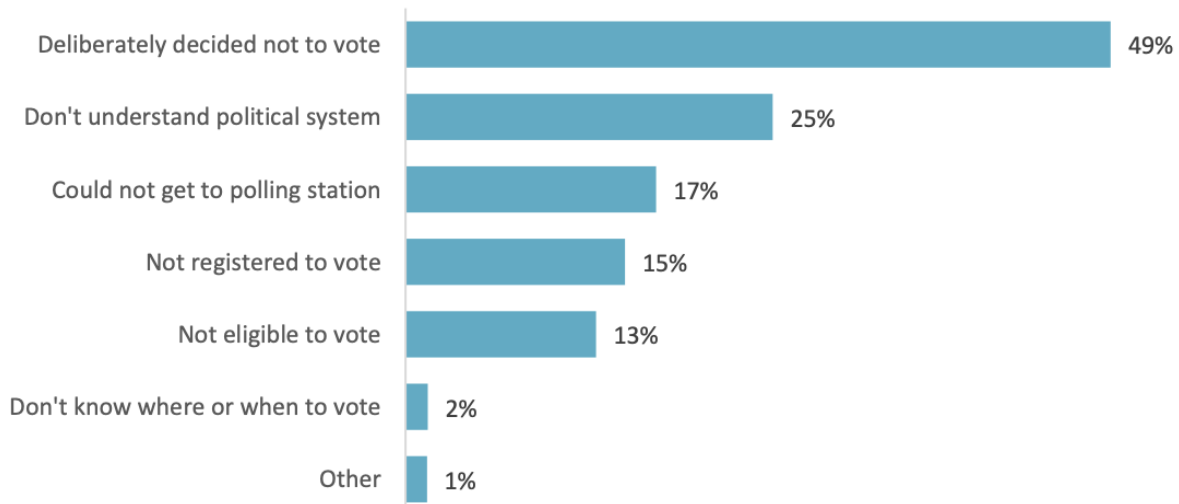
Question

In light of the findings of the Jersey Better Life Index 2019 that Jersey placed 41st out of 41 jurisdictions for civic engagement (as measured by voter turnout), will the Chair advise whether compulsory voter registration will be considered or researched as a response to this reported lack of voter engagement?

Answer

Jersey has the worst voter engagement of almost any democracy in the world. As the question rightly highlights, the Organisation for Economic Co-operation and Development (OECD) 2019 *Better Life Index* ranks Jersey lowest in civic engagement; 379th out of 403 regions; 41st out of 41 nations.

The *Jersey Opinions and Lifestyle Survey Report* of 2018 which was run by Statistics Jersey very shortly after the last States Assembly elections suggests that around half (49%) of people who did not vote in May 2018 said that they “Deliberately decided not to vote” – this was the most cited reason for not voting, followed by “Don’t understand political system” (25%) and “Could not get to



polling station” (17%).

The most commonly cited reasons for deliberately not voting were ‘my vote won’t change things in Jersey’ and ‘I don’t trust the political system in Jersey’ (both 39%)

Any and all initiatives to improve on this situation must be considered and action taken, however, one has to ask how compulsory or punitive measures would be viewed by a population so thoroughly disenchanted?

- In survey after survey the electorate has complained about a confusing and overly complex electoral system - in return the States has failed to simplify the modus operandi.

- It is hardly surprising that people feel their vote won't make a difference when at the last election over a quarter of seats were decided before a single vote was cast; over one third at the election before that but the States has done nothing to eliminate the uncontested election.
- Worst of all, voters in rural areas are massively over represented in the States a fact not lost on those who are underrepresented - a classic disincentive - and yet nothing has been done to ensure each elector in the Island has a vote of equal weight and power regardless of their postcode. A basic Human Right and one to which they are entitled.

The answer surely is for us to put our own Assembly in order before bringing in legislation to mandate participation by an understandably uncooperative electorate who are unlikely to suddenly cooperate as a result.

PPC currently favours automatic registration over compulsory registration. If one is in possession of a Social Security number and have done the requisite residential time, one is on the electoral register.

This would have the added bonus of allowing the elector to cast a vote at the polling station of their choosing, any polling station, the one most convenient for them.

We need more polling stations in more accessible locations and we need to extend the reach of pre-poll voting opportunities. The electorate are not coming to us; we have to make the effort to go to them.

PPC has a list of other new initiatives which we will reveal at the appropriate time but all our efforts will be in vain if we can't first deliver meaningful, manageable elections and fair votes for all.

[9:45]

3. Oral Questions

3.1 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the compliance of the Law Officers' Department with the Data Protection (Jersey) Law 2018: (OQ.27/2020)

Will Her Majesty's Attorney General advise how it is ensured that the Law Officers' Department fully complies with the Data Protection (Jersey) Law 2018?

Mr. M.H. Temple Q.C., H.M. Solicitor General (*rapporteur*):

The Law Officers' Department is registered with the Jersey Office of the Information Commissioner and has a designated senior information risk officer with responsibility for data protection in the Department. Together with the Department's data protection lead they ensure compliance with legislation and liaise with the Government of Jersey's appointed corporate data protection officer, as necessary. The Department adheres to the Government of Jersey's data protection policy and works closely with the data protection team, who provide further guidance and training on all areas of data protection, including on the handling of subject access requests and security breaches. In addition, Lexcel is a leading legal practice quality mark and in 2019 the Law Officers' Department was independently assessed and awarded Lexcel accreditation for excellence in practice management. The successful assessment included a review of the Department's personal data management and compliance with data protection legislation.

3.1.1 Deputy M.R. Higgins:

I must admit, I am surprised that the Department has been awarded the particular standard he mentioned, as I have got major concerns about the data handling, especially with subject access requests. One such request took 11 months and it is supposed to take 40 days. In addition to that, 2 or 3 cases, although full information has been asked for, it has not been delivered. This applies both

to the civil and the criminal division. Will the Attorney General (sic) please meet with me and try and expedite these things, because people are being denied justice. If they cannot get their records they need to prove points and the case falls out of time, it is argued they have got some information they should be able to bring a legal action, if they cannot get it all then they are being prevented from taking any action. Will the Solicitor General meet with me on this matter?

The Solicitor General:

I am, of course, very happy to meet with Deputy Higgins. It is the first I have heard ... I am not aware of any specific information about any individual cases that he mentions. I would add that under the Data Protection (Jersey) Law, the Law Officers' Department is one of the competent authorities that is listed in Schedule 1 to that Law, which modifies the provisions of the Data Protection Law in relation to those competent authorities. That does include certain relaxations of time limits in relation to those competent authorities. Nevertheless, the overall point remains I am very happy to meet with the Deputy to explore the matters that he raises.

3.1.2 Deputy K.F. Morel of St. Lawrence:

Due to the sensitive nature of the work of the Law Officers' Department, I can understand why it does take time to comply with subject access requests. I was wondering how many subject access requests approximately were received last year, or are received on an annual basis and does the Department have someone specifically tasked with providing the information for those requests?

The Solicitor General:

I am afraid I do not know the number of subject access requests that were received, or that were directed at the Law Officers' Department. I am happy to find out and to let the Deputy know.³ Yes, as I said in my answer to Deputy Higgins's questions, we do have a data protection officer whose responsibility it is to answer subject access requests. In addition, we are obviously well-versed in data protection compliance issues so the answer to that question is yes.

3.1.3 Senator K.L. Moore:

³ H.M. Solicitor General subsequently circulated the following information to Members:

The three Subject Access Requests received by the Department since the start of 2019 were handled as follows.

2019: One Subject Access Request (SAR) received:

1) SAR received on 25 October 2019

An extension of two weeks was requested to 13 December 2019. The response was provided within this timeframe.

Follow up questions were received on 17 December. A response to the follow up questions was provided on 19 December. There has been no subsequent follow up from the Information Commissioner's Office (ICO) and the request is considered closed.

2020 (to 27 February): Two SARs received:

1) SAR received on 16 January 2020

No extension requested. Response provided within the initial four week timeframe, on 13 February. There has been no subsequent follow up from the ICO and the request is considered closed.

2) SAR received on 24 January 2020

No extension requested. Response provided one day after the initial four week timeframe, on 24 February. The one day delay was due to the large quantity of material being disclosed and awaiting a response from the requester as to how they wanted to receive the material. There has been no subsequent follow up from the ICO and the request is considered closed.

There are no outstanding SARs to the Law Officers' Department.

Would the Attorney General (sic) be able to tell the Assembly what the average time is allotted by his Department to respond to subject access requests and at the moment is he aware how many subject access requests have been handed in, but are as yet unfulfilled within the allotted time?

The Solicitor General:

As I said in relation to Deputy Morel's questions, I am not aware of the number of subject access requests received by the Department this year, so, therefore, I am not aware of the numbers that are outstanding. I have to say, I personally am not aware of any, but no one has raised that with me, but I will make enquiries and I will let the Deputy know. As I said, the Law provides that we are one of the Schedule 1 Authorities that is listed under the Law, which means that the time periods are relaxed. In addition, there are exemptions under the Law which concern the provision of legal advice where there is privileged information that is obviously not subject to an information request. So there may be many reasons for why particular subject access requests are either delayed or are not granted at all. But I can look into the matter and let both Deputy Morel and the Senator know in relation to the numbers.

3.1.4 Deputy M.R. Higgins:

Can I just ask the Solicitor General whether he thinks it is justifiable, or excusable, for restrictions to be placed in the case of lawyers who are provided information that they were told that they could not share it with their client who, although vulnerable, could have the information shared with them in the right circumstances and the vulnerable person is the only person who could have vouched for, or said, whether the records, *et cetera*, were correct? Therefore, by not allowing that person to see the records, they are put at a major disadvantage, as were the people who were trying to assist. Is that acceptable practice?

The Solicitor General:

The Deputy is obviously referring to a specific situation. I am not aware of the specifics of that situation. I would say that, obviously, it is normal in a relationship between a client and their legal adviser for a client to receive information that is communicated to the lawyer and normally the lawyer would be under a duty to pass that information on. There may be certain specific situations where that rule does not apply, but they are usually unique situations but it would very much depend on the particular circumstances, so I am afraid I cannot answer the Deputy any further than that.

3.2 Deputy S.M. Ahier of the Minister for Children and Housing regarding the decision to introduce payments of £40,000 a year to foster parents of children with complex needs: (OQ.62/2020)

Will the Minister advise the Assembly whether, in light of the payment of £40,000 a year to foster parents of children with complex needs, he has considered providing similar payment to their parents instead?

Senator S.Y. Mézec (The Minister for Children and Housing):

No, we have not done so and, with respect, I think the question slightly misses the point of what the fostering service is for. It is obviously always the first preference that families be supported in whatever way necessary and often that will not necessarily be support through financing to enable them to provide a supportive home environment for their children as possible and it is only for those very sad situations where that is simply impossible that fostering is considered. It is now the view that, because of our history of unfortunately having to send some children off-Island, because we have not had the facilities on-Island to support them, that a paid intensive fostering service is needed and is in the best interests of those children.

3.2.1 Deputy S.M. Ahier:

Will the Minister allow parents of children with disabilities to apply to become foster carers, so that they can afford to care for their own children by being paid £40,000 a year, as well as receiving maintenance allowances, travel expenses and any necessary equipment?

Senator S.Y. Mézec:

No, through the fostering routes that would be completely inappropriate. It is right that support is given to families to be able to provide the best environment possible for their children but to do so through the fostering route is not the appropriate way. Support should be given for those children independently, not dependent on their parents taking on and supporting another child.

3.2.2 Deputy R. Labey of St. Helier:

Would the Minister agree that funding foster parents properly, funding their training properly for dealing with particularly difficult personal circumstances, to not do that is a completely false economy and this is long overdue for the Island?

Senator S.Y. Mézec:

I absolutely wholeheartedly agree with Deputy Labey. I have been very lucky in this job to meet many foster carers, who are incredible people who do such amazing work for those children they look after and I have met many of the young people that have been through that and know how much it has meant to many of them. The service that has been announced recently is for those particularly difficult and particularly sad cases where the alternative before now has been to send children off Island and I would hope that most Members would agree that moving away from that is the right thing to do, not just because of the economies of scale that the Deputy references, but because it is in the best interests of those children to have them cared for in Jersey.

3.2.3 Deputy K.F. Morel:

Given that it has already been stated that it costs approximately £200,000 to send a child to the U.K. (United Kingdom) for appropriate care - a net saving of up to £160,000 through this - did the Minister ever consider that it should have been more than £40,000 a year that was given to these foster parents? Because, in the long term, the savings to society are much greater and £40,000 a year, in Jersey terms, is approximately the median wage and perhaps these parents should have been recognised with a greater salary than this, or greater financial incentive.

Senator S.Y. Mézec:

It is a fair question and the line has got to be drawn at some point and because this is new territory for us, we are not necessarily able to predict how it is going to go. What I will say though is that with our new Public Finances Law and the new Government Plan system that we do have flexibility in future to look at this and I have certainly said beforehand that we have to keep an eye on this, see what recruitment is like, see what sort of candidates come forward and how they make it through their training. I certainly would not rule out having a look at it again in the future to make sure that we are supporting these people as best as possible.

3.2.4 Deputy K.F. Morel:

I just wanted to check: is the £40,000 salary basis, or is it a per child placed basis?

Senator S.Y. Mézec:

It is a salaried basis and there is, I think, still some discussion that is going on with Revenue Jersey about some of the added fees, because there are fees as well as the salary on top of that, but that are dependent on other circumstances and how those can be best managed to give the best support possible to those foster carers.

3.2.5 Deputy M.R. Higgins:

Deputy Morel basically asked the question I was going to ask. The £40,000 I thought was for a standard placement of a child. Children who have got complex needs - and I have dealt with a number of cases where that is the case - £40,000 will not even come into it. In fact, I think you will have very few takers. Can I ask the Minister to go away and review the complex cases and the cases where people have been sent away and review it, because I think he will find it is totally inadequate for the responsibility not only the financial involvement for the foster parents, but for the responsibility they are taking on and the amount of effort they are going to have to put in? So, I would ask the Minister to go away and look at the complex cases already and again review the figure.

Senator S.Y. Mézec:

I am not convinced that there is anything wrong with the system that is about to be set up. I think that it will be adequate and the response that I have so far had from members of the public who have got in touch with me to say that they are interested in this, I am of the view that it most likely will be a success but, as I said in response to Deputy Morel, it is right that we keep a watching eye over this and look out what needs to be altered in future if there are things that can be changed to improve it. But I will say that it is not just about giving these intensive foster carers a salary and then just letting them get on with it. There will be a whole package of training and support and access to support from Children's Services outside of normal office hours to support them.

3.2.6 Deputy R.J. Ward of St. Helier:

Just to clarify, the £40,000 is a salary for an adult carer to be available and not work full-time elsewhere. So, therefore, would there be other expenses available to address the expenses of those of complex means such as carers allowance, *et cetera*, on top of it? So is that not a pathway into providing the extra resources available to families who are taking on this challenge and really helping society?

Senator S.Y. Mézec:

Yes and sorry if I was not clear enough to Deputy Morel's question, which I think asked a similar thing.

[10:00]

Yes, it is the case that there is extra support and fees on top of the salary. There is the salary on the one hand and there is the extra fees and expenses on top of that.

3.2.7 Deputy C.S. Alves of St. Helier:

I think the point that Deputy Ahier was making was that there are a lot of families whose children would, potentially, be fostered by these specialist foster parents and they are currently living off very minimum income support and have had to give up careers, one particular person I know in a legal field. Is the Minister aware that these parents are obviously feeling quite let down and also they are living off a carer's allowance, which is a taxable income and they are also not allowed to seek employment? Have there been any conversations or anything thought about to put in place for these people who, potentially, if they did step away from their children, these children would end up in specialist care?

Senator S.Y. Mézec:

This service is not intended to be an excuse for not supporting families in the first instance. The first instance is that families ought to be supported to provide a home environment that is better suited to their child's needs, irrespective of whether that is financial, or otherwise. It is not the intention of it to be a short cut around those situations. But one of the things we are hoping is the Intensive Fostering Service can be used for is for short-break care for children with particularly complex needs and that can be one way of giving support to families that where the child is staying permanently, to give some respite to those families and support from that end.

3.2.8 Connétable D.W. Mezbourian of St. Lawrence:

I am grateful to Deputy Alves for her question, because mine is along similar lines. Because we all know of parents and families who are looking after children with complex needs and they are not being offered the support, in my view, that they should be. I would like to ask the Minister, what training is being offered to those parents who have children with complex needs or, indeed, is any training being offered to those parents?

Senator S.Y. Mézec:

It is a separate question to those that have been asked before this and I would have to go and find what exact support packages are offered. But whatever support packages are offered to families are going to be tailored to their needs; it cannot be one size fits all, because every family's unique circumstance is different. If the Constable would like a more comprehensive answer to that, I am happy to ask my officers to help provide her with examples of the things they can do to support those families.

The Connétable of St. Lawrence:

I would like him to make those enquiries, please.

3.2.9 Deputy S.M. Ahier:

Does the Minister agree that children and the young people, who have medical conditions, would be better off being looked after by their own parents? Will the Minister accept that economic hardship is often a consideration in parents being unable to cope and that £40,000 a year would enable parents to become full-time carers, negating the need for foster carers?

Senator S.Y. Mézec:

Yes, to the first part of his question; no, to the second part, because I still think he is missing the point here. This is not for children and families whose primary issue is financial hardship. This is for other circumstances, which can often be very sad, or difficult. It might be the case that a child's parents pass away, for example. It is not about getting around the issues of financial hardship, which do need to be resolved and that there are ways of doing that, some of that can be through the income support system. I think the second part of his question misses the point. This is not about getting around supporting those families in those particular issues, it is about children that can end up in very sad and difficult circumstances because of the trauma they have been through, because of a family situation that has developed in an unfortunate way for other reasons.

3.3 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services regarding the Assisted Dying Citizens' Jury: (OQ.52/2020)

Would the Minister advise how the members of the Assisted Dying Citizens' Jury be selected?

Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):

I am pleased to give out more information about this subject. The members of the jury will be recruited using a process called sortition, which identifies a randomly stratified group of people, who are representative of Jersey's population. This recruitment will be sourced from an independent specialist consultancy firm, which will undertake all steps of a jury sample selection. This will include using data collected from interested Islanders to ensure a stratified and random sample that represents the diversity of Jersey's population, makes sure that they are selected as such and recruited on to the Citizens' Jury. This process is designed to be fair and balanced and to ensure the absence of undue influence by interested parties, or elected members. The Citizens' Jury members should represent the broader community and bring a balance of different social perspectives to the deliberation process. I hope this assists and answers the question.

3.3.1 Deputy I. Gardiner:

Would the Minister advise if it will be people who will sign in, or it will be randomly selected and if they will be randomly selected, would the Minister be confident that they will represent really a wider balanced view of the residents?

The Deputy of St. Ouen:

The details of the process have yet to be finalised with the consultancy firm I mentioned. But I personally cannot imagine that we, or that firm, would select from a list. I anticipate at present that we would invite expressions of interest from people, as has happened with the 2 other panels that are being established at the moment for our hospital project and the carbon neutral strategy. It was a call that went out for interested parties to give up their time and serve in this way.

3.3.2 Deputy R. Labey:

Is this Assembly not a Citizens' Jury? Is this Assembly not a Citizens' Assembly? Selection for this Assembly is by election by citizens. We are citizens ourselves, paid to weigh up the pros and cons by the electorate and make a decision. Could the Minister explain the rationale and how much it will cost?

The Deputy of St. Ouen:

We are the representative democratic Assembly for the Island of Jersey, I fully agree. This matter will come before the States, if that is the decision. I anticipate it will come before the States. I think there is value in ensuring that this is looked at in depth by people who have not come to the issue with their minds made up, or their minds along a certain track. I was pleased to have a conversation with the Irish Health Minister, when I was recently in Dublin on an alcohol and drug conference, because in the Republic of Ireland they have recently had these processes around abortion and equal marriage. He spoke to me about how it was very useful and valuable for them as a nation and took the country forward in a consensual way. We know assisted dying has significant ethical and moral issues associated with it, which has the potential to divide us. But I believe a jury can, by looking in depth at an issue and reporting dispassionately, I trust, will help us to reach a decision that we, as a representative body, can then feel more assured of how our Island population may think.

3.3.3 Deputy K.F. Morel:

A very simple question - Deputy Gardiner did ask it, but I do not think it was answered - how much is being paid to the Sortition Foundation to arrange for the establishment of the Citizens' Jury?

The Deputy of St. Ouen:

The consultancy firm is engaged to provide its services in relation to the 3 matters that are being considered by juries, or panels and, in fact, I am not aware of the precise sum. It is probably also confidential for commercial reasons.

3.3.4 Deputy K.F. Morel:

Would the Minister provide me with that sum, regardless of whether it is confidential? I will maintain that confidentiality.

The Deputy of St. Ouen:

I believe I could do so in the light of the Deputy's confirmation that he will maintain confidentiality.

3.3.5 Deputy R.J. Ward:

Can I ask the Minister: does he think that there needs to be a slight improvement in the understanding of what these assemblies, or juries, are in terms of a genuine reflection of a cross-section of our society, which, controversial or not, this Assembly is not in terms of its demographic and that is why these assemblies have been useful, in Ireland for example. Also, can he assure that the meetings with

this Assembly will be accessible to those who perhaps do work full-time, or are younger and, therefore, can access to give their opinion on an issue that will affect all of us?

The Deputy of St. Ouen:

We will take the Deputy's comments on board. I would certainly try and ensure that we do not exclude people, such as working people, or younger people. I think the whole process is designed to ensure that we reflect, as closely as possible, the diversity of the Island. This is new to the Island, is it not? It is something we have not yet done. All thoughts from Members as to how we proceed with these panels and juries are valuable.

3.3.6 Deputy L.M.C. Doublet of St. Saviour:

I wanted to build on the last question and ask about the criteria. I do not know if the Minister answered fully previously to say whether there would be criteria applied to try and make the citizens' panel as representative of the population as possible. If that is the case, what criteria will be considered?

The Deputy of St. Ouen:

I had the sentence in the notes I was provided with, which I did not read, because it is kind of management speak. But it did say that the firm, in undertaking sample selection, would: "Include designed, informative, invitation and registration of interest, including collection of socioeconomic and demographic data." I gather from that that they are seeking a very broad, wide, cross section of people, representing all socioeconomic groups, all demographic groups. As to the detail of the process, that has not yet been worked through and I am not aware of detailed criteria that will be used, but Members may recall that our hospital panel has been established, or is about to be finalised, I think. At a certain stage it became apparent that there was a lack of young people who had applied. If that panel had been constituted at one stage, it would not be representative of younger people. A halt was called and a further appeal was made for younger people to then come forward. I am pleased to say some did, have been recruited on to that panel, so that our hospital panel now is representative of our population. I imagine the same efforts will be made with this jury selection.

3.3.7 Deputy L.M.C. Doublet:

Could the Minister ensure that one of the criteria that is considered is their religious belief, or non-religious belief, given that is a key issue of conscience for humanists and, I believe, for many religious people, as well? I think, given that we have an exact split in Jersey from the last data of religious and non-religious people in Jersey, I think it is quite important that that criteria is maintained on the citizens' panel. Can the Minister give a commitment to that, please?

The Deputy of St. Ouen:

With respect, I do not think I should give a commitment that I will include any particular criteria, because the whole point is that this should be free of influence from Ministers and other interested parties. But if a process is designed to ensure a representative sample of the population and if within the population there are people with religious and non-religious views, then I would expect that to be reflected, absolutely, within the jury panel. But as this process moves forward, I am happy to try and pass what reassurances that I can to the Deputy, so that she can be satisfied as to that question.

[10:15]

I am sure, as this is worked through, the detail of how the jury will be selected, what the consultancy firm is trying to achieve, will become clearer.

3.3.8 Deputy M.R. Higgins:

I must admit that the more the Minister has gone on, the more concerned I am about this particular process. To be perfectly honest, I believe the Minister does not believe in assisted dying. I do wonder

how long this process is going to take and I am also concerned about the cost. I am also concerned, too, what it is going to accomplish at the end. Because, in the end, it is going to have to come back to this Assembly and the Assembly is going to have to make a decision and we should make that decision based on evidence, not necessarily from a panel who may, or may not, agree with our particular views. In the end, it comes down to this Assembly to make the decision. Will the Minister review it and bring it back, tell us how much it is going to cost and also tell us how long it is going to take and how long he is putting off the decision for?

Deputy R.J. Ward:

Sir, may I ask a point of clarification before the Minister speaks? Just from what has been said previously with regards this process, I think there is a real ...

The Deputy Bailiff:

You have asked your question, have you not, you have had your question?

Deputy R.J. Ward:

OK.

The Deputy Bailiff:

Sorry, Deputy.

The Deputy of St. Ouen:

I am not delaying this process. In fact, I believe this takes it forward in a significant and helpful way for all concerned. It is the case that one of the interest groups involved, Dignity in Dying, has commended the Island for taking this step and is supportive of the process. I have met with the other interest group also and explained the process and they understand and agree that they will work within it. I am trying to think of all the Deputy's ... how long is it going to take? I have given some information to States Members in a previous email. I have thought that a debate could come to this Assembly by December, but it does depend on the jury's deliberations; if they want to take time, have an extra meeting or 2 that is up to the jury and how long they wish to take to prepare their reports. But the present thinking is it would be possible for us to have a debate in December, precisely what sort of debate that would be will depend on what the jury recommends. But the jury is advisory only, it is this Assembly that makes a final decision and that is perfectly understood, so the Deputy need have no concern about that.

Deputy G.J. Truscott of St. Brelade:

Deputy Higgins asked a similar question to what I was going to ask, Sir.

3.3.9 Deputy I. Gardiner:

How confident is the Minister that the findings of this jury will be a discussion and taking neutral, that taking into account that this issue has high awareness in the public, everybody has some views on it? How will the Minister oversee that the process will be really neutral and balanced and cost-effective?

The Deputy of St. Ouen:

Because the jury will hear from experts in the subject of end-of-life care, they will hear from the interest groups involved, people will have an opportunity to present to the jury if they have a particular stake in this subject. The jury will receive information from all sides of the issue and have time to consider it. I do not think it is true to say that all people have a view on the subject at the moment. I think that many people understand that it is a difficult issue to grapple and it needs thought. I will not be overseeing this work. It will be an independent facilitator who will guide the jury discussions; they will be totally independent. This is a function that is well known and that facilitator

will help the jury write their reports. At the end of the day, we are not obliged to adopt any of the recommendations of the jury. The matter will be before this Assembly at some stage and we are free to follow what we wish to. But I believe we will be better informed by the jury deliberations.

3.4 Deputy K.F. Morel of the Minister for Home Affairs regarding the impact on Jersey's immigration system of any such system introduced in the United Kingdom: (OQ.50/2020)

Is it the Minister's assessment that Jersey will be able to design its own immigration system suited to Jersey's needs and will not be required to adopt any system that the U.K. chooses for itself?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

The simple answer is, yes, of course. We already have an immigration system designed and suited to Jersey's needs and we will continue to do so and develop it as necessary and appropriate. Just as an example, last year the hospitality pilot scheme started, through which I have allowed a limited number of low skilled non-E.E.A. (European Economic Area) nationals to come and work in Jersey. This is a Jersey scheme, specifically Jersey and is not replicated in the United Kingdom and in simple terms the answer is yes.

3.4.1 Deputy K.F. Morel:

We have heard noises from the U.K. about the points-based system and minimum salary levels in order for people to be admitted to the U.K. as migrants. If the U.K. were to adopt those systems, would Jersey have to adopt similar systems as well, with regard to minimum salary levels and points based?

The Connétable of St. Clement:

No, we do not. Because of our membership with the Common Travel Area, our immigration laws have to align with the United Kingdom and the other Crown Dependencies and indeed Ireland, who are part of the Common Travel Area. But that does not mean that we replicate the schemes of the United Kingdom. We have to align with them, but we do not have to replicate. Jersey has its own rules and we have different demographics, different requirements from other parts of the Common Travel Area and that is recognised by the Justice Committee in the United Kingdom and that will continue to be the case after whatever policy the United Kingdom bring into force.

3.4.2 Deputy M.R. Higgins:

I am pleased the Minister mentioned the Common Travel Area; could he tell Members at the moment what we have to comply with, as we are part of the Common Travel Area and whether we will have to comply with them in the future?

The Connétable of St. Clement:

The Common Travel Area is an agreement between the United Kingdom, the Irish Republic and the Crown Dependencies, which allows free movement of people between those jurisdictions, based on an aligned immigration system, which we all adhere to. That is very important, because if we were not part of the Common Travel Area we would have difficulty ... not difficulty but there are different arrangements in travelling to other parts of the Crown Dependencies and the United Kingdom, like perhaps passport controls and that is something we want to avoid, I think, almost at all costs.

3.4.3 Deputy M.R. Higgins:

If we have to comply with the Common Travel Area and the U.K. lays down certain things, how exactly can we differ from what they have laid out? In other words, anyone who comes into the U.K. under their scheme would be allowed to come to Jersey, is that not the case? Therefore, no matter what our scheme is, they would still be able to come to Jersey.

The Connétable of St. Clement:

Yes, indeed. There is free movement of people between the jurisdictions of the Common Travel Area, but the right to work and reside is something totally different.

3.4.4 Deputy G.P. Southern of St. Helier:

When the U.K. leaves the E.U. (European Union) finally, is it the case that our border, instead of being a border with the E.U., will be subject to U.K. border rules, because it gives access to work and to live in the U.K.?

The Connétable of St. Clement:

Our border will continue to be Jersey's border ruled by Jersey, maintained by Jersey and policed by Jersey. There will be no other jurisdiction responsible for border controls in our ports, whether it is the harbour, or the airport.

3.4.5 Deputy G.P. Southern:

Can the Minister give the details of the type of alignment with U.K. rules that will be required?

The Connétable of St. Clement:

It is not a matter of rules. We make our own rules, based on similar immigration legislation that we have with other members of the Common Travel Area. We make our own immigration rules, as I explained before, depending on our requirements, on our demographics and our requirements for labour.

3.4.6 Deputy S.M. Ahier:

Does the Minister accept that no matter what migration policy this Chamber adopts, that every person who arrives through the harbour and the airport should be recorded in a database, so that an accurate population figure can always be maintained?

The Connétable of St. Clement:

That would be lovely, would it not? But the truth is that we have a free movement of people currently between Europe and the Common Travel Area, but this will be reduced as a Common Travel Area after 31st December this year. Free movement means that we do not ask for passport control or I.D. (identification) from people travelling to and from members of the Common Travel Area. While it would be a nice thing to do, perhaps even a useful thing to do, it would make travel between the Common Travel Area and ourselves much more difficult than it is.

3.4.7 Deputy J.M. Maçon of St. Saviour:

So, despite the citizens, through their passports can continue to enjoy the arrangements of the British Common Travel Area, therefore, on the other side, it means that if Jersey were to so choose it could indeed adopt a U.K. points-based system, could it not?

The Connétable of St. Clement:

Yes, Jersey is master of its own destiny in that area.

3.4.8 Deputy R.J. Ward:

Given that we adopted an E.U. assessment scheme and had very little choice in that, is it not the case that we will have very little choice in our immigration laws, given our connection with the U.K. is growing as we move away from Europe?

The Connétable of St. Clement:

Yes, I am not sure if I quite understand the question and how that relates to the settled status scheme. People who have settled status will be able to remain in Jersey and have free access to the Common

Travel Area. Our immigration rules will be our immigration rules. Unless there is some change in the agreement of the exit of the United Kingdom from the European Union, passports and I.D. will be required and people coming to work from the E.U. will also require work permits and visas and that will apply throughout the Common Travel Area.

3.4.9 Deputy R.J. Ward:

In which case, can I ask the Minister which parts of the U.K. immigration scheme he does not feel is appropriate for Jersey?

The Connétable of St. Clement:

We are not and I am not simply going to lift the U.K. immigration rules and apply them to Jersey. Jersey has its own rules, its own requirements, its own needs, its own demographics, its own requirements for labour and that is what will control the rules that I introduce, if there is any need to change any of the rules that we currently have.

3.4.10 Deputy C.S. Alves:

Is the Minister able to inform the Assembly whether those who have settled status will, therefore, be required to have a passport to come back to the Island after 31st December, or if we are able to implement some rules so that they can just use their I.D. cards? Because, at the moment, that is an extra cost to immigrants and it does not have the same period of validity as the I.D. card does.

The Connétable of St. Clement:

The indications are that all travellers from outside of the Common Travel Area, including us, me, will require a passport to re-enter the Island.

3.4.11 Deputy C.S. Alves:

As we are able to govern by our own rules, is the Minister willing to look at that, because that is an extra cost to those who have settled status, who are immigrants? It is also an extra level of complexity, because it is not always as simple to get a passport as it is to get an I.D. card and yet they have the same identification numbers.

The Connétable of St. Clement:

I accept there may be challenges indeed for the travel companies as well, but I think it would be very difficult to give people with settled status enhanced rights over other residents.

[10:30]

3.4.12 Deputy K.F. Morel:

Has the Minister received, or is he aware of other Ministers receiving, any communications from the United Kingdom Government suggesting that they would wish for us to adopt some elements of the immigration policy that they are currently considering?

The Connétable of St. Clement:

I am not aware of such a scenario.

3.5 Deputy L.M.C. Doublet of the Minister for Children and Housing regarding the allocation of emergency housing to victims of domestic abuse: (OQ.49/2020)

Will the Minister please state whether victims fleeing domestic abuse have priority in terms of accessing emergency housing?

Senator S.Y. Mézec (The Minister for Children and Housing):

The short answer is yes, but the system is not perfect. The homelessness review has been going on for the last year and I am imminently awaiting its report, which will highlight some of the things we need to do to help people facing homelessness and that does include people who are fleeing domestic violence. We know that organisations like the Women's Refuge and Shelter do excellent work supporting people in emergencies, but we need to do more to help provide permanent solutions, so the emergency provision is able to cope. In the last few months, a homelessness cluster has been operating, which brings different agencies together to find solutions for specific cases and I am aware that they are experiencing success in dealing with sometimes complex cases, but more has to be done to formalise this and more has to be done to provide more permanent solutions as well.

3.5.1 Deputy L.M.C. Doublet:

The Minister has accepted that more needs to be done, could he elaborate on what he thinks an ideal situation might be for Jersey and what he would like to put in place?

Senator S.Y. Mézec:

If we are talking an ideal situation, part of that would involve having significantly more homes, so that there is less demand on the Housing Gateway, because that enables us to provide a way of providing permanent solutions, especially when there are children involved. We want permanency and stability and it frees up the emergency provisions for those cases where something needs to be done imminently before then a permanent solution is found. I will openly say that the most difficult cases that I have come across that will require some tough thinking, not just by me, but by the rest of the Assembly, as well, relates to those instances where the partner who wishes to flee does not have housing qualifications; that can be a serious complication here. We have got to find ways of supporting those people, so that nobody is left in a situation where they are staying in a home which is unsafe for them, or unsafe for their children.

3.5.2 Deputy G.P. Southern:

Surely the person who wishes to flee is protected under human rights legislation with a right to family life?

Senator S.Y. Mézec:

That is certainly my view and there have been difficult instances where cases are reviewed for hardship and setting precedent is something that we receive advice on, that I often consider to be unwelcome advice, given the circumstances that we face. That is also a bureaucracy though that can take a while to deal with and in some of these instances they need solutions much quicker than that. It is very early in the policy development stage of this, but Children's Services I know are looking at some provisions they think would help them be able to help the families they support when they face that as well.

3.5.3 Deputy L.M.C. Doublet:

Would the Minister agree to have a discussion with me about the next steps, so that I can feed back to interested parties?

Senator S.Y. Mézec:

Absolutely. I mentioned that I was imminently awaiting a report from the homelessness review. I am aware that a draft is ready; I have not yet seen it. It might be worth waiting until that point where I have seen it. I will chase that up and find out when that is going to be but I am more than happy to have that conversation with Deputy Doublet.

3.6 Connétable M.K. Jackson of St. Brelade of the Minister for Infrastructure regarding the taxi industry in Jersey: (OQ.51/2020)

Will the Minister advise whether he will be removing the existing cap on taxi driver numbers and encouraging the taxi industry to support app-based schemes?

Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):

There is currently no cap on the number of drivers who hold public service vehicle badges. At the moment there are 439 drivers who are licensed to drive taxis. The number of taxi vehicle licences is maintained as close to 310 as possible, as this was the number of licences in operation at the start of the Taxi Reform Programme, which commenced in 2015. Until the full rollout of the one-tiered taxi system is completed in 2021, I do not intend to increase the number of available licences. I am actively encouraging existing operators to utilise app based systems of which there are currently 4 being used. Drivers can only be affiliated to one app at a time.

3.6.1 The Connétable of St. Brelade:

I thank the Minister for his answer, but would he not agree that his Department is rather sluggish in activity in this sphere and the fact that his proposed Sustainable Transport Policy is silent on the matter simply encourages covert and unregulated organisations to the detriment of a properly and organised 21st Century taxi service for the public to use.

Deputy K.C. Lewis:

No, as I say, we have 439 drivers on 310 taxi cabs, so we are encouraging multiple use. There is no cap on the number of drivers, only the vehicles. We are actively encouraging companies to use more drivers and keep the vehicles on the roads, so the vehicle is always in use as much as possible. As I say, when new operators apply to operate a taxi service, one of the prerequisites for them is to identify which app they will be using, which they intend to use to facilitate bookings and control their licences.

The Connétable of St. Brelade:

Sir, if I may, would the ...

The Deputy Bailiff:

No, I think your final supplementary is later on at the end of the questions.

3.6.2 Deputy L.M.C. Doublet:

As I understand it, the rank taxi permits, there are a certain number of those and some people can hang on to those while they are only working maybe a handful of hours per week. Has the Minister considered perhaps putting a minimum working time on those permits, so that that might create more vehicles, more taxis on the roads and available?

Deputy K.C. Lewis:

Yes, that is in process at the moment. Currently a number of existing licences, which is the older rank plates, that is the yellow plates, do not have the minimum mileage that they are required to complete annually. Newly-issued purple plates have a minimum annual mileage of 19,100 miles per year, to ensure they are making the licence work and improve availability to the public. The current breakdown is yellow plates, we have 115; white plates, that is the old private hire, 9; purple plates, which are full access, that is 142, and red company plates are 35, which is a total of 301 at the moment. D.V.S. (Driver and Vehicle Standards) currently has plate offers out to badge-holders to maintain the total number at 310. With regard to unauthorised companies and individuals, who are providing services, as the Constable is well aware, that is completely illegal and anyone caught doing so is liable to prosecution. In fact, that anyone who carries people for hire or reward are not insured as such, is breaking the law and, heaven forbid, should the vehicle be involved in an accident, there would be no insurance whatsoever, plus obviously the drivers are not P.S.V. (Public Service Vehicle) drivers, so there are no background checks towards the person's capabilities.

3.6.3 Deputy L.M.C. Doublet:

Can I just confirm something that the Minister has said? The yellow rank badges, which are the old ones, will not be required to do any minimum hours, is that correct?

Deputy K.C. Lewis:

That is correct, that was part of the arrangements when the transitional process was put in train, but by 2021 all plates will be purple.

3.6.4 Deputy K.F. Morel:

Does the Minister accept that one of the enormous benefits of taxi apps is that the data gathered can help identify usage requirements of Islanders in the sense of where taxis are required, how many are on the roads at any one time and that information would be of enormous use to the Department, were he to encourage these?

Deputy K.C. Lewis:

Yes, indeed, that is currently in train.

3.6.5 Deputy K.F. Morel:

Given that the apps can be so useful, can the Minister explain why he is not encouraging their use, or helping Islanders who develop these apps to roll them out to taxis, in order to provide a better service for Jersey?

Deputy K.C. Lewis:

Indeed, as I have just previously stated, we actively encourage the taxis to use apps. They can only use one app, which is nominated, but we do encourage their use.

3.6.6 Deputy J.M. Maçon:

Last night I received a complaint; yet again, no taxis at the airport for the last flights, about 30 people in the queue, but no taxis. It is an embarrassment to the Island when tourists, who have been delayed in bad weather, have to stand in the rain and wait for their taxis to get to their hotel. If the Minister does not want to change the cap which is in place, can the Minister suggest an alternative as to assist these individuals?

Deputy K.C. Lewis:

If we increase the taxis too much, that is when people start going out of business in the lean times. As I say, we are encouraging more drivers to maintain the taxis on the roads. There is no cap on the P.S.V. drivers, only on the vehicles themselves. If people double, or triple-shift, their vehicles, that is perfectly in order, subject to the relevant permissions. D.V.S. are currently talking to the airport and harbours to see how things can be improved. There will be changes made at the airport regarding the structure and we will be keeping a watching brief on that. But there is no particular reason why taxis should not be available. Most people have either iPads or iPhones, or an equivalent, where the airport flights departures and arrivals are clearly available. Members who have their iPhones with them now can look up now when all the planes are landing, so there is no reason why taxis should not be facilitating that as they go. Plus, anyone landing at the airport can pre-book a taxi cab to meet them at the airport, but it is something that D.V.S. is aware of and we are actively trying to remedy.

3.6.7 Deputy R.E. Huelin of St. Peter:

I have heard about mileage of taxis, I think 19,100 miles. Can I ask the Minister if he can look into the utilisation of taxis, i.e. how much time in the day a taxi has a fare in the back of the cab, as opposed to driving around empty, or waiting stationary, without being productive?

Deputy K.C. Lewis:

I do not currently have that information. Obviously, if the vehicle is stationary there is no mileage, but taxis very rarely drive around, unless they are driving to the airport to pick up a fare, or driving to a location to pick up a fare. But we will try and take all that information on board.

3.6.8 The Connétable of St. Brelade:

Would the Minister tell Members whether, in his travels, he has ever taken an Uber, or similar app based taxi?

Deputy K.C. Lewis:

Yes.

3.7 Deputy J.M. Maçon of the Chairman of the States Employment Board regarding the number of local candidates in recruitment processes: (OQ.48/2020)

Given that, in its 2018 Annual Report, the Jersey Appointments Commission reported its concern at the low numbers of the local candidates applying after being shortlisted for some roles and stated that more data was required to understand why this was so, will the Chair explain what work, if any, has been done to address this finding of the Commission and, if not, will he state why?

Connétable R.A. Buchanan of St. Ouen (Vice-Chairman, States Employment Board - *rapporteur*):

The States Employment Board share the J.A.C.'s (Jersey Appointments Commission) concern about the number of local candidates. In 2019, the Government had a greater focus on local recruitment companies and required those we use, not based in the Island, to undertake more local searches. This has been particularly effective when applied more recently, a more senior management team and the modern digital were all roles that were appointed to on-Island candidates. We have learned from that experience and we will replicate that throughout the rest of our recruitment process. I have to say, though, we have to remember the Jersey employment market has specific dynamics, which can make life difficult for us. We have full employment and the competition of key roles within the finance sector, the skills which are already in short supply and for which we struggle to compete and pay for. We also have a number of Government specific roles where there it is not necessarily an Island ready solution, or pool of people.

[10:45]

To this end, the States Employment Board has recently introduced a workforce development team and resourcing team to better plan for our roles going forward, to develop talent pools in the Island for those required by us and to further develop our approach to market recruitment.

3.7.1 Deputy J.M. Maçon:

I thank the [Vice] Chairman for that response. Will the Chairman [sic] publish the lessons learned over the new recruitment process, so that we can all have a better understanding about what improvements are going to be made and what policy changes will be enacted, if any?

The Connétable of St. Ouen:

Yes.

Deputy J.M. Maçon:

No further questions.

3.7.2 Deputy S.M. Ahier:

Since there are such a low number of local candidates shortlisted for some of these places, has the Chair [sic] considered having positive discrimination, whereby one locally born candidate is always on the shortlist?

The Connétable of St. Ouen:

I have to say we have not considered that approach. I think we would always look to include candidates that have the skill set to do the job and we would always try to include local candidates where it is at all possible. I think to force the issue and put a candidate on, whether or not they had the skill set, would probably be a mistake, in my view.

3.7.3 Deputy J.M. Maçon:

Can I ask the Chair [sic] whether he feels that there is enough information to guide potential candidates and enough in the way of pathways in order to alert potential candidates how to apply for these positions in the future and what can be done there?

The Connétable of St. Ouen:

I thank the Deputy for his question. We openly advertise all our roles on our internet site and we are planning more enhancements to that site to create pools of people, job alerts to go out to people who express an interest in roles within the States workforce. I think we are trying our best to encourage people to apply and we are looking at innovative ways to get people registered with us so that we know that they could possibly be looking for something if it came up.

Deputy J.M. Maçon:

I thank the Chair for his reply.

3.8 Deputy G.P. Southern of the Minister for External Relations regarding the impact of Brexit on the Island's finance industry: (OQ.60/2020)

In light of comments made by the U.K. Prime Minister and his negotiators that the U.K. will not be a rule taker under any new agreement made on leaving the E.U., but a rule maker and the E.U.'s position that there should be minimal divergence from E.U. Regulations in such an agreement, what outcome for Jersey ...

The Deputy Bailiff:

Can I ask you to stop, because I think we are inquorate at the moment, I understand, by one.

Deputy G.P. Southern:

I could take this personally. [Laughter]

The Deputy Bailiff:

Could I ask Members to return from the tea room?

Deputy G.P. Southern:

It is all the landlords who have left ... Nobody is coming back in. Can I have the *appel*, please, Sir? I want to know who my friends are.

The Deputy Bailiff:

Please continue, Deputy. Thank you.

Deputy G.P. Southern:

I have got your names. From the top, Sir.

The Deputy Bailiff:

Yes.

Deputy G.P. Southern:

In light of comments by the U.K. Prime Minister and his negotiators that the U.K. will not be a rule taker under any new agreement made on leaving the E.U., but a rule maker, and the E.U.'s position that there should be minimal divergence from E.U. Regulations in such an agreement, what outcome for Jersey does the Minister forecast and what impact, in particular, on the position of our finance industry?

Senator I.J. Gorst (The Minister for External Relations):

The Government of Jersey continues to represent the Island's interests with both the U.K. Government and the European Union across a range of policy areas, including, of course, the finance sector. It is for those parties to reach agreement on the post-Brexit trade relationship that reflects an acceptable level of equivalence and market access *versus* the current member state compliance. Careful consideration is and will continue to be given to the transposition of any U.K. or E.U. legislation to the laws of Jersey and would be considered by Members of this Assembly in the usual way.

3.8.1 Deputy G.P. Southern:

Could the Minister address the issue that it looks more and more likely that we will leave in 31st December this year with a no deal agreement and that we will be faced with our finance sector, which is a service industry, not one that deals in goods and, therefore, not subject to tariffs, that our position will be one of being outside the E.U. and have difficulty in trading under U.K. Regulations and city Regulations?

Senator I.J. Gorst:

Sir, I am not sure where to start, I thought you were perhaps going to correct the Deputy. Let us put aside the fact that the Deputy disagrees with the position of the United Kingdom, who have made it clear that they anticipate reaching a trade deal during the transition period, time will tell whether a deal is reached or not. Of course, as the Deputy well knows, when it comes to services, Jersey is not in the European Union. We are already a third country and regarded as such for services. So, the scenario that the Deputy fears will not come to pass, because we are already outside of the European Union for those purposes and we wish to maintain that position.

3.8.2 Deputy M.R. Higgins:

Following on from that, the U.K., obviously as a member of the E.U., had free access into Europe for services and will not do after the end of the transition period. We had a demonstration, I think it was last week, from the local fishermen, who are very concerned about their livelihoods in going forward. We know that, in the negotiations between Europe and the U.K., Europe is taking a hard line; they want to maintain the right to U.K. fisheries and obviously they point out that the main market for fish is Europe and they intend to use that as a bargaining point when it comes to financial services. Can the Minister for External Relations give words of encouragement to local fishermen that they are not going to be sold out as part of this deal to get U.K. financial services into Europe?

Senator I.J. Gorst:

We must remember that this is a negotiation and opening positions going into a negotiation are just that and should be regarded as that. What they simply do is give an indication of perhaps where the 2 parties, the member state and the European Union, think there is great worth in negotiating hard. This issue has been presented to me as a possibility. Of course, we are different from the United Kingdom in this regard. The United Kingdom is currently a member state of the European Union

and, therefore, is in the European Union for both goods, covering fishing and fish matters and for services covering financial services. We are not. Of course, our fishing is extremely important and it is, without doubt, one of those delicate areas when it comes to negotiating the future trade agreement with the European Union. But we are not in the European Union for services, hence financial services. We are already treated as a third country and we already show third-country equivalence. The 2 sides will have their negotiation and their opening position is as the Deputy has outlined in this Assembly, but we start from a very different position and, therefore, there is not for us a correlation between financial services and fishing in the way that some have suggested. Both are extremely important to our economy and our future but the relationship with the E.U. is fundamentally different right now.

3.8.3 Deputy M.R. Higgins:

Will the Minister for External Relations confirm that, in terms of the real world and real politics, that whether we are in the E.U. or not will make no difference when it comes down to the negotiation between the E.U. and the U.K. and that we may well have to, as we have done in the past, bend to the will of the U.K. Government?

Senator I.J. Gorst:

Absolutely not. For services and financial services, right now we are treated as third countries. The U.K. cannot go into a negotiation and negotiate that we would be treated as if we were a member state. It is incomprehensible that that would be the case. Of course, there is a lot of water to flow under the bridge around the overall negotiation and that is why we are working very closely with the U.K. Government, that they understand fully our position and our mandate going into that negotiation. We are also working closely with the Commission and the work that our Brussels Office does and our new E.U. team does, to ensure that the Europeans are, likewise, aware of our position.

3.8.4 Deputy R.J. Ward:

Given the answers, can I ask the Minister for External Relations, does he believe that Jersey should take a similar approach to his friends in the U.K. Conservative Party, that we should be a rule maker, rather than a rule taker, as the U.K. diverges from the E.U. agreement?

Senator I.J. Gorst:

Yes, it is very kind of the Deputy to suggest that I have friends in the Conservative Party. Perhaps I might repay him the compliment and say I look forward to seeing his friends at the Labour Party Conference later this year. **[Approbation]** Because, we in the Jersey Government work with all political parties across the United Kingdom. We have, I think, a proud history. I think that our settled constitutional position works well in the interests of all Islanders and our domestic and fiscal autonomy is something that we cherish and that we seek to enhance at every opportunity. In that respect we are, of course, our own rule makers and long may it remain so. But we, of course, do also scan the horizon for what is happening when it comes to international standards and approaches that are being taken by international standard setters like the O.E.C.D. (Organisation for Economic Co-operation and Development), regional standard setters like the European Union and we make appropriate domestic decisions that we think are in the best interests of Islanders. We will continue to do so, so it is not a matter of rule makers, or rule takers, it is the appropriate settled constitutional position whereby we are autonomous in matters, domestic and fiscal matters.

3.8.5 Deputy G.P. Southern:

Following any diversions between the U.K. and the E.U. over the provision of services, is it not the case that the Jersey finance sector may have to choose between U.K. Regulations and E.U. Regulations?

Senator I.J. Gorst:

No, it is not. It is the case that this Assembly and the Government of Jersey will choose to follow regional and international standards and put in place appropriate Regulations to show that we can meet the very highest international standard. It is that decision making framework and that process that has led us to the economic prosperity that we have enjoyed over the last number of decades. For my part, it is one that we will rightly continue to follow. This Assembly is rightly the master of its own destiny and it makes decisions in the best interests of all Islanders.

3.9 Deputy R.J. Ward of the Chairman of the States Employment Board regarding interaction with the unions in respect of the new employee relations framework: (OQ.55/2020)

May I ask, further to the suggestion made in response to Oral Question 14/2020, that meetings with the unions will be part of the future negotiation process, will the Assistant Chair of the States Employment Board commit to meeting the unions directly in respect to any significant issues with any new employee relations framework?

The Connétable of St. Ouen (Vice-Chairman, States Employment Board - *rapporteur*):

I thank the Deputy for his question and I also thank him for his understanding in allowing me to answer it, although, unfortunately, circumstances rather overtook that information.

[11:00]

The States Employment Board is committed to reconvening meetings of all the trade unions to discuss the development of a new framework for consultation and engagement and negotiation. In this respect, officers met with the unions on 18th February about this very subject. At this meeting, it was reiterated by officers that the States Employment Board would meet directly with unions when it is reasonable to do so and within the machinery of the revised framework. I should make the point, however, that the States Employment Board will not negotiate directly with unions and such meetings will be there to listen to the position and concerns of the unions and also to update them on matters that we would wish to put before them.

3.9.1 Deputy R.J. Ward:

Given that in that statement it was said you will not meet directly with the unions, can you reassure that when officers meet they are at a paygrade where they have genuine negotiation powers to make genuine offers and not have to come back again, have one negotiation with the trade unions and then come back to say: “We could not have negotiated that”, which has happened so often in the past?

The Connétable of St. Ouen:

I thank the Deputy for his question. The process is that we give the officers a mandate to go to engage with the unions. We try to negotiate that mandate with the unions. On occasions we are successful and on other occasions we are not. Then officers are bound to come back to the States Employment Board to discuss the situation with us and possibly to seek a fresh mandate. At no stage does an officer ever go in front of a union representative without a mandate from the States Employment Board to achieve an agreement with that union.

3.9.2 Deputy G.P. Southern:

Is it not the case that in establishing a negotiating position, both economic, fiscal and political considerations need to be involved? In that case, it requires, I would have thought, that not just officers were negotiating with their limited powers, but the politicians were in and talking face to face with the unions. That, certainly, has caused a lot of trouble in the last year, that the union representatives never saw a politician, in their view.

The Connétable of St. Ouen:

I thank the Deputy for his question. I just simply restate the point that it is the Board's policy that direct negotiations with the unions are undertaken by officers. The States Employment Board is there to set policy and to brief officers and give them a mandate to negotiate with the unions on matters that need to be negotiated on.

3.9.3 Deputy G.P. Southern:

Does the Assistant Minister, thereby, deny that there is any need for political considerations to go into negotiations and not just simply some form of consultation?

The Connétable of St. Ouen:

I thank the Deputy for his question. It is not a question I deny. There are obviously political considerations in every discussion with officers before they go into a meeting with the unions. However, it is not appropriate for political discussions to take place in front of unions. The officers are there with a mandate from the Board, who are elected politicians and who have given them a mandate based on the considerations of the States Employment Board. The States Employment Board debates should not take place in front of union representatives or, indeed, officers who are participating in those debates.

3.9.4 Deputy M. Tadier of St. Brelade:

A cursory search of Twitter would show that Ministers - and I would add quite rightly - are very used to engaging with organisations such as the Chamber of Commerce and the Institute of Directors, where they are invited to speak, or make sure they keep good relations with. It seems that Government has a not very good track record of engaging with trade unions, especially outside of negotiation times. Does the Deputy Chair of the S.E.B. (States Employment Board) agree that stronger relations should be had between Ministers and our trade unions in Jersey in peace time, so to speak, so that better relations can be established?

The Connétable of St. Ouen:

I thank the Deputy for his point. I firstly make the point that we never feel that we are at war with the unions. We certainly have had some strong disagreements and with some unions they have been based on principles on both sides. Moving on from that, it is very much our policy, going forward from the last rather bruising discussions about pay, that we improve our relationship with unions and, indeed, strenuous efforts are being made in that direction. I should also make the point that we do not just meet unions at the time of pay disputes, or other disputes. There is an ongoing series of meetings with unions at all times during the year. Officers, who are employed in that role, are constantly meeting unions and constantly discussing matters with them. I am pleased to report that matters are definitely on the up. We do seem to be seeing an improved relationship with our colleagues in the unions at the moment.

3.9.5 Deputy M. Tadier:

Could I just ask: I hope that the efforts that are being made to improve relationships with the unions are not too strenuous for the Minister?

The Connétable of St. Ouen:

I can assure the Deputy that I am more than up to the job and quite fit and able to keep up with our union colleagues, particularly Deputy Ward.

3.9.6 Deputy R.J. Ward:

Is it not clear to the Assistant Minister that he has just described the problem beautifully himself? He gives his officers a mandate, which they present to the unions, which is take it, or leave it. Therefore, it is not negotiation. Those discussions in regards to the underlying principles need to be had. There are lots of discussions going on with the unions, but there is no real negotiation going on. That is

what leads to the issues that we have. Can I ask the Assistant Minister to genuinely look at the nature of negotiations, meet with the trade unions and discuss that topic before anything else happens, so there is a greater understanding of the issues that are faced there?

The Connétable of St. Ouen:

Much to the Deputy's surprise, he will find that I agree with him. This is exactly what we are doing at the moment. We are laying the groundwork for future negotiations over matters like pay and terms and conditions. He may, or may not, believe this, but in that respect I do agree with him. We, the States Employment Board, will be meeting with the unions in the very near future. This will not be a negotiation meeting. This will simply be a discussion to lay the groundwork for future negotiations, which will continue to be handled by officers, as they have done in the past.

3.10 Deputy M.R. Higgins of H.M. Attorney General regarding conflicts of interest arising from the Law Officers' role as legal advisors to the Government of Jersey the support they offered to 'backbenchers': (OQ.58/2020)

Will Her Majesty's Attorney General [sic] advise Members how he deals with any conflicts of interest arising from his role as the legal adviser, or advocate, to the Council of Ministers and the Government in general and the support he offers to backbenchers when they represent members of the public in conflicts with Government Departments?

The Solicitor General (*rapporteur*):

The Deputy refers to a situation where the Attorney General meets a States Member, who is representing a member of the public who is in dispute with a Government of Jersey Department. In this situation, the States Member is effectively acting as the agent of a member of the public and the A.G. (Attorney General) is not giving legal advice to the States Member, but is acting as the Government's legal adviser. In these circumstances, the meeting is between parties representing different interests and no conflict of interest arises. If the States Member were in this sort of meeting, to ask for legal advice, in these circumstances the Attorney General would have to decline to provide it, as he cannot advise a member of the public, either directly, or vicariously, through the States Member. The Attorney General may consider ways of resolving the issue, but he would need to seek instructions and liaise with the relevant Government Department.

3.10.1 Deputy M.R. Higgins:

I thank the Attorney General [sic] for his answer. In that particular area, I am in agreement totally with him and no problem. Where my concern is: if a Scrutiny Panel, or if a backbencher, comes to the Attorney General, or Solicitor General, for information that would help them, in a sense opposing Government policy, or dealing with aspects to it, who effectively does his loyalty lie with? Is it with the Government, who he is advising and representing, or is it the backbenchers? How does he resolve the conflict?

The Solicitor General:

In this sort of situation, the Attorney General needs to think carefully about conflicts. The question that the Deputy has just posed is different from the one that is in oral question. We have a Conflicts of Interest Policy in the Law Officers' Department, which deals with these sorts of situations. There is correspondence, which my predecessor had with P.P.C. (Privileges and Procedures Committee) concerning advice to Scrutiny Panels, which I believe is going to be published quite shortly. The answer is largely in the correspondence that should be published shortly by P.P.C. I hope that will be sufficient to answer the Deputy's questions.

Deputy M.R. Higgins:

I would like to thank the Attorney General [sic] for his answer. I just re-read the question, I saw reference to the public, so it was misleading in that sense.

The Deputy Bailiff:

Deputy Tadier, I think you got in just before the next question.

3.10.2 Deputy M. Tadier:

In the Clothier Report, surprisingly to some of us, the Report did not recommend any suggestions about separating the roles of the Attorney General from the Assembly roles and other roles that are held by that office. However, it did make a suggestion that steps should be taken to minimise any conflicts that might occur. Could the Attorney General [sic] explain what steps have been taken, if any, since the publication of that report in this regard?

The Solicitor General:

In terms of the date of the Clothier Report, the exact date of that report escapes me. We have a division in the Law Officers' Department between the criminal division and the civil division. There are strong information barriers between those 2 divisions, so that information does not cross those 2 barriers. In usual circumstances, there are 2 Law Officers, namely the Attorney General and the Solicitor General. The Solicitor General has a full separate, independent discretion from the Attorney General as regards prosecution decisions. If the Attorney General does have any personal conflict of interest in relation to a particular matter then the Solicitor General should be able to advise on the matter and deal with it. If, in very unusual circumstances, both Law Officers have conflicts then, in addition, we can get separate legal advice and there will be Crown Advocates who are available to deal with the matter. There are many arrangements that are established within the Department for dealing with conflicts of interest. I hope that answers the Deputy's question.

3.10.3 Deputy M. Tadier:

Could I follow up with a supplementary? I hope it goes without saying that obviously the questions are about the role of the officer. I have the most respect for the current incumbent. With regards to giving advice to the States Assembly, is it not the case that the Attorney General, or the Solicitor General, will be advising Government on the formation of legislation and then have to give advice to the Assembly, if asked and when asked, about that same legislation, the questions which might then seek to undermine the Government's position? Is that not an inherent conflict of interest, which any Attorney General would be put in an invidious position by?

The Solicitor General:

In practice, the Attorney General, or the Solicitor General, are frequently not advising Government Departments on legislation. In practice, it is the minority of legislation where our Department is involved in giving advice. Even where the Attorney General, or the Solicitor General, has been personally involved in giving advice, in my view there is still not a conflict, because that advice is provided on the basis that the Attorney General, or the Solicitor General, as the case may be, will be in the States Assembly and will be questioned by States Members about legal issues. The advice has to be given on the basis of the law and it is a strength, in my view, of our system that the same advice is available to Ministers as would be given to backbencher States Members. In my view, it is a strength of the system that all States Members, whether they be Members of the Government, or backbenchers, are given the same legal advice. That benefits the public overall and it also works out as being more economic and cost-effective for the public overall.

[11:15]

3.11 Deputy L.M.C. Doublet of the Minister for Social Security regarding the Disability Strategy Annual Progress Report: (OQ.53/2020)

What progress has been made towards publishing the next Disability Strategy Annual Progress Report?

Deputy J.M. Maçon (Assistant Minister for Social Security - *rapporteur*):

On behalf of the Minister, I can confirm that she intends to publish a progress report in May 2020. The Minister for Social Security took responsibility for the disability strategy exactly a year ago, in February 2019. The disability strategy was first published by the previous Council of Ministers in 2017. Until the end of 2019, the focus has been on progressing the designated short-term actions.

3.11.1 Deputy L.M.C. Doublet:

I thank the Assistant Minister for his answer. Looking at the 2018 update, it is stated that the next annual progress report will be published in autumn 2019. Can the Minister give the reasons for the delay, please and also give some outline on what has been progressed, given that there is not an update available online?

Deputy J.M. Maçon:

Yes, I think it is down to just the changing of portfolios and responsibility. Absolutely accept the criticism that we have let this one slip. The Minister has put it on our radar and the progress report is due to be out in May. A lot of the work that has been done so far, because there was not a budget attached to it, has been in-house training. A lot of it has been the drafting of guidelines and things like that. However, under the Government Plan, money was attached to this and over the next 4 years there will be £2 million spend to the disability strategy. I accept the criticism that there has been a slight delay, but there will be that progress report due to be made.

Deputy L.M.C. Doublet:

The second part of my question, I am not sure was answered. Can the Minister [sic] give any specific details on any of progress points that were within the 2018 update and have any of those been further progressed?

Deputy J.M. Maçon:

Yes, they will be in the next report. However, I would imagine the Deputy will not be satisfied with that and, therefore, the notes that I have provided I will forward them to the Deputy and other Members if they are interested in them from the information that officers have provided us with.

3.11.2 Senator K.L. Moore:

What additional guidance will be offered in the strategy for those with neuro-diverse issues, particularly for employers, giving guidance as to how they can make reasonable adjustments to the workplace, to meet the needs of people who have neuro-diversity?

Deputy J.M. Maçon:

I thank the Senator for her question. Being someone who is dyslexic and dyspraxic, I am familiar with these issues around neuro-diversity. I cannot advise the Senator exactly what is going into that report yet, but I can give the undertaking that I will ensure that officers do look at this to make reference in the report.

3.11.3 Deputy R.J. Ward:

May I ask the Assistant Minister his view on how successful the current disability strategy has been and what impact it has had for those who will benefit from it?

Deputy J.M. Maçon:

Of the work that has been done, the training that has been given in-house, the restructuring of forms and processes, that has been helpful. There is far more work to be done and that has certainly been acknowledged by the Government in the Government Plan, by putting forward in the next 4 years £2 million. There is much more work to be done. That is acknowledged. What has been done from a no budget place, I certainly would not want to knock the officers, as they are doing hard work behind the scenes in improving our processes and functions and giving training to officers.

3.11.4 Deputy R.J. Ward:

Given the welcome recognition that not all disabilities can be seen, does the Assistant Minister believe that £2 million is enough to deal with the issues that we face as a society, to be genuinely inclusive, of all members of our society?

Deputy J.M. Maçon:

I am absolutely certain that it is going to be an uphill struggle, this strategy will be a living document and that more money may be required over the time. However, what is a good thing is that this Government has decided to start grasping the nettle and has put some money where its mouth is.

3.11.5 Deputy M. Tadier:

Apart from in standard written form on paper and on the internet, what other formats is the disability strategy available in?

Deputy J.M. Maçon:

I am unable to advise the Deputy at this time. I will look into it and get back to him.

3.11.6 Deputy L.M.C. Doublet:

I thank the Assistant Minister for his answers. Does the Assistant Minister think that disability, in terms of equality and diversity priorities, do you think that this area is being given enough priority and that there is more we could do in terms of championing those issues?

Deputy J.M. Maçon:

Do I think more could be done? More can always be done. It is one of those types of questions that you can say those types of things to. What is more important is that this strategy now has money behind it and therefore we are able to start producing some tangible results for those members of our community that need greater support and need greater inclusion. Absolutely accept the premise of the Deputy's question, but I would say that this Government is starting to make a natural tack towards this by actually putting some money behind it.

3.12 Deputy G.P. Southern of the Minister for Health and Social Services regarding the affordability of wound dressings for those in receipt of a Long-Term Care award and in a residential care home: (OQ.61/2020)

What support, if any, is in place for people in receipt of long-term care awards, in a residential care home, who have insufficient disposable income to afford the correct wound dressing to maintain their treatment in the short or the long term?

The Deputy of St. Ouen (The Minister for Health and Social Services):

Residents of care homes, in receipt of long-term care, do retain a proportion of their income, usually pension income, for their personal needs. If that was to prove insufficient, they can request help through the income support scheme for health-related items, such as dressings. Payments are made as one-off special payments and do not need to be repaid. Either the resident, or the care home, can initiate a request for payment.

3.12.1 Deputy G.P. Southern:

I am aware that this issue has been addressed by the Minister and that there is some funding today to meet that need. Can he state how much is put aside to fund this service?

The Deputy of St. Ouen:

Yes, there is a pilot scheme, which is about to become operational to run until December of this year. Under this scheme, my Department is working with Family Nursing and Home Care to supply medical hosiery to patients with leg ulcers. These are very specialist stockings, so they are not suitable for all wounds, but those diagnosed with a particular condition will be provided with those hosiery items free of charge, whereas previously there was a charge. We have budgeted a maximum of £40,000 a year during this pilot scheme. This is a group of patients with a well-defined need, assessed by a nurse and it is believed this initiative will make a real difference to their condition.

3.12.2 Deputy G.P. Southern:

From the information I have just received, can the Minister clarify that there is limited use of this particular fund, the rest of the bandaging, apart from the specialist leg bandaging, will be paid for and that comes out of the something like £25 a week pocket money that he allocated. That has not been changed for at least 10 years, to my knowledge. Does he consider that the cost of dressings is a significant burden upon these particular patients?

The Deputy of St. Ouen:

I and my Department do recognise a need and it is known that some patients are not able to afford the quality of dressings that would be most beneficial for their condition. That does lead to reduced outcomes for those patients. It also means that the staff treating them in the community feel that they cannot do their job as they would like, simply because there is a financial barrier there. The Department does receive many requests for help with medical items. We try and assess business cases and where a business case can demonstrate that using public money for the most patients receives the most effect, we will try and implement that business case within the constraints of budget. It is an issue. We are gathering data, together with Family Nursing, on how people are dressing wounds. This will always lead to further consideration as to how we might improve outcomes for patients.

3.12.3 Deputy G.P. Southern:

Could the Minister clarify exactly whether he agrees with me that the £25 a week pocket money, which is what people end up spending on these dressings, is inadequate to meet that need?

The Deputy of St. Ouen:

It may depend on the individual need and the individual income. I would accept that £25 a week, if you have specialist medical needs and expensive items sometimes, £25 is not an adequate sum in some cases.

3.13 Deputy M.R. Higgins of the Minister for Home Affairs regarding evidence-gathering by the States of Jersey Police from underage victims of alleged grooming by an adult: (OQ.59/2020)

Will the Minister explain to Members in what circumstances, if any, the States of Jersey Police do not interview, or take evidence, from underage victims of alleged grooming by an adult and how quickly do any such interviews, or evidence gathering generally take place after the police become aware of the allegations in such cases?

The Connétable of St. Clement (The Minister for Home Affairs):

Yes, I am pleased to advise Members that there are no circumstances - and I repeat no circumstances - under which the Police would not take timely and positive action to investigate reported, or suspected crimes, including those involved in grooming, or exploitation of young people. This includes the taking of statements, as well as securing and preserving evidence. Whilst the non-co-operation of alleged victims can hinder investigations, the Police continue to do all that they can to protect and safeguard suspected victims of crime.

3.13.1 Deputy M.R. Higgins:

Will the Minister for Home Affairs please tell me the source of that information? The Children's Commissioner and myself both have concerns about some children, aged 15, who have still not been interviewed and the evidence taken from their phones that can be used in a criminal investigation.

The Connétable of St. Clement:

If the Deputy has evidence of inappropriate behaviour by the States of Jersey Police, then there is a route available to him, to complain to the Professional Standards Department, who will investigate any allegations of inappropriate investigation.

3.13.2 Deputy M.R. Higgins:

I have a meeting with the Chief Officer of Police coming up next month and I will raise it with him first. Professional Standards, he knows what my views are of the whole police complaints process and how inadequate it is. Will the Minister be prepared to meet with the Children's Commissioner and myself to look at some of these items that are giving concern, so that we can make sure that the States of Jersey are doing their job and that all young people are not being groomed by adults for whatever purpose they have in mind.

The Connétable of St. Clement:

I am pleased the Deputy is going to see the Chief of Police. He is quite right, this is an operational matter and, therefore, it is a matter for the Chief of Police. It is not a political matter, although, obviously, I would take an interest in it. If the Deputy wishes me to come with him when he meets the Chief of Police, I would be very pleased to do so.

3.14 Deputy R.J. Ward of the Minister for Social Security regarding the repayment terms for historic overpayments of Income Support: (OQ.56/2020)

Given there was an underspend of over £6 million in Customer and Local Services in 2019 and that, as stated in response to Written Question 536/2019, over £2.1 million was returned from claimants via overpayment instalments in 2019, will the Minister commit to review the longer-term repayment terms set up for those with historic overpayments, particularly where the Department was at fault?

[11:30]

Deputy J.M. Maçon (Assistant Minister for Social Security - *rapporteur*):

There is no connection between the 2019 underspend for the Customer and Local Services Department and the requirement for the claimants to be paying money owed to the taxpayer. Much of the Departmental underspend relates to the original budget, as set out in 2015 as part of the previous Medium Term Financial Plan. Since then the economy has improved, unemployment has decreased and the overall need for households to claim income support has reduced. On behalf of the Minister, I can confirm that there are no plans, at present, to review this process.

3.14.1 Deputy R.J. Ward:

It was said that the £2.1 million in return was not part of the £6 million saving. Can the Minister [sic] explain how that is the case? Is that now kept in a separate pot as additional money for the Department?

Deputy J.M. Maçon:

No, the £6 million is what was budgeted in the M.T.F.P. (Medium Term Financial Plan). What may have come or entered the Department in between that time may, or may not, be included in that figure.

3.14.2 Deputy R.J. Ward:

Does that mean there is additional money lying around somewhere? The records that are being kept of overpayments, how far do they go back? Are they accurate and to what time distance?

Deputy J.M. Maçon:

Off the top of my head, I cannot tell the Deputy how long records are kept. Of course, I could find that out for him. I forget the first part of his question.

Deputy R.J. Ward:

So do I, Sir, sorry.

3.14.3 Deputy M. Tadier:

This is a recurrent theme, given the fact that there are underspends. Where there has been a longstanding overpayment to a client, or a constituent, though no fault of their own, where it is entirely the Department's fault, should there not be a cut-off point after which the constituent is not pursued for that claim? Perhaps just to focus the Department's minds on not making many mistakes.

Deputy J.M. Maçon:

I would need to know the circumstances surrounding that before really being able to comment. I understand the point the Deputy is trying to make, but I would need to know that in a better context.

3.14.4 Deputy G.P. Southern:

On the matter of overpayments, or underpayments, either way - and there are something like 1,000 of each in any one year - is the problem not the case that the awards of income support are made in advance and, therefore, automatically there will be errors made and people will be either overcharged, or undercharged?

Deputy J.M. Maçon:

The Deputy is right. In Jersey we pay upfront, in order to ensure that those people in hardship are not left without money. Whereas, if you look across the water at the U.K., they have changed it to the other way around where there is a delay in payment. That is leaving people in great hardship in the U.K. Therefore, the Deputy is right, inevitably that would lead to some anomalies within the system. The advice from the Department to individuals always is: whenever your circumstances change, let the Department know as soon as possible, so that they can adjust things as quickly as possible. Inevitably, when you have an in advance system of payments, the Deputy is right, you will have these circumstances.

3.14.5 Deputy G.P. Southern:

Given that the Department boasts that for change of circumstances it can do a 24-hour turnaround and, therefore, the risk of leaving people without payment is very minimal, would he not consider that the time has come to look at payment in arrears, rather than payment in advance?

Deputy J.M. Maçon:

No.

3.14.6 Deputy R.J. Ward:

Is there recognition from the Assistant Minister that when these overpayments are due to an error in the Department that is longer term and sometimes, having seen these letters myself with constituents, they really are not clear as to how overpayments are calculated? Is it not the case, I ask the Assistant Minister, that it is time for us to review those overpayments and see which of them need to be either written off, or ended? Because those, what appear to be small amounts, are having significant effects on peoples' lives as they repay them for sometimes years.

Deputy J.M. Maçon:

It seems to me, if that is the case, those individual circumstances should be raised with the Minister on a case by case basis.

3.14.7 Deputy R.J. Ward:

They are raised and there has not been an outcome. That is why I raised the question. We need a wider answer to that.

Deputy J.M. Maçon:

If it has been raised with the Minister and the Deputy is not satisfied with that response, then that is for the Deputy to decide how to progress matters.

The Deputy Bailiff:

That completes oral questions with notice. We now move to questions to Ministers without notice. The first period of 15 minutes is allotted to questions for the Minister for Health and Social Services.

4. Questions to Ministers without notice - The Minister for Health and Social Services

4.1 Deputy M.R. Higgins:

I had better say, first of all, I am not trying to be alarmist. My question is to do with the coronavirus COVID-19. The World Health Organisation has stated that although it has not yet been determined to be a pandemic, it believes that all states should make preparations for it becoming one. Could the Minister for Health and Social Services explain to Members what contingency plans he and the Council of Ministers have made, especially with regard to acute beds, for the people who contract pneumonia and have respiratory problems?

The Deputy of St. Ouen (The Minister for Health and Social Services):

I am pleased to confirm that the Island is very well prepared for any escalation of this issue. There are officer groups who are regularly meeting, to make plans and ensure our preparations are ready. There are daily meetings within the hospital of staff directly involved with handling this issue. There are long-term, well-established plans to deal with that. In particular, there is a detailed plan for isolating very vulnerable patients in a secure environment and for them receiving treatment there. For most people who do contract this virus it is sufficient, as we are seeing around the world, if they self-isolate and try and avoid contact with other people. For all of us, the best precaution that we can take is to thoroughly wash our hands as often as we can. That will prevent the spread of any virus if we adopt those measures. The Department and the Island is following World Health Organisation guidelines and working closely with Public Health England.

4.1.1 Deputy M.R. Higgins:

Just a follow-up, can the Minister tell us how many acute beds he has for people who contract the worse part of the virus? Also, how are we doing with regard to medicines, many of which come from China?

The Deputy of St. Ouen:

The bed situation will be fluid. Obviously there is capacity within the hospital at most times. In the event of a very serious emergency, elective procedures can be stopped and wards opened up for emergencies. That is planned, should it ever be required. I do stress: we are nowhere near those circumstances. I have not been made aware of any pressures on drug supplies as a result of shortages.

4.2 Deputy G.P. Southern:

At the end of last year, we were advised that you were undertaking work to ensure waiting lists were reliable, detailed, and up to date. What stage of this work are you currently at? When do you expect to be able to publish reliable data on waiting lists in the near future?

The Deputy of St. Ouen:

Yes, a very significant amount of work is going on to gather data around our waiting lists and to validate them. It appears that the way the lists were kept there were all sorts of administrative errors, which has meant that names were on, which need not be there, which had been dealt with, but not crossed off the list and similar things like that. The process has been undertaken. It is presently anticipated that we will be able to write to all patients on lists by the end of April, to advise them specifically where they are on the list and when they might expect to receive their appointment, or their treatment. At that time the lists will be placed back on the website and made available more publicly and they will be far more reliable.

4.2.1 Deputy G.P. Southern:

When would this Chamber have access to any figures for waiting lists, before the end of April, surely?

The Deputy of St. Ouen:

I withdrew the lists from the website on advice, because they just did not give an accurate reflection. They were a very bald, average time. When, of course, lists are more refined than that, in that patients are triaged into urgent, soon and routine. An average waiting time, with people populating the lists that should not be there, was not helpful. I can keep Members informed, as the Deputy seems to suggest and will circulate when the lists are being placed back online.

4.3 Deputy R.J. Ward:

Can the Minister confirm or deny whether the dining room at Overdale Hospital is to be closed? If so, what is the reasoning behind this change?

The Deputy of St. Ouen:

I am not aware of that, so I cannot help the Deputy at this time. It is an operational matter. I will make enquiries and revert to the Deputy.⁴

⁴ The Minister for Health and Social Services subsequently circulated the following information to Members:

‘The dining room at Overdale is not being closed. Changes to the catering service at Overdale are designed to improve:

- The range of food available through the provision of a vending machine. Initially this will be a cold offering but, in time, ready meals/hot food will be provided to be microwaved
- The provision of food from a limited hours weekday only provision to 24/7/365 availability for staff and visitors.

The canteen will remain open for staff to use. Meals on wheels will continue to be provided from the canteen.

One member of staff will be redeployed i.e. none will be made redundant.

The service is not financially sustainable in its current form unless changes are made. The Head of Service and the operational manager responsible for catering met Overdale staff and unions yesterday (25/2) to listen to their concerns. The intention must be to maintain a sustainable service. Overdale staff, while acknowledging the service needs to change in the way it is provided, have made several constructive contributions that have the potential to inform and further improve the way the service could develop. HCS managers will consider these to see how they might be incorporated in the eventual solution.’

4.3.1 Deputy R.J. Ward:

Can I ask the Minister to look carefully at this? If the dining room is to be replaced with a vending machine, as has been suggested, it cannot be good for the health of staff. They need access to decent meals.

The Deputy of St. Ouen:

I note what the Deputy says and will pass on those comments.

4.4 Deputy M. Tadier:

Since the last States sitting, when I asked the Minister about cannabis, I have been contacted by 7 members of the public saying that they wish to access medicinal cannabis. They have chronic pain, or other conditions for which they know it would be useful, but they cannot get hold of it. I know that there are other States Members in the Assembly, who have also been approached by different constituents. One constituent says: "I have no medicinal cannabis whatsoever and I have no access to the black market, nor do I have anyone to get it from over here." Does the Minister sympathise with the position of these individuals who have found a medicine that works for them ... some of them are forced to access it through the black market by dealing with criminals, who might try and push them other drugs that might kill them, as we have seen in the last couple of weeks. Is it not right that the Minister should be making access to this essential drug easier and taking to task some of the staff in his Department who remain intransigent at the use and access of medicinal cannabis?

The Deputy of St. Ouen:

Of course I have sympathy with any person who might be suffering pain. What I cannot say is that medicinal cannabis is the right treatment for them. That is a question for their doctors. All I can urge is that those people do consult with their doctors, or their consultants. They will be, I anticipate, under the care of doctors, or consultants, if they are suffering from long-term pain and should discuss a care plan with them. There are many other measures that can be taken to assist people in pain. I recently attended, with Deputy Gardiner, a discussion of what measures we do have in place, which are not purely about taking drugs. There are some very good treatment pathways that are in place. There are other drugs that can be used to deal with issues of pain.

[11:45]

It is not for any of us to say that medicinal cannabis is the drug that ought to be prescribed for any particular patient, because we do not have those skills, or qualifications, to be able to do so. So, this Assembly has done all that it can to make cannabis available as a medicine where it is appropriate, and clinically appropriate, as judged by those to whom we entrust our care.

4.4.1 Deputy M. Tadier:

I thank the Minister for his response, but I have no doubt that many of the people that contacted me listening to that will find the answer that he can suggest other ways to deal with pain extremely patronising when, in many cases, they have exhausted all possibilities. They also know and I think the Minister knows, like I do, that it is a complete waste of time to go to any G.P. (General Practitioner) in Jersey, or even the hospital and ask to be given medicinal cannabis for whatever condition, because they have a blanket refusal to acknowledge the blatant evidence that is out there of its efficacy. Now, given the fact that if one is wealthy enough and is healthy enough, you can travel to the U.K. or to Europe, get a prescription, bring it back to the Island and have a month or 3-months' prescription but if you are poor, sick and live in Jersey you cannot do that. What action will the Minister be taking to make sure that prescriptions, wherever they come from, can be got in Jersey from pharmacies and eventually from the hospital?

The Deputy of St. Ouen:

There is no problem about prescribing medicines if that is the recommendation and that prescription is issued by a G.P. or consultant. The Deputy talks about the efficacy of the treatment. How on earth can we determine whether a particular drug would have effect, would be the correct treatment for particular people in our community? That is for those who are entrusted with their care to make that judgment in consultation with them so, again, I would urge people to speak to their doctors. It is not a case there are blanket refusals, there are discussions to be had.

4.5 Deputy G.P. Southern:

Could the Minister respond to this question, then? Has any agreement been reached with G.P.s in respect of increased workloads under the Jersey Care Model and what timeline is the Minister operating for agreeing any such new terms?

The Deputy of St. Ouen:

Negotiations are currently underway and the timelines remain as discussed with the Deputy in the many questions he has asked me in recent weeks. So, we intend to present this care model for debate in the States before the summer recess. There is also work going on on provision for financially-vulnerable people, as the Deputy well knows.

4.5.1 Deputy G.P. Southern:

Can I just clarify from the Minister that he expects to reach agreement with G.P.s over the changes to the payment methods for G.P.s by September?

The Deputy of St. Ouen:

I am not sure if that was a question.

The Deputy Bailiff:

Repeat that question please, Deputy Southern.

Deputy G.P. Southern:

Is the Minister saying he intends to reach agreement by September?

The Deputy of St. Ouen:

Yes, I intend to reach agreement and I would hope that we can reach agreement, but these are matters for negotiation. We want to implement the care model as soon as possible, subject to the views of this Assembly. It is not going to be a big bang, everything changes at one time, there will be provisions that will be brought in from time to time and I imagine any agreements with G.P.s will reflect a continuing dialogue of negotiation.

The Deputy Bailiff:

It is only your light on and there are still 2 minutes left so, Deputy Southern, again.

4.6 Deputy G.P. Southern:

In response to the answer given to my Written Question 22, which talked about the various groups of people who might be subject to free access to G.P.s, is the Minister saying that he has not formed any priorities and he has not given a limited scope to the health economists who are looking at the new scheme? He should, surely, lay some guidelines rather than saying: "Tell us about things" to the health economists. What priorities does he have for reaching these agreements?

The Deputy of St. Ouen:

The health economists have been given a wide brief to look at people who are financially vulnerable, socially vulnerable and clinically vulnerable. Using data across the whole of our Department, we are identifying which groups might fall into those categories.

4.6.1 Deputy G.P. Southern:

Is the Minister saying that he has no priorities himself and it has not been discussed within the Department as to what the priorities are?

The Deputy of St. Ouen:

I do not want to limit consideration based on my particular ideas. I want to receive the data that is being investigated and then consider how we might best help vulnerable groups which are identified through that process.

The Deputy Bailiff:

Deputy Ward, there are 30 seconds left.

Deputy R.J. Ward:

Sorry, I thought we were on to the next one.

5. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

All right, that completes that section of 15 minutes. We are now moving on to questions to the Deputy Chief Minister, Senator Farnham and the first question is from Deputy ...

Deputy S.G. Luce of St. Martin:

It is disappointing that the Chief Minister is not here today and we have rehearsed that, but he has a long list of Assistant Chief Ministers who answer on his behalf. Questions without notice to the Chief Minister always seems like the last opportunity States Members have to question him. I am surprised that he has delegated this responsibility, as well, to his Deputy Chief Minister today.

The Deputy Bailiff:

Thank you.

5.1 Deputy R.J. Ward:

There is a question, I promise. On page 4 of the Common Strategic Policy, it says the Government's 5 strategic priorities for our term of office. On page 18 it says: "Ensure a purpose-built youth facility is developed in the north of St. Helier." Today's written question, I will say, is a definitive timescale is not available. Can the Minister assure that page 14 and page 18 will be adhered to in this term of office?

Senator L.J. Farnham (Deputy Chief Minister - *rapporteur*):

I would certainly hope it can. The provision of such facilities in the north of Town is a high priority, it aligns with the Government Plan, a number of our key priorities in the Government Plan and I believe the Government is fully behind that and I very much hope that these timescales can be adhered to.

5.1.1 Deputy R.J. Ward:

Can the Assistant Chief Minister and, therefore, the Chief Minister please put some pressure on to develop a timescale that he can bring both to this Assembly and certainly to the Deputies in St. Helier District 2, who would be very interested in ensuring that this happens in this term of office?

Senator L.J. Farnham:

Yes, I am happy to raise these issues with the Chief Minister and the relevant Assistant Ministers would also be happy to discuss with the relevant St. Helier's Deputies too, if that is appropriate.

5.2 Connétable S.A. Le Sueur-Rennard of St. Saviour:

I too am disappointed that the Chief Minister is not here to answer the questions, because I have been asked by my parishioners to ask this particular question and I do not think the gentleman taking the questions will be able to answer it. Does the Chief Minister think that with all the U.K. specialists we have asked to help us to run our Island, as we seem unable to make it on our own, make it easier for us to join the U.K. full-time in the future, as that is where we seem to be heading?

Senator L.J. Farnham:

Never. Never, I would say. By the way, I am sure the Constable of St. Saviour is not as disappointed as I am that the Chief Minister is not here today. [Laughter] [Approbation] I did arrange with Condor Ferries to get him on the freight deck of the Clipper but he declined [Laughter] to accept that offer stating some spurious reason that he had to work in the London office.

Deputy G.P. Southern:

Put him on the front of the Titanic.

Senator L.J. Farnham:

I could never foresee a situation where Jersey becomes part of the United Kingdom. [Approbation] As an Island, we are a society and a culture of people from all over the world and we should embrace that. It is important at times to bring in skills and expertise from outside of the Island that we do not have here, but I do agree that we should make more effort to find our staff locally, without having to compromise the expertise and skills required.

The Deputy Bailiff:

A supplementary, Connétable?

The Connétable of St. Saviour:

No, not for the House. Not for the Assembly *per se*.

5.3 Deputy L.B.E. Ash of St. Clement:

Is the Minister aware that there are plans to bring in a minimum unit pricing of alcohol in shops, without recourse to this Assembly's approval?

Senator L.J. Farnham:

Yes, I am aware of that. That is a position being introduced by the Licensing Assembly, quite properly under the delegated responsibilities given to it by this Assembly. This is an issue that we will be addressing as the licensing laws are reviewed. I can report that a very constructive meeting was held between Senator Pallett, the Chief Minister, the Solicitor General, the Bailiff and myself to discuss how this would be achieved moving forward and a plan of action has been developed. I understand my Assistant Minister, Senator Pallett, will be informing Members of how the process will proceed in due course.

5.4 The Deputy of St. Martin:

Under this Government, we moved out of Cyril Le Marquand House, which we owned and spent many millions of pounds renting offices in Broad Street. Can the Deputy Chief Minister assure the Assembly that when we finally get into a building where all our civil servants can work together that it will be owned by the public of Jersey, or on land owned by the public of Jersey?

Senator L.J. Farnham:

I believe, ultimately, that will be a decision for this Assembly and I cannot see this Assembly making any other decision. I support the move to single premises. The sort of halfway house that we have now with Broad Street, from my experiences, has worked better. While all public sector workers are

not under one roof, many more are and, in my opinion, we have seen significant benefits of that, enabling staff to work closely together in the same environment. So, I very much hope that we progress quickly towards these plans and I fully support, as I would hope the Assembly do, that we buy and own our own premises to do it.

5.5 Deputy G.P. Southern:

What measures has the Council of Ministers and the Chief Minister, in particular, taken to reduce income inequality as one of the 5 priorities of this House in the last 2 years and what measures does he have in mind for the next 2?

Senator L.J. Farnham:

I am holding here a copy of the report of the Inflation Strategy Group, so this is the anti-inflation strategy, which I will be sharing with Members, as a report, later this week. Later this week; it is ready to go. That anti-inflation strategy, as Members read, is a strategy that encourages the States public sector, States-owned entities and this Assembly to understand the ramifications of high inflation and it focuses our mind on what levers we have at our availability to reduce the cost of living in Jersey. Members will know that we do not have monetary policy, so certain areas, such as the value of sterling and the price of oils and so forth have impacts on our Island that we cannot control. But our fiscal policy, which we control, does and the report demonstrates how we can bear down on the cost of living, which will assist income inequality. That is the work that I have been focusing on and, as I said, this report will be shared later in the week.

5.5.1 Deputy G.P. Southern:

I think the Minister, whether he confuses inflation with income inequality, is making a fundamental error.

[12:00]

While low inflation might be beneficial to all, the question was about reducing income inequality between the rich and the poor and I am afraid his measures can have no effect on that unless he can justify them now.

Senator L.J. Farnham:

An example in the report looks at the States policies on duties, for example and duties on goods and fuel and tobacco and alcohol. While I cannot comment on the Deputy's views on the rich and the poor, the ambition is for all Islanders to be able to lead a happy and healthy life in Jersey. This report and the work we are doing in it - and it is just a start - I anticipate this piece of work will be reviewed regularly. It is to bear down on the cost of living for all Islanders.

5.6 Deputy K.F. Morel:

Talking about the fight against the growing income inequality and also the fight against inflation and the ever increasing cost of living, does the Minister share the concerns of many members of the public that one of the causes of the growing cost in this Island is the ever increasing amount of regulation that this Government itself is bringing and piling on to various aspects of society, often businesses, who then pass on those costs to their customers?

Senator L.J. Farnham:

I cannot immediately think of the huge amounts of new regulation that has been introduced by this Government and I am anti-red tape, always have been. We are going to have a debate on that, I think, with the Rental Dwellings Law shortly and I am sure Members will have a lot to say about that, but I do agree with the principle of light touch government. We should be creating an economic environment for the benefit of all Islanders and all businesses and we should be trying to achieve that with the minimum amount of administrative red tape or intervention as possible, notwithstanding that

we cannot compromise on standards with such important matters as the protection of the data of individuals, *et cetera*. So some of that is absolutely necessary, but we work hard to make it as less onerous as possible and I take, for example, the recent changes by the Office of the Information Commissioner.

5.7 Deputy G.P. Southern:

Since one of the causes of the high cost of living in Jersey is the price of houses, what measures does he have in his policy to reduce house prices and house rentals, if any?

Senator L.J. Farnham:

I believe the increase in cost of housing is almost entirely due to the supply and demand issues. I am pleased to say that the Minister for Children and Housing has been treating this as a priority and will be releasing his report on the subject imminently, I think March or April. I understand that piece of work, that important piece of work that the Government has been working so hard on, will be a step change in how we view this issue. We must - absolutely must - get to grips with the supply of housing. Of course, it has been challenging, because this juxtapositions with the population policy and that is another large piece of work that is about to be delivered, but it is a higher priority, I believe, than I have witnessed in any previous Government, or any previous States. I know this Minister for Children and Housing is absolutely determined to make some changes.

5.8 Deputy G.P. Southern:

On behalf of the Minister, what measures will the Assistant Minister take to bring the minimum wage up to meet the target we have set of 45 per cent of the average wage in the coming year?

Senator L.J. Farnham:

Sorry, I am not quite sure, the Deputy referred to the Assistant Minister.

The Deputy Bailiff:

He meant the Deputy Chief Minister, I think.

Senator L.J. Farnham:

Oh, Deputy; sorry. I am working on this, as the Deputy knows, because he continuously - and quite rightly - holds me to account on the productivity measures. I share this Assembly's aspiration to work towards a living wage and we can only do that by exponential increases in the minimum wage. I also support the fact that we do it over a reasonable period of time and not too quickly. The conversations I am having with sectors such as agriculture is how we help businesses in those sectors bridge the gap with productivity support. There were talks recently taking place and there was a news report in yesterday's media about the actions we are taking, which at this stage will involve increasing investment funds available in the rural initiative strategy for certain sectors of the economy to invest in technology and equipment that reduces the reliance on staff. So, we are looking at producing more from those sectors, by engaging with less people.

Deputy G.P. Southern:

If I may have a supplementary?

The Deputy Bailiff:

I think you have had your supplementary. I think you had one; more than one.

5.9 Deputy K.F. Morel:

How would the Deputy Chief Minister respond to those many Islanders who are concerned that despite the constant hiring, or regular hiring, of highly paid senior civil servants, there seems to be a trend whereby those highly paid senior civil servants then bring in consultants in order to do the jobs,

or advise on the jobs that apparently those civil servants were hired to do themselves. This is a concern of many Islanders and I would like to know the Minister's response to those Islanders.

Senator L.J. Farnham:

I have always been careful about the engagement of consultants, wherever possible. They are necessary on occasion because, whilst we do have a very strong and professional team of senior civil servants, it would not be financially viable for us to engage on a full-time basis all of the expertise and skills we need, so we do need to buy that in at times. I think we have taken a good step on the back of a Proposition from the Deputy that we keep a single register now of consultants so we have a much better track record on who and why and the cost of employing them. But, yes, I do share Islanders' concerns and I do believe, and will do everything in my power to ensure that into the future the consultants we do engage, we engage for the right reasons and at the right price to deliver value for the taxpayer.

The Deputy Bailiff:

That brings the time for questions to the Deputy Chief Minister to an end. Moving to Personal Statements, there is nothing under J on the Order Paper. Under K, Statements on a Matter of Official Responsibility, there is a statement by the Chair of the Government Plan Efficiencies Review Panel, Deputy Southern.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

6. The Chair of the Government Plan Efficiencies Review Panel will make a statement regarding the commencement of the Review Panel's work

6.1 Deputy G.P. Southern (Chair, Government Plan Efficiencies Review Panel):

During the passage of the Government Plan through this Assembly, Members will recall the concerns expressed about the savings accompanying the Efficiencies Plan intending to save £100 million by the end of 2023, including £40 million to be found in 2020 alone. As extensively debated and following significant compromise in October last year, the Assembly requested the Scrutiny Liaison Panel to undertake, commission or oversee detailed 6-monthly assessments of the impact on the delivery of public services of the savings previously made and those projected. During these debates, Deputy Higgins suggested - and I thank him for it - that we should establish a separate Scrutiny Panel to scrutinise the impact of these savings and I am, therefore, delighted to announce that the Government Plan Efficiencies Review Panel has now launched with myself as Chair, assisted by the Constable of St. Peter and Deputy Higgins of St. Helier as Vice-Chair. We held our first meeting on 30th January 2020 and have approved our review's terms of reference and scoping document, which can be found on the website. Our intention is to release our first report by 30th June 2020. We seek to appoint a suitably qualified adviser, probably an academic, as is my wont, to assist the Panel with our analysis and, in the longer term, to develop a template which will enable efficient long-term assessment of such efficiencies. This new structure, as outlined in the 'Government Plan: Assessments of Planned Efficiency Savings', P.88/2019, has scope to examine efficiency savings across the whole of Government. We will, therefore, need to ensure that there are clear channels of communication in place and effective to avoid any risk of duplication. These are lofty ambitions for a Panel of only 3 political Members, so I would welcome interest from any Members who may wish to join us in this important task.

The Deputy Bailiff:

Members may now ask questions for up to 15 minutes. Do any Members have any questions?

6.1.1 Deputy M. Tadier:

I am not sure how directly relevant it is, but I think it will be of interest to the Panel and the Chairman. Is the Chair aware that certain decisions on spending, that were made by this Assembly in the Government Plan for projects which should be starting to be in train and where budgets should have been allocated already - and the Education Department is one of those - they are having the monies withheld centrally and being told that: "Until you can tell us where your efficiencies are coming from, we are not going to give you that funding"? Is that something that was on the Chair's radar and is it something that he is concerned about?

Deputy G.P. Southern:

I thank the Deputy for the question, because that was not on my radar, although I had been looking at the large-scale review of the Government Plan, which runs to something like 650 pages. One of the first things I have noticed is that there are a number of capital spends, in particular, that appear to have been delayed and pushed into 2021, instead of being in 2020. So, the process of delaying as a way of spending less is obviously on my radar and I look forward to investigating with his assistance the mechanism that he has just outlined.

6.1.2 Deputy M. Tadier:

I think it is a supplementary, although it could be a new question; I do not know if anyone else is waiting. In cases where a Minister and a Department has said that they are not signing up to the efficiencies programmes and they will not be putting forward any cuts and, therefore, in that case, centrally, non-elected, civil servants are, therefore, withholding budgets and arguably, I would say, politically interfering with a Minister's job, is that acceptable and is that something which is within the remit of the Chair's Panel to look at?

Deputy G.P. Southern:

Certainly, in response to the Deputy, if that is the case, then that case needs to be made. If we find that that has been happening, I think the appropriate mechanism is that we report to the House and this Chamber decides, Members decide, what they wish to do about those circumstances. The control and the mechanisms must lie with this Chamber and not with unelected officers sitting in a Department, I believe.

6.1.3 Deputy K.F. Morel:

I was wondering if the Chair sees the possibility of any conflict between the work of this Panel and the work of the Public Accounts Committee and, if so, how does the Chair intend to manage that conflict?

Deputy G.P. Southern:

This is covered by the penultimate statement that we need to communicate clearly. I have already been invited on, to sit with, the Liaison Committee when they meet, so to make sure that we know what is planned by the various Scrutiny Panels, including my own. I had not thought about extensive talks to P.A.C. (Public Accounts Committee) but certainly I would welcome that if they want to co-ordinate and communicate clearly with myself.

6.1.4 The Deputy of St. Peter:

I would like to understand more about the terms of reference. All we have been told is the need to scrutinise the impact of these savings. So, can you share with us a little bit more about what you are going to drill down to and what you are going to deliver?

[12:15]

While you are on your feet, can you please explain why you are saying "probably an academic" as opposed to any other contributors who are highly skilled from business, *et cetera*?

Deputy G.P. Southern:

Two questions there: the first is answerable by saying I would invite the Deputy of St. Peter to look on the website and I think he will find it in sufficient detail there. My preference to engage an academic, wherever possible, certainly it is one that I have always found that (a) we get the best value for money, because often when they hear it is Government work, they reduce their rates. It is not the top rates, it is lower down the scale. Occasionally, one finds that, while you cannot get the professor of a particular Department that is looking at an area, you can get one of his research assistants who will do equally a good job and that the important thing is that their reputation, their academic reputation, rests on that. They are always interested, it seems to me, in finding out about this small community of 100,000 with its unique rules. It is a very attractive place for a researcher to come to.

6.1.5 The Deputy of St. Peter:

I am afraid I do not spend all day going through websites trying to find out terms of references of new boards that are being put together. I do accept the fact I should have done that, but this is a statement you brought to the Assembly today, so I am just wondering if you could just give us a quick ...

The Deputy Bailiff:

Through the Chair.

The Deputy of St. Peter:

Sorry, I do apologise. I was wondering if the Deputy could give us a quick summary of the terms of reference and what he really is hoping to try and achieve by this, because I think it is a worthy thing and should be taken very seriously.

Deputy G.P. Southern:

Yes, it is and I do not have the terms of reference with me at the moment. I am quite happy to pass them to the Member, along with an invite to come and help us with the task.

6.1.6 Senator L.J. Farnham:

I just wanted to check that the Deputy of St. Peter is on the Panel.

The Deputy of St. Peter:

I delegate responsibility to Senator Farnham. [Laughter]

Deputy G.P. Southern:

Nominated by the Deputy of St. Peter; however.

The Deputy Bailiff:

That brings those questions to an end. So, moving back to the Consolidated Order Paper, we now proceed to Public Business.

The Deputy of St. Ouen:

Before we do so, could I just say that Senator Pallett, as Assistant Minister for Health and Social Services, was due to make a statement regarding the Health and Well-Being Framework, but he has now asked, in view of his illness, if he could make that at the next sitting.

The Deputy Bailiff:

Yes. Are Members content with that? Thank you very much for raising that.

PUBLIC BUSINESS

7. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-(P.106/2019)

The Deputy Bailiff:

Before asking the Greffier to read the citation in relation to the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations, we need to deal with the late lodging of an Amendment. Because of the requirement for a 2-week lodging period the Environment, Housing and Infrastructure Scrutiny Panel ... forgive me?

The Deputy of St. Peter:

I am sorry, I may be a little bit late on this, but I beg your indulgence. We are now not having the statement from Senator Pallett and I believe, on the internet, the Order Paper stated that the dwelling laws would be debated at 2.15 p.m., i.e., after lunch. I know a lot of people will be arriving at that time to support the debate. Can I just ask that we adjourn early?

The Deputy Bailiff:

Well perhaps there does not seem to be a mood in favour of that at the moment, but you can come back later on, so perhaps we should deal with the late lodging, as well, first. Constable of St. Brelade, the Amendment that your Panel wishes to have debated today needs to be the subject of a reduction of the lodging period, do you wish to make a proposal under Standing Order 26(7) so as to enable your Amendment to be considered at today's meeting?

The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

Yes and if I may beg the indulgence of Members to accept that this Amendment be accepted today. As I will allude to later on, we have had a lot of late submissions to our request for information to contribute towards our report and this was the result of that, so I make that Proposition.

The Deputy Bailiff:

You make this in relation to the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations: second Amendment lodged by your Panel?

The Connétable of St. Brelade.

That is correct.

The Deputy Bailiff:

Is this proposal seconded? **[Seconded]** Does any Member wish to speak on the Proposition?

Deputy J.H. Young of St. Brelade:

I think, obviously, this particular matter has had a long gestation. As the lodger of the substantive Proposition that was put in at the end of September, of course we have had a very long and very thorough process of the Scrutiny Panel, for which I thank them. It has been a tough task, we have had a lot of ... I think there has been at least one public hearing with an outside body, I think possibly the Jersey Landlords' Association and I have had ministerial meetings and we have had many briefing meetings. I do understand that the process has been difficult, whereby I changed the debate now several times, I think 3 or 4 times I agreed to postpone the date, but I think we have come to the point now where I believe we should go ahead. So, I would support the Chairman of the Panel's proposal that we take the debate today. Obviously, in saying that, I would like to put on record, of course, as Minister, I did not get the Scrutiny report until ... personally I received it on Thursday morning; I think it was published on Friday. The officers and myself worked over the weekend to do our response, which I sent to Members on Saturday, a detailed response and that has been published today. So, notwithstanding all that, I think frankly the issues are quite straightforward. They are

quite straightforward and, therefore, I would say to Members: I think this should be discussed. This has been far too important to be delayed any further. We should clear it out and not avoid that. Having said that, while I am on my feet, I see we have still got 20 minutes to go and, bearing in mind what Deputy Huelin has said, I could probably filibuster for a bit, but I will be honest, I am going to speak on the substantive Proposition for more than 20 minutes. I am sorry, I know we have got a standard, but I am just giving a flag-up there that I shall be asking ... what I want to do is to start the debate plainly, assuming that Members agree that we take that Amendment and I shall need more time than 20 minutes.

Deputy R.J. Ward:

It is a question, a Scrutiny question, really. Given that it seemed to be submitted during the half-term week and at the last moment, can I just confirm that all Scrutiny Panel members met to confirm that they agreed with the Amendment and it was a unanimous agreement on this Amendment from the Panel, given the importance of it and the late nature of it?

Deputy K.F. Morel:

Purely in response to Deputy Ward, as a member of the Panel, I certainly agreed with the Amendment and would like to see it debated.

Deputy M. Tadier:

I rise, mindful of the fact that I was a beneficiary of a reduced lodging period at the last sitting. I would add the *caveat* that that was different in it ... **[Laughter]** without wanting to pre-suppose where I might be going with this interjection, because that had been lodged for a long period of time and it was not a substantive difference and it was an Amendment from myself, anyway. But what we have got in front of us is an Amendment that should have been lodged by 11th February to be debated now and it would have given time ... the reason we have lodging periods for that, it is an Amendment to a Government Proposition. It is, first of all, that we can have sufficient time to read it; secondly, is that there can be sufficient time for Amendments to be put into that Amendment, if somebody wanted to. The Amendment to that Amendment, had there been any, would have needed to be submitted by 18th February which is 2 days, 2 whole days before the actual Amendment was submitted. So, that is clearly not ideal and I would say it is not satisfactory and I have no doubt that if the boot had been on the other foot and the Minister had wished to put an Amendment in, which did not allow the Scrutiny Panel sufficient time to review and then put their own Amendment into it, they would be completely up in arms about it. I would be up in arms about it for them and I am sure they would, as well. There is also this issue that they have known about this piece of work being debated today at the very last stop, it has been moved several times. To say that we have had lots of late submissions sets a risky precedent saying that. If the Scrutiny review is going on, then the timetable of this Assembly can be dictated by the fact that we need to be lenient to whoever is making late submissions to a Scrutiny Panel. This certainly I do not think has ever happened when I was on Scrutiny, because we would have set clear deadlines saying: "If you want to make submissions, you need to do it by these dates, so that we can make the relevant document, or produce it, in good time." I do not think I am necessarily going to vote against this, because I think there is the wider public interest to take into account, but it does add to this narrative, which is increasingly that lodging times are no longer relevant. If we can lodge Amendments to what is clearly considered to be significant legislation, I think the Panel themselves would say this is very significant legislation, which is why they scrutinised it, why are we not doing things within a proper timetable, why are we rushing their Amendment? So, there are those thorny issues and I would welcome some guidance from the Chairman of P.P.C. (Privileges and Procedures Committee) on this issue, because I am minded just to say: "Let us get rid of lodging periods altogether and let us just roll the dice on the day to see how we feel about a particular Panel, or the particular individuals, that lodged it and what the particular issue is."

Connétable J.E. Le Maistre of Grouville:

Just to confirm that I sit on the Panel and will be supporting the Amendment.

Deputy I. Gardiner:

Also I am a member of the Panel and I do support this Amendment.

The Connétable of St. Saviour:

I might as well join the crowd, I am also a member of the Panel and I will be supporting it.

The Deputy Bailiff:

Thank you. I call upon the Connétable of St. Brelade to respond.

The Connétable of St. Brelade:

I thank those Members, who have commented on this Amendment Proposal. I empathise with what Deputy Tadier says and I tend to disagree, notwithstanding my present position and we have rules and we should possibly adhere to them. In reality, our alternative from the Panel’s point of view, in the light of a significant amount of late submissions, was we could have asked the Minister to defer once again which, quite candidly, I was very reluctant to do. He had acceded to that request twice before and it seemed we had got to the stage whereby we had to proceed and thus we put the Amendment in at the late stage to try and contribute to the debate which I think does, as the Minister says, need to take place today. So, without further ado, I make the proposition for the Amendment and ask Members to indicate the way they vote.

The Deputy Bailiff:

Yes, those in favour of adopting the Proposition ... **[Interruption]**. The *appel* is now called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 33		CONTRE: 7		ABSTAIN: 0
Senator I.J. Gorst		Senator T.A. Vallois		
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator K.L. Moore		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy M. Tadier (B)		
Connétable of St. Saviour		Deputy R. Labey (H)		
Connétable of St. Brelade		Deputy R.J. Ward (H)		
Connétable of Grouville		Deputy C.S. Alves (H)		
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy I. Gardiner (H)				

Senator I.J. Gorst:

I am mindful, before we start this debate, that you have been, as I understand it, requested by the Greffier to rule on conflicts of interest. I wonder if that is the case; I might be misinformed. If it is not, I wish to start by declaring that I am a landlord and I think that this would be a good time to deal with those issues of Members and then, perhaps, we can come to the recess once we have dealt with this matter. Thank you.

The Deputy Bailiff:

Well, I am grateful. I was going to ask the Greffier to read the citation and then move on to that issue. Before doing so ... yes?

Deputy J.H. Young:

I am sorry, I do feel that given the fact we are normally due to adjourn in 15 minutes' time, if we effectively are going to start that debate, I feel I would be asking the States either to adjourn, or move some of the later ...

The Deputy Bailiff:

I was going to make the point, Deputy of St. Peter, you mentioned seeking an early adjournment on the footing that the public may have anticipated this debate to start later.

[12:30]

I was merely going to indicate that the published version of the Order Paper indicates this debate to start at 12.30 p.m. today, which may set your mind at rest in relation to that issue. So, what I propose to do now is ask the Greffier to read the citation, then deal with the landlord conflict point, if I can deal with that and then Members may want to adjourn early; it is a matter for them. So, I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-. The States, in pursuance of Article 5 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018, have made the following Regulations.

The Deputy Bailiff:

In view of the nature of the Regulations that you are considering today, I invite any Member who is a landlord to please stand, so that the Greffier can take a note of persons with that interest.

Connétable P.B. Le Sueur of Trinity:

While that is going on, could I just ask for a point of clarification? Obviously, as Constable, we act as, I suppose, landlord on Parish properties which are rented out, would that include us or not?

The Deputy Bailiff:

No, I do not think so, you have not a direct financial interest.

The Connétable of Trinity:

No. OK, thank you.

Deputy I. Gardiner:

May I ask also a point of clarification? If the landlord is my husband, not myself?

The Deputy Bailiff:

Yes, I think that is a direct financial interest.

Deputy M. Tadier:

Can I stand up? Because the original question was whether we were landlords. My declaration of interest shows that my partner, with whom I live, is a landlord, so I will need to declare that.

The Deputy Bailiff:

Yes, I am grateful.

Deputy M. Tadier:

I am standing up but ...

Connétable R. Vibert of St. Peter:

Another point of clarification, can I just check? If you are not a landlord in Jersey, if you are a landlord outside of Jersey? [Laughter]

The Deputy Bailiff:

Well that will not affect that position so ...

The Connétable of St. Peter:

Sorry?

The Deputy Bailiff:

That will not be affected by these Regulations.

The Connétable of St. Peter:

No.

The Deputy Bailiff:

All noted?

The Deputy Greffier of the States:

Yes.

The Deputy Bailiff:

Thank you. Members can now be seated.

Senator L.J. Farnham:

Just in the interests of transparency, I am associated to a business that manages a number of States accommodations. I am not directly a landlord, but I wanted to make that point.

The Deputy Bailiff:

Yes.

The Deputy of St. Peter:

I think I should declare that I am a committee member of the Jersey Landlords' Association.

The Deputy Bailiff:

Thank you.

Deputy M. Tadier:

Can I ask that tenants also declare an interest, as we did last time? I would like to stand up as a tenant, because I am a tenant and have been for a long time and I think that there clearly is an interest in this legislation for tenants, who want to have additional protection from bad landlords.

The Deputy Bailiff:

I do not think that tenants are obliged to declare an interest in the way that landlords are, but if they wish to, then they can declare that.

Deputy M. Tadier:

I will declare that.

The Deputy Bailiff:

Not obliged to.

Deputy R.J. Ward:

Does that include the bank owning your house? **[Laughter]**

The Deputy Bailiff:

We would all be standing up there, would we not? Well, possibly.

Deputy J.H. Young:

Does it include landlords' agents, who might have an interest in this matter?

The Deputy Bailiff:

I do not think so. Thank you very much.

The Connétable of Grouville:

Just for the public's notice, could we read out the names of the people who stood up? I think it would be useful.

The Deputy Bailiff:

I invite the Greffier to do that, if she is able to do so.

The Deputy Greffier of the States:

Those declaring themselves as landlords: Senators Moore and Gorst ...

Deputy M. Tadier:

Could we just clarify for the record, it is not those declaring themselves as landlords, it is those who are landlords and the one whose spouse, or partner, is a landlord?

The Deputy Greffier of the States:

Very well, yes. Those declaring themselves as landlords, or with a spouse/partner who is a landlord: Senators Moore and Gorst, the Connétables of Grouville, St. John, St. Mary and St. Ouen, the Deputy of St. Peter, Deputies Guida, St. Ouen, St. Mary, Young, Morel, St. Martin, Pinel, Gardiner, Tadier and Deputy Raymond. Senator Farnham declared an interest, which was a shared interest. Then under tenants I have: Deputies Tadier, Senator Mézec, Senator Gorst, the Constable of St. John and Deputy Ash.

The Deputy Bailiff:

Now, in relation to landlords, you do have a direct financial interest, which you have declared, but as it is shared with a large class of persons you do not need to withdraw from this debate and that is the interpretation of Standing Order 106 that is appropriate in this particular ...

Deputy G.P. Southern:

The words you used were “you do not need to”.

The Deputy Bailiff:

I said that it is not necessary for landlords to withdraw from the Chamber, as they share their interests with a large class of other Members.

Deputy G.P. Southern:

But they might consider whether they wanted to withdraw?

The Deputy Bailiff:

Well it is always entirely a matter for any Member if they wish to, but they are not obliged to.

Senator L.J. Farnham:

There are only 2 or 3 tenants, so does that still apply to them?

The Deputy Bailiff:

The tenants, in my view, have no duty to declare their interests. They have chosen to do so, but I think their position is different.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Do Members wish to adjourn now? The States stand adjourned until 2.15 p.m.

[12:36]

LUNCHEON ADJOURNMENT

[14:18]

7.1 Deputy J.H. Young (The Minister for the Environment):

I think today is a really important day, if not the key day on our journey towards better housing standards in Jersey. As long as I can remember, I came into the Island in 1979, we have all known of the frequent press reports, anecdotal reports of people coming to our Island and being very badly housed. Young children, young families are having to live in very poor conditions. I think over the years I have observed how the climate and the attitude in Jersey has changed, in that things that perhaps were acceptable in the past are no longer thought to be. Certainly I think the key stages are ... we have a first-class Environmental Health team, which I think are universally acknowledged as being key people in dealing with issues that affect people’s health in their daily lives. Of course, the environmental health in housing prior to that function coming under the jurisdiction of the previous former Minister, the Deputy of St. Martin, they had no tools to do the job and so I want to make sure today we recognise the work of the previous Minister for the Environment in bringing forward that law, the Public Health and Safety (Rent Dwellings) (Licensing) (Jersey) Law 2018, which was passed, in fact, unanimously. In fact, this morning, in preparation of this debate, a couple of people had said: “Have you made sure that the points that arose in that previous law were dealt within this Regulation?” So I read Hansard this morning and it was absolutely remarkable to read through there

- I was not in the Assembly, many Members were - they were absolutely universal in their praise of the principle of improving our housing standards. Yes, there were Members who registered their disagreement in principle to the issue of licensing and I respect those issues of principle and they have been consistent in that view. So, I am standing here today not expecting there being unanimous approbation for licensing, this is probably the key point of the decision today of whether we put in place the means of doing that job and putting it into practice, or whether we do not and expect to carry on without those tools of being able to deal with this and whether we have policies that we cannot implement effectively. That is the choice before you. It was not just on 31st October 2017, I think the votes I looked at 35 Members were *pour*, 14 Members did not vote against, but they were not there for the vote. Obviously, sometimes, absent themselves for the vote if people do not like it. That is well known. Of course, the second time, when the Appointed Day Act came before this Assembly, which was in September 2018, which I myself had the privilege of standing here and that vote went 39 *pour* and again there were 10 Members absent for the vote, but nonetheless it went through. So, that law enabled us to have minimum standards and the Law, that was passed, enabled me as Minister to put down clearly, in a piece of subordinate legislation, an Order specifying what are the minimum standards we expect. They are all about health and safety in dwellings, in rented dwellings. They, of course, only apply to rented dwellings, because it is viewed that people who own their own dwellings and live in them, owner-occupiers, they can take the risk, it is your own call. I think that is right in a free society. The key point about tenants is they generally do not have that choice of being able to change such things as electrical installations, boilers and so on and they really have to deal with the property as it is. I think that is why us having minimum standards to make sure that buildings are protected against fire and people cannot suffer fatal conditions because of carbon monoxide poisoning and so on. But also it is not just about that, there are poor conditions of damp and mould and so on and I have certainly seen evidence from the Environmental Health team of where they come forward with photographs and situations which are very unsatisfactory that they have had to deal with. They try to deal with those with persuasion, mostly successfully, but I am afraid there are occasions they cannot and the other day I was advised of a case, a particular ... I am not going to say any details, but over 100 notices were issued in respect of one particular situation. When I first took on the ministerial role, obviously, I inherited this work, I myself wanted to be convinced of the need for annual licensing. Clearly, I saw the need for registration, because registration we do not actually know ... and I heard on the radio this morning people find it very puzzling that we do not know how many rental dwellings there are, what the housing mix are, what size the units, or anything, or where they are. We do not have that information. People say: "Well, you have it in the tax system." OK, all sorts of things about that, but of course we do have privileged information and things like that, we do not see open crossovers in Government systems today to allow that information to be shared. Yes, we have Parish rates systems, but what if you find a corporate landlord, what if you find, say, a corporate block of flats owned by a property management company that has 200 flats in there and 6 or 7 of them are rented out, you do not know. What we do not have is a consistent registration system and that is why we need that. But I needed to be convinced of why they want annual licensing. Annual licensing, what it is about is it is about ensuring that we update our records on what premises are being let out and we have systems in place so that we can, on a selected basis, have enforcement arrangements to make sure ... to follow those up to try and achieve a gradual upping of standards, as has been achieved elsewhere. Of course, some tenants are vulnerable. There has been quite a bit of comment on that. Obviously, some are well-equipped and very able to argue for themselves, but not everybody is. There is no doubt that some feel intimidated. Maybe not in any sort of overt way, but they feel very reticent to be able to bring forward complaints because ultimately, or potentially, under the current system if a complaint is made, then people know, the landlord would know when it is a tenant complaining, got a troublesome tenant and they know when it comes to renewal time they almost certainly, probably, will not get renewed. That is an understandable worry. Having a system where that factor is taken out is something I do not think we can dismiss. It is really about giving the tools to our Environmental Health team. When I look back

under that debate of 2017 at the points people made they said: “Look, we want to see more details. We will pass the law, but we want to see more details of the licensing scheme.” That is why, in the Proposition that was published by ... I think it was September, so it has been out and published for 6 months, what was published there was all the detail, the way the scheme would work, the charges would work, the licensing conditions and so on, in a kind of open way. Now, my understanding of that, that is what I think is called the scheme. That scheme is alterable, in my view, by the Minister. The Regulations are very simple. It is as simple as you can get, it is a one page Law that says: “There shall be a scheme for licensing” and obviously my job, or the job for whoever follows me as Minister, is to keep that scheme up and amend both the details of it and the charges and so on. I have heard some voices, but I think there are minority views: “Actually it is all right to have lower standards because some people do not mind living in poor standards places and also, you know, if it is cheap and cheerful, that is OK.” I think that is a minority view. Yes, there are some people that hold it, but I do not think, as an Island, that we should be making that acceptable. We should have policies and support systems in place to make sure the minimum standards are universal. So, the issues about costs have arisen really a lot and I have given this a great deal of attention. It is argued: “It is going to distort the market, we are going to lose properties to the market. It is going to be put on people’s rentals.” What the proposals are is that we are talking about an annual licence fee of ranging between £50 and £200. For those people that are already registered and they still have months to do it if these registrations go through, they still have until the end of June, to go into this thing ... I know people have said it is another scheme, they call it a rent scheme. It is not another scheme, it is the front-end of this scheme. We introduced it voluntary, because that is the way it has been done in other places, it is the way the Institute of Environmental Health said we should do it and it is a good way and it has worked in food regulation. What that scheme does, it allows people to get ahead of the introduction of the Regulations and have a reduced fee. I think that helps a lot. Of course, on the issue of costs, one should counterbalance that against what would be the cost to individuals, families and society if people have ill-health through bad accommodation. They are very high. So I think there is a real business case here as to why investing in our properties for minimum standards is an important thing. Of course, housing has become a really important part of the Island’s economic activity, provision of housing.

[14:30]

I think roughly the numbers are we think - we do not know exactly how many rental properties there are in the Island - we know we have about 43,000 resident homes in the Island and about 10,000 of them are potentially rented. Economically we need to look at the bigger picture, particularly, for example, the assumptions I make, even if you take a standard 3-bedroom home, let us say now, this is disgraceful really, £600,000 for a standard ordinary 3-bedroom house, that is where we have come to in Jersey. Years ago, you could have bought that house for £5,000. Now, £600,000. Of course, what do they rent it out? My guess is they have to rent that property for somewhere around £20,000 a year. Even £20,000, let us say a fee of £100 a year to register for a licence, on my calculations that is half of one per cent. That is probably less than the amount of money that you pay in *foncier* rates, unless you are one of the landlords that put down on their rates form: “Included within the rent” and thereby charged the *foncier* rates to the tenants. But if you do it in the proper way, the way the Law - I do not know whether it is a Law or not - the way in which it is open, you put tenanted and you get a bill for the *foncier* rates, you pay it and that is usually £200. Then you have insurance premiums of probably £300 and then you have got your agent’s fees. In fact, I use an agent and I find the agents provide a good service. Generally you pay that fee. So £100 extra in those elements of cost as a landlord it is still a small amount and it is still a very small, if not miniscule, amount when compared with the rental generated from that property, which is important to people. Many people need that rental income for their pensions, for example, which is another situation we will come to. The bad state of affairs with our pensions that are so out of line that people have to rely on that. But, anyway, I must not stray too far. Those costs, I think, are really quite significant. People are worried about

the cost of regulation in the Environmental Health team, which now sits under Growth, Housing and Environment, it sits under the regulation team and, of course, the policies that that Department is required to work to ... and these were agreed back well before I got elected, they were agreed in the Medium Term Financial Plan 2018-19 and they have been carried forward - I have not been happy about that, but that is how things stand - until the 2020 Government Plan that says those regulatory functions have to be self-financing. In other words, I do not call on taxpayers' income to pay for them, they self-finance. The elements that I have put forward, it has been said: "Well, you have not produced the figures. You have not produced the information." Well, we did publish numerous times, but I think I have republished them in the document that you received from me over the weekend, which is the response to the Scrutiny report, which says that our costs are around about £650,000, or thereabouts, which are made up of the numbers of officers proposed that are working on this housing regulation anyway. The income forecast is, in 2020, expected to be exactly pretty well equivalent to that. So, there is no question of profiteering. I know that figures were published for later years, 2021, 2022 and 2023, which say there will be higher rental incomes. I have given undertakings that will not happen. I will review ... I see a shaking of heads. It will not happen, because I give an undertaking that I will produce in year one a report setting out the situation of what we have learnt, what the numbers are coming forward, what the income has been, what the results of that year one licensing are, what we have learnt and then we can modify the scheme for year 2. If that means the fees are too high, they will be brought down while I am Minister. If I was not Minister maybe somebody else might disagree, but I certainly think it is right that we contain those costs as far as possible. I suspect Members probably have not had a chance ... I want to thank the Scrutiny Panel, because it has not been an easy job for the Panel. There is no question what we have here is a very large ... there is sector of our economy and they are valuable people and I pay tribute to them in everything they have done for the Island, our landlords. I have had many letters from people I have known for many years and respect, who say they think this question of introducing licensing in this area is a step too far. I respect those views, but I think this Assembly needs to make that judgment. We pass the laws, the laws have been there, they have been passed twice, are we going to carry on and try and achieve those improvements in standards and have in place effective regulation to do it, to complete the job, or not? What I have tried to do is to respond to the points that I have found very persuasive from the landlords' meetings and so on and meetings we have had. Like, for example, one of the points I picked up was about electrical tests. I have signed a Ministerial Order that will change the frequency of electrical testing, because that has proven to be quite an expensive part of the work required. So, instead of that being annually, which I do not think was ever the intention, but it was ambiguous, it is now quite clearly 5-yearly. So, that is an action that I have already taken. We have already taken it, because we had legitimate concerns from representatives of the agriculture industry, the aquaculture industry and the hoteliers that do provide shared space, is that those fees that they have worked out from what has been published would be very high and I heard figures quoted at thousands of pounds. That will not be. The scale has been revised and, therefore, the sums will be contained within the amounts now we have published, which are much more modest, because we all recognise the difficulties those industries face in housing their staff in what is a very hot economy. Again, I want to thank the Panel. We did get their response last Thursday, it would have been nice to have it a bit earlier, but nonetheless and I want to thank the team I work with, the officers, who worked over the weekend to produce the response. As I say, I am sure you probably have not had a chance to read it, but I would like to just - if I can just get the system to work - read the summary of the report, which was again a one-pager, which will then just ... that is not working now. Anyway, I will pick that up in my summing up. The other point I would like to highlight is the fact that the licensing scheme fits all square with the Government strategic priorities. Putting Children First, improving Islanders' well-being, the mental and physical health, and reducing income inequality and improving the standard of living. So I think these are very important. We have had, of course, very strong consultation responses, which again you will find ... I think it is mentioned in the Scrutiny report and the response that I issued. In support, the Medical

Officer of Health says there are strong links between standards of housing and people's health, mental as well as physical and affected children and older people. The States of Jersey Police support the proposed scheme, as it ensures well-being of tenants focusing on standards and one that avoids exposure to chronic illnesses and support the elderly. Then we have the Commissioner for Children and Young People, again, made supporting comments. Support from Fire and Rescue, Jersey Consumer Council, Jersey Homes Trust and the Chartered Institute in Environmental Health, an external body. I think all those say to me that it has been a difficult journey to get where we are, nothing in life is ever perfect, but what I think we have got is a pretty well-balanced scheme and from what I have acknowledged since I have taken on the role of Minister is the environment health officers are not excessive and draconian in the way they go about implementing regulation. Their general strategy is to do things by persuasion, give people time to improve and the issue of any serving of notices and so on is absolutely a last resort. That will continue to be the case. Working with our community, not against them. Their work that they have done in food safety has shown how if you work with an industry, work with people, you can generally improve those standards. I think with all that support externally I think we have a well-balanced scheme, it is proportionate cost wise. If it is possible in the future to reduce the costs I will certainly do that if snags show up in the fine detail of the scheme, none of the Regulations ... because these Regulations do not enshrine the scheme, they set the legal framework of registration and annual licence. So, under those Regulations any person that were to let a residential property defined in the Law that was passed a couple of years ago without having that licence would be committing an offence.

Deputy M. Tadier:

Would the Minister give way? Just trying to be helpful, I do have the document that he is referring to after he could not open his laptop, so I will leave it there, in case he does want to use it. It might be helpful to have the information at the beginning, rather than at the end. I did not say it was a point of order, I asked the Minister to give way.

The Bailiff:

Let us not get into a discussion on the form of the intervention.

Deputy M. Tadier:

Sorry to offend the local prefect in the corner.

Deputy J.H. Young:

I do not think I finished my speech, did I?

The Bailiff:

No, I do not think you had sat down.

Deputy J.H. Young:

Thank you. I just sat down to allow the Deputy to rise and say what he was going to say. I summarised my key responses to the Scrutiny report, because I am very much looking forward to hearing the Chair of the Panel, is that I would do a report after year one, detailing what the income and expenditure is in the scheme, the numbers coming through under a Rent Safe scheme and also I have guaranteed to look ... I have been asked to include, for example: "Could we have a higher fee for, say, mansions and luxury properties and a smaller fee for one-bedroom bedsits?" I think, in principle, that sounds a good idea, but I think that does suggest to me a lot more investigative and bureaucracy to try and work out and get information on: is this a mansion, is this a one-bedroom, you know, that kind of thing. Again, I am prepared to bring that report forward. Obviously, that report will also have to deal with the needs of accommodation of the agricultural, aquaculture and tourism industries, where they provide what you might call group hostel accommodation. If we do have cases - and I have instructed the officers this - where the fees are coming out high, they will be reduced,

because the Minister has discretion to reduce them. We cannot impose excessive costs on that group. The reason why it is complicated like that is because, at the moment, we are in a situation where they are dealt with under the Lodging Houses (Registration) (Jersey) Law, which it is intended to get rid of. The point to get rid of it is after year one of the scheme. Then, with the lessons learnt, we will have a fully integrated scheme. I do not support the suggestion that social housing providers should have to pay licence fees. The key difference for me is that, generally, social housing providers are bodies such as the Housing Trust, people who are not-for-profit bodies providing that housing ... the people, the support work for them, do it for greater good, public good and, therefore, I am struggling why we should impose a charge on there to reduce the charges of those that are doing it for profit. That is, if you like, a personal view. Others are, of course, entitled to a different view. It is also suggested that the law should extend to lodgers. Of course, what the law ... this is not a question of the licensing scheme, it is actually in the Law, it says that: "What is a rented property? It is anywhere where you have more than 2 lodgers living in owner/occupied." If it has more than 2, then there is a requirement ... if you have up to 2 it is OK, it is treated as a family situation. I really think doing what the Scrutiny Panel suggests of including everywhere that has a single lodger would be a step too far. It would be very bureaucratic. Then, of course, we come to the really big issue, that is 5 years. I think there is a decision for this Assembly. If you go with licensing - and I hope that you do in principle - and I am standing here to ask you to do that, there is a next step decision, do you stick with annual licensing, or do you move, as the Scrutiny Panel suggests, to 5 years? There are very significant downsides to moving to 5 years. But that is a choice, it is a downstream choice and I think I will have more to say on that.

[14:45]

What we have tried to do is to make sure the one-year scheme is unbureaucratic, whereas all the information I have got is the 5-year schemes elsewhere are much more bureaucratic. I will say more on that later. The financial policies - I have been pretty heavily criticised for this - I have reread the new Public Finances (Jersey) Law and I am absolutely confident that the financial arrangements for this scheme are absolutely compliant with the Government Plan, the new Law, which puts the responsibilities on the Accounting Officer, all of the costs of this scheme, of the 6 officers, have been certified by Treasury officials and the Accounting Officers of the G.H.E. (Growth, Housing and Environment) Department. I have to rely and accept that those costs are accurate and the estimates of income that equate to them are based on exactly the best possible information. So, with that - it was probably too long, I am sorry about that, but this is an important subject - I will propose the Regulations in principle.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show?

The Connétable of St. Brelade:

Will we be talking to the Amendment at this stage?

The Bailiff:

No, there is no Amendment to the principles as such, we will deal with Amendments when we come on to Second Reading, Connétable. Consequently, it is a question for the Assembly whether anyone wishes to speak on the principles. If nobody wishes to speak on the principles, then I take it on a standing vote, if someone does wish to speak on the principles, then the Minister has an opportunity to respond at that end of that. That is the next stage.

7.1.1 The Connétable of St. Brelade:

In that case, I would like to speak. I would simply reinforce the findings of the Scrutiny Report *S.R.1/2020* and urge Members to consider these, if they are able, before making up their minds on

the Proposition. The terms of reference of the reports were 6. One was to determine whether the draft Regulations are fit for purpose as well as fair and proportionate. Secondly, to assess how and to what extent the Department has considered feedback gathered in the consultation and whether any legitimate concerns from stakeholders have been adequately addressed. Thirdly, to consider the impact the proposed Regulations will have on tenants, landlords and letting agents. Fourthly, to consider how the draft Regulations will work in conjunction with the draft legislation, in addition to the current non-compulsory Rent Safe scheme. Five, to determine how and to what extent licensing fees will affect the cost of renting and, lastly, to further understand how the inspection regime will work in practice and to assess whether it is workable, proportionate and that there is adequate provision in place to resource it. The answers, I feel, to those terms of reference, that we gleaned to date are that: one, I do not think so; secondly, I do not think the Department has considered feedback sufficiently and, no, they have not engaged with stakeholders adequately; thirdly, there will be no benefit to tenants in that this is a very inflationary proposal; fourthly, it is not clear how these draft Regulations will work in conjunction with the Rent Safe scheme; there is no question that the effect of this will be to increase the cost of renting and it is questionable whether, or not, the inspection regime will work in practice and I would not be confident of its workability. We do not believe it is proportionate and so do not believe there is adequate provision to resource it at this stage. There are further points that I would like to emphasise with regard to the Rent Safe scheme, operating alongside the proposed licensing scheme, as proposed under the draft Regulations. I would ask the Minister if this is sensible and to explain the rationale for doing this. Licence fee discounts for landlords as part of a recognised accreditation scheme is considered commonplace in the U.K. Would the Minister not agree that this is a sensible way forward? We are advised that, presently, there is no way of gathering data on the number of rental properties that exist, where they are and the number of people accommodated. Would the Minister agree that Government is not joined up in that much of this information will be available through other avenues. We are fully cognisant that there may be rented properties which fall beneath the minimum standards. We would be the first to empathise with those tenants who find themselves in that situation and the last to condone actions from unscrupulous landlords. The Citizens Advice Bureau recorded some 128 cases in 2018, raising issues regarding housing conditions, however the severity of these is as yet unrecorded. It appears that the proposed scheme will raise some £690,013 in revenue in 2020, increasing to £954,250 by 2023. Would the Minister agree that there is much uncertainty over these figures in the light of so many variables? I take on board the fact that he assured Members that he would come back to us at a later date, but surely that, in turn, signifies that the uncertainty of the financial proposal is far from satisfactory. We are not satisfied that sufficient justification has been provided as to why the scheme has cost so much to administer. The Minister alluded to it just now. Is it right that there is cross-subsidisation, which appears to be the case to those of us on the other side of the fence? The 2018 law puts the onus on the person having control of the dwelling to provide the information and keep it updated. Would the Minister agree that there would be much to be gained by having mandatory documentation in different languages, if necessary, at the outset of any agreement to obviate misunderstandings which arise due to miscommunication issues. The Minister may also wish to consider an exit document whereby a dissatisfied tenant could express an opinion on the condition of accommodation they had vacated. The draft Regulations provide limited detail as to the proposed inspection regime and fee structure to date. Could the Minister confirm that he will be publishing the charges? I think I gathered from his speech earlier that that was going to be the case. Would the Minister agree that mandatory electrical inspections, to which he referred earlier on, will inevitably put up rents? There is a lack of clarity, which I am pleased he has cleared up in the last few minutes, as to whether it should be 5 years, or every change of tenant and I cannot understand why we have got so far down the road that we have had to wait until now to receive that. Would the Minister agree that the present proposals fail to consider the short-term industries? He alluded to the fact that he would accommodate certain industries, but I do not think he mentioned the seasonal side of things where accommodation is only let for some 4 or 5 months, if that. There is a disproportionate effect on those

property owners who are letting those properties. I suggest that increased regulation may lead to some landlords pulling out of the business and I would be interested on a more in-depth view from the Minister on that. Clearly, rental accommodation in the Island is critical and we do not want to lose any. Is it fair that private landlords have to subsidise housing associations? Surely this is unreasonable, given that many landlords, in fact, charge reduced rentals in the interests of looking after good tenants. Most landlords like good tenants. Many of the older properties are just not going to achieve the proposed 5-star ratings to, in turn, allow them to get a reduced registration rate. This is due to the lack of linkage between building regulations and the proposal we have on the table today. Within the Minister's Department, I would urge him to get some conversations going between his officers, so that the building regulations can align themselves with any proposals put forward for dwelling accommodation. The other point, of course, is there will be no regulation of private properties who rent out rooms. Is this right? They could well be in poor condition, as well. On balance, I do believe that tenants need protection from unscrupulous landlords, I do not disagree with the principle of registration, the methodology however and the business case proposed is far from satisfactory and there appears to have been little buy-in from landlords or, the evidence shows to us, the tenants. I am not normally a cynical person and while I applaud the Minister's suggestion that charges may be reduced, I suggest that this will be certainly a first in the Government of Jersey. I have no doubt this needs further work to make it acceptable to the industry so that we, as an Assembly, can produce sensible, well-balanced law, to accommodate all levels of our society.

7.1.2 The Deputy of St. Peter:

I also accept the need to know where the rental properties are and the number of occupants and I totally accept that we, as a society, need to ensure rental properties are not damaging to health. I effectively voted for it in the Public Health and Safety (Jersey) Law 2018. What I understand, even more, is there is no room for bad, unscrupulous landlords on our Island. I will support measures to target them, help them mend their ways, or out them from the market. However, such measures must not be at the cost and the reputation of the vast numbers of decent, caring, responsible landlords, who offer a great service to the estimated 10,000, 15,000 tenants in Jersey and it must not be financially punitive to tenants. I am not concerned about the ultimate destination this Proposition takes us to, but I am deeply concerned about the journey and its potential unforeseen consequences. My main concern is the unknown inflationary costs that were mentioned by the Chair and alluded to by the Minister, in the increase in rental prices. We have an overheated market confirmed in last week's house price report for quarter 4 and made headline news in yesterday's *J.E.P. (Jersey Evening Post)*. It is acknowledged that high rental prices are the main blockage to home ownership. Owning a property is not necessarily more expensive than renting, it is the saving for the deposit that puts home ownership out of the reach of many families. Therefore, we owe it to every tenant, which is about 15,000 if you include Andium, that we have carried out detailed due diligence to ensure that the effects of this Proposition result in, at worst, a negligible increase in rental prices. Now, I am not talking about the licence fee being passed on to the tenant £50, £200, that is not really of great relevance and tenants are used to this. The majority already pay the £21 MyDeposits fee. But that is extended to the fire licence, it used to be £80, but they are now £400 and have to be issued by the States Fire Service on receiving paperwork from commercial firms who, in turn, charge an annual inspection fee. I accept the Minister's move to a 5-year electrical survey, as opposed to also including every change of tenancy. However, are the Regulations proportionate and fair? Is there equal measures and equal reviews being taken on the properties? Owners of a rental flat - this is true - in a 7 year-old block have been told the circuit breaker needs replacing at vast cost. Seven years. Now, that, I believe, is approaching £1,500 plus labour, so if the electrical equipment needs replacing that much, who is going to bear the cost of that. I have heard an assessment of 2 different electricians on the same property, one says the property is fine and signs the certificate, the other recommends £25,000 of work before they will sign. Now, of course, with the latter proposition, the landlord will seek additional support, but they are feeling under due pressure to remediate anything that they are

told now, because of the measures that have been put on top of them. Then there is the £80 gas inspection. The more intangibles, the extra workload on managing agents, means the percentage fee they charge will go up. Indeed, in some cases ... I know of one case they already have. For example, every inspection by an officer will need to be supervised. What is totally unclear is how many properties will be required to be initially inspected and what will be the criteria for inspection? Also, there is additional administrative work expected of the agents carrying out inspections. Many landlords are deeply concerned about the enforcement measures that, if they did not before, are starting to employ managing agents to apportion responsibility.

[15:00]

The extra of that is approximately 7 per cent *per annum* as a fee. We have no idea how many landlords will exit the market, as the Chair told us. Landlords are businessmen, they have choices, why have an investment returning - and I have heard - as low as 2.5 per cent gross up to 4.5 per cent on standard flats with increasing costs, risk and bureaucracy when any good wealth manager would give you 6 per cent annualised for absolutely no hassle. While some will be purchased by new buyers entering the market, the net result will be the lowering of stock, which will distort that marketplace. Do not forget, if an investor sells on to the new owner, he will review the rents and the conditions and move to maximise his investment. That is, in layman's terms, put the rent up. I could go on, but these are just some of the additional costs that will be borne by the landlord and actions that they may take. If this Government is determined to keep rents down, how can we possibly decide today without fully understanding these potentially inflationary effects, quite clearly rents will go up as acknowledged, the burning question is by how much. This could have a major financial impact on every tenant in Jersey. We are talking about the livelihoods of those 10,000-plus people. I therefore feel the Assembly must know the answers to these questions before deciding on this Proposition, so I therefore propose a reference back.

7.2 Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-(P.106/2019) Reference Back

The Bailiff:

You are entitled, at this point, to seek a reference back. What is the further information that you would wish the Assembly to be voting on for the reference back, or any ambiguity, or inconsistency?

7.2.1 The Deputy of St. Peter:

I feel that there has been no consultation based on the inflationary effects that this Proposition could have and while it was mentioned once in the Minister's speech and I think the quote says: "The rents might go up", Scrutiny, who admittedly delivered the report last week, have said they are very concerned about these inflationary measures. I believe it is irresponsible of us, as a Government, in a very overheated market, to proceed with such measures without fully understanding and doing the detailed consultation of the likelihood of the rents going up as a result of this Proposition.

The Bailiff:

The information you would wish the Minister to return with is more information relating to the potential inflationary effects of the Proposition?

The Deputy of St. Peter:

Absolutely, but more than that, I would like the result of detailed evidence that has been gathered.

The Bailiff:

Evidence with regard to those inflationary effects.

The Deputy of St. Peter:

Yes, please, Sir.

The Bailiff:

Is the Proposition for a reference back seconded? **[Seconded]** Does any Member wish to speak on the issue of a reference back only?

7.2.2 Deputy M. Tadier:

Bravo to the Deputy of St. Peter for learning quickly. This is an old trick that is used when, essentially, you do not like what is being debated, you do not like the Proposition, so you try anything to scupper it at an early stage. The reason for that is that it is not realistic to assume that there is some mystical evidence out there that has not yet been produced. Let us remember that what we are debating today started off a long time ago in 2014, the previous Assembly, so it was 2 Assemblies ago, made a decision that the principle of minimum standards and the landlord register should be established. That principle has already been agreed and it has taken us 6 years to get to this point and there has been a Scrutiny Panel review on this subject, which has been extensive and the deadline has been shifted many a time. I am sure that if the Scrutiny Panel thought that there were any areas of information that they had asked for that had not been given, that would have been put in their report and that was not the case. They have said: "We do not necessarily agree with some of the Propositions and proposals that you are putting forward and we have a different view on them" and the Minister has responded to that, so this mythical information that is somehow going to come forward from the Minister simply does not exist. We can vote to delay it and that is all we will be doing today, it will be delaying it to seek information that the Minister does not have. If we do not like this proposal, we are at liberty to vote against it and I am sure the Deputy of St. Peter has made his position clear already. But let us have the debate today and let us vote for it on the merits and not kick this down the road again, it sends a bad message out that Jersey cannot make relatively simple decisions.

Deputy R. Labey:

Just to be clear, has the Chair ruled that there are legitimate grounds for the reference back?

The Bailiff:

Yes. What the Presiding Officer is required to do is to seek to identify what information the proposer wishes to have and it is on the basis of that the Assembly is able to consider whether a reference back should be mandated by voting. So, consequently, it is now that issue alone and purely the question of a reference back that is the issue currently before the Assembly.

Deputy R.J. Ward:

May I just ask for clarity on what that point is again, so we know, very clearly, what we are talking about now? Because I thought I did know, but I just want to check.

The Bailiff:

My understanding, Deputy, is that the Deputy of St. Peter is seeking a reference back, so that fuller information can be provided with regard to the potential inflationary effects of the Proposition, including evidence that is available at the moment on what the inflationary effects might be.

The Deputy of St. Peter:

May I say and evidence that needs to be sought, as well.

The Bailiff:

That is the area of debate at the moment.

7.2.3 Connétable C.H. Taylor of St. John:

I applaud the Deputy of St. Peter, because this is very clearly inflationary and I will give you an example. Some years ago, I was canvassing and I turned up at a house in St. John. From the exterior, the garden was well kept, it looked quite an expensive house. I knocked on the back door and after some scuffling the door was lifted and put at 90 degrees on the hall wall. I was, needless to say, a little bit surprised and I offered to help, as I have some carpentry skills, not very good ones, but nonetheless adequate, to repair the door. The gentleman said: "No, please do not, I am only a tenant." So I said: "That is even worse. Why do you not tell the landlord and he would get it fixed?" He said: "Well, I have to confess I am only paying 5 shillings a week rent." For those who do not know what 5 shillings is, it is 25 pence, so it is £1 a month rent. Some years later, it was probably 4 or 5 years later, the gentleman moved, because of his age and went into a home. The landlord then modernised the house, put it back on the market at over £2,500 a month, which is a very reasonable rent for that particular property. That is clearly inflationary. There is also an issue here. I am informed and I may be wrong, that there are going to need to be 6 employees by Environmental Health to carry out the inspections. All 6 staff will be a cost; they will not be income-generating. Because they are not income-generating and are solely a cost, this is the basic cause of inflation and so, clearly, this Proposition is inflationary. What we do not know is how inflationary it will be. One of the Government's main aims is to try to reduce income inequality. There has been little, or no, research at all on income inequality with this Proposition. I will explain. If you are living in a £1.5 million penthouse at the top of a block of apartments, it is fairly obvious that you are going to be a 5-star landlord and there will not be a particular issue. But if you are not and you own a Victorian property, which the Minister for Planning refuses to give consent for double glazing and it is downgraded to a 4, or a grade-3 property, you have to pay a higher fee for the licence. If that gets passed on to the tenant, then the tenant is going to be paying more for what he was getting in the past for less. If you are paying more for what you used to get at a lower price, that is what is known as inflation and I do not want to preach to the knowing. I am concerned that this is inflationary and I do not believe it is going to benefit the very people that we are trying to help. One of the issues that is not addressed in any way is how you are going to ensure all the landlords register, when you do not know who they are. So, in other words, if you are not a registered landlord, how do you know? The Minister himself has said: "We do not know the rental properties. We do not know which properties are rented and who the landlords are." If you have a substandard property, which are the ones that this is related to, to give you a rough idea, one of the written answers here from the Minister for Children and Housing says that there have been 29 active applications on the waiting list deemed to be living in poor housing standards, 26 are from the private sector; so 26 homes out of 10,000 homes are deemed to be below standard. This is taking a sledgehammer to crack a nut and those properties, at the bottom end, that I am not convinced are going to come forward to be registered when they will be faced with large sums of money to bring their properties up to minimum standards. That probably does not relate to this particular proposition of inflation, but I put it in there all the same. I would urge Members, in the interests of those we are trying to protect, in order to stop this inflationary measure, to have the reference back and to get the information we need, so that we can make a unified decision and not a split decision.

7.2.4 Senator S.Y. Mézec:

I am grateful to the Constable of St. John, because he made a very good case for why this should not be referenced back. He has explained to us how terrible these proposals are, he has explained how they are most definitely, certainly, indisputably, clearly inflationary, in which case he has all the evidence he needs to simply vote against the Proposition and stop this Assembly doing what it is oh so good at, which is kicking things into the long grass and spending more time debating things, rather than just getting on with governing the Island, which is what our job is meant to be. If these proposals are so terrible, I urge him to vote against them, although I do not need to urge him to do that, because I would be astounded if he did anything other than that. What I say to Members of the Assembly is

to not waste time. This point about whether it is inflationary, or not, is a point that is not as indisputable as the Constable makes it out to be, it is a point which is disputed. This reference back, asking the Minister to obtain evidence of something, which in many respects is like predicting the future, because it is being asked to prove something that has not happened, is a little bit like asking somebody to provide evidence that there are no fairies living at the bottom of their garden. Can anybody provide evidence that there are no fairies living at the bottom of their garden? Of course, no, you cannot, because there are not fairies living at the bottom of the garden and you cannot prove a negative. That is where the difference of opinion here is: some believe that it will be inflationary and some just do not believe it and, at the end of the day, there is no way of knowing who is right until it happens. You have to go ultimately with your gut instinct, we know where some Members' gut instinct lies and that is fine, that is democracy, but I ask them, rather than to kick this into the long grass, to just vote against it if that is what they believe in. I do not believe it will be inflationary. I believe that this is about protecting the well-being of some of the most vulnerable people in Jersey. I was astounded at the statistic manipulated from my written question answer about 26 homes out of 10,000 and that being used to say why this is like using a sledgehammer to crack a nut. Of course there are not 26 homes, those are simply people who happen to be eligible for social housing; that does not include all the people living in unsuitable accommodation, who are not eligible, people who do not have their housing qualifications, people who are at an income level that means they are prevented from getting on the Gateway, so, to use that as a demonstration of how minor a problem it is, is so unbelievably misleading and I totally disassociate the statistics I provided in my answer demonstrating that, because I know, like the Minister for the Environment, who has worked very closely with the Environmental Health Department, who routinely has people approaching me, that there is a problem and there is a problem that we need to deal with.

[15:15]

Ultimately, this will be a debate on the question of whether you believe that minimum standards in housing ought to be a theoretical right, or an actual right and I would much prefer that we got straight to that debate. Let us not pretend this debate is a surprise; it is not, it is a long time coming. It was clear as day in the 2018 Regulations that this was going to be the next step. I reject wholeheartedly the assertion that there has not been consultation on this. This has been done to death and there has been consultation on it. So, rather than doing what the public hate when we do, by delaying things, spending more time talking and less time delivering, I urge Members to reject this reference back and let us get on with the main debate.

The Connétable of St. John:

A point of correction, the question I referred to ...

The Bailiff:

Are you asking the Senator to give way in order to correct something, or to explain something that you said in your speech?

The Connétable of St. John:

To correct something he said.

The Bailiff:

There is no basis for you to ask him to correct something. You can seek him to clarify something that he said in his speech.

The Connétable of St. John:

Can he clarify this: he said the question posed to him in writing was: "What data, if any, is available to the Minister regarding the number of children and families considered to be living in substandard

accommodation?” It does not say “social” or “rented” or anything else. It just says: “Considered to be living in substandard accommodation.” Your answer in writing is that there are 26 out of 10,000.

The Bailiff:

Firstly, through the Chair. The Senator’s answer it was and you are asking the Senator to clarify what he just said, in the light of what you have just set out, is that correct?

The Connétable of St. John:

No, the Senator either misunderstood his own answer, or he was attempting to mislead the Assembly.

The Bailiff:

Connétable, there is only a limited number of bases where any Member can stand up and speak twice, the first of those is the Senator has given way and that is either to clarify a point in your own speech, or to seek clarification from him on a point in his speech, or alternatively to raise a point of order. An allegation that a Member has misled the House is not a point of order; this is not a matter on which the Presiding Officer can make a ruling and, therefore, it has to be one of the first 2 options, so I am inviting you, if you are wishing to invoke either of those options, to clarify your speech, or to seek clarification from the Senator, you put to the Senator what you have indicated he said in the written answer and presumably you are asking him to clarify what he meant in the speech that he gave. That is the only way we can do that in accordance with the rules of debate.

Senator S.Y. Mézec:

I am happy to clarify it.

The Connétable of St. John:

It is here in writing, everybody in the Assembly can see it and we should move on.

The Bailiff:

I have to give the Senator the opportunity, as you have effectively stood up and intervened on a second occasion, the Senator must have the opportunity to clarify.

Senator S.Y. Mézec:

I am more than happy to do so. The written answer refers to the waiting list and that is, of course, a reference to the Housing Gateway waiting list, which you have to meet certain criteria to be able to apply for and be accepted on to it. The question was asking what data, if any. That is the data that I possess, but it is not sufficient to know the whole picture around the Island and that is why we are here in the first place, because this licence will provide us with that data, so we can support those vulnerable children living in unsuitable housing.

7.2.5 Senator K.L. Moore:

Returning to the issue of a reference back, this is a somewhat unexpected situation to find ourselves in this afternoon, however I do see that there is some merit in it. Having listened to Deputy Tadier and Senator Mézec, I must say that we, as an Assembly, find ourselves in an awkward position where we are debating Regulations that are before us on a point of principle that we all agree with. So, if this debate carries on, Members will be put in a position, like I will find myself, that I will have to vote against something that I am in favour of simply because the point is that the Regulations do not meet muster. I am grateful to the Minister and his staff, who did provide a response to the Scrutiny Panel’s report on Saturday evening, however I did not feel that response adequately responded to the points that had been made by the Scrutiny report and so, on consideration, I find myself in support of a reference back, as it is the only sensible way to ask the Minister to reconsider his Regulations to give us greater clarity because some of them, I have to say, are rather woolly. We can also give greater thought to this point of meeting the cost of living because, once again, this Government is

seeking to introduce virtuous, yes, Regulations and Propositions that, however, have a cost and an impact on the governing of the Island that is at odds with our general rationale of being a small Government, gentle way of regulating and meeting standards within our Island community.

7.2.6 Deputy R.J. Ward:

To return back to the notion of whether this is inflationary, perhaps the bringer of the reference back, who is a member of the Landlords' Committee, should influence the Landlords' Committee to not pass on these rather insignificant charges of £50 to £200 a year. I did a little search before this debate to find out about rents and what I have ...

The Bailiff:

Deputy, I am afraid I have to interrupt you. Could I just encourage you and all Members to speak to the question of a reference back? I realise the question of inflation has formed part of the justification, but an argument about the merits or whether, in fact, something is inflationary, or not, I am not sure is directly to the question of the reference back. But, having said that, please do continue.

Deputy R.J. Ward:

It is difficult to know which area, listening to some of the other speeches, the key thing being that finding out whether this is inflationary, or not, is a subjective opinion as to whether this is going to be passed on to tenants when it is such a small amount of the income that comes from rental properties, which ranges, from just a simple search, between £13,200 a year to £30,000 per year of rental income alone, when we are talking about such a small charge. You have to talk about the figures if you are going to talk about whether this is going to be inflationary. Because £50 of £30,000 a year is over 1 per cent, not even that and so, therefore, the inflationary effect of that will be negligible. I would say that I am afraid this is an attempt to remove the debate from this Assembly and it is very sad and it is the wrong thing for us to do and, yet again, as an Assembly we are kicking something into the long grass, which was agreed many years ago on a previous Proposition and we should reject this reference back and get on with the debate.

7.2.7 Deputy J.H. Young:

I have to agree with the last speaker; I am all for wide-ranging debates, but of the 3 speeches we have had in favour of the reference back 95 per cent of what was said was addressing the main issue, which is about whether we have licensing and regulation, or not. You shake your head, but that is what I have heard. For example, I say that the real debate should be about whether we weigh what is the potential inflation issue against safety of matters to do with gas inspection and circuit breakers on electrical, which could kill people. So that is a judgment you have to make. That is the real issue. What I would like you to do is put this reference back out of the way, let us get on and deal with the main debate. Won or lost, we need to have that discussion and resolve this. In reference to the reference back, what have we not done? I look back and I check, there was a consultation on this, 28th May until 28th June, the results are out, I have them all detailed here, they were all published on the website, nobody reads the consultation websites and we wait until the day of the States and then we throw it in, we want suddenly some new information as a way of kicking it down the road. Please, put it aside, this Assembly has enough public concerns about the way this Assembly performs; we need to resolve this through proper debates on the merits of the issue, not find some sleight-of-hand process to avoid facing it. So I am against the reference back.

7.2.8 Deputy R. Labey:

Perhaps the Deputy Minister could tell us what the Government's position on this is. Is it exactly as the Minister for the Environment is proposing or are there concerns in the Council of Ministers about the working of this and would it benefit from a reference back?

7.2.9 Senator L.J. Farnham:

It is fair to say the Council of Ministers was divided on this and discussed it in great detail. It is a shame, because in this Proposition there is far more that unites us all than divides us, so it would be a shame for the Minister for the Environment, who with his team has worked hard on this, to gamble and lose it when he could take it back, answer the questions and come back. It is not about not being supportive, I am with Senator Moore, I want to support this but there are issues, there are real concerns and we have just received the report from the Scrutiny Panel, which needs proper consideration. This sort of Proposition really, in my opinion, needs the support of the whole Assembly. We do not want to scrape it through on a slim majority, or lose it on a slim majority. What happens if this is lost? How is that going to help the tenants? How is that going to achieve what we all want to achieve. So, I am sorry to disagree with my - I hope - still good friend and ministerial colleague, I know the amount of work that has gone into this, I know the passion with which some Members are wanting to push this through today, but sometimes it is best to take a bit more time and do it properly.

7.2.10 Deputy L.B.E. Ash:

In my opinion and it is all about opinion, this is inflationary and the reason we should bring it back when we see exactly how inflationary, we would have to look at how many people are paying £50, how many people are paying £200, to see how inflationary that was. If it is inflationary and if we deduce that is inflationary, perhaps the solution - it will not be popular with everybody - is the Government pick that bill up to put this straight. But until we get the facts and the figures we do not know which way to go on this. The way it is set up at the moment is that we are not giving people time to get on what I would call the £50 level; it is just going to go straight to £200. If anybody really feels that landlords are not going to pass that on to their tenants, they live in a different world.

Deputy M. Tadier:

I know this is slightly out of order in terms of time, but it is a point of order.

The Bailiff:

If it is a point of order, are you going to ask the Chair to make a ruling?

Deputy M. Tadier:

When Deputy Labey stood up and asked for the position of Government; he asked what the Chief Minister's position was and he is normally my Minister, but in this case he has been speaking as the Deputy Chief Minister and it is right to ask the question whether the position that he has put forward is that of the Chief Minister, or his own personal opinion.

The Bailiff:

I understand why you want to ask the question, but it just is too late. You cannot go out and come back in and then seek to raise a point with a speech which is well over by then. It is just the wrong placement within the debate.

Senator L.J. Farnham:

I am happy to respond to that if you would allow me a brief second speech.

The Bailiff:

I am afraid you have already spoken. Deputy Ash, had you finished?

7.2.11 Deputy K.F. Morel:

I am concerned about the disregard for the practical effects of this particular proposal before us by some Members of the Assembly, those practical effects being inflation. A number of those people, who seem to disregard that, are those people who claim to be concerned about inequality in this Island and yet here we are, as an Assembly, many of us saying we want to understand the effect of this

proposal on inflation, which is a key driver of inequality in this Island. So, I do find it hard to get that. For those concerned this will not be inflationary, the house price statistics, that were released last week, or the week before, show that in 2019 rents increased by 7 per cent. That happens to correlate with the introduction of the Minimum Standards Law, the Minimum Standards Law, which no one is saying was wrong, but what I am saying is you can clearly see there is an effect, inflationary, from that Law. This is yet another layer of regulation on top of that; it is, therefore, fair to assume that it is likely to be inflationary. You look at one of the media reports from recent days was about, again, concerns about inflation in the rental sector. This is something that this Assembly cannot ignore and, unfortunately, the Minister and his Department have failed to address that issue.

[15:30]

The Minister stood up here and talked about the failings of this Assembly. I turn and I say to him: “It is the failings of this Government that we are trying to avoid.” That is what we are trying to avoid here in this Assembly by taking a perfectly practical step and saying: “Come back to us with the evidence and the information that we can then use to make a decision properly.” The counterbalance of that is, as I believe Senator Farnham has just said, the Minister is likely to lose this debate and these Regulations will then disappear for ever and that is not necessarily what this Assembly wants to do. With that in mind I ask everyone to support this proposal for reference back.

7.2.12 Senator T.A. Vallois:

I feel it is necessary to speak. I feel I need to support the Minister for the Environment, as I felt the speech by the Deputy Chief Minister was not particularly fair. But the reason why I state that I would support the Minister is because what the States Assembly are being asked to agree in the Regulations is whether the Minister may impose charges. Those charges do not necessarily need to be what is in the Appendix, so we can take into account the arguments around inflationary. There was discussion at Council of Ministers; I personally believe that social housing rental properties should be paid for by the public sector, because we are the landlords. I absolutely believe that should be the case and I made that point at the Council of Ministers and so there is no point in having a reference back based on the point of inflation when this Assembly is not agreeing the charges in this report; we are agreeing the Regulations. If Members have an issue with Article 3(5), then vote against it. Ask for there not to be charges and then the public sector will have to pick up the cost of ensuring that rented properties are safe. I cannot support the reference back. We should get on and debate this, purely because we are not agreeing the supposed charges that have been determined within the Appendix to this report. We are being asked to agree to the Regulations. Finally, I would just like to thank the Scrutiny Panel for their report, because it does make some very good recommendations and it is something that we need to take into consideration, but not in this Regulation.

The Bailiff:

On the matter of the reference back, does anyone else wish to speak?

7.2.13 Deputy G.C. Guida of St. Lawrence:

One last thing, I am very conflicted about this, but unfortunately I cannot escape logic. The quantity of documents that we have seen on this, since 2014, is mind-boggling and, frankly, everything that we can know has been published. The things that we cannot guess, the things that will happen, there is nothing we can do about it. We can research, we can ask, we can consult until we are red in the face, but we will not know them. You want to know the inflationary effect of this, it is 0.17 per cent, so that is it; that is what it is going to be, because that is the average of the cost to the number of landlords that we know about in the Island. We may be 10 per cent off, so it is 0.017, but that is the figure. What we are going to discuss today is whether safe homes are worth that amount of money and that is it and we should discuss it. As I said, I am conflicted about this, I will listen to everybody, I will think about the way I vote, but I really want to vote today about this, because what we have

done is create a law and then make sure that we have absolutely no way of enforcing it. We are so good at doing that; this is really good. I have been working on the case ever since I was elected in St. Martin and we know there is a problem, there is an absolutely obvious problem, we have worked with the Constable and we have all the laws, no ways of enforcing them, and we keep doing that. We have the law, we need to have safe rented dwellings, but we need some way of enforcing that. It is your decision. Now there are 3 possible decisions today, you can vote for the whole thing, you can vote against the whole thing, but also there was a very interesting Amendment put in: 5 years instead of one, divide the cost by 5. Divide the trouble by 5. Test it for a while; see how it works, count people, I think that is a very good possibility. So, we have very good choices available to us today, we do not need to push this back and say: "Come back in 2 months." Instead of 0.17 per cent, find some way to explain that it is going to be 0.18, or 0.16, which will not bring us anywhere, it will not help us. We have very good choices that we can make today that span the whole feeling of this Assembly, but please let this Assembly make this decision today.

7.2.14 The Connétable of St. Brelade:

I think the Members are concerned principally because of the vagueness of the numbers, dare I say it and the Minister, in his response, alludes to that in that he says that, while he understands the figure for 2020, the figures going forward are a best guess. It is not really good business to go ahead on that basis and I can fully understand why Members are concerned. But then we have to ask the question: what are we going to achieve by going back? But I do not know that we are going to get any sharper figures, truthfully. Maybe, as some have suggested, the way forward is to have the debate and vote against the Proposition as put at the end of the day. So, it is down to lack of clarity of figures, which is causing concern and I ask Members to think hard on that before they vote on this particular Proposition.

Deputy J.H. Young:

The Connétable said I said that it was a best guess. Could I ask the Connétable to clarify that, because my recollection is what I said is that it was included in the 2021 Government Plan, which is quite capable and will be subject to amendment in 2020. I did not say it was a best guess; I said it was not an agreed figure. It is what has been published; it is a future figure. Do you accept that?

The Connétable of St. Brelade:

I am just reading paragraph F10 of his summary report suggests that the figures provided are the best estimates and he will review them at the end of the year.

Deputy J.H. Young:

Sir ...

The Bailiff:

This cannot be an exchange backwards and forwards on this matter. You have raised your concern, Deputy; the Connétable has given his response to that. Does any other Member wish to speak on the question of the reference back? If not then I close the debate and I call on the Deputy to respond.

7.2.15 The Deputy of St. Peter:

I could have easily just spoken and voted against this Proposition for many of the reasons that have been laid out by many of the speakers so far. However, I chose this course of action because a lot of it is good and I go back to my original opening lines that I am supportive of knowing where rental properties are in this Island and who occupies them. I will stand by my initial words that we have no room in our Island for poor landlords and very poor-standard properties. So, as I said before, the direction of travel that this Proposition has taken us I wholly agree with and, as Senator Moore said, it would be a shame to kick it into the long grass and go back because it has much merit. What we have had is the common theme about the inflationary measures that we have been picking up on, is

it £50 or £200 a year? It is not. That is not the inflationary measure at all. That is no more than the MyDeposit. There are a lot of fees, or costs, that landlords bear at the moment that are standard. I am talking about significant increased costs on those. But the main area that we have not covered, that has been covered by representation from the J.L.A. (Jersey Landlords' Association) into Scrutiny is the behaviour of landlords. They own, like it or loathe it, 10,000 properties over here and the majority want to deliver a very good service. If their margins have been erased because of these measures, which I believe they are, but we need the absolute evidence of the numbers. That does not make any difference to them; they will still make their net profit. What will just happen is the margins will go on top of the gross, on top of the rents, which will result in inflationary measures. Now, I say before, if they move out of the market - and I know the Minister for Children and Housing does not quite seem to understand this - they move out of the market, there are many consequences that have not been examined. Firstly, if you are a cash buyer you have options. It is overheated and most people say it is a good investment. But the equity gain is a lot at the moment, but will that continue to go, or will you prefer and will you have a lesser margin on your property, you are getting 2.5 per cent, it is great. If you sell that property currently for a 2.5 per cent return to another investor, they will make that into 4.5 per cent overnight, or not overnight, but within a reasonable period of time. As the Constable of St. John said, if you buy a property that is, in the old estate agent parlance, unmodernised, or not fit, that will immediately be modernised and the new rent will reflect it and that is the behaviour that is going to happen. So move away from this piece of analysis that are done, go out, ask the questions of those people who are responsible for these properties, ask the right questions, not the consultation that has happened, ask the right questions to find out what they are going to do. Then ask the tenants to find out exactly what they want. I know they have not been forthcoming in this consultation, because they do not want to; they are probably a little bit embarrassed, they are quite happy with their lives. Ask the agents what is going to be the impact. They are all saying to me it is going to be inflationary. All I would like to say, because that has summarised most of the fantastic responses, for which I thank you all, but all I would like to say is at the end rental prices are fundamentally a major contributor to inflation on this Island. Why would we even consider passing a legislation to exacerbate that? With that I move the Proposition.

Connétable A.S. Crowcroft of St. Helier:

Before we vote, can I add my name to the list of people who have declared interest, because my wife has a half share in a one-bedroom flat.

The Bailiff:

Very well, we will take that. Very well, the *appel* is called for. I invite Members to return to their seats. The vote is on whether this matter should be referred back. I ask the Greffier to open the voting. A vote *pour* is a vote for the reference back.

POUR: 24		CONTRE: 18		ABSTAIN: 0
Senator I.J. Gorst		Senator T.A. Vallois		
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator K.L. Moore		Connétable of St. Mary		
Connétable of St. Helier		Connétable of St. Martin		
Connétable of St. Lawrence		Deputy G.P. Southern (H)		
Connétable of St. Saviour		Deputy K.C. Lewis (S)		
Connétable of St. Brelade		Deputy M. Tadier (B)		
Connétable of Grouville		Deputy M.R. Higgins (H)		
Connétable of St. John		Deputy of St. Ouen		
Connétable of Trinity		Deputy L.M.C. Doublet (S)		
Connétable of St. Peter		Deputy J.H. Young (B)		
Connétable of St. Ouen		Deputy G.C.U. Guida (L)		
Deputy J.M. Maçon (S)		Deputy of St. John		

Deputy S.J. Pinel (C)		Deputy M.R. Le Hegarat (H)		
Deputy of St. Martin		Deputy S.M. Ahier (H)		
Deputy R. Labey (H)		Deputy R.J. Ward (H)		
Deputy of St. Mary		Deputy C.S. Alves (H)		
Deputy G.J. Truscott (B)		Deputy K.G. Pamplin (S)		
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy J.H. Perchard (S)				
Deputy I. Gardiner (H)				

The Bailiff:

This matter has now been referred back.

8. Carbon Neutral Strategy 2019 (P.127/2019)

The Bailiff:

We move to the next item of Public Business, which is the Carbon Neutral Strategy 2019, P.127/2019, lodged by the Minister for the Environment. I ask the Greffier to read the Proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion to receive the Carbon Neutral Strategy 2019 as set out in the Appendix to the Report and (a) to adopt the defining principles of the Carbon Neutral Strategy as set out in section 3 of the Appendix to the Report; (b) to agree to the establishment of a Citizens' Assembly as defined by the mandate for a Carbon Neutral Citizens Assembly, as set out in Appendix 3 to the Appendix of the Report; and (c) to request the Minister for the Environment to lodge by the end of 2020 a Proposition containing a Long-Term Climate Action Plan for debate by the States Assembly.

8.1 Deputy J.H. Young (The Minister for the Environment):

I was just gathering my thoughts after that situation, which frankly are not printable. I do wonder, but I will do my best, as my responsibility to the community to pull myself together and try to make a proposal for a new policy, although I have to say one wonders whether those policies will ever be capable of being implemented with this Assembly as it behaves. But there we are. So, carbon neutral, and, of course, I remind us that, unanimously in May last year, the Assembly supported Deputy Ward and voted that there was a climate emergency.

[15:45]

We have seen how the community everywhere, all the way around the world, in the islands, see this as now the number one issue, absolutely I agree with that. But, of course, it is an issue that strikes at the fundamental heart of the way in which economic systems operate and so these are real big issues. Of course, the particularly encouraging thing is that our young people... obviously Senator Gorst is really enjoying the effects of that last vote, I can see that. If you would allow me to carry on without smirking it would be helpful.

The Bailiff:

I am not sure one can criticise the facial expression of a Member opposite. Members in speaking have to be thick-skinned enough to cope with a facial expression, even if they do not have to be thick-skinned enough to cope with verbal objection.

Senator I.J. Gorst:

I apologise if smiling is unparliamentary.

Deputy J.H. Young:

I am sorry about that.

The Bailiff:

I can make a ruling; neither smiling, nor indeed smirking, is unparliamentary.

Deputy J.H. Young:

I apologise, it is just obviously Ian Gorst and I frequently make eye contact across the ...

The Bailiff:

I am sorry, Senator Gorst. Please do carry on, Deputy, yes and we will take it from there.

Deputy J.H. Young:

Sorry Sir, Senator Gorst. So, I am particularly being impressed by young people and they have shown what we could learn lessons from: leadership. They have shown leadership and they have shown leadership in framing the debate. Of course, as we have agreed, we have no option for tackling that as a mission we all share and I am delighted that the Council of Ministers have so far - so far, do not hold your breath - from May 2019 to develop and bring forward the Carbon Neutral Strategy that today we are debating. Obviously, though, it is in my name, I believe I have the full support of my colleague Ministers. Of course, we were asked to put on and the reason why that is, is the Proposition that the Assembly approved required the Council of Ministers to consider this at every Council of Ministers' meeting and I am pleased to say that has happened and it has been very successful. I think that was able through our officers and through all the research that has been done and the support we have had from external advisors to try to bring us up to speed with awareness of how we can best tackle that. So, we have had briefing sessions and Deputy Ward, who brought the original Proposition, has been part of that, because I myself do not prefer to; I prefer to work in a horizontal way in communication across Members to try to achieve consensus building. Of course this plan, what we put on the table here today, has been produced in quite a short timescale. Our officers, I would like to put on the record here, the incredible work of our officers to get us to that point. That have really worked exhaustively to do so. **[Approbation]** I know that our neighbouring Island of Guernsey, they have also admired that and the Isle of Man too and they have drawn heavily from that knowledge base that our officers have put us in a good position. Of course that is key. We are not going to achieve this in isolation and it has to be a whole-Island and whole-community set of solutions. I did ask to be circulated a note from the Energy Forum and the Energy Forum is a body that was formed going back to 2014, I think it was, when the Assembly agreed the Energy Report of 2014 and they agreed to set this body up. So, you have received that letter sending out this report and observations and I am very delighted. Just to remind you who is on that, we have the energy industry, Jersey Electric, Jersey Gas and Rubis, key businesses, the Chamber of Commerce, Jersey Construction Council, Association of Architects and Jersey Water and, of course, we have third-sector bodies, Consumer Council, Energy Trust and the Climate Action Network. So, their job I think was constituted to, if you like, oversee the delivery of Pathway 2050, which was the 2014 Energy Plan. Of course, we have done well, just to remind you; we have done well in maintaining that progress of carbon reduction in line with what was proposed then, which was a percentage reduction by 2050, I think it was 80 per cent. But, of course, things have moved on. International reports have shown us that now those timescales are more challenging and that we have to decarbonise much quicker than that. So, how do we achieve that? Really, the plan is based on trying to do it in a sustainable and collaborative way and we have given ourselves some basic tools to help us do that, we have a hypothecated fund in terms of the Climate Emergency Fund and there is some

seed fund in it, which will help us with that work. Looking at the 3 parts of the Proposition, first of all the Proposition asks us to agree a set of principles, which set the playing fields, if you like, or the ground for which we progress this. The second part talks about the process and involving the community and how we will work during the period from probably the first part of the year and it puts the people at the heart of that work, it is pioneering work involving a non-binding Citizens' Assembly. Of course, Members will know that we have very well-meaning groups, who argue that the Citizens' Assembly should be binding. I do not subscribe to that and we have to maintain we are the body that has been elected in a democratic society to represent a community and it is our job to take those difficult decisions, no matter how difficult they may be. Even though, on occasions, we run away from them. The third part of that Proposition asks the Minister for the Environment to bring back a Long-Term Climate Action Plan by the end of the year. If you like, that is how we pick up from the work of the Citizens' Assembly and what comes out of it are those recommendations and to produce the recommendations, which we as an Assembly will then have to implement. Of course, that does give us the basis, as well, of being able to look into our Government Plan process, so that the financial aspects of those climate change actions can be factored into the Government Plan. So the mechanisms are all there, this may seem rather process-orientated, but in our route map I have described what we have here, it is a route map to achieving carbon neutrality and we have to do it step by step with engagement and involvement. Looking at the principles, so the 3 principles are... we spoke about scope 1 and scope 2 and one of my colleagues, hopefully, is going to explain scope 1 and scope 2 in more detail, but in a nutshell scope 1 is those things that we directly cause ourselves, those emissions, carbon emissions we cause ourselves. Scope 2 goes a little bit further and includes, for example, the emissions through our electricity links. Scope 3 are those things that we all consume every day that has embedded carbon in it, frankly, obviously, those are outside of the scope, but not entirely. The recommendation is that we do not ignore those, but nonetheless they have to be part of that. The area that Members may probably be most interested in is the Citizens' Assembly. Obviously there we are drawing upon innovatory work that has been done in other communities, particularly in Ireland on difficult issues and we have engaged the same advisers, expert advisers, who have experience in pulling together successful Citizens' Assemblies. They will have meetings over the course of several weekends and there will be about 50 people I think and they will be given information and support to help them to achieve that difficult task. I have made it very clear, as far as I am concerned, as Minister there will be no ministerial direction in that Citizens' Assembly, it needs to be truly community based. Therefore, how we do that and how we go about that, the external body that we have appointed will be putting in place, or at least doing the sortation, I think is the proper word, whereby we are sure that we get an objective, balanced and non-partisan group of people that come together. They will be given support through modest expenses, just so that they are not out of pocket and obviously the key thing that Government needs to do and we will be talking about this in one of the Amendments, is appoint a Chairman. The Chairman is not, if you like, a political Chairman in the sense that we might know it, it is somebody who is to oversee the process that really helps the team of people, the Citizens' Assembly, achieve the terms of reference, achieve their goal, in the time concerned, which is set down there. So, it is very new and really reflects our participatory democracy. I must mention as well that our local Parishes, I am really very pleased, delighted, that we have teams at St. Brelade, Grouville and St. Helier, all working with parishioners finding local solutions. That is absolutely right about the bottom up process in which we tackle that and I congratulate that and as far as I am concerned that work will need to link into the high-level strategy that I have been speaking of. Also, I would like to mention that we are getting businesses, as well, approach us all the time with innovatory ideas and that clearly emphasises the point that people have spoken in other places about the prospect of a green deal. Where linking up the work on carbon neutrality with new opportunities economically, there is potential there. Already we are seeing that from innovatory businesses, who are coming to us, putting their ideas on the table and saying: "There are these things here, we would like to do this, but these are barriers here." Barriers that under our current systems get in the way of us, our job is to try to find ways of making

that possible. So, I am very grateful that they will be working with the States Greffe on the Assembly, making sure that what is there is all done in the proper way. When I say transparent, there is work to be done and we will rely on our external advisers of how it is approached, because the one thing we do not want in that group is driven by lobbyists. It has to be truly objective, independent people. So, alongside the Citizens' Assembly there will be other community processes. So, I want to hear more, I carry on, I hear plenty from young people, from schools and others with there are ideas, from local entrepreneurs, from biodiversity organisations like Trees for Life and others and bringing forward really good innovations, so kind of a bottom up process. So, in the end, of course, the action plan will be for the Assembly to consider and obviously there will need to be, I suppose, a close look at those policies and we are going to be dealing with one of the Amendments later on that will highlight that for us. But I am quite clear that the politicians are the right ones that have to take the big tough decisions for the long term. As I said before, those decisions are unavoidable, they will have financial consequences, we absolutely need to make sure we avoid fuel poverty and so that those people that the costs of the journey towards carbon neutrality does not fall on the people that are least able to pay for it, or economically so. So, they will need to have also a cost-benefit analysis, for those policy options. So, it is possible that if we get this right, Jersey could be the first carbon neutral jurisdiction in the British Isles and I am delighted to be able to be here and put that to you. There are those that say: "Why bother? Our emissions are so trivial compared with the rest of the world." Well, of course, that ignores the fact that Jersey's place in the world is its reputation is hugely important to us in all walks of life, nowhere more particularly, for example, in the finance industry and in overseas work and so on.

[16:00]

For Jersey to put itself up there as a leading exemplar and taking early opportunities I think will be a really good opportunity for the Island to try to turn that into economic benefits. So that is my answer to those that say, there are not many, but some people hold that view, that it is a waste of space; that we just let everybody else. Because we are a physical island, but we are not an island logically, everything we consume, everything we do, is totally dependent upon other places, we are part of a community, a global community. So that is my introduction to it. I do not need to say any more and hopefully that the Assembly will be behind this one and so that we can proceed into implementation as soon as possible. I make the Proposition.

The Bailiff:

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

8.2 Carbon Neutral Strategy 2019 (P.127/2019): amendment (P.127/2019 Amd.)

The Bailiff:

We have several Amendments, the first one is lodged by Deputy Morel of St. Lawrence and I ask the Greffier to read that Amendment.

The Greffier of the States:

Page 2, paragraph (a). At the end of paragraph (a), after the word "Report" insert the words "with the addition of a fifth defining principle, "We will make sure that carbon neutrality policies do not increase financial inequality", in accordance with the more detailed explanation of the principle set out in the report accompanying this Amendment."

8.2.1 Deputy K.F. Morel:

I will keep it very short, because the principle is quite clearly understood. I am getting confused by the order of the Amendments in which they are debated. It is very simple. I am concerned that the 4 principles we have within the proposed carbon strategy do not include the possibility that financial

effects, including inflation, caused by whatever measures we take to fight against climate change and to transition away from a carbon based economy could have financial effects on particularly the poorest in society. Therefore, I believe we need to have a principle within the strategy, which focuses our minds and the Government's minds on protecting those people. This is something that the Assembly should be able to adopt without any problem. If there are arguments against that, I am interested in hearing them, because this is fairly cut and dried. I will just, if you may indulge me, speak a little to the Amendment, to my Amendment and that is to say that having discussed it with Deputy Ward and the Minister, the Minister I believe after me will speak at some point to clarify where we are in order for me to be able to accept Deputy Ward's Amendment to my Amendment, which will make our afternoon shorter. Hopefully, the Assembly will then be able to vote on my Amendment and include that principle within the draft carbon strategy. So it is a little confused, I know, but I hope we will get to a place where everyone is very happy we can add a fifth principle to the Draft Carbon Strategy.

The Bailiff:

Is Deputy Morel's Amendment seconded? **[Seconded]**

8.3 Carbon Neutral Strategy 2019 (P.127/2019): Amendment (P.127/2019 Amd.) - Amendment (P.127/2019 Amd.Amd.)

The Bailiff:

There is an Amendment to that Amendment, from Deputy Ward and I ask the Greffier to read the Amendment to the Amendment.

The Greffier of the States:

Page 2, for the words to be inserted in paragraph (a), after the words "do not" insert the word "overall", delete the word "financial" and substitute "income".

8.3.1 Deputy R.J. Ward:

I will try to make this short speech even shorter, if I can. We did have a discussion and I brought this Amendment over some very specific reasons. I think we share the concerns though, myself, Deputy Morel and the Minister, that any changes that come through our action on climate change, which is essential for us to be taking, does not greatly increase inequality. The notion overall just is a reflection of the complexity of the actions and the way that they act in our society. I had a number of examples, but if you read the report that I put with this, I put the examples in there, so I will keep it short. What I think we want to hear from the Minister is that that is a key principle that will happen and that this overall concept, this concept that if you change one area - for example of increasing fuel duty - then you act somewhere else so that those in the lowest incomes have a benefit. I will mention one which is, for example, insulating people's homes, or the homes that we build are insulated, so that fuel bills go down in people's homes. Therefore, if we increase fuel duty then the net effect is not negative, particularly on the lowest incomes. It is the same with our transport policy, which we would have to address. That is what this is about, is to give us that overall picture in the long term. It is a technical Amendment and I do refer you to the report that goes with it. I will finish on a positive, because I think we need one this afternoon, this is an opportunity I would say, if anything, to redress income inequality with the change that we will necessarily have to make to our society, because the world is changing around us. As we make similar changes in order to address what is happening with climate change, this is an opportunity for us to do it in a way that does not further increase inequality on our Island, but in fact does the opposite and gives everybody access to a brighter and greener future where we can impact positively on the planet; no matter how small we are, we are big in the world. So, I would say to the Minister that I hope that you can reassure that and I propose the Amendment to the Amendment.

The Bailiff:

Is the Amendment to the Amendment seconded? **[Seconded]**

8.3.2 Deputy J.H. Young:

I am grateful for the last 2 speakers. It is funny how things go. So many pieces of complicated paper pass our desk, that for the first time we manage to get a face-to-face political discussion today as a way of resolving issues, which have been doing the rounds around our offices for the last 2 or 3 weeks. One sometimes wonders what complicated webs we weave, but anyway, within the space of a 10-minute meeting over sandwiches I discovered, for example, that the purposes, or intentions, behind the Amendment between Deputy Morel's Amendment was not what other people had thought it was and that we are all doing the same thing. Of course, also, Deputy Morel was able to hear from Deputy Ward that his Amendment helped tidy that up and do that. So, I said I would do one thing; I am quite happy that if I am still Minister - and I will park that for the moment - I will give a commitment that at the time that these Propositions come from the Citizens' Assembly I believe they will have to make sure that they do not cause further inequality. Why? Because it is our current Government policy. It would be entirely inconsistent to bring measures through a climate change proposal that increases inequality. On our journey we have got a step-by-step journey to do and so what I would be looking for would be compensating measures. So, if we make changes that do put costs on those unable to meet that cost, that we put in place compensating measures of adjustment either directly in that area, or in some way that is relating to it across time. That is the commitment I can give and with that I am entirely happy to withdraw the objections to the Council of Ministers' comments against Deputy Morel. So I think we have got unanimity and hopefully ... I do not know what the procedure of doing this is, but hopefully we end up with one Proposition that we can vote on and, if people agree, get on with it.

The Bailiff:

Effectively you would say - and this is just for the point of clarification for Members - that you accept the Amendment to the Amendment and will accept the Amendment, as amended by the Amendment to the Amendment.

Deputy J.H. Young:

I accept the Amendment amended by the Amendment.

8.3.3 Deputy M. Tadier:

Do you want to get the groans over with? **[Members: Oh!]** Because we have already dispatched the one big piece of legislation which I think was critical. We kicked it down the road. This is even more important than the housing crisis that we have got in Jersey; this the global crisis, so I will not apologise for, perhaps, taking a few minutes to address that. Then I am sure the Members and landlords can get back to their greenie Parishes to enjoy the rest of their evening. What I am concerned about here is that we are going to support this ... I absolutely support it and I commend both Deputies - my party colleague and my non-party colleague - for underlining a serious issue here. We have to recognise, in debating climate change and in bringing forward a climate change strategy, that there is strong evidence and well-documented evidence. Back in 2015 there was an Oxfam commissioned report, which found that 50 per cent of carbon emissions were created by the 10 per cent richest in the world. More recently that has been established, that the often abjectly wealthy individuals disproportionately contribute the most to climate change. So, although we are all trying to reduce our jet travel, for example, reduce the amount of holidays we take by plane, it is clearly much more detrimental to fly one person in a super jet around the world several times a week than it is, perhaps, for a small family to go on holiday once a year to a short haul destination. Yet the pressure for change is really going to be put on those ordinary people. But we must also remember that even the most poor in Jersey's society, those in relative poverty and maybe also actually in real

poverty, are probably still well within the top 10 per cent of the richest in the planet and so Jersey ... we like to play the blame game and say: "Well, it is China, it is India, it is those big nations which are causing the problem and, therefore, Jersey's insignificant contribution is not going to help." We need to bear that in mind and I do not think that can be used an excuse; we need to make changes on an individual, on a governmental and on a global level. But the reason I say this is that there is a strong temptation - both a hope and a risk - today that we will pass this unanimously without understanding fully what it means. In the same way that the Assembly easily signs up to something that sounds good, so a formula of words saying: "Let us reduce income inequality" we can all sign up to that, but, in fact, some people fully understand what that means and some of us understand what it means and, therefore, ask for that as an example to be done. Others understand that you cannot reduce income inequality, without bringing the wealthiest down a couple of notches and the poorest up a couple of notches in society. We have, as an Island, our setup here is to help reduce the taxes for the super wealthy in the world. It is to effectively make the rich richer and the corollary of that is that you cannot have the rich without having poor; so there will be a tension there. If we are seriously saying that we do not want the consequences of the necessary, in fact vital, action that we need to take on climate change to disproportionately affect the poor, it has to disproportionately affect the rich. I do not think that this Assembly has the appetite to do that, because we baulk at the fact of even suggesting an extra 5 per cent for the wealthiest in our communities. We baulk at the fact of putting an extra few pence on a paycard, rightly considering how it might affect working people who cannot afford it, yet we have no real talk about how we might tax private car parking spaces, because that is considered too taboo. We know and we have seen already that the super wealthy and those with vested interests in the Island can mobilise very quickly and they have their own agitators within this Assembly, who will speak for them, as well. So, of course, if we are going to sign up to this today, let us be aware of what it means. It is not a get out of jail free card saying we cannot take any action about climate change. What it is saying is that, yes, we must take urgent action against climate change, it must not affect the poorest in society, therefore, it must affect the richest in our society, those who own the most, who arguably cause the most emissions in our society, must be held to task and they must be the ones paying for that. That is what we are voting for today. I do not have any problem voting for this, but this Assembly cannot even vote for free buses. So, on the one hand, we are going to vote today saying: "Let us not disproportionately hurt the poorest and the middle earners in Jersey" but we cannot even let them have free buses, because it might mean that some people are paying more for their petrol, for their parking and for the licences. Will we have, for example, a Minister who is going to bring in ... we talk about a yearly registration fee for landlords; are we going to have a yearly renewal licence fee for drivers? Are we going to say that a driving licence is £100 a year now and that you have to renew it every year and that money will go into a climate change fund?

[16:15]

Is there a Minister that is going to take that up? That is a great way of doing it and we can say that we will then invest some of that money for the poorest in our society to make sure that if you are genuinely disabled and you genuinely cannot get around by bus, we will find new low emission ways for you to be picked up from your door by a taxi on demand that will run on electric energy that will take you where you need to, because that is going to need significant investment. So, by all means, let us congratulate these 2, let us pat ourselves on the back now for doing this great work, knowing in fact that when it comes to the real difficult decisions we are going to seriously struggle to do this, because this Island and this Assembly is set up to look after the interests of the wealthy and not the interests of the middle classes, or the poor. Certainly I think, at best, most of us have an agnostic approach when it comes to climate change. We know that somewhere, at the back of our mind, scientifically it is true, but we are not willing to accept the real ramifications of the melting icecaps, the chaotic weather patterns that ensue and that are going to batter our Island, which will affect the poor, the middle classes and the richest.

8.3.4 Deputy R.J. Ward:

It is quite strange that there was so much agreement on an Amendment to an Amendment, so I do not really know what to say other than to say I hope that you can understand the principle behind this. This is a check and balance; this is the way we can look very carefully. I will mention something that was in the report just quickly. I mention this on purpose; the Statistics Unit have an enormous amount of data that we do not use now and we should be tapping into, that gives us the sort of insight and the effects on our communities of the changes that we make. So I would urge the Minister to really tap into the data that already exists and growing amounts of data from the Stats Department, which can be used to make the sort of decisions and see the impacts of these decision, so that we do not get to the situation we have come to today with previous things where people are worried about their long term impact. This is a complex thing, but it has to be done and we have to think about it carefully and not disadvantage those who certainly do not need to be even more disadvantaged than they are at the moment. So, I urge you to support the Amendment to the Amendment and the Proposition, as proposed.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the Amendment to the Amendment, proposed by Deputy Ward. I ask the Greffier to open the voting.

POUR: 36	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Mary		
Connétable of St. Ouen		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		

Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

8.4 Carbon Neutral Strategy 2019 (P.127/2019): Amendment (P.127/2019 Amd) - as amended

The Bailiff:

Does any Member wish to speak on the Amendment as now amended? All Members in favour ... the *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the first Amendment, as amended.

POUR: 36		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Ouen				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

8.5 Carbon Neutral Strategy 2019 (P.127/2019): second Amendment

The Bailiff:

Very well, we now return to the next Amendment which is by the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read that Amendment.

The Greffier of the States:

Part 1, page 2, paragraph (b) - after the words “Appendix to the Report”, insert the words “except that, for the first bullet point of Paragraph iii, there shall be substituted the following bullet point - ‘a Chairperson to be appointed by the Government with the consent of the Citizens’ Assembly; and’.”
Part 2, page 2, paragraph (b) - after the words “the Appendix to the Report”, insert the words “except that, after Paragraph viii, the following paragraph shall be inserted - ‘(ix) The Environment, Housing and Infrastructure Scrutiny Panel shall have the right to observe meetings of the Citizens’ Assembly, as well as the selection and reporting process, and will report its observations and findings to the States Assembly.’.”

8.5.1 The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

Paragraph 1 of my Panel’s Amendment asks that a Chairperson be appointed by the Government with the consent of the Citizens’ Assembly. In Jersey we are not yet used to Citizens’ Assemblies and many people are sceptical about what they might produce. We are used to Parish Assemblies and public meetings and suchlike, but not Citizens’ Assemblies and they seem to be coming at us from all directions. This Amendment simply ensures there is absolute transparency in the appointment of a Chair and no undue influence on the appointment. The Minister, in his response, has indicated only in the last couple of days that he plans to use the Appointments Commission and, in fact, he refers to Appendix 3 of the Carbon Neutral Strategy, but I certainly did not pick up any mention of it there, hence our Amendment. So, really I feel that using the Appointments Commission for such a position seems unduly heavy handed. It may be that in other Citizens’ Assemblies we have adopted that approach. I do not think most of us aware of that, so I look forward perhaps to the Minister responding and Members making their mind up based on what both myself and the Minister might say.

The Bailiff:

Is the second Amendment seconded? **[Seconded]**

8.5.2 Deputy J.H. Young:

It may well be that we are not that far apart, but I think the appointment of the Chairman is really probably a key arrangement that we get right in the whole setting up of this Citizens’ Assembly. I am clear in my mind what we do not want, we do not want former politicians, we do not want lobbyists, we do not want people with a kind of dominant personality that see themselves as swashbuckling leaders. This is a facilitator. This is somebody who will take ownership of a task and have the people skills to be able to ensure and help that group of people, from all sorts of backgrounds, deliver the result. I think we are looking at identifying a local person and there are people with skills and talents that I believe would fulfil that requirement for Chairman. So, I am clear that there should not be, in my mind, ministerial input into that, because that opens itself to ... at the end of the day what I want to avoid is a situation where the work of the Assembly is discredited, because somehow, or other, the process was seen to have flaws within it, so that people could shout foul and say: “Well we do not trust this.” Not that that does not happen in other situations, of course, but I want to avoid that. So, I think, talking about it with the officers’ team ... I have not been able to speak in any detail about the Council of Ministers, because I suppose if the Chairperson is to be appointed by ... it says “by Government” and I did not draft that. What is Government these days? The Government of Jersey? That raises the whole issue about whether we are single entity, or a corporation, or what. But, nonetheless, as far as I am concerned, we have got a body of people called our Appointments

Commission, who have settled into this task of finding people for these roles and I believe we should use that. Therefore, I think the Proposition, or the Amendment put forward uses the words: "Government should appoint it with the consent of the Citizens' Assembly." My understanding of that, in all the discussions we have had in the Department with officers, is that means that the first thing you are inviting the Citizens' Assembly to do is to say: "Here is person X, do you approve them as the Chairperson?" I think that is what those words mean. I am not sure that is the right thing to do. I think Government should exercise leadership and say: "This is the person, here is the Citizens' Assembly member who is going to lead that" and if they make a mess of it then ... if we choose the right person, they will not make a mess of it. They will get it right. So, I think it may well be that the Scrutiny Panel did not mean what I have said, but "with the consent" says to me that is what it means: "Do you agree this person X that Government say should be doing the task?" I think that is a complication they can do without, frankly and could lead to partisan people on there trying to argue one way or the other, disagreeing. So, that is why we were unable to support this particular Scrutiny Amendment. I will listen to other views but frankly I think it is better if we do not proceed with that and instead use the Appointments Commission process and with the aid of the Greffier of the States where we want non-ministerial kind of appointments in place.

8.5.3 Deputy R.J. Ward:

I was just going to ask a question. I think there is a question here in regards to the order of this. My understanding of Citizens' Assemblies and I have looked into them in quite a lot of detail, those that worked in Ireland, those that are happening in the U.K. in different cities over climate change. We had a Citizens' Assembly here for care abuse survivors, for example and I have spoken to the person who has run that and others in the U.K. The Chair of that group really is there to just facilitate what is going on and there has to be a process of education, discussion, information for the whole group really in order to get a consensus. I wonder whether choosing the Chair of that group, as was suggested, before you have gone through that process of consensus, will be a meaningful process. It is a genuine question to you. I am not so sure how bothered I am by this, to be quite frank, but it is a genuine question to the Chair of the Scrutiny Panel as to whether it might be a better idea to let that happen and then once that growing notion of knowledge around the topic itself ... because we are asking a Citizens' Panel to do a very difficult thing and to give up their time and to really get involved. They have worked elsewhere and I would urge people to look at what has happened in Citizens' Assemblies around the world, particularly the one in Ireland over the abortion debate, which was an incredibly difficult debate that worked really well and to look at the way in which they employed their Chairperson. I would suggest that that is the first thing that happens. So, I am not sure, but I would ask you that question.

8.5.4 Deputy K.F. Morel:

Initially I will speak to the issue of the Chair and the consent of the Panel and then I will address the second part of the Amendment. I just wanted to say, in support of the Panel's Amendment, that our concern through this Amendment is to try and ensure that there is as little politicisation as possible and, on top of that, that the work of the Citizens' Assembly is as harmonious as possible. This first part of the Amendment speaks to that exactly. Our concern is that a Chair could be imposed upon the Panel that the Panel is not happy with for perfectly good and valid reasons. Therefore, we are not saying that the Panel gets to choose the Chair; we are saying that the Panel needs to give its consent. So, in the sense they can say: "No, we do not want that Chair" and then the Government will have to go off and find another candidate as Chair and ask: "Is this one OK?" I think that is really important for the harmonious workings of the Panel itself. Otherwise, if you have a Chair who is rejected, so to speak, by the Panel, the Panel's work itself is going to be enormously disrupted and that is something we do not want to see. I have no more to say on it than that, but I think it is in my view common sense; but how often do we say that when we have opposing views? The Minister's view is common sense to him and my view is common sense to me. I guess it is sense rather than

common sense. The second part I just wanted to raise because, to be honest, the Minister has asked me to mention because the Minister did not perceive it as a concern. The Minister has said that he is very happy with the second part of the Amendment and so he is not against that, so maybe I will leave it to the Chair of the Panel to decide, he may want to do this in 2 parts rather than *en bloc* as a result of that. But, yes, it is just to say that the Minister and I are both happy with the second part of this Amendment.

[16:30]

8.5.5 Deputy M. Tadier:

I think that Citizens' Panels are positive but, understandably, when we have got politicians already in an Assembly which for many centuries has been in formation there are clearly going to be some questions about the blurred lines between conventional democracy and citizens' democracies and what kind of powers they have, what kind of oversight there is of Government and what kind of separation there should be between them. I think that neither of these solutions that have been put forward for choosing a Chair are satisfactory, in the way I have looked at it. It seems to me that first of all we could talk more generally about Citizens' Panels and why there has not been any formal debate about the principle of using Citizens' Panels by this Assembly. They seem to have just sprung up from nowhere. I am not saying that is bad, but I am just saying that there does not seem to be a consistent approach taken as to who sits on them. For example, we have a Hospital Citizens' Panel which, from what I have heard from what people have been telling me, sounds very secretive. So we do not really know who is on it, we are not allowed to know who is on it, because apparently it is such a controversial issue and, of course, everyone has got an opinion on it, that it needs to be kept top secret. But is it more important than climate change? I mean, it certainly seems more urgent in the sense that we have not got used to it and is localised and it is an embarrassment to Government and it is an embarrassment to any of us, I think, because we get lots of questions on the hospital. But that has got a particular format for operating; this has got a completely different format for operating which I understand is effectively called sortition; it means it is drawn by lots to try and represent the public, so presumably there are certain quotas. I do not know if it is done using an algorithm, or if it is done using literal pieces of paper in a hat. I doubt it is the latter. Then we effectively get a jury system and we do not know who they are and it is good because it, hopefully, will return people who are generally competent as a unit, but there will obviously be people in there who have no interest possibly on being on the panel. I presume that is the case; I presume that sortition means that even people who do not want to be called to serve on the Citizens' Assembly still get called. If that is not the case, the Minister can correct me. It would be problematic if you only get people who are self-selecting because that, by definition, is not truly representative of the public. So, if it is going to follow that jury format I am wondering why we do not just let that jury choose who the Chairperson is, as we do in here. We do not let anybody else choose our Chief Minister; we choose the Chief Minister ourselves. So, if we are going to give trust to this group, the first question I would ask is why do we not let them choose their Chairperson from within their group. Secondly, why do we need to sit in on them on their deliberations? A few years ago, I brought a Proposition asking for Council of Ministers' meeting to be held in public and there could be exceptions to that where they were discussing policy under formation. I remember it got some support, but not sufficient to be passed. The kind of arguments that were being used - notwithstanding the fact that there were safeguards for them to sit *in camera* - was that they needed to be able to deliberate openly and toss around ideas which might be considered foolish on the surface, but then actually really good. So the public did not need to see the workings necessarily, they just needed to see the conclusions; or at least they did not need to see the bare bones, the veins, the warts and all of the deliberations. So, I think it either needs to be public or not public and to have a system whereby you have, effectively, lab rats which are sitting there with a glass screen with the scientist watching them. This is kind of how I see the Scrutiny Panel; they will be there saying: "We are watching you." Of course, it would not be a 2-way mirror, even though they would not be able to interject. The Panel, that Citizens'

Panel, that has been selected by sortition would be very much aware of these politicians' eyes that are watching them. I certainly know that if I were a layperson and perhaps that was the first time I had ever had any interaction with the vast instrument and the machinations of Government in this very important issue, I would certainly feel the eyes watching me on that. So, I do not really see what this Amendment to allow the Scrutiny Panel to observe meetings of the Citizens' Assembly would achieve. It seems, not paternalistic, it seems unnecessarily perhaps authoritarian, without a clear reason given as to why that would be case. Why can the Minister for the Environment not sit on that? Why should it just be the Environment and Housing Scrutiny Panel? It is a bit strange that; so I am happy to be challenged and be told that there is a really good reason but it seems, at best, very bizarre. So, I am in the strange position of not being able to accept the Scrutiny Panel's proposal, but still having concerns about the Minister's methodology, which perhaps can be changed subsequently. But I look forward to hearing from him, as well.

8.5.6 Deputy R. Labey:

I am slightly confused by the previous speaker - I might have been caught napping - when referring to the "Panel" whether they meant the Assembly, I am not sure. But as to this Amendment, I cannot see the merit in it. I do not understand the rationale that has Government appointing the Chairperson of a Citizens' Assembly; especially this Government which, as we know, is congenitally incapable of forming a board upon which certain names do not appear. So, I think we will probably guess who they are going to put in there; I think that is ridiculous. If this is an assembly, assemblies sit in public, this assembly should sit in public and everybody should be able to go and visit it.

8.5.7 Senator L.J. Farnham:

The rationale for opposing this very well intentioned Amendment was to try and retain some consistency with procedures that exist. It is proposed that the Chair of the Citizens' Assembly will be appointment by the Jersey Appointments Commission on behalf of the Government, in line with accepted procedures. Deputy Tadier spoke briefly about, for example, the Citizens' Panel in operation now helping on the hospital project and the anonymity and it is to protect members of the Panel in this small, very hard-hitting community. There is a lot of lobbying and we are putting citizens' panels together to inform us and advise us and we want them to do that in as impartial a way as they possibly can. The difference between the citizens' panels that we are going to be working with now and in the future is that they will be appointed, whereas we are all elected by the public to this Assembly, which is the only legislative making Assembly in the Island; we do not have an upper house, or devolved law-making body sitting alongside, or below us. That is why I think that it is appropriate to stick with the procedure that we have in place with the Jersey Appointments Commission. I think it is the safest way at this stage. Having said that, I think as we work with more citizens in the future, whether they be on committees, or panels, or in assemblies, or whatever collective we want to put them in, these rules will evolve. But I am with the Minister for the Environment in his opposition of this Amendment. Having said that, if the Amendment was approved I do not think it would cause a calamitous slowdown in the process.

8.5.8 The Connétable of St. Brelade:

I think we are slightly conflated and, as the Minister suggests, very close. We picked up on the Appendix 3 of the Report that the Chairman was simply to be appointed by the Government and it follows on with the appointment of, I believe, 49 citizens randomly selected; so we are talking about the Chairperson to be appointed by the Government. All we were concerned about is the Government having undue influence on this appointment and that being seen to be not transparent in any shape or form. Really, reading our Amendment again, there is no reason - as we say in our proposal - for a Chairperson to be appointed by the Government with the consent of the Citizens' Assembly; there is no reason why that Chairman cannot be appointed by the Appointments Commission, as is wished by one or 2 speakers. The only rider is the consent of the Citizens' Assembly, so I suppose in answer

to Deputy Ward, the process would be that the individual would be appointed by the Appointments Commission and sanctioned by the Assembly effectively. We are also conflating, I think, the role of Chairman and facilitator. We are not clear on Appendix 3 whether that is one and the same thing. My experience of these processes would go back several years when I formed what could be - I do not think we called it then - a Citizens' Assembly to discuss whether to infill the corner of St. Aubin behind the harbour. We had a very good assembly, attended by 60-odd people by application and we had it facilitated by an independent person and I do not think we had a Chairman truthfully. So, I think we need for the Minister to work down that to establish in answer to Deputy Ward exactly how it is going to work at that level. I would suggest, as has been mentioned by others, it is important for the Citizens' Panel itself, the 49 members, to be able to work with a Chair, or facilitator, to produce the sort of result that we want to get out of this. Let us face it, there is an outcome requirement and people will need to get on. They do not need to like each other, but they have to be in a position where they can produce the results we want. So, we are very close; I do not know how the Minister views this, but my view would be in answer to his speech that we would agree to the individual being appointed by the Appointments Commission, but we would like to have some of the Government influence taken out of that by having the tick by the Citizens' Assembly. Thank you, and I make the Proposition.

The Bailiff:

All those in favour of adopting ... the *appel* is called for. I invite Members to return to their seats.

Deputy K.F. Morel:

Separate or *en bloc* is the question.

The Bailiff:

That is a matter, of course, for the Connétable.

The Connétable of St. Brelade:

My understanding is that the Minister accepted the second part of the Amendment, so I did not speak to it. I do not know if that is ...

The Bailiff:

It is a question of how you would like to take the vote, I think.

The Connétable of St. Brelade:

Yes, indeed, well then perhaps I think we would take them separately.

The Bailiff:

Very well, thank you very much, Deputy. This is a vote then on the first part of the Amendment. I ask the Greffier to open the voting.

Deputy J.M. Maçon:

Sir, can we just clarify what that is?

The Bailiff:

Yes, that is the section which provides for a Chairperson to be appointed by the Government, with the consent of the Citizens' Assembly. The second part refers to the Environment, Housing and Infrastructure Scrutiny Panel to have the right to observe and report back to the States. Very well, so this is the question of the Chairperson and, as I say, I ask the Greffier to open the voting.

POUR: 22		CONTRE: 16		ABSTAIN: 0
Connétable of St. Lawrence		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		

Connétable of St. Brelade		Senator T.A. Vallois		
Connétable of Grouville		Senator S.Y. Mézec		
Connétable of St. John		Connétable of St. Clement		
Connétable of St. Mary		Connétable of St. Peter		
Connétable of St. Martin		Connétable of St. Ouen		
Deputy G.P. Southern (H)		Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		Deputy S.J. Pinel (C)		
Deputy J.M. Maçon (S)		Deputy of St. Martin		
Deputy of St. Ouen		Deputy J.H. Young (B)		
Deputy R. Labey (H)		Deputy L.B.E. Ash (C)		
Deputy of St. Mary		Deputy G.C.U. Guida (L)		
Deputy G.J. Truscott (B)		Deputy of St. John		
Deputy K.F. Morel (L)		Deputy M.R. Le Hegarat (H)		
Deputy of St. Peter		Deputy S.M. Ahier (H)		
Deputy of Trinity				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We now come to vote on the second part, that relating to the Scrutiny Panel having the right to observe, and I ask the Greffier to open the voting.

POUR: 31		CONTRE: 8		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Deputy G.P. Southern (H)		
Senator T.A. Vallois		Deputy M. Tadier (B)		
Connétable of St. Clement		Deputy J.M. Maçon (S)		
Connétable of St. Lawrence		Deputy of St. John		
Connétable of St. Saviour		Deputy M.R. Le Hegarat (H)		
Connétable of St. Brelade		Deputy S.M. Ahier (H)		
Connétable of Grouville		Deputy C.S. Alves (H)		
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy K.C. Lewis (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy J.H. Perchard (S)				

Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

8.6 Carbon Neutral Strategy 2019 (P.127/2019) - as amended

The Bailiff:

We now return to the main Proposition, as amended. Does any Member wish to speak on the Proposition as amended?

8.6.1 Deputy R.J. Ward:

I would like to speak and I am very pleased to speak about this Proposition for one simple reason, which is it demonstrates a change in dialogue in Jersey over the issue of climate change. I think it is so important that that dialogue has changed in this time and our awareness is growing. We are facing one of, if not the, issue of our time with climate change. The changing pattern in our weather is demonstrating the beginning of significant change to our lives. It may be difficult for people to picture that, but we need to really consider that. I would ask every Member of this Assembly to really try and educate as much as you can on this topic. It will come back and come back. There is some who will say that Jersey is too small to make a difference and, indeed, if we cut all of our emissions tomorrow, the impact will be minimal, but that notion of because we are small is misguided. Small islands will be on the front line of any climate change and we have a duty and a practical reason to lead the way in tackling it. We must lead the way by example, advocating and persuading others to increase their ambitions on climate change and that is such an important thing that we must do. It is about more than just virtue signalling, or jumping on a green bandwagon; it is about addressing our impact at home, no matter how small it is, so that we have a louder voice on the world stage if we can go and say: "We are doing it; you can do it." Because the alternative to that is: "Well, if you as a small island cannot do anything, why do they have to expect us to do?" We cannot allow that debate to ensue. It was small islands - and I looked into this - through the Alliance of Small Island States started in 1992 at the Rio Earth Summit that served as a catalyst for both the Paris Agreement in 2015 and the I.P.C.C. (Intergovernmental Panel on Climate Change) report of 2019 that has recognised the need for urgent action on climate. We now have a response from the Government of Jersey for which we can begin our efforts to make an impact. I know the Minister has had a difficult day today, so I am going to go easy on him. I broadly support the Proposition, but I do have some concerns that I must raise and they are genuine concerns. First of all, there is an important link to the Sustainable Transport Policy that, to be quite frank, I feel will deliver little, or nothing, this year. Instead, there are just more promises to investigate future initiatives and that is at a cost of £1.55 million. I would like to have seen a real and tangible commitment to public transport, for example; I think you know where I stand on that. The document is full of words like "investigate", "review", "provide evidence and information", "look to expand", "a plan to", "additional analysis" and of course "develop". It is a real shame that a strong start does not have at least one tangible project that will start now and have a definitive impact. Why not compel the buses to use biofuel? Why not a free bus transport, even for schools? Why not even a reduced rate for commuters, school children, or free bus Fridays? Everyone likes a bit of alliteration. Why not a programme of insulation of homes that starts today to reduce heating bills, thus offsetting the fuel cost that we talked about before? Why not a project for carbon sequestration via our soil? The science is there, so what is stopping that from happening now? Why not more emphasis on protection of trees, hedgerows and the natural environment that will be a lifeline for our carbon reduction? We declared an emergency; we spent £11 million in 6 months on Government consultants. There has been an approved transfer of £3.9 million to the Chief Operating Officer's Department and £26.5 million transferred to the Reserve Fund. But, for the issue of our time we put aside just £5 million to tackle the climate change emergency; and still there are Members of this Assembly, I am sure, that will criticise this investment

for the future. My concern is that this document may enable a dilution of urgency and we have to be aware of that. The argument we cannot spend money on this can be allowed to flourish and that is a problem and, with an election in 2 years, finance will again triumph over social and environmental need. I have my concerns over carbon offsetting. To be frank, it is not just the cost, it is the reality of the effectiveness. I hope that local groups, who are working to provide this opportunity, are in full dialogue with the Minister and his Department. Out of interest, I looked back on this issue and I found questions from 2007 in this Assembly. But, let us be positive; a year ago we would not even have been thinking about this debate, or discussing an actual Proposition to deal with the climate emergency. I remember constantly asking for the topic to be on the agenda of the Council of Ministers. I was going to pick out a couple of times when the Minister himself said it is not really the time to be discussing it, but I am not going to do that today; I am going to give him a bit of an easy ride this afternoon. I am pleased that we are discussing it now and our Ministers across the Council of Ministers can go to conferences and talk about how we are addressing climate change. So let us not shy away from the difficult decisions, but let us be inclusive for our society. This is an opportunity to improve the lives of all Islanders, to build a sustainable, future proofed, infrastructure that leads the way to enable a modern, sustainable economy to give Islanders a new green deal. Climate change is real, here and it will impact on our lives. The actions that we take now and in the coming years will determine so much. Let us not shirk our responsibility to future generations. I will be supporting this Proposition and I ask you to do the same.

8.6.2 Deputy J.M. Maçon:

This area is not one of my strong suits within the Assembly and it is something which I try to understand, but it is not always necessarily easy when we cannot go into parts per billions, per atoms. I do struggle to keep up. But, nevertheless, I shall try my best. The things which I want to say, which I have said before on this solution, in the report of the Minister - just to pick up one statistic - it talks about since 1990 there has been a reduction of 28 per cent of our carbon emissions. Something which I do not think we should forget, of course, is how important the development of technology is going to be in tackling the issues which are going forward. But, of course, that is always measured against the cost of extracting some of these materials from the earth in the first place, which is something which we need to remember. I am concerned with some of the solutions which might come and I just want to ... thinking of one lobby group which does contact me often, which is thinking of just simple things, if we say: "Right, fine, we want to reduce the number of flights people are taking" well, how will that affect, for example, our student population that need to go away off-Island in order gain those skills if we make the route suddenly unviable? How does that affect an Island population? What recommendations come out will be interesting. I mean, I am not convinced that this Citizens' Panel is necessary; I am not even convinced it is a good use of money. My personal opinion would be let us take that money that is provided and go and buy up a chunk of the Amazon, because I think that would be a far better use of any monies going forward. We pay officers in these Departments reasonable chunks of money, they have got the expertise - that is why you have given them the job in the first place - why are we not tapping that? I know that there are officers in the Minister's Department, who can come up with a long list of very good, well thought-out, suggestions, but the issue is time and again political, that the solutions to these problems are usually unpalatable. I do not think that the veneer of a Citizens' Panel is suddenly going to change that. I do not think people are suddenly going to think: "Well, it has come from a Citizens' Panel, therefore, somehow, it is politically more acceptable to the public." Look at what is going on with the Minister for Children and Housing at the moment when we are just talking about a statue for £200,000. Look how that is going down among the public and that has come from a Citizens' Panel via the report of the Care Inquiry. So I am not convinced that suddenly that is going to be a great solution and I am not convinced that it is the best use of money at all. I do realise I just repeated myself there. So, I do wonder where we need to go and, of course, I am concerned who gets on this Panel because when we look at some of the social media responses about this whole issue, I mean, you start having people

going on about U.N. (United Nations) Agenda 21 and what that means and this green agenda is just a way of the Government taking more control of our society and telling us what we can and cannot do and all these types of things. They are out there among our Jersey society, by the way, so I have no idea exactly how the Minister is going to factor that out of the vetting process when he chooses people to get on to this Panel, because I do not know how they are going to screen them exactly. How is that going to be tested for? People on this Panel are going to apply, because they have got views one way or another, one would presume and, therefore, how that is going to work I am sure the Minister will address. But I am not convinced, at this stage, on that particular element. The fact is we were elected here to make those decisions, were we not? That is the point of us being here. So, I am concerned about this whole kind of hiving off our decisions to someone else, when, at the end of the day, the buck does stop here anyway. We have got people in the Departments who can do that anyway. I would like to hear when the Minister replies about the information that is provided to these individuals - and forgive me if I missed it in the Report - the information, is it going to be recorded, is it going to be online, is it going to be for everyone to see? Because we have these issues within the Island where we do form a group and then, as soon as something comes up, because the information is accessible immediately, there is conspiracy theory going left, right and centre and whatever good work is produced has suddenly disappeared in the Jersey rumour mill that happens. So, bless whoever is going to be on this Panel, because you have got to be very determined in order to sit on one of these panels and offer your time. What I would go further in saying, whatever is required forward does need to be bespoke to Jersey and there is not going to be a one size fits all for every jurisdiction. Again, I come back to flights and how important for a small island that is for us, compared to perhaps a larger jurisdiction where tackling air travel might be different. But there are other advantages that we need to take care of and that will require an investment and whether that is again supporting people through technology. We have heard other Members talking - and I appreciate that is not proper policy, but just an idea to float out there - charging people an annual fee for their car, for example, but then what about your electricians, your plumbers, your carers, people who require a vehicle in order to do the job that we need them to do as part of society. So, I appreciate we brought the Amendment in - which I absolutely supported - which is through whatever measures we bring in we should not be disadvantaging people, but at some point that might be the difficulties which we face in this Assembly. We had the comments around the buses; I mean, it is one thing to have a free bus, it is another to have a bus at a time when someone wants it, which might be a better use of money in the first place, just to put that one out there and to be considered. This is important, absolutely and I support the Minister developing a strategy, absolutely. But at the moment I am really not convinced that it is the best use of money for the Citizens' Panel. I think that is what we are here to do. We have expertise within the Department to do that and I think, yes, spend the money but spend it somewhere far better.

8.6.3 Deputy M. Tadier:

Again, I can see the arguments why people are sceptical about citizens' panels. They are a relatively new thing, certainly in Jersey. But I think Deputy Maçon hit the nail on the head quite early on; he said that about political acceptability. Politicians, generally, are scared of the electorate, or they should be and certainly they get more scared as it comes to an election. We do not need scared politicians in terms of climate change, we need brave politicians. I completely accept that we are all hypocrites, to a certain extent. As citizens we are also hypocrites; there is not a perfect citizen out there who uses no carbon, but I think we accept we are all trying to get to the position where we want to be. I would remind us of the quote of Rob Hopkins, who was the leader of the Transition Movement in the U.K. from Totnes, he says: "If we wait for governments, it will be too little, too late. If we act as individuals, it will be too little, but if we act as communities it might be enough just in time." That reminds us of the fact that the shared responsibility for this big issue and for the change that we want to see is not just for one group. We cannot just blame it on the airlines, we cannot blame it on the supermarkets, we cannot blame it simply on the rich, or on the feckless poor, who drive their

cars and who do not have enough money to get electric cars, or who do not cycle when they could. We all have to accept responsibility for that.

[17:00]

I would say that - and this is, I think, the point that Deputy Maçon touched on - is that if the Citizens' Panel is worth its salt, it will have to come back with recommendations that are politically unacceptable. We will hear all those arguments that we, as politicians, cannot really say: "Why do you not charge £500 for a driving licence and renew it every year? Like I said before. Why do we not increase the driving age to 30 and then say every year we will make it 31, 32? Why do we not only have professional drivers in society if cars are what we want to tackle?" Getting back to supermarkets, I would like to be able to go into a supermarket and not have to choose between buying Jersey leeks, which are wrapped in plastic, or imported leeks, which are not wrapped in plastic, which I can put loose into my bag. Why have I got to make that dichotomy? Do we have to wait for supermarkets to act on common sense, or to wait for the market to dictate and wait for their suppliers to change practices? Or do we, as a Government, sometimes need to be more interventionist in certain circumstances and compel supermarkets to do things? I, as a consumer - and I am sure other people are the same - feel really strongly about palm oil, is just one small example, because I know that palm oil is destroying rainforests, which again Deputy Maçon referred to, in Sumatra and in other places and that if I eat something with palm oil, which has not come from a sustainable source, not only is it bad for carbon emissions and it is getting rid of really ancient forests, it is also harming orangutans, who are going to be extinct. Therefore, a Citizens' Panel might come up to me ... I think I am the Minister with responsibility for consumer affairs, so it is up to me to decide ultimately on action I would take and whether I would ban palm oil, or not and whether I would get support from the Assembly. What are the options; do you ban palm oil outright? Do you say that palm oil should have to come from a sustainable source? Do you say that anything containing palm oil should have a big P, or a sticker with an orangutan with a dead baby on it, much like we do for cigarettes to shock people out of it? Do we put the onus on the packages, or do we simply do it the other way around and anything which does not contain palm oil has a palm oil free sticker? Then, of course, we get the lobbyists saying: "But that is going to be too much red tape for supermarkets. All of our stuff is prepacked in the U.K. and it means that there will be no food and you are going to impact the poorest, because they have got the least time and this was actually something that is going to help the poor." That is only on the simple issue of palm oil, which keeps me awake at night. It does not really; it makes me get up early in the morning. I worry about palm oil in the morning and I worry about other stuff in the evening. These are really significant issues, so the Citizens' Panel will be thinking about issues like that, because they presumably have children and grandchildren that they want to leave the planet to and Deputy Maçon is right. As soon as they come up with those politically unacceptable conclusions, they are going to have to be implemented by politicians, so good luck to us, or whoever is around, in the future. The point about the Amazon, yes, we do need to think outside the box. It might sound ridiculous to say: "Why do we not use the money to buy tracts of land in the Amazon." Well, because you would also need to police it. I do not think we can send the Honoraries out to the Amazon to make sure that nobody goes on our land and starts burning it down, but what we could do is think about buying land in Normandy. As far as last time I checked, the land in Normandy is much cheaper, there is lots of it - I think they are still making it - whereas the land in Jersey is pretty much all used up, so we could buy massive fields in France and we could grow all our vegetables over there, or some of our vegetables. We could put windfarms in our new territories in Normandy, which we buy, or rent, or we could do a deal with the Normandy Government. I would certainly help to do that. I can speak French and I know we have got an External Relations team who can do that. So, we will have to start thinking outside the box and it could well be that, in that case, the bridge to France is not a bridge too far, although I have yet to be convinced on that issue. So, it is kind of sad in a sense that we have to have this Citizens' Assembly, because conventional politics has failed up until this point. I think it has failed on lots of issues, but it has certainly failed on the singular issue

of most importance, which is climate change. I understand that for some of the protestors in the Extinction Rebellion - who I commend for getting here to the Royal Square, because the Royal Square should be a place of democracy and a place of process - for reminding us that they wanted the Citizens' Assembly to be binding. I think that is problematic. It is problematic, because we still have a system where politicians need to be making the decisions, but ultimately, of course, if conventional politics fails then other avenues will need to be pursued in order to save the planet and to save this species, including us, who are one of them.

8.6.4 Deputy R. Labey:

I would just say, I sit on the Island Identity Policy Development Board and at our first meeting we went around the table and were asked to give our ideas on Island identity. My first one was to say: "Let us look outside the Island. Let us buy a section of Bornean rainforest the size of Jersey and hopefully also the shape of Jersey" and it would be 45 square miles, or whatever it is, of rainforest in Borneo the shape of Jersey, 45 square miles. It would be known the world over as the Jersey rainforest and it would make a significant improvement in the chances of the survival of the orangutan, which we are very sympathetic to in Jersey, because, of course, them being at the Jersey Zoo. It would not just be Government money doing this, we could get the people involved with this, stick an orangutan on the front of every Christmas lottery ticket and watch the sales go up, because it is something that people care about and it is tangible. It is the way. It is very important. I am making that idea public and I hope somebody might run with it. I like the idea of a Citizens' Assembly as a way of an introduction for people into politics, perhaps and they might want to go on and then try this game, but it has got to be more than just a cosmetic exercise. I understand where Deputy Ward is coming from and it would be nice to be able to go out to the C.P.A. (Commonwealth Parliamentary Association) conferences and say: "We have got a Citizens' Assembly" and I see that, but we have to manage the expectations of the citizens taking part in this Assembly, because if it is going to come up with ideas that we just squash, that is going to kill the notion for ever. I think on Article (b) of the Proposition, we just might need a little bit more from the Minister on what he regards as the outcome. What is the desired outcome of setting up the Citizens' Assembly on this carbon neutrality issue and how is it going to work and who is going to facilitate it?

8.6.5 The Connétable of St. John:

I regard myself as an environmentalist, because I have made my living from farming, but in doing so, I have set a number of firsts. During my farming years, I planted over 2,000 trees, most of which are still living in the Parish of St. John and I drive past them each day thinking: "That tree, I planted it" and it gives me an immense sense of pride. My farming habits also reduced inputs in particular of nitrates and I reduced my nitrates by almost 80 per cent. In doing so, I went to the Department of Agriculture and said: "I have produced this paper. Would you like me to speak to other farmers?" They said: "No, we are not interested." Times have changed. We are the first Government that has come forward putting the environment on our Strategic Plan and that was then sort of overtaken by Deputy Ward's Proposition and I congratulate the officers who were forced to hit the ground running. They have done a lot of very hard work and I really do say congratulations to them, but at the same time I think we need to recognise Jersey is a small Island and for us to stop producing carbon, is going to be extremely difficult and very expensive, simply because we do not have the means on the Island to plant trees, plant hedgerows and to have sufficient carbon absorbing facilities for the amount we produce. I am not saying we should stop producing, but here is a very interesting point: motoring on Jersey is now carbon neutral. Think about it, you are a motorist, you pick up the pump, you put it in your car, you fill it up with diesel and you know you are paying 4 pence a litre to the States of Jersey for an environmental tax. That is equal to the offset that that litre of fuel produces. So, technically, we are carbon neutral as far as motoring is concerned on this Island. However, if Government chooses to use that money on producing reports on investigating ways of insulating houses, then, of course, that tax is being wasted. When I was farming, there were many issues that

concerned me and I put them under the general heading of pollution and this pollution can take place in the form of litter, people throwing tin cans, glass bottles and so on into hedgerows, a major issue in some areas. We, in this Assembly, have chosen just one item, which is carbon emissions and I think that that, while it is laudable, is possibly a small mistake. We need to think in a very much bigger way. The global problem - and we need to accept this is a global problem - the Minister, in his opening foreword, says: "This is a global problem and we need to be a global player." This is where I get concerned, because he then goes on and talks about, quite strongly, the use of electric cars and I think it is important that, perhaps, Members understand exactly the position. An electric car takes an additional 6 tonnes of carbon at least to manufacture, because of the battery. The batteries are made with very rare earth metals - and I will come on to that in a minute - which means, effectively, that a fossil fuel car can travel 100,000 miles and produce the same carbon output as a brand-new electric car coming out of the showroom. The problem is that the battery will need replacing after 7 years, so you have got to do 100,000 miles in 7 years, which is 15,000 miles a year. Here, in Jersey, the average car does about 7,000 or 8,000 miles a year, so after 7 years, having travelled 50,000 to 60,000 miles, you buy a new battery, which costs you another 100,000 miles, so a car on this Island will never be carbon neutral and will always add to the global problem of carbon emissions. We can be proud and say: "Look, we are not producing the carbon on the Island and we have got clean air" and various other claims but, globally, we are being irresponsible and I hope that that is reflected when the Minister comes back by the end of the year, but it does not finish there. Cobalt is used extensively in the production of these batteries. There is only sufficient cobalt to manufacture about 2 per cent of the world's cars into electric cars and there is a critical shortage of cobalt. Over 60 per cent of cobalt is mined in a particular area within the Democratic Republic of Congo. I will just read you an extract from the *Guardian*: "Elodie is 15 [years old]. Her 2 month-old son is wrapped tightly ... around her back. Both of them inhale potentially lethal mineral dust, a toxicity that assaults them at every turn. Elodie is on her own.

[17:15]

She is an orphan, because both her parents died from these obnoxious gases. She spends the entire day collecting heterogenite - that is cobalt ore - and at the end of the day will get paid 50 pence for this bag." Now, the United Nations say that the minimum wage in that country, the Democratic Republic of Congo, should be £2.50, so this is one-fifth of the minimum wage. Over 20 per cent of the world's cobalt is mined in this way and it goes to China. The price of cobalt has gone up 300 per cent in the last 2 years, because of its rarity and not one single penny of that increase has been returned to these children working in the Democratic Republic of Congo. The worst thing is there are 35,000 children working in those mines in the Democratic Republic of Congo. Having electric cars means you are supporting that type of industry and I sincerely hope nobody would wish to do that in this Assembly. On a positive note, the National Geographic Society have done some research and they have come out last July with an article that says if we were to plant an area the size of the United States, it could absorb all the carbon that is being produced on this planet for the last 100 years, so there are 2 prongs, or many prongs, to this particular problem, not just stopping emissions, but doing something about it. A far bigger problem, a substantially bigger problem, has been the deforestation of the world. If you think of Africa, what is your first thought? It is Tarzan swinging through the trees, chimpanzees, monkeys swinging on ropes from trees and one's imagination runs wild about forests and so on and jungles in Africa. The reality is these jungles have gone and we are seeing them destroyed around the world and this is what has to stop and we have to reverse that. The issue is planting trees. The National Geographic Society is sponsoring a scheme called Trillion Trees, which is to plant 1 trillion trees. It was started in 2005 and they have already planted 13.6 billion trees. I would urge the Minister to consider that we join that and put our efforts towards planting trees and being active in restoring the earth globally, rather than concentrating just on our Island and saying: "We need to stop here on the Island." This is a global problem. Let us use our resources to offset the carbon elsewhere, grow trees, return the globe to nature. In doing so, I urge Members to

support the Minister, but I hope the Minister will take on board what I have said and do not come back with: “We must have electric cars” because I will not support you if you do.

8.6.6 Senator L.J. Farnham:

I wholeheartedly support this Proposition and look forward to seeing it evolve and seeing our ambitions realised. There are some challenges, which we will overcome, for example, how the dilemma of the continued development of our transport links and our tourism markets and how people get here. I maintain it is far more environmentally friendly for people to fly from the U.K. to us than it is to fly across the Atlantic to Florida, but airlines and air transport and other transport providers are finding and embracing new technology to find more environmentally friendly ways to travel and we can embrace that by ensuring we have the right infrastructure to be able to manage and handle these new environmentally friendly types of transport. I am a strong proponent of business, business embracing environmentally friendly practices and many businesses are, because they realise it is commercially good for them to do so, if they are looking to the future. Of course, all this has to be steeped in financial reality and I know that is going to be close to Members’ hearts as we move towards our ambition. I am a proponent of not only increasing our Coastal National Park, but looking at the development of a marine park and that is something that I am working on and I am going to keep the relevant Ministers up to date, as I will with other States Members, but 10 per cent of the world’s oceans are coastal waters and 90 per cent of sea life live in coastal waters. A square mile of coastal water, a square mile of sea grass, will generate 30 to 40 times more carbon than a square mile of jungle. I am not sure if many people realise that, but that is something we must bear in mind. This could be a huge help to our goal of reaching our carbon neutrality target if we embrace our coastal waters and ensure that with the right care and attention we can benefit from that as well. I understand that being a very small island, a tiny speck in the English Channel on this planet, what we do might not have, in terms of global carbon neutrality, much of an impact, but we can be pioneers, we can do things here that other bigger countries can look to and see working and hopefully be inspired and follow our lead, so that is what we must think about when we try and realise our ambitions. From an economic point of view, to conclude, we do not just judge our Island’s prosperity and we must not judge our Island’s future prosperity on G.V.A. (Gross Value Added) alone. When we measure what really matters to sustaining an increase in our well-being, the environment is absolutely critically important.

8.6.7 Deputy G.C. Guida:

I have heard some extremely encouraging things today. I am going to go over some of them. It was very interesting, Constable Taylor, it was very perceptive to mention the petrol tax as enough said, because it is very close to what it is. The figure is slightly wrong, because it makes for about £20 per tonne of CO₂ and it should really be nearer £40, but that is exactly what it is. We are taking money somewhere that is polluting and creating CO₂ and, hopefully, putting it somewhere where we will recover CO₂, so yes, that it is exactly what it is. It is enough said. It has to be seen like that. I will not go very much into the electric car conversation, but just to say that when you do manufacture this battery, you do not really have to burn petrol to make them, you can source the energy from other places and not contribute to the CO₂ in the atmosphere. It is more expensive, but it is possible. Also, this is a transition period. We are looking at the technology that has been pretty much ignored until about 10 years ago and it is only in the last year, or so, that proper money has been invested in it. This is going to evolve very quickly. The largest manufacturer of electric vehicles, Tesla, has already pledged to stop using cobalt within the next year and considering its costs, considering the difficulty of finding it, they are bound to, they have to and just because the market is crushing them. If they were only making 50,000 cars a year, they would not bother, that would be fine, they would be good for ever and those children would still be working in Congo, but because there is now a 1 million car demand for electric cars, they are forced to find other solutions, so we have to go through this transition, but it is happening. Offsets: I do agree with most of the Members that reforestation is the

one offset that will work. I like very much the idea of buying land. I mean, creating offsets by acquiring assets also solves many of the problems and it makes us richer in the transition. One thing about the Assembly, I think it is difficult to define because we have not done much of that in Jersey. First of all, the process is very well-established. The people who are running this for us, they have done it before, they have done it in other jurisdictions, in other circumstances and it is really very well-refined. The way we must see it is as a referendum. Basically, we are asking the population where they stand. We know that when we have a referendum we have a few problems, the first one being that it is very difficult to educate 100,000 people and get the right response. Also, you are asking them individually: they will probably not have had the time to discuss the matters. What we are doing with the Citizens' Assembly is that we are selecting a subset that is completely representative of the population, leaving them on their own, but informing them on the subject, so they will know everything that we know about the carbon neutral strategy and they will tell us what they think we should do. That will be a referendum. We can take the information and then this Assembly will make the hard decisions and that is exactly how it should be, but we will have this fantastic information, the people of Jersey think like that. We have just seen an hour ago, we have just seen how difficult it is to have the courage to not know how many people you are going to annoy with a decision and finding it difficult. These are much bigger decisions and so it would be nice to do them with the backing of the population. The system is extremely well honed and, for example, it allows for observers in the way that does not destruct the actual Assembly, so Scrutiny can go there, the press can be there, but they are in a separate room, they do not participate in the discussions. There is no potential for interference with the Assembly and that is exactly what we are trying to do and that is also why the Chair of the Assembly is anything but a leader. We do not want the Assembly to choose a leader. The last thing we want is for them to be led in any sort of way. We want them to be informed, discuss among themselves, come up with ideas, come up with things that we want to happen. That is why we thought that if the Government, if possible, through the proper processes, chose somebody that was completely neutral that, in fact, the Assembly would not even recognise, that would be for the best. We voted for it, we will see how it will go, but if everything goes according to plan, the Assembly will never have seen that person, that Chairman, before. Hopefully, they will agree to have him, or her, as a Chairman. That is it. Again, I am quite happy to see the Assembly going forward with this and being quite effective about it.

The Bailiff:

We are now at a little after 5.30 p.m., where Standing Orders require that I ask the Assembly to decide whether, or not, it wishes to continue this evening, or adjourn until tomorrow, or take some other course. I have one Member indicating a desire to speak. It might help the Assembly to make that decision if people who also wish to speak, who have not yet spoken, could indicate by putting their lights on. Right, when I mentioned if I could ...

[17:30]

I have got indicating an interest in speaking the Deputy of St. Peter, Senator Mézec, Deputy Lewis and the Connétable of St. Brelade. Are there any other Members other than those anticipating speaking in the debate? Very well, so far we have, therefore, 5 Members ... well, 4 Members plus a response scheduled to speak. Does anyone wish to make a ...

Senator L.J. Farnham:

I would just like to propose we continue. Judging by the response, I will sit down. **[Laughter]**

The Bailiff:

The adjournment is proposed. Is it seconded? **[Seconded]** Members agree to adjourn? Very well. The States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:31]