

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 21st JANUARY 2020

COMMUNICATIONS BY THE PRESIDING OFFICER	10
QUESTIONS	10
1. Written Questions	10
1.1 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TREATMENT OF CHILDREN WITHIN AN INDEPENDENT TAX REGIME: (WQ.1/2020)	10
1.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING LICENCES FOR THE GROWING AND POSSESSING OF MEDICINAL CANNABIS: (WQ.2/2020)	10
1.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING COST REDUCTIONS ARISING FROM THE TRANSFER OF PRIMARY CARE OUT OF THE HOSPITAL: (WQ.3/2020)	11
1.4 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DIGITAL POLICY FRAMEWORK: (WQ.4/2020)	12
1.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING E.U. IDENTITY CARDS: (WQ.5/2020).....	14
1.6 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE GAINSHARE AGREEMENT WITH TEACHING STAFF: (WQ.6/2020)	15
1.7 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEASURES TO ASSIST ISLANDERS WITH TRANSPORT AND HEATING COSTS: (WQ.7/2020)	18
1.8 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE JERSEY SCHOOLS REVIEW FRAMEWORK: (WQ.8/2020)	19
1.9 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING ACCESS TO CIVIL PARTNERSHIPS BY ALL COUPLES IN JERSEY: (WQ.9/2020).....	19
1.10 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PROVISION OF SCHOOL MEALS: (WQ.10/2020)	20
1.11 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE EXPENDITURE IN 2018 ON CONSULTANCY SERVICES: (WQ.11/2020)	23

1.12	DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE IMPACT OF VISITS TO THE ECRÉHOUS ON WILDLIFE: (WQ.12/2020)	24
1.13	THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PLANNING APPLICATION FOR DEVELOPMENT OF A NEW HOSPITAL (WQ.13/2020)	25
1.14	THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SIZE OF A NEW HOSPITAL IN JERSEY: (WQ.14/2020)	26
1.15	THE CONNÉTABLE OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE DESIGN BRIEF FOR A NEW HOSPITAL: (WQ.15/2020)	26
1.16	THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE HANDLING OF FORESHORE PROPERTY TRANSACTIONS: (WQ.16/2020)	27
1.17	DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE PUBLICATION OF ALLOCATIONS AND AFFORDABILITY CRITERIA: (WQ.17/2020)	28
1.18	DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING UNUSED FUNDS FROM THE JERSEY INNOVATION FUND: (WQ.18/2020)	29
1.19	DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING AN INVENTORY OF FURNITURE FROM CYRIL LE MARQUAND HOUSE: (WQ.19/2020)	29
1.20	DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE ACCESSIBILITY OF STATES BUILDINGS: (WQ.20/2020)	30
1.21	DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING EXPENDITURE ON SPORT: (WQ.21/2020)	31
1.22	DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE GENDER PAY GAP IN EDUCATION: (WQ.22/2020)	33
1.23	DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE NUMBER OF HEALTHCARE PROFESSIONALS IN JERSEY: (WQ.23/2020)	34
1.24	DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING NUMBERS OF MENTAL HEALTH PATIENTS: (WQ.24/2020)	35
1.25	DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING STATES OF JERSEY EMPLOYMENT CONTRACTS: (WQ.25/2020)	37
1.26	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE NUMBER OF SOCIAL WORKERS SEEN BY CHILDREN SUPPORTED BY THE CHILDREN'S SERVICE: (WQ.26/2020)	37
1.27	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE RECRUITMENT OF TEACHERS: (WQ.27/2020)	38
1.28	DEPUTY C.S. ALVES OF ST. HELIER OF THE CHIEF MINISTER REGARDING EXPENDITURE ON HEALTHCARE: (WQ.28/2020)	38

1.29	DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE ENGAGEMENT OF INTERIM STAFF BY THE GOVERNMENT OF JERSEY: (WQ.29/2020).....	39
1.30	DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EMPLOYMENT OF A CHIEF INFORMATION OFFICER: (WQ.30/2020)	39
1.31	DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES THE CONTRACT WITH EY IN RESPECT OF THE MODERNISATION OF PUBLIC FINANCES: (WQ.31/2020)	39
1.32	DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE NUMBER OF TEACHERS EMPLOYED BY THE STATES OF JERSEY: (WQ.32/2020)	40
1.33	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE APPLICATION OF VALUE ADDED TAX (V.A.T.) TO PARCELS AND SHIPMENTS: (WQ.33/2020)	41
1.34	DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE CHARGING OF V.A.T. ON POSTAL ITEMS BEING SENT TO THE UNITED KINGDOM: (WQ.34/2020).....	41
1.35	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING PRICE INCREASES IMPLEMENTED BY STATES DEPARTMENTS IN 2019: (WQ.35/2020).....	42
1.36	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING CHILDREN IN CARE: (WQ.36/2020)	43
1.37	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING COMPLAINTS AGAIN THE ENVIRONMENT AND PLANNING DEPARTMENTS: (WQ.37/2020).....	43
1.38	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE NUMBER OF CHILDREN ON THE CHILD PROTECTION REGISTER: (WQ.38/2020).....	46
1.39	DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE COST OF SCHOOL MEALS: (WQ.39/2020)	47
1.40	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE AFFORDABILITY OF THE PATIENT CONTRIBUTION TO G.P. SERVICES: (WQ.40/2020)	48
1.41	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUNDING OF THE DELIVERY OF THE JERSEY CARE MODEL: (WQ.41/2020)	49
2.	Oral Questions.....	49
2.1	Deputy S.M. Ahier of St. Helier of the Assistant Minister for Economic Development, Tourism, Sport and Culture regarding the decline in Christmas Lottery ticket sales: (OQ.10/2020).....	49
	Deputy M. Tadier of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture - <i>rapporteur</i>):	49
2.1.1	Deputy S.M. Ahier:	49
2.1.2	Deputy G.P. Southern of St. Helier:.....	50
2.1.3	Deputy G.P. Truscott of St. Brelade:	50

2.1.4 Deputy M.R. Higgins of St. Helier:	50
2.1.5 Deputy M.R. Higgins:	51
2.1.6 Deputy R. Labey of St. Helier:	51
2.1.7 Deputy R.J. Ward of St. Helier:	51
2.1.8 Deputy S.M. Ahier:	51
2.2 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the funding of primary care: (OQ.3/2020).....	52
Deputy R.F. Renouf of St. Ouen (The Minister for Health and Social Services):	52
2.2.1 Deputy G.P. Southern:	52
2.2.2 Deputy R.J. Ward:	52
2.2.3 Senator K.L. Moore:	53
2.2.4 Senator K.L. Moore:	53
2.2.5 Deputy K.F. Morel of St. Lawrence:	53
2.2.6 Deputy K.F. Morel:	53
2.2.7 Deputy K.G. Pamplin of St. Saviour:.....	54
2.2.8 Deputy G.P. Southern:	54
2.3 Deputy M. Tadier of the Minister for Treasury and Resources regarding the maintenance of derelict properties within the portfolio of Ports of Jersey: (OQ.19/2020)	54
Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):.....	54
2.2.1 Deputy M. Tadier:	55
2.2.2 Deputy M.R. Higgins:	55
2.2.3 Deputy K.F. Morel:	55
2.2.4 Connétable A.S. Crowcroft of St. Helier:	55
2.2.5 Deputy D. Johnson of St. Mary:	55
Connétable M.K. Jackson of St. Brelade.....	56
2.2.6 Deputy M. Tadier:	56
2.4 Deputy R.J. Ward of the Vice-Chair of the States Employment Board regarding the Joint Council Framework Agreement: (OQ.14/2020).....	56
Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board):.....	56
2.4.1 Deputy R.J. Ward:	57
2.4.2 Deputy G.P. Southern:	57
2.4.3 Deputy R.J. Ward:	57
2.5 Deputy M.R. Higgins of the Minister for Economic Development, Tourism, Sport and Culture regarding the prospective introduction of restrictions on betting in Jersey (OQ.21/2020)	57
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	57
2.5.1 Deputy M.R. Higgins:	58
2.5.2 Deputy S.M. Ahier:	58
2.5.3 Deputy G.P. Southern:	58
2.5.4 Deputy M.R. Higgins:	58
2.6 Deputy R. Labey of the Minister for Education regarding the school spending review: (OQ.23/2020).....	59
Senator T.A. Vallois (The Minister for Education):.....	59

2.7 Deputy S.G. Luce of St. Martin of the Minister for Children and Housing regarding the availability of four-bedroom houses through the Affordable Housing Gateway: (OQ.1/2020)	59
Senator S.Y. Mézec (The Minister for Children and Housing):.....	59
2.7.1 The Deputy of St. Martin:	59
2.7.2 The Deputy of St. Martin:	59
2.8 Deputy L.M.C. Doublet of St. Saviour of the Minister for Social Security regarding the implementation of changes to family friendly legislation: (OQ.11/2020)	60
Deputy J.A. Martin of St. Helier (The Minister for Social Security):.....	60
2.8.1 Deputy L.M.C. Doublet:	60
2.8.2 Deputy G.P. Southern:	60
2.8.3 Deputy L.M.C. Doublet:	61
2.9 Deputy J.H. Perchard of St. Saviour of the Minister for Infrastructure regarding the availability of free parking to carers when visiting clients: (OQ.7/2020)	61
Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):.....	61
2.9.1 Deputy J.H. Perchard:	61
2.9.2 Connétable D.W. Mezbourian of St. Lawrence:.....	61
2.9.3 The Connétable of St. Lawrence:.....	62
2.9.4 Deputy L.M.C. Doublet:	62
2.9.5 Deputy J.H. Perchard:	62
2.10 Deputy K.F. Morel of the Minister for Health and Social Services regarding the cost of domiciliary care services to elderly Islanders: (OQ.4/2020)	62
The Deputy of St. Ouen (The Minister for Health and Social Services):.....	62
2.10.1 Deputy K.F. Morel:	63
2.10.2 Deputy K.F. Morel:	63
2.11 Deputy J.M. Maçon of St. Saviour of the Minister for the Environment regarding the consideration to be given to Parish Assembly votes during the development of the Island Plan: (OQ.6/2020)	63
Deputy J.H. Young of St. Brelade (The Minister for the Environment):.....	63
2.11.1 Deputy J.M. Maçon:	63
2.11.2 Senator K.L. Moore:.....	64
2.11.3 Senator K.L. Moore:.....	64
2.11.4 Deputy K.F. Morel:	65
2.11.5 Deputy J.M. Maçon:	65
2.12 Deputy K.G. Pamplin of the Chairman of the States Employment Board regarding the recruitment of outside consultants to work for the States of Jersey: (OQ.17/2020)	66
Senator J.A.N. Le Fondré (Chairman, States Employment Board):.....	66
2.12.1 Deputy K.G. Pamplin:	66
2.12.2 Deputy K.F. Morel:	67
2.12.3 Deputy K.F. Morel:	67
2.12.4 Deputy M.R. Higgins:	68
2.12.5 Deputy M.R. Higgins:	68

2.12.6 Deputy K.G. Pamplin:	68
2.13 Deputy K.F. Morel of the Minister for Infrastructure regarding the cost of parking for carers: (OQ.5/2020).....	69
Deputy K.C. Lewis (The Minister for Infrastructure):	69
2.13.1 Deputy K.F. Morel:	69
2.13.2 Deputy J.M. Maçon:	69
2.13.3 Deputy K.F. Morel:	69
2.14 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the classification of States' expenditure in accordance with international best practice: (OQ. 15/2020)	70
Deputy S.J. Pinel (The Minister for Treasury and Resources):.....	70
2.14.1 Deputy R.J. Ward:	70
2.14.2 Deputy G.P. Southern:.....	70
2.14.3 Deputy R.J. Ward:	70
2.15 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the consequences of the removal of Low Value Consignment Relief: (OQ. 22/2020).....	71
Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - <i>rapporteur</i>):.....	71
2.15.1 Deputy M.R. Higgins:	71
2.15.2 Deputy M. Tadier:	72
2.15.3 Deputy M. Tadier:	72
2.15.4 Deputy M.R. Higgins:	72
2.16 The Deputy of St. Martin of the Minister for Children and Housing regarding the access by disabled children to wheelchair-accessible vehicles: (OQ.2/2020) 72	
Senator S.Y. Mézec (The Minister for Children and Housing):.....	72
2.16.1 The Deputy of St. Martin:	73
2.16.2 Deputy S.M. Ahier:	73
2.16.3 Deputy M. Tadier:	73
2.17 Deputy J.H. Perchard of the Minister for the Environment regarding prospective restrictions to the size of residential properties: (OQ.16/2020)	74
Deputy J.H. Young (The Minister for the Environment):	74
2.17.1 Deputy J.H. Perchard:.....	74
2.17.2 Deputy J.M. Maçon:	74
2.17.3 Connétable S.A. Le Sueur-Rennard of St. Saviour:	75
2.17.4 The Connétable of St. Saviour:	75
2.17.5 Deputy K.F. Morel:	76
2.17.6 The Deputy of St. Martin:	76
2.17.7 Deputy J.H. Perchard:.....	76
2.18 Deputy J.M. Maçon of the Chair of the Comité des Connétables regarding Parish parking charges for registered providers of care: (OQ.9/2020).....	77
The Connétable of St. Lawrence (Chairman , Comité des Connétables):	77
2.18.1 Deputy J.M. Maçon:	77
2.18.2 Deputy M. Tadier:	77
2.18.3 Deputy J.M. Maçon:	78

2.19 Deputy M. Tadier of the Dean regarding marriage by same-sex couples in the Church of England: (OQ.20/2020)	78
The Very Reverend M.R. Keirle, B.A., Dean of Jersey:	78
2.19.1 Deputy M. Tadier:	78
LUNCHEON ADJOURNMENT	80
3. Questions to Ministers without notice - The Minister for Home Affairs	80
3.1 Deputy S.M. Ahier:	80
Connétable L. Norman of St. Clement (The Minister for Home Affairs):	80
3.2 Deputy M.R. Le Hegarat of St. Helier:	81
3.3 Deputy K.F. Morel:	81
3.4 The Deputy of St. Martin:	81
3.5 Deputy R. Labey:	81
3.6 Deputy R.J. Ward:	82
3.7 The Connétable of St. Lawrence:	82
3.8 Deputy R.E. Huelin of St. Peter:	82
3.9 Deputy K.F. Morel:	82
3.10 Deputy I. Gardiner of St. Helier:	83
3.11 Deputy M.R. Higgins:	83
3.12 Deputy K.G. Pamplin:	83
3.13 The Deputy of St. Martin:	84
4. Questions to Ministers without notice - The Chief Minister	84
4.1 Deputy R.J. Ward:	84
Senator J.A.N. Le Fondré (The Chief Minister):	84
4.2 Deputy K.F. Morel:	84
4.2.1 Deputy K.F. Morel:	85
4.3 Connétable J.E. Le Maistre of Grouville:	85
4.3.1 The Connétable of Grouville:	85
4.4 Connétable P.B. Le Sueur of Trinity:	85
4.5 Connétable R. Vibert of St. Peter:	86
4.5.1 The Connétable of St. Peter:	86
4.6 Deputy S.M. Ahier:	86
4.7 Deputy M. Tadier:	87
4.7.1 Deputy M. Tadier:	87
4.8 Deputy J.M. Maçon:	87
4.9 The Deputy of St. Mary:	88
4.10 Deputy G.J. Truscott:	88
STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY	88
5. The Assistant Chief Minister made a statement regarding the Hospital project 88	
5.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	88
5.1.1 The Deputy of St. Martin:	89
5.1.2 Deputy S.M. Ahier:	89
5.1.3 Deputy K.F. Morel:	90
5.1.4 Deputy R. Labey:	90
5.1.5 Deputy R. Labey:	90

5.1.6 Senator K.L. Moore:	90
5.1.7 Deputy R.J. Ward:	91
5.1.8 Deputy M. Tadier:	91
5.1.9 The Connétable of Grouville:	91
5.1.10 Deputy G.P. Southern:	92
5.1.11 Deputy G.J. Truscott:	92
5.1.12 Deputy K.G. Pamplin:	93
PUBLIC BUSINESS	94
6. Draft Banking Business (Depositors Compensation) (Amendment No. 2) (Jersey) Regulations 201- (P.81/2019) - as amended	94
6.1 The Connétable of St. Ouen (Assistant Minister for External Relations - <i>rapporteur</i>):	94
6.1.1 Deputy M.R. Higgins:	96
6.1.2 Deputy J.M. Maçon:	96
6.1.3 Deputy J.H. Young:	97
6.1.4 Deputy K.F. Morel:	97
6.1.5 The Connétable of St. Ouen:	98
6.2 The Connétable of St. Ouen:	100
6.2.1 Deputy K.F. Morel:	100
6.2.2 Deputy K.G. Pamplin:	101
7. Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 201- (P.104/2019)	103
7.1 The Connétable of St. Clement (The Minister for Home Affairs):	103
7.1.1 Deputy R.J. Ward:	103
7.1.2 The Connétable of St. Clement:	103
8. Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019)	104
8.1 Connétable K. Shenton-Stone of St. Martin	104
8.2 Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019) - Amendment (P.120/2019 Amd.)	106
8.2.1 Deputy R. Labey (Chair, Privileges and Procedures Committee):	106
Deputy R.J. Ward:	107
Deputy J.H. Young:	108
8.2.2 Deputy J.A. Martin:	108
8.2.3 Deputy J.H. Young:	109
8.2.4 Deputy J.M. Maçon:	109
The Solicitor General:	110
8.2.5 Deputy M. Tadier:	111
8.2.6 The Deputy of St. Ouen:	112
8.2.7 The Connétable of St. Martin:	113
8.2.8 Deputy K.F. Morel:	113
8.2.9 Deputy R.J. Ward:	114
8.2.10 Deputy R. Labey:	115
8.3 Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019) - as amended	116

8.3.1 Senator S.Y. Mézec:	116
8.3.2 Deputy S.M. Wickenden:.....	119
8.3.3 Deputy K.F. Morel:.....	119
8.3.4 Deputy M. Tadier:.....	119
8.3.5 Deputy G.P. Southern:.....	121
8.3.6 Deputy J.H. Young:	121
8.3.7 Deputy R.J. Ward:	121
8.3.8 The Connétable of St. Martin:	122
9. Draft Employment (Minimum Wage) (Amendment No. 16) (Jersey) Regulations 201- (P.121/2019).....	124
9.1 Deputy J.A. Martin (The Minister for Social Security):	124
ADJOURNMENT	126

[10:29]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

I now turn to the Consolidated Order Paper and there are no announcements under A.

QUESTIONS

1. Written Questions

1.1 THE CONNÉTABLE OF ST. MARTIN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TREATMENT OF CHILDREN WITHIN AN INDEPENDENT TAX REGIME: (WQ.1/2020)

Question

Will the Minister outline when policy proposals relating to the treatment of children within a grandfathered independent tax regime, as outlined on page 16 of ‘Personal Tax Reforms’ (P.119/2019), will be published and brought to the Assembly for debate?

Answer

Officials are currently working on the legal provisions to introduce “joint and several liability” in the tax system for married people and civil partners whilst also undertaking further work – including forthcoming public consultation – on the wider issues surrounding any future move towards “independent taxation.”

This further work involves considering proposals regarding the ways in which we support children, both through the social-welfare and tax systems. It is important to remember that lower-income people may not pay tax at all, so child-related tax allowances need to be viewed from a wider perspective than taxation.

This work will be considered over the coming year both by the Revenue Policy Development Board and the Early Years Policy Development Board to deliver a joined-up approach.

The Minister expects to bring thinking around the longer-term future of the personal tax system in good time to lay legislation around independent taxation in 2021. The Minister will be happy to engage with Scrutiny and States Members on a regular basis over the coming year to discuss progress and canvass opinion.

1.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING LICENCES FOR THE GROWING AND POSSESSING OF MEDICINAL CANNABIS: (WQ.2/2020)

Question

Will the Minister explain what process must be followed in order for an individual to obtain a licence for the growing and possessing of medicinal cannabis and will he ensure that information about the process will be made publicly available, as is the case in Guernsey?

Answer

Any individual or company seeking to obtain a licence for the cultivation and processing of cannabis for use in the production of a cannabis-based medicinal products must make an application to the Minister for Health and Social Services. There is no set application form but potential applicants will be required to submit an application that covers all the points set out in application guidance.

This application guidance is available on request and is still evolving. The intention is to make this publicly available once the final details of the process have been finalised with the UK Home Office.

Any jurisdiction issuing licences to cultivate cannabis (other than industrial hemp) is required, under the provisions of the 1961 UN Single Convention on Narcotic Drugs to have a national Cannabis Agency. The UK is the State that is party to this convention, which was extended to Jersey, and the Home Office is designated as the National Cannabis Agency for the purposes of the Convention. Negotiations are ongoing with the Home Office and it would currently be premature to publish information about the process until it is finalised.

Applications will only be considered where the applicant can demonstrate that the cultivated cannabis will be used in the production of a cannabis-based medicinal product manufactured to UK/EU Good Manufacturing Practice (GMP) standards. Cannabis-based medicinal products must be manufactured to GMP standards in order to be legal in Jersey.

There is therefore no intention to consider licence applications from individuals who may wish to cultivate their own cannabis for the purposes of self-medicating as the cannabis product produced would most probably be unlawful as it would not be produced to GMP standards.

Depending on the nature of the activities an applicant wishes to undertake, there will be different licencing requirements. Licences granted under the provisions of the Misuse of Drugs (Jersey) Law 1978 will be required for any operation that involves the cultivation of cannabis plants, and also the production, possession and supply of any controlled substances derived from cannabis plants.

If the intention is to produce a cannabis-based medicinal product, or the final raw ingredients that will subsequently be used in the production of a cannabis-based medicinal product, a licence under the provisions of the Medicines (Jersey) Law 1995 will also be required. This licence would authorise the manufacture of a medicinal product or of the active pharmaceutical ingredients to be used in a medicinal product. A pre-requisite for obtaining such a licence would be the ability to demonstrate that the applicant was compliant with UK/EU GMP standards.

1.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING COST REDUCTIONS ARISING FROM THE TRANSFER OF PRIMARY CARE OUT OF THE HOSPITAL: (WQ.3/2020)

Question

Further to the response to Written Question 546/2019, in which the Minister suggested that there would be cost reductions in transferring settings for primary care out of the hospital and stated that the assumptions underpinning these savings would be modelled by a third party, will the Minister name that third party, state what assumptions are being used and indicate when the work of the third party will be completed?

Answer

PwC is leading on the work reviewing the Jersey Care Model (JCM). It is anticipated that it will report by the end of March.

The review is considering the impact of the JCM on activity within the health and care system, the resources released from the current care setting due to reductions in activity (or growth in resources avoided) and any associated additional resources required in the new care setting.

From the above, we will be undertaking a review of the expected net financial impact through an assessment of the resources released/additionally required. This exercise will inform the financial ease of implementation assessment within the proposed review framework, mapping to classifications of high, low or no impact.

The review will also consider whether movement of funding from secondary care to primary care, the potential use of the Health Insurance Fund and other related matters would be appropriate.

1.4 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DIGITAL POLICY FRAMEWORK: (WQ.4/2020)

Question

Given that the 2016 Digital Policy Framework stated that “‘Success’ will be the Digital Policy Framework in action, being applied across every area of government, every industry and in the lives of every Islander”, will the Minister state –

- (a) how the success of the 2016 Framework has been rated;
- (b) what success criteria were used in making this judgement; and
- (c) what success criteria are being used for the new digital strategy?

Answer

The Digital Policy Framework (the Framework) published in 2016 sets out six core long-term objectives for the future of digital policy-making in Jersey. These provide a broad structure designed to guide the development of digital policy by the Government of Jersey and its partners. The Framework was developed by the Digital Policy Unit in conjunction with departments across the Government and partners including Digital Jersey, all of whom play a part in the ongoing delivery of the objectives.

The Framework had not been formally assessed. This was never the intention because it is an overarching guidance document not an action plan. However, outputs that flow from it that show it is succeeding and the KPIs have largely been met.

(a) The success of the Framework is measured by progress against the high-level Key Performance Indicators (KPIs) set out in the document. the Framework has set clear priorities and principles not just for the Digital Policy Unit but for all government departments and arm’s-length bodies that are involved in digital policy. Key strategic documents such as the Telecoms Strategy and the Cyber Security Strategy as well as Digital Jersey’s Business Plans have been designed to help deliver the Framework’s objectives. The strategies and policies that have been further developed under the overarching umbrella of the Framework contain more detailed actions and goals and additional KPIs.

(b) Key deliverables and developments (set out below) illustrate the progress made towards delivering the objectives. These are effectively the ‘success criteria’.

Minister for Economic Development, Tourism, Sport and Culture:

Advanced Digital Infrastructure

- Completion of the island-wide fibre broadband rollout (April 2019).
- Final switchover of all premises to fibre is almost complete to ensure that everyone has the ability to access broadband at speeds of 1 Gigabit per second.
- Publication of the first cross-government Telecoms Strategy (January 2019).
- Initiation of testing of 5G in 2019 and preparation to allow for the release of the spectrum for commercial 5G from 2020.

Robust Cyber Security

- Publication of the Government's first Cyber Security Strategy (October 2017).
- Completion of a pan-island feasibility study into the development of a joint Channel Islands Computer Emergency Response Team (CERT) (2019).
- Launch of the second island-wide cyber security maturity assessment (December 2019).
- Regular cyber security awareness sessions and training campaigns for businesses and islanders (2018 onwards).

Secure Data Protection

- Adoption of the Data Protection (Jersey) Law 2018 and the Data Protection Authority (Jersey) Law 2018 (May 2018).
- Establishment of a new regulator with greater powers and duties and a new operating model (May 2018).
- Development - in conjunction with the Jersey Office of the Information Commissioner - of a new fee model for the regulator (2019).

A Thriving Digital Sector

- Digital Jersey published the TechNation report in 2018 to measure and assess the Island's digital sector. It found that the Jersey tech sector has grown by over 100 jobs each year for the past nine years.
- The 2019 Labour Market Report published by Statistics Jersey recognised for the first time the growing contribution of the digital industries to the Island's economy and workforce. It reported a total of 1,870 jobs in the narrowly defined 'digital' sector in 2019 and a further 2,440 jobs in the Technology, Media and Telecommunications sector.
- Digital Jersey consider the digital tech GVA in Jersey was just over £180 million in 2018

- Digital Jersey continues to work towards creating the right conditions for digital businesses to start and grow and to support businesses in becoming internationally competitive.

Minister for Education:

Digital Skills For All

- Launch of the Digital Skills Strategy 2018 to 2023 (2018).
- Formation of the Digital Skills Partnership (July 2018).
- Launch of the new Digital Jersey Academy, bringing a world-class learning facility to Jersey's community, and the launch of a new, two-year, qualification called the Digital Leadership Programme (2019).
- Doubling the number of students studying IT subjects at GCSE or equivalent between 2017 and 2019.

(c) There are currently no plans to develop a new digital strategy. However, Deputy Wickenden is leading on the Technology Transformation Plan (TTP), which is an initiative that relates to the digital transformation of the Government itself. This aims to provide:

- Better service to islanders.
- An efficient and effective modern government.
- A secure and resilient operation.

1.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING E.U. IDENTITY CARDS: (WQ.5/2020)

Question

Following Brexit, will E.U. identity cards be a valid means of identification for entering Jersey; and if not, what action, if any, is being taken to inform E.U. residents of the change to entry requirements in order to avoid problems at our borders?

Answer

There will be no changes to the documentation required (e.g. passport or national identity card) to enter Jersey from the European Union (EU) until at least 2021. During 2021, European Economic Area (EEA) national identity cards for entry to Jersey by EEA citizens will stop being accepted.

The Jersey Customs and Immigration Service (JCIS) has maintained direct communication with ferry operators and Visit Jersey on this matter since February 2019, following publications by the UK Government. Information is also available on the Government of Jersey website. No date has yet been agreed for these changes but there will be further publicity to allow travellers time to plan their trips.

EEA nationals who have status under the EU Settlement Scheme will be able to use EEA national identity cards to enter Jersey until at least 31 December 2025.

The final immigration requirements for EU nationals will be subject to negotiations between the UK and the EU as part of the UK's exit from the EU.

1.6 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE GAINSHARE AGREEMENT WITH TEACHING STAFF: (WQ.6/2020)

Question

What savings were identified in education that were subsequently used to fund the additional pay rise for teaching staff via the gainshare agreement?

Answer

Following negotiations with the NASUWT, NEU, Prospect and Unite, agreement has been reached with the teaching and civil service unions which will enable the additional payment of 0.8% to be made to teaching staff and teaching assistant framework staff from 1 January 2020. The additional payment of up to 0.8% formed part of the negotiated pay settlement, agreed by the teaching unions and the States Employment Board (SEB) in 2019, and also accepted by the civil service unions in respect of their members who are on the teaching assistants' framework. This payment is based on the redistribution of funds from the Education budget to staff salaries.

All teaching staff and teaching assistant framework staff will receive the additional 0.8% within their January pay.

Union officials and officers from the Government have been meeting throughout the autumn term to negotiate this agreement, which identifies the areas of the Education budget from which money will be redistributed to teachers and teaching assistants' pay. As agreed as part of the negotiated pay settlement, funds will also be redistributed for reinvestment into the Education system to the tune of a further 0.8%. This means there is no reduction to the overall Education budget as a result of the pay settlements.

To outline the agreement reached with the teaching and civil service staff side unions, **£2,841,804** will be redistributed over the lifetime of the Government Plan (2020-2023) to fund the 0.8% additional pay settlement, and for reinvestment to other parts of the Education budget. This will be from the following areas:

Key area	Current costs	2019 cost reduction	2020 cost reduction	2021 cost reduction	2022 cost reduction	2023 cost reduction	TOTAL
Supplementary allowances	£3,394,813 pa	nil	£33,948	£118,818	£203,688	£288,558	£645,012
STA (and in future HLTA's) - Reduction in supply costs	£1,865,994	nil	£124,398	£373,198	£373,198	£373,198	£1,243,992
Non-staff costs	£9,689,342	nil	£238,200	£238,200	£238,200	£238,200	£952,800
TOTALS		nil	£396,546	£730,216	£815,086	£899,956	£2,841,804

To explain each in turn:

Supplementary allowance (SA)

Reviewing SA points provides an opportunity to bring equality to the allocation of leadership points to teaching staff across all schools. This will ensure points are allocated fairly and consistently to staff.

To do this we will need to:

- Undertake an audit of all points allocated to school staff, identifying the number of points allocated and the reasons for allocation. The audit will compare the number and reason for allocating SA points across all schools.
- When reviewing the value of responsibility roles at each SA point the application of the policy should consider the additional workload, responsibility and legal aspects of the role. This will require support from Job Evaluation to ensure the right number of SA points are awarded for the responsibilities undertaken.
- We will also establish whether SA points have been allocated as a substitute for market allowances, in order to attract and retain staff in schools.
- To disentangle any SA points allocated to staff as a means to attract or retain staff in schools, a mechanism for providing a market supplement for difficult to recruit staff should be explored.
- The Joint Working Group (which consists of Union representatives and Government of Jersey Officers) will review and update the SA points guidelines, last updated in 2014. It is agreed these guidelines will then become policy. This is to ensure the new policy is in line with best practice and to provide clarity to school leaders when allocating points for different roles.
- Data will be provided to indicate the turnover of teaching roles across all schools. This will include those staff leaving Government schools and staff moving between Government schools. At each point a job role with SA points is advertised, the number of points to be allocated will be reviewed by a newly formed “SA Points Panel” to ensure consistency of allocation is achieved in line with the new SA policy. The SA Points Panel will be represented by school leaders, unions and Government of Jersey Officials.
- The VAR (Vacancy Approval Request) form will be updated from 1 January 2020 to include the number and purpose of SA points. A variation of the VAR form will also be created to ensure it meets the requirement for the internal allocation of SA points within a school to be reviewed by the SA Points Panel.
- To enable the redistribution of funds as part of the teachers’ pay settlement will require all SA points which become available following the turnover of staff to be reviewed. If the value of these points or the need to retain these points is challenged by the SA Points Panel then these may be removed and redistributed as part of the negotiated pay agreement. Notwithstanding this, the deletion of an SA will not take place if it is evident that it could lead to an increased workload for other Teachers.

- A decision will need to be undertaken when to apply the policy across all teaching staff. Initially this will be done as roles become available following turnover, however to ensure that equity of responsibility is achieved it may be necessary to review all roles with responsibility by a fixed date.
- SA points held by Education Department Staff will be reviewed in accordance with the reviewed SA points policy.

STA (and in future HLTA's) - Reduction in supply costs

There is an opportunity to provide an additional way of providing classroom cover by the creation of a new Senior Teaching Assistant (STA) role. This will enable:

- A reduction in supply costs which will enable the redistribution of funds to the teachers' pay agreement and in due course to those on the TAF following agreement with the Civil Service unions.
- Increasing the opportunities for classroom cover to be provided, by both supply teachers and by STAs.
- To enable Teaching Assistant staff to develop their skills further to enable them to provide cover for classes.

To achieve this, the following will need to be agreed:

- The cover supervision element of the STA role should be in line with best practice. This will include defining what cover supervision is, identifying cover limits, when it is and is not appropriate for STA cover to be provided and ensuring the appropriate balance of the use of STA cover and supply cover by teachers is available in schools.
- The STA work stream group identified the limit to cover by an STA as not in excess of three consecutive days in any one class.
- Classroom cover by STAs can be appropriate for both planned (e.g. CPD) and unplanned (e.g. short term sickness) absence.
- A job description / specification will be created for this role. Roles within the existing Teaching Assistant Framework will be reviewed and the relevant roles will be developed to include the new responsibilities. These will then be evaluated.
- There will be a requirement to increase the number of these roles, which are able to and available to provide classroom cover.
- Accreditation training for this newly created STA role will be designed and delivered by the Education Department.
- In addition to creating a new STA role, work will also be undertaken by the JWG to explore the creation of a Higher-Level Teaching Assistant (HLTA) role, which will complement the Teaching Assistant Framework.

Non-teaching costs

Following analysis of non-staff expenditure by officers from CYPES, the following budget lines to be redistributed are based on continued underspending in these areas or new planned ways of delivering best value, therefore enabling a reduction in spend.

Business area	Department budget/spend	Cost reduction	Budget area
Minor works	£827,110	£65,000	Schools
Supplies & Services	£1,886,920	£20,000	Schools
Department staffing (caretakers) and transport	£6,000	£6,000	Department
Cleaning materials	£110,350	£10,000	Schools
Transport	£145,511	£7,200	Schools
Governance training	£35,000	£25,000	Department
Curriculum & Learning	£133,590	£50,000	Department
Departmental Administration	£425,398	£30,000	Department
Hired Services	£27,100	£25,000	Department
Total/target	£3,826,381	£238,200	

- Reduction in budget at department level - £136,000
- Reduction in budget at school level - £102,200

Finance officers are now working with school leaders to discuss the impact on individual school budgets.

To reiterate, all of the above was agreed with the Unions, and implementation will commence this month.

1.7 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING MEASURES TO ASSIST ISLANDERS WITH TRANSPORT AND HEATING COSTS: (WQ.7/2020)

Question

Given the increase, and growing volatility, in oil prices due to the developing situation in the Middle East, what measures would the Government consider introducing to assist Islanders with transport and heating costs, in particular for those on the lowest incomes?

Answer

Existing benefits provide support to low income Islanders in these areas. Pensioners receiving income support are paid a cold weather payment for each winter month. The value of the payment is automatically uprated each year in line with the change in fuel costs over the previous 12 months. These payments are also made to parents of young children and to disabled people receiving income support. Pensioners with incomes above the income support level but too low to pay income tax also receive similar payments. Specific support with

transport costs is provided to income support claimants who have a disability and this element of income support is regularly updated. All people aged over 65 and people with disabilities are entitled to free bus passes.

In the event of a sudden, significant increase in oil prices, the Government would consider any emergency actions needed to support Islanders with basic living costs.

1.8 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE JERSEY SCHOOLS REVIEW FRAMEWORK: (WQ.8/2020)

Question

What action, if any, is being taken to prevent schools from developing a culture of ‘review readiness’ in the new Jersey Schools Review Framework and to avoid increasing levels of stress, workloads and pressure on staff?

Answer

The following barriers are in place to prevent any sense of preparing for a review:

School improvement is difficult work and takes time and certainly cannot be achieved a few weeks before a review. We are not interested in ‘quick fixes’ because we genuinely want the school to improve and putting on some sort of show and then returning to normality after the review team have completed the review is contrary to everything we believe.

All schools are given 4 days’ notice before a review. Previously, we informed schools two weeks in advance but we have listened to professionals and Unions about the potential risk of ‘review preparation’ and additional anxiety placed on all school staff.

We need to see how the school really functions so that we can identify what is working well and what needs to improve. Trying to ‘short-circuit’ this by presenting a false picture of the school will be quickly identified by the reviewers of the school.

We are judging schools over a period of time. For example, we look at the GCSE performance data over three years and not just one year. Thus, it would be impossible to ‘prepare’ for such an event a few weeks before the review. We are looking at the impact of changes that have taken place within the school and, again, this takes time. For example, if a school writes a Teaching and Learning Policy, the implementation of it is ongoing and will take approx. 18-24 months. You could not write such a policy and fully implement and embed it across the school in a few weeks.

Senior Advisers fully understand because they have been told that they must not ‘prepare’ schools for a review.

School staff can complete a survey during the review and have a comment box where they can raise concerns. Thus far, the issue of preparing for a review has not been raised by teaching staff.

All headteachers will be reminded at the next Primary and Secondary Headteachers’ Meetings that they must not try to prepare for a review because it is pointless and will have little impact other than cause anxiety among the staff.

1.9 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING ACCESS TO CIVIL PARTNERSHIPS BY ALL COUPLES IN JERSEY: (WQ.9/2020)

Question

Will the Minister update on the progress of work to establish access to civil partnerships for all couples in Jersey, including mixed-sex couples; and, further to his responses to Oral Question 134/2019 and Written Question 347/2019, will the Minister provide an updated timeline showing what work has been done on this subject since that time and indicating the proposed dates on which the changes will be debated?

Answer

Work on civil partnerships is still progressing according to the timeline I set out in WQ.347/2019. I anticipate that the draft amended law will be lodged in April/May 2020. This may be followed by a Scrutiny review in May/June 2020, and a debate in the States Assembly in July 2020. This timeline is subject to the resolution of some outstanding policy issues around the recognition of overseas civil partnerships and conversions of marriages to civil partnerships.

1.10 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PROVISION OF SCHOOL MEALS: (WQ.10/2020)

Question

Further to the answer to Written Question 458/2019, will the Minister state –

- (a) how the evidence referred to in paragraph (a) was gathered, providing a list of the evidence in question;
- (b) who agreed that a business case should be prepared for the pilot;
- (c) for what reasons Caring Cooks was selected to enter into discussions with officers about the likely costs of the practical implementation of the pilot; and
- (d) what “elements required in the practical delivery of such a pilot” were identified in those discussions, and how much each will cost?

Answer

(a) The evidence was gathered as part of a paper setting out to review the literature with the purpose of understanding the potential of school meals as a basis to promote healthy and sustainable food behaviours in children. The following list of references were cited in the paper:

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- (b) It was agreed by the Minister and Senior Officers that a business case for the pilot would be required to obtain the funding from Investment Appraisal Board (IAB) and submitted in accordance with the Government's process.
- (c) It has been a Government objective for some time, as identified in the Food and Nutrition Strategy 2017. However, we had been unable to find or develop a model that would work with the limited infrastructure at Primary schools. Caring Cooks was already providing a service as part of the Food and Nutrition Strategy with programmes wrapped with an educational programme – Let's Get Growing and Let's Get Cooking, both of which supported strategic objectives for the Island. The pilot scheme is a natural progression of these initiatives and the benefits of the model were presented and discussed with the Children's Commissioner, the CEO and the Chief Minister at the time.

Discussions between officers and representatives from Caring Cooks on costs relating to the practical delivery of the pilot were required so that both parties had input into the estimated running costs and budget allocation.

- (d) As with any pilot the exact costs for set up and project implementation were unknown, and in the early stages (September to December 2019) of the pilot a prime cost sum was allocated for business unit areas:

- Schools fitout for building and equipment works – 25k
- Back office IT for the ordering of food and data analysis – 5.5k
- Food cost – 21k
- Administration - 4k
- Staffing - 36k
- Initial set up costs including equipment and uniforms – 17.5k

Actual costs now form part of our data analysis so that informed decisions can be made at the end of the pilot on whether to continue with this service delivery approach or not.

The Minister would like to extend an invitation to Deputy Perchard to come and see for herself the pilot in full operation, have lunch with the children and witness the benefits and value this pilot is providing.

1.11 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE EXPENDITURE IN 2018 ON CONSULTANCY SERVICES: (WQ.11/2020)

Question

Between 1st January and 31st December 2018, what was the total amount spent by the Government of Jersey on 'consultancy services provided by an individual' and also

‘consultancy services provided by a supplier’; and, in addition, how many of each such type of entity (individual or supplier) do these total spend figures relate to?

Answer

The 2018 Annual Report detailed expenditure on consultancy and temporary staff was £0.7 million and £11.1 million respectively in 2018 compared to £1.1 million and £8.7 million in 2017. This analysis is based on the accounting definitions of spend on consultancy and temporary staff which is not the same as spend with consultancy companies that can provide staff to operate within the organisation on a hired services basis. This amount cannot be compared to the recent report (R.149/2019) published in response to P.59/2019, which looked at a wider definition of consultancy.

1.12 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE IMPACT OF VISITS TO THE ECRÉHOUS ON WILDLIFE: (WQ.12/2020)

Question

What measures, if any, is the Minister’s Department taking to assess the number of visits to the Ecréhous, particularly during wildlife breeding seasons, and the impact of any such visits on the wildlife in the area?

Answer

Les Écréhous are an important local and regional offshore reef whose biodiversity, archaeology, history, culture and economic significance have been globally recognised. The protection of the reef through its designation as a Ramsar (Wetland of International Importance) Site and OSPAR Marine Protected Area ensure that its key habitats and species are conserved to an international standard.

Les Écréhous has traditionally been a popular destination for leisure vessels coming from ports in Jersey and Normandy but in recent years there have been reports of what has been termed ‘unmanageable’ or ‘excessive’ numbers of visitors on the reef. This includes anecdotal reports of upwards of 80 vessels mooring in the small anchorage area and of repeated daily visits by commercial RIB vessels depositing up to 20 people at a time on the reef.

The reef holds no facilities for visiting boaters such as visitors’ moorings, toilets, freshwater, shops, etc., and it has been suggested to the Minister’s Department that at certain times of the year Les Écréhous are experiencing overcrowding leading to the disturbance of wildlife (principally seals and nesting birds) and residents.

These and other potential issues have been raised with the Minister’s Department by individuals, the residents’ association and conservation groups in relation to both Les Écréhous and Les Minquiers and has attracted publicity in the national media. Departmental officers have met with individuals and representatives from major stakeholder groups and from this have created a list of potential issues and possible solutions associated with one or both the reefs. Where possible and practicable these issue are being addressed by departmental officers sometimes in conjunction with NGOs such as the Ramsar Management Authority.

There are several potential ways of addressing the reported overcrowding at Les Écréhous which ranges from simple awareness initiatives to financially and resource heavy management measures involving wardens, dedicated patrols, permits, etc. The need for and effectiveness of management measures relating to overcrowding has to be tailored to the scale of the problem. This means having a sound statistical understanding of the way in which the reef is being

utilised by visitors especially in terms of their numbers, where they are coming from, when they are choosing to visit and how long they are staying. To be statistically relevant, such data must be gathered in a consistent and independent manner across a period of time.

During 2019 departmental officers worked with the residents' associations to keep a log of visitor and boat numbers at the offshore reefs and with Ports of Jersey regarding commercial RIBs. For Les Écréhous this did not generate enough information to provide a clear picture of the reef's usage.

For 2020 it is proposed that the use of remote monitoring techniques should be considered to help gauge site usage but also, where practicable, to determine any impact on wildlife sites. This option remains under discussion with the reef's stakeholders but from the viewpoint of departmental officers it is the only practicable means of collecting data that could be used to design any appropriate and effective management.

It should be noted that wildlife and other management at Les Écréhous is also being enacted via the Ramsar Management Association, Société Jersiaise and other organisations.

1.13 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PLANNING APPLICATION FOR DEVELOPMENT OF A NEW HOSPITAL (WQ.13/2020)

Question

Will the Minister outline to members the considerations that he will be taking into account during the application of a public interest test to the determination of a planning application for the development of a new hospital?

Answer

The determination of all planning applications involves a 'public interest test'. This is because the private right to develop land has – since planning legislation took effect in Jersey on 01 April 1965 – been removed and replaced with the requirement to apply for planning permission. In assessing whether to award planning permission decision-makers are required to have regard to the Island Plan and it is this which - having gone through a rigorous process of consultation and scrutiny before being adopted by the States Assembly - provides the policy framework that is developed 'in the best interest of the community' i.e. it represents the public interest.

I believe that the Connétable's question relates specifically to a comment of the Planning Inspector in paragraph 398 of his report on the second planning application for the new Jersey Hospital. In that report, the Inspector recommended refusal of the scheme on several grounds but invited the Minister to consider whether there were public interest benefits which would provide sufficient justification for making a decision which would have been inconsistent with the Island Plan.

Based on the experience of dealing with two previous planning applications for a future hospital, it is possible to identify those wider issues that are of public concern which do not fall to be considered as part of planning decisions but which could represent wider public interest benefits. These considerations may be material to the determination of a future planning application for a new hospital and it is my intention to issue some planning guidance on this matter shortly.

This guidance will set out issues that might need to be considered in order to allow any meaningful assessment of the wider public interest of a future proposal: it is not, however, possible to list all the matters which might constitute a 'public interest benefit' test on a

proposal which has not yet been submitted and on a site which has yet to be selected. Others may, therefore, arise and apply that are not identified in my planning guidance.

It is, of course, also possible that a future application will comply with the Island Plan, in which case the need to apply such a broader test would not arise.

1.14 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SIZE OF A NEW HOSPITAL IN JERSEY: (WQ.14/2020)

Question

Given that previous advice to the States has indicated that the Island needed a hospital with around 300 beds, will the Minister explain how proposals in the Jersey Care Model for a smaller hospital than this take into account the seasonal bed pressures that arise in the Island, such as those being experienced at present?

Answer

Our bed base is dynamic and changes according to need. Our current active bed base within the General Hospital is 193. We have expansion capacity up to 236 if required across various wards. Over recent years, medicine and practice has moved on. We have increased day case work (reducing demand for overnight beds), reduced length of stay of in-patients and introduced more ambulatory care. The latter changes bed provision to chairs and recliners as ambulatory patients are not admitted to beds overnight.

Under the proposed care model these and other assumptions have been considered. We recognise that it is likely there will be more day surgery, more work carried out in the community and more intensive use of theatres which will/should all exert downward pressure on the number of hospital beds. The health planners and economist will be analysing and looking to validate these assumptions as part of the review of the Jersey Care Model to help determine the average, but also the maximum, number of beds (including things such as times of pressure or major incident etc) required now and into the future with the known demographic.

1.15 THE CONNÉTABLE OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE DESIGN BRIEF FOR A NEW HOSPITAL: (WQ.15/2020)

Question

Will the Chief Minister advise members whether the design brief for the new hospital will be completed before the site selection and if not, why not?

Answer

The elements of the design brief critical to selecting the site for the new hospital will be completed before the site selection process commences.

Work to develop a full design brief will be ongoing during the site selection process. The fact that the full design brief is not complete at this time does not preclude the site selection process from commencing. The employers' requirements will provide sufficient detail to go from a long list of sites to a shorter list, based upon criteria such as patient and clinical needs and the absolute minimum area that a hospital could occupy.

The full design brief will be prepared for the announcement of the preferred site, which is due to be announced this year, in line with the timeline set out in R.54/2019, Chief Minister Report to the States Assembly on the New Hospital Next Steps.

1.16 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE HANDLING OF FORESHORE PROPERTY TRANSACTIONS: (WQ.16/2020)

Question

Will the Minister advise members how, if at all, he proposes to respond to public concerns over the handling of foreshore property transactions, which a Complaints Board found to be “unjust, oppressive and improperly discriminatory” and which has led to the creation of an e-petition on the matter?

Answer

Concerns have also been raised with me in relation to this issue by the Deputy of Grouville. I confirm that I am committed to working with both the Environment, Housing and Infrastructure Scrutiny Panel and with the Deputy of Grouville in relation to the foreshore.

As explained to the Environment, Housing and Infrastructure Scrutiny Panel in 2019, I have implemented two of the findings of the subject Complaints Board’s report which related to clarifying the landside boundary of the foreshore towards private properties.

Accordingly, a project is in-hand to research the line of the foreshore towards private properties around the Island. This is complex and detailed work but I anticipate that it will be completed in three months’ time. Once the work is complete and the various strands of information are available, I will be raising the results of the project and the response to it with the Council of Ministers. At that stage, we will be better placed to decide whether the existing 2017 policy: “Encroachments on the Foreshore” should be revised.

There will be a thorough review and I expect that States Members will be offered a briefing with the results. I also emphasise that I am committed to improving and simplifying the process in relation to property transactions where the Public of the Island’s interests are engaged so that there is greater clarity and certainty for the particular property owners concerned.

Nevertheless, the following points are important.

Firstly, the foreshore exists for the benefit of the community at large. It is not a free resource to be annexed for the benefit of private individuals. The foreshore is central to Jersey’s sea defences, which assume ever more importance in the context of climate change. The foreshore is also an important resource for access for matters such as drainage, navigation, and fishing, as well as access to and enjoyment of our coastline by the public.

Secondly, payments sought by Jersey Property Holdings from landowners holding property which encroaches on the foreshore are not fines. Payments sought are in accordance with a previous resolution of the States Assembly in 2005 in respect of P93/2005 which created Jersey Property Holdings. The report accompanying P93/2005 included the following statement:

“...All organisations, both commercial and ‘not for profit’, must make best use of their property to realise both a financial return and to ensure that services are delivered efficiently and effectively. The States of Jersey is no exception....”

That principle has been applied since 2005 and also prior to that, under the authority of the former Property Services Department set-up in the early 1990s. Payments in respect of

encroachments on the foreshore were made in accordance with this principle prior to the gift of the foreshore to the Public of the Island by Her Majesty in 2015. This is not a new process.

In cases where encroachments are permitted to remain and the land / rights sold to third parties, the considerations sought from landowners holding property which encroaches on the foreshore are determined in accordance with valuations by third party surveyors (since 2005) depending on the nature and extent of the encroachment. This was the case in relation to the two contracts with which the Complaints Board was concerned. The payments sought represented very small proportions of the value of the properties.

Finally, ownership of the foreshore and the seabed brings with it all the rights and the responsibilities of ownership. Those responsibilities include how best to protect the public's interest in the foreshore as a valuable amenity for the benefit and enjoyment of all. In other words, ensuring that public access for all Islanders is not unduly impeded by the actions of others. For example, is it fair that some sections of promenade can no longer be accessed by the public due to encroachments? Or, that were it not for encroachments made in the past, additional coastal footpaths could now be provided for the public benefit.

No individual member of the public has any form of personal ownership interest in the land which is owned by the Public. If the Government of Jersey's attitude were one that property belonging to the Public is a free asset for neighbours to help themselves to, such a position would quite rightly attract severe criticism.

Past experience has shown that breaches in Jersey's sea defences have the potential for causing significant damage and adverse effects. The Public of the Island needs to have proper access to and control over the sea defences and the foreshore to ensure that all Islanders are protected.

I have also agreed, following discussion with the Deputy of Grouville, to publish a map of all public accesses, footpaths, and rights of way, to the foreshore.

1.17 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE PUBLICATION OF ALLOCATIONS AND AFFORDABILITY CRITERIA: (WQ.17/2020)

Question

Will the Minister provide the details of the Allocations and Affordability Criteria used to determine persons as being eligible to access the Affordable Housing Gateway register and to purchase a family home, as requested by the Assembly with the adoption of 'Housing developments for first-time buyers: allocation criteria' P.53/2019)?

Answer

A draft allocations and affordability criteria for assisted home ownership schemes has been developed and I will consider this document by the end of January and publish it once approved.

Alongside the publication of the criteria, I am also proposing the transfer of the administration of all assisted home ownership schemes to Andium Homes. This is consistent with the recommendation of the Review of Access to Social Housing in Jersey published in June 2019.

Andium Homes has a dedicated property sales team who have the professional expertise and resources to manage assisted home ownership schemes, as well as relationships with mortgage providers and law firms to ensure that clients are provided with appropriate support and guidance when looking to purchase a home.

It is important to ensure that the assisted home ownership criteria are aligned with the practical arrangements for managing property sales. Both initiatives will, therefore, be taken forward together.

1.18 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING UNUSED FUNDS FROM THE JERSEY INNOVATION FUND: (WQ.18/2020)

Question

Further to the response to Oral Question 272/2019, will the Minister advise what happened to the £3 million that was unused by the Jersey Innovation Fund, indicating to which other fund these monies were returned, and state when the unused monies were returned?

Answer

The Jersey Innovation Fund (“Fund”) was established by the States Assembly through P.124/2012 and the fund was seeded with a transfer of £5m from the Consolidated Fund which was approved by the States Assembly in P.122/2013 (Draft Budget Statement 2014).

Whilst the Fund has been closed to new applicants since 2017, the Fund remains active insofar as it continues to receive repayments from individual borrowers. The funding allocated is still in place within the Fund and has not been returned. Discussions continue between officials as to the potential future use of this funding.

Once all outstanding loans have reached their final repayment dates, the Minister will consult with the Minister for Economic Development, Tourism, Sport and Culture about the closure of the Fund.

Any remaining balance will be returned to the Consolidated Fund as required by Article 8 of the Public Finances (Jersey) Law 2019.

1.19 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING AN INVENTORY OF FURNITURE FROM CYRIL LE MARQUAND HOUSE: (WQ.19/2020)

Question

Further to the oral question without notice I put to the Minister on 12th November 2019, will the Minister advise whether an inventory has been undertaken of the furniture that was left in Cyril Le Marquand House and whether any such furniture has been sold (or will be sold) to offset any expenditure on furniture required for the Government’s offices in Broad Street?

Answer

A full inventory of all the furniture in Cyril Le Marquand House has been completed.

Since the building was closed down, its furniture has been used to mitigate avoidable cost in the colocation of the regulation function into the Parade, to furnish the Team Jersey offices and learning rooms, to allow the Jersey Property Holdings team to co-locate at La Collette and to facilitate a number of other minor office relocations and moves.

We retain the remaining furniture in the knowledge that there will be further moves required to facilitate the various capital premises projects which are in the programme. I believe that

this has the effect that Deputy Gardiner is alluding to in her question, demonstrating husbandry of the government's assets.

In due course when the capital projects have been completed and rationalisation of the public estate occurs, surplus furniture fixtures and fittings will be disposed of transparently, responsibly, sustainably and equitably.

1.20 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE ACCESSIBILITY OF STATES BUILDINGS: (WQ.20/2020)

Question

In light of the obligations arising from the Discrimination (Disability) (Jersey) Regulations 2018 that all buildings be made accessible from 1st December 2020, will the Minister provide details of how each building owned by the States will be made so accessible and how the Government will ensure that each building leased by the States is so accessible?

Answer

The final stage of the Discrimination (Disability) (Jersey) Regulations 2018 applies from 1 September 2020 and covers reasonable adjustments to premises.

This law requires service providers and employers, including the government, to make reasonable adjustments, ie improvements that are both practical and manageable in 3 specific areas:

1. When a provision, criterion or practice puts a disabled person at a substantial disadvantage, they are required to take reasonable steps to avoid that disadvantage.
2. They must take reasonable steps to avoid a substantial disadvantage to a disabled person caused by the physical features of premises.
3. They have a duty to take reasonable steps to provide an auxiliary aid to a disabled person where the absence of such aid puts the individual at a particular disadvantage.

In meeting the obligation of the law, the duty to make reasonable adjustments arises when the service provider or employer knows or ought reasonably to have known of both the individual's particular disability and the disadvantage that is being caused to them. This means that a case cannot be taken to the Employment and Discrimination Tribunal for failing to make an adjustment to premises in advance of any disadvantage actually being suffered by a disabled person. However, it must also consider if the need for adjustment could have been anticipated and how reasonable it would be to make the adjustment in advance of it being needed.

The Building Bye-laws (Jersey) Order 2007 and the associated technical guidance on access to and use of public buildings already set a high standard for new buildings and renovations that should ensure appropriate access for people with a range of disabilities affecting their mobility. An organisation that has complied with those standards is unlikely to be required to go further in making a physical adjustment to its premises.

Many publicly owned or leased buildings are fully accessible already but the States also owns a wide variety of historic buildings, including the States building itself which may be less accessible. An audit is already underway to determine the extra work that is needed and funds have been allocated in the 2020 government plan to meet the costs of the work.

An example might be that it would not be reasonable to put a lift in or afford disabled access to the public gallery here (the states building), a listed Victorian building, but it will be perfectly possible to create a room with an accessible visual and audible feed on the ground floor with access from outside.

1.21 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING EXPENDITURE ON SPORT: (WQ.21/2020)

Question

Will the Minister provide a detailed and up-to date breakdown of the money approved for all aspects of sport in Jersey, and their revenue streams in and out of Government, over the next 3 years, specifying what any money is for in terms of buildings, equipment or activity?

Answer

Sport Revenue Budgets							
Year	Income (£)	Staff Expenditure (£)	Non-Staff Expenditure (£)	Total (£)	Notes		
2020 (approved)	(4,840,400)	3,878,400	2,912,100	1,950,100			
2021 (indicative)	(4,840,400)	3,878,400	3,112,100	2,150,100	Additional £200,000 for Minor Capital		
2022 (indicative)	(4,840,400)	3,878,400	3,112,100	2,150,100	Additional £200,000 for Minor Capital		
Breakdown of 2020 Income Budget							
Year	Active Income (£)	Other Income (£)	Total (£)				
2020 (approved)	(2,335,000)	(2,505,400)	(4,840,400)				
Breakdown of 2020 Non-Staff Expenditure							
Year	Supplies and Services (£)	Administrative Expenses (£)	Premises and Maintenance (£)	Grants and Subsidies Payments (£)	Minor Capital (£)	Other Expenses (£)	Total (£)
2020 (approved)	752,000	38,200	1,553,200	431,000	125,000	12,700	2,912,100
2021 (indicative)	752,000	38,200	1,553,200	431,000	325,000	12,700	3,112,100
2022 (indicative)	752,000	38,200	1,553,200	431,000	325,000	12,700	3,112,100
Grant to Jersey Sport							
Year	Base Budget (£)	Additional Funding (£)	Total (£)				
2020 (approved)	1,150,000	509,000	1,659,000				
2021 (indicative)	1,659,000	270,000	1,929,000				
2022 (indicative)	1,929,000	186,000	2,115,000				
Total Additional Funding		965,000					
Sport Capital Budgets							
Year	Sport Division Refurbishment (£)	New Skatepark (net of PoJ funding) (£)	Island Sports Facilities, Inspiring Places (£)	Total			
2020 (approved)	300,000	250,000	700,000	1,250,000			
2021 (indicative)	130,000	535,000	0	665,000			
2022 (indicative)	0	0	0	0			

This is a breakdown of funding provided by Government. The figures highlight the increased levels of funding for Jersey Sport over the next three years both to carry on their core work, as detailed in their annual business plan, and additional funding to deliver a package of programmes to keep islanders fit and healthy.

In addition to Government funding, many independent amateur sports clubs and associations are self-funding and have various alternative income streams that remains private to them and is not included in these figures.

Some clubs, including Jersey Hockey and Les Creux Bowls Club, rent buildings and/or land from the Government. Many are not based on commercial rents as they take into account the benefits to the local community of providing both physical activity and the opportunity for islanders to socialise, a recognised factor in improving mental health. Full details are not available at short notice but can be provided.

Figures provided also include the cost of operating the Island's public sports facilities, which require a subsidy from the taxpayer each year.

In addition, £700,000 is allocated from the Sports Facility budget for 2020. This is to build on the feasibility study work commenced by KKP and develop an Outline Business Case submission in line with Treasury Green Book Guidance. Work streams include:

- Development of the Island's public sports facilities
- Wider sporting estate improvements and lifecycle planning
- Development of facilities for netball
- Consideration of options to relocate sport activities from Fort Regent

This breakdown does not include the funding within the Government Plan to support the Jersey Reds rugby team. The business case for this funding, and that for previous funding, is based on the negative economic impact should the Jersey Reds, our only professional sports club, cease to operate professionally.

1.22 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE GENDER PAY GAP IN EDUCATION: (WQ.22/2020)

Question

Will the Minister advise what work is being undertaken to address the gender pay gap in education, as highlighted in the '2019 States of Jersey Gender Pay Gap Report', and state what policy, if any, is in place to support the Island's schools make any changes required in this area?

Answer

The Minister recognises a Gender Pay Gap exists across Government and is fully supportive of the commitments listed below from the '2019 States of Jersey Gender Pay Gap Report'.

The Government has committed to reducing the gender pay gap, and to do this will involve programmes aimed at targeting the barriers to progression and increasing opportunities for employees in under-represented areas of the organisation. Opportunities to address the issue of gender balance and underrepresentation will be delivered, enhancing career progression and closing the gender pay gap through a new people strategy.

The people strategy will explicitly address inequality and disparity throughout the Government through better organisational design, career structures and removing the barriers to equality. Data has shown that, while we have a higher proportion of female colleagues across all quartiles, the proportion of women to men is significantly higher at the lowest quartile (74% female).

We are able to use organisational design as a tool to target barriers to pay progression by providing career progression prospects to employees at the lower tiers, which will target more female employees, due to their dominance in the lower-tiered groups.

Ensuring that there are channels for women to progress into new roles and higher tiers will address the 'glass ceiling' and reduce inequality, both in respect of the pay gap and gender balance.

Our aim is to improve gender balance at all tiers of the organisation, and particularly where groups are historically under-represented.

The steps we are taking across Government to improve gender balance and diversity in our workforce include:

- working to create an inclusive culture, where difference is valued
- supporting flexible and agile working, through reviewing and changing related policies and working practices
- using structured interviews based on the criteria for the job for recruitment and promotions
- improving our offer of parental leave policies, to promote inclusivity for both men and women
- establishing an initiative called Inspiring Women Into Leadership (I WILL) sponsored by a female senior leader
- establishing a consistent performance management structure, which supports improved development, engagement and productivity
- developing leadership and colleague learning programmes and activities that are gender neutral and provide opportunities for all
- introducing talent and succession planning programmes that are gender neutral and support progression • developing a coaching and mentoring framework to support development across the organisation
- developing systems that allow us to collect data, report and analyse diversity within the organisation
- annually reporting on the gender pay gap, so progress is tracked and monitored
- undertaking further analysis to determine an action plan to improve gender balance.

Our supporting policies will also be reviewed, to ensure that we are supporting employees with caring and domestic commitments, by offering flexible working arrangements and encouraging agile working. We will invest in long-term programmes, such as talent and leadership development, and will be looking at how we tackle social and cultural challenges and unconscious bias in the workplace through our talent and attraction strategy.

The 'I WILL' initiative aims to increase the number of women in senior leadership positions and to develop opportunities for women to connect and network across the organisation. The initiative proposes not only to provide support and guidance to women, but to work towards making the Government of Jersey an employer of choice for women in the Island. As part of our wider mentoring offer a pilot mentoring scheme is in the process of being established by the group, with the full support of the Government's Corporate Strategy Board.

My departmental officers will play an active role in working with the State's Employment Board and People Services Professionals to adopt and influence Corporate Policy to ensure it is designed to enable maximum effectiveness in the Education Department.

1.23 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE NUMBER OF HEALTHCARE PROFESSIONALS IN JERSEY: (WQ.23/2020)

Question

Will the Minister advise how many healthcare professionals have, over the past two years –

- (a) resigned;
- (b) retired;
- (c) gone on secondment;
- (d) otherwise been let go from their employment; or
- (e) seen their role merged with another?

Answer

The data shown below covers the date period 01/01/2018 – 31/12/2019:

- (a) Resigned¹: 124 (11.5%)
- (b) Retired: 26 (2.4%)
- (c) Gone on Secondment: 13
- (d) Otherwise been let go from their employment (We've identified this as anyone having left in the date periods provided above): 16 (1.5%) (excludes any figures provided above)
- (e) We are unable to provide the data to respond to this.

The attrition rate (turnover) for this group of staff is **15.4%** (the current median turnover rate in the UK for 2018 (captured through the Xpert HR 2019 survey) is 18.8%)

This includes the following classifications of Healthcare Professional:

- Nurses and Midwives
- Allied Health Professionals
- Adult Social Workers, Family Support Workers, Residential Child Care Officers
- Dental Officers

1.24 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING NUMBERS OF MENTAL HEALTH PATIENTS: (WQ.24/2020)

Question

Will the Minister provide a breakdown of the number of mental health patients seen during 2018 in all areas of Health and Community Services (including the Hospital, La Chasse and Orchard House), indicating when the busiest periods of the year fell in this regard and at which facilities; and will he explain the reasons for those busiest periods, in particular at Orchard House?

Answer

Following a conversation with the Deputy, it was clear that he meant to request figures for 2019, not 2018, and the answer therefore provides data for 2019.

The first table shows the number of individual clients receiving care each month within the listed Mental Health Services in 2019.

¹ "Resigned" being where an employee has left the organisation voluntarily, at their own request.

It shows the numbers of patients who have been cared for in each service area, but does not mean, for example, that Orchard House, in December, had 34 clients within the ward at any one time.

Variation in client episodes of care across acute mental health services will always occur as the teams proactively react to individual needs. Clients in crisis will always require more intervention and input, but this will always remain unpredictable. Other variation in activity numbers may occur as a result of staff taking leave, and whilst we plan annual leave and schedule it across the year, there will always be days where more staff are at work, than others.

Number of Individual client contacts recorded 2019												
Service Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Alcohol & Drug	362	342	354	360	363	391	384	367	380	390	370	347
Community Adult MH	447	410	448	463	452	428	500	483	501	578	530	515
Community Older Adult MH	302	301	324	311	312	314	275	249	249	277	263	274
Adult Acute (Orchard House)	30	25	26	27	36	32	34	31	30	35	30	34
Long Term Complex (Oak & Maple)	19	15	15	12	20	23	19	5	1	12	4	2
Older Adult Acute (Beech & Cedar)	25	25	19	19	23	23	22	22	20	23	23	21
Memory Service	94	112	91	95	90	98	103	102	120	113	111	99
Total	1180	1136	1181	1198	1199	1211	1227	1160	1200	1315	1226	1198

The numbers of patients within service areas will vary, depending on clinical need, which, within mental health services, cannot be predicted.

We are unable to provide a breakdown of the specific locations in which the clients are seen as this will be across a mixture of health facilities and also within their own homes. To do this would require viewing each individual care entry.

The second table shows the number of client contacts recorded – some clients will be seen or contacted multiple times across the month. These can be face to face or on the telephone. Contacts are captured each time there is an entry into the electronic patient record regarding an individual client.

Number of client contacts recorded (Face to Face and Other) 2019												
Service Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Alcohol & Drug	1081	866	909	948	1008	1075	997	913	1026	1088	947	814
Community Adult MH	1571	1477	1681	1536	1681	1461	1808	1511	1428	1965	1690	1547
Community Older Adult MH	1156	1090	1117	1098	1016	940	1017	815	979	1050	932	894
Adult Acute (Orchard House)	1147	789	988	981	950	1041	1269	1129	1262	1320	1309	1272
Long Term Complex (Oak & Maple)	39	30	18	18	55	61	33	9	1	19	7	2
Older Adult Acute (Beech & Cedar)	177	163	127	122	169	205	192	232	196	245	225	239
Memory Service	187	244	231	207	223	230	247	221	243	273	259	195
Total	5358	4659	5071	4910	5102	5013	5563	4830	5135	5960	5369	4963

1.25 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING STATES OF JERSEY EMPLOYMENT CONTRACTS: (WQ.25/2020)

Question

Will the Chair advise whether the Government of Jersey can change any part of the employment contract of a States of Jersey employee without the employee's agreement or consent; and, if that is the case, what (if anything) is being done to review and, if necessary, change this situation?

Answer

As employer, the States Employment Board always wishes to progress any contractual changes by agreement if at all possible. Agreement may be by collective agreement with the union(s) recognised for the relevant pay group(s), or by agreement with the individual.

However, agreement is not always possible. On occasion, the employer may wish to vary individual contracts. This is normally achieved through consent of the individual concerned. In circumstances where an individual does not agree to the proposed changes, notice may be given on the original contract and a new contract offered.

It is important that the employer, where appropriate, can progress contractual changes, including in extreme situations, without agreement. For example, where there is a legislative change that requires the employer to introduce new terms of employment. In such cases, the employers must undertake an appropriate consultation about the changes and any such changes must then be implemented following a contractual notice period. In certain instances, the employee or representatives may appeal or submit a grievance related to the change, and an independent person or body will consider the appeal.

Such changes are governed by contract law and therefore any changes must be within the law to avoid a challenge to the change or a breach of contract. The law provides protection and safeguards for employees and there is no basis to review the legal basis of such changes.

Additional, independent support for employees is available through the Jersey Advisory and Conciliation Service, to seek to resolve any disputes through mediation. In some cases, where agreement is not found, employees may, subject to certain criteria, submit a claim for a breach of contract to the Employment and Discrimination Tribunal.

1.26 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE NUMBER OF SOCIAL WORKERS SEEN BY CHILDREN SUPPORTED BY THE CHILDREN'S SERVICE: (WQ.26/2020)

Question

Over the last 10 years, what is the average number of social workers a child supported by the Children's Service has seen during any 2-year period?

Answer

It is not possible to provide any detailed data on the number of social workers supporting children prior to 2018 as this was the first full year of data on Mosaic (the social care case management system used by the Children's Service).

For most children, an involvement with Children's Service will not last as long as 2 years. For this reason, we routinely look at how many social workers have been allocated to each of the children who have been looked after for 2 years or more as a measure of the impact of staff turnover.

On 15th January 2020, there were 54 children who had been looked after for 2 years or more. On average, these children had 2.9 social workers each in the past 2 years.

In recognition of the impact this staff turnover has on young people, a Permanence and Throughcare team was established at the end of 2019, which will be fully staffed by permanent workers. This cohort of children will now benefit from greater continuity in relationships with their social worker as a result.

1.27 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE RECRUITMENT OF TEACHERS: (WQ.27/2020)

Question

Given that a recruitment company specialising in education is now located in Jersey, will the Minister state whether there are any plans to outsource the recruitment of full-time, part-time and supply teachers to such a recruitment company?

Answer

The Government of Jersey is committed to developing and employing on Island talent. We already work with a number of Jersey based recruitment suppliers, primarily for non-teaching roles. The Minister does not have any plans to outsource the recruitment for any teaching roles.

1.28 DEPUTY C.S. ALVES OF ST. HELIER OF THE CHIEF MINISTER REGARDING EXPENDITURE ON HEALTHCARE: (WQ.28/2020)

Question

How much of the Island's Gross Domestic Product (G.D.P.) is spent on healthcare?

Answer

The government does not currently have an estimate of total healthcare spend on the Island, and therefore it is not possible to directly answer the Deputy's question.

To assist the Deputy, a significant proportion (although not all) of healthcare expenditure on Island will be as a result of Government expenditure in this area. Currently Government expenditure is not recorded by ultimate use / purpose (such as "healthcare"), although the future implementation of P.94/2019 (States' Expenditure: Classification in Accordance with International Best Practice) will facilitate exactly this sort of analysis.

At present, a rough approximation of Government spend in this area can be obtained by considering departmental level expenditure and specifically expenditure by the Health and Community Services Department (£202.4 million revenue and £9.9 million capital in 2020). Departmental expenditure will however include elements of spend that would not meet the strict definition of "healthcare", and there will potentially be expenditure occurred by other departments that would fall within this definition.

Government expenditure is also not the only source of healthcare expenditure on Island. There will potentially be expenditure incurred by the Parishes as well as expenditure by private households and companies.

Estimates of Gross Domestic Product (GDP) are produced by Statistics Jersey with the most recent figure being £4,624 million for calendar year 2018.

1.29 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE ENGAGEMENT OF INTERIM STAFF BY THE GOVERNMENT OF JERSEY: (WQ.29/2020)

Question

Further to previous questions on this matter, including Oral Question 135/2019, will the Chair –

- (a) advise whether all interim staff employed by the Government of Jersey will have left employment by the end of February 2020;
- (b) if not, advise why not and state when this will be the case; and
- (c) state the cost per day of such interim staff, including the daily rate of remuneration and travel and accommodation?

Answer

- (a) Interims will be in place beyond 2020, as was detailed in R.149/2019, prepared in response to P.59/2019.
- (b) Interim staff will always be a feature of our planned workforce to deliver where there is a skills gap in the organisation or to accelerate a programme of work.
- (c) Costs of interims varies substantially on skills and requirements. The cost of interims for the first half of 2019 was presented in R.149/2019. The costs for the second half of 2019 are being produced and will be released in the same way.

1.30 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EMPLOYMENT OF A CHIEF INFORMATION OFFICER: (WQ.30/2020)

Question

Given that a Group Director of Modernisation and Digital has been in post since 1st October 2019, will the Chief Minister advise whether a Chief Information Officer is still employed and, if so, will he explain why and state when (if at all) it is expected that employment will cease and what the terms of reference for this employment are?

Answer

As detailed in R.149/2019, responding to P.59/2019, the Chief Information Officer's contract expires this month. He will be leaving the interim role on 31 January. The Chief Information Officer has remained in role to ensure a smooth handover of the Modernisation & Digital function; in particular, the multi million pound programme of technology investment, which has been approved as part of the Government Plan and defining the Target Operating Model for the function.

1.31 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES THE CONTRACT WITH EY IN RESPECT OF THE MODERNISATION OF PUBLIC FINANCES: (WQ.31/2020)

Question

When is the contract with EY for the modernisation of public finances due to be completed; is it envisaged that EY will be used for any further such contracts and, if so, will any such contracts be subject to a tender process?

Answer

The original contract with EY, as Strategic Partner, had a term of 15 months – running from 22 August 2018 to 22 November 2019. However, it has always been recognised, including by the C&AG, that Finance Transformation will take a number of years, and provision was made in the contract to allow for extensions to the term of up to one year. The Treasury and Exchequer Department has chosen to exercise this extension to deliver additional projects – focusing on the implementation of Accounting Automation and Zero-Based Budgeting. These extensions followed procurement procedures, with exemptions in place to justify why no tendering was undertaken. This included the value of leveraging EYs existing knowledge of the organisation through the work they have undertaken on this, and other programmes.

1.32 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE NUMBER OF TEACHERS EMPLOYED BY THE STATES OF JERSEY: (WQ.32/2020)

Question

For each year since 2000, will the Minister provide the Assembly with –

- (a) the total number of Full-Time Equivalent (F.T.E.) teachers employed by the Education Department;
- (b) the teacher-to-pupil ratio; and
- (c) the average number of teaching vacancies that were unfilled?

Answer

The table below shows the average FTE budget, actual and vacancies, as well as the average headcount from 2010 to 2019 for Teachers. The table also shows the amount of pupils in Government of Jersey schools as of January of each year:

HR only held consistent information regarding vacancies and headcount from 2010 onwards:

Year	Budget FTE	Actual FTE	Vacancies	Vacancy Percentage	Headcount	Pupils	Teacher to Pupil Ratio
2010**	683.5	676.5	7.0	1.0%	728.5	10,791	14.8
2011	692.9	674.8	22.5	3.3%	716.5	11,319	15.8
2012	688.6	680.4	10.1	1.5%	722.6	11,319	15.7
2013	708.3	674.6	33.7	4.8%	714.1	11,290	15.8
2014	713.8	671.8	42.0	5.9%	710.5	11,364	16.0
2015	736.1	681.6	54.5	7.4%	719.3	11,352	15.8
2016	818.5	704.0	114.5	14.0%	744.4	11,373	15.3
2017	810.3	712.9	97.4	12.0%	752.8	11,526	15.3
2018	770.2	725.1	45.1	5.9%	761.2	11,562	15.2
2019	865.1	827.6	37.4	4.3%	767.2	11,571	15.1

** 2010 does not include nursery pupils in Government maintained schools, all other years do.

1.33 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE APPLICATION OF VALUE ADDED TAX (V.A.T.) TO PARCELS AND SHIPMENTS: (WQ.33/2020)

Question

Further to the response to Written Question 508/2019, will the Minister provide further details to part (d) of the question (regarding the rules followed in determining whether V.A.T. is applicable to any parcel or shipment), advising especially with regard to –

- (a) goods that originated in the United Kingdom and are being sold, or sent, to an address in the United Kingdom;
- (b) goods that are over 75 years old;
- (c) goods that were purchased in the United Kingdom and upon which V.A.T. was paid at the time of purchase and that are then sold, or sent, second-hand into the United Kingdom.
- (d) a definition of “commercial consignments” and how Ebay is classed for businesses and private individuals?

Answer

All goods exported from Jersey to the UK, which are not party to the UK Import VAT Accounting Scheme (IVAS) (see the answer to Written Question 508/2019), are processed upon arrival in the UK, where the relevant import VAT rules are imposed by Her Majesty’s Revenue and Customs (HMRC). The Minister is unable to provide guidance on the application of UK import VAT outside of the Scheme. Instead, enquiries relating to UK import VAT should be directed to HMRC.

1.34 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE CHARGING OF V.A.T. ON POSTAL ITEMS BEING SENT TO THE UNITED KINGDOM: (WQ.34/2020)

Question

Will H.M. Attorney General advise members whether it is an offence to charge customers V.A.T. on all postal items that are being sent to the United Kingdom, including any items that would not be subject to V.A.T. under the rules and regulations of Her Majesty’s Revenue and Customs?

Answer

The Postal Services (Jersey) Law 2004 allows for the publication of a “postal scheme” (see Articles 57 and 59). If there is a postal scheme, then the postal services provider (in this case Jersey Post), must supply its services according to that scheme (Article 58(1)).

According to answers previously provided by the Minister for Treasury and Resources to Written Questions 1240/5(6948), 508/2019 and 510/2019, Jersey Post offers a VAT prepayment scheme to minimise the delays and extra costs to Island residents and businesses caused by the need for Her Majesty’s Revenue and Customs (HMRC) to inspect items entering the UK from Jersey to determine whether UK VAT is payable. The service is provided by Jersey Post to Jersey residents and businesses not to HMRC. It is understood that pre-payment is optional, that Jersey Post does not decide on when VAT is or is not payable, and that it is for the individual sending the item to determine whether VAT is payable and whether they wish to prepay it to avoid delay and an administration charge levied by HMRC.

As to operation of the VAT prepayment scheme it is also understood that this is subject to an MOU between Jersey Post and HMRC which I have not seen and am unable to comment on.

No offence is committed by Jersey Post in operating the VAT prepayment scheme. No offence could be said to be committed by Jersey Post in forwarding on the prepaid VAT to HMRC in accordance with the terms of the scheme as set out in the previous answers to written questions.

If Jersey Post were to deliberately operate the scheme in a way that breached the terms of the scheme then it is possible that an offence might be committed. However, it is emphasised that the possible commission of any such offence would be a highly fact sensitive matter and it is impossible to give any more specific advice without knowing the facts.

1.35 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING PRICE INCREASES IMPLEMENTED BY STATES DEPARTMENTS IN 2019: (WQ.35/2020)

Question

Will the Chief Minister provide a table showing all the price increases implemented by each States Department in 2019, indicating whether such increases were above, below or equivalent to the rate of inflation at the time of the increase?

Answer

[The attached table \(published on the States Assembly website\)](#) shows the fee increase for departments in 2019. Departments are required to seek approval from the Minister for Treasury and Resources (or the Treasurer of the States under delegated authority) for increases above 2.5%. Reported inflation rates throughout 2019 were as follows:

March	3.6%
June	2,8%
September	2.7%
December	2.5%

Additional notes are provided below in relation to some departments.

Chief Operating Officer, Customer and Local Services and Treasury and Exchequer

No fee increases in 2019.

Health and Community Services

Data to follow. This will be provided to Deputy Higgins and copied to all States Members.

Growth, Housing and Environment

Car parking fees include GST. All others exclude GST, some are GST exempt.

Children, Young People, Education and Skills

It has not been possible in the time available to establish the exact charges made by all schools for breakfast and afterschool clubs and small sales but the understanding is that price rises were contained to 2.5% in line with policy.

In 2019, no increases were implemented at the Fee Paying Schools as the fee increases took effect from 1 Jan 2020.

Highlands charges increased to recover charges made to the College for examination and awarding body registrations, increased length of some courses due to changes in curriculum and to recover for example, costs in uniforms and specialist equipment which the learner retains. It is standard practice to reclaim examination/awarding body costs – these are not Highlands' fees but they are included in the overall charge to the learner/customer.

I would also like to put on record my thanks to the officers who helped answer this question in such a short space of time. It has run to over 850 lines of data and was a considerable effort to achieve, especially with such a quick turnaround.

1.36 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING CHILDREN IN CARE: (WQ.36/2020)

Question

Will the Minister advise members how many children in the years 2016 to 2019 were –

- (a) placed on an ‘at risk’ register;
- (b) taken into care;
- (c) taken into foster care; or
- (d) adopted?

Answer

The numbers requested are shown below:

The number of child protection plans provided is the number of plans that commenced during the year, as opposed to the total number of children subject to a child protection plan at any one time, which would fluctuate during the year.

Please note that the numbers placed in foster care are also included in the numbers of children becoming looked after.

We are only able to provide the numbers placed in foster care as an initial placement when a child becomes looked after – this data does not include any later moves to foster care for a child who is already looked after. This data would be available for 2018 onwards as this was the first full year of data on Mosaic (the social care case management system used by the Children’s Service).

	2016	2017	2018	2019
Number of new Child Protection Plans starting in the year	93	101	108	116
Number of children becoming looked after (new episode)	22	44	45	29
Number of children placed in foster care	19 (of which 7 were with family/friends)	31 (of which 16 were with family/friends)	34 (of which 11 were with family/friends)	18 (of which 8 were with family/friends)
Number of children adopted	6	Less than 5	5	8

1.37 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING COMPLAINTS AGAIN THE ENVIRONMENT AND PLANNING DEPARTMENTS: (WQ.37/2020)

Question

Will the Minister advise members how many complaints were made against the Environment and Planning Departments each year from 2016 to 2019; and will he explain the nature of those complaints and state whether or not they were upheld?

Answer

The total complaints recorded in the Department of the Environment’s complaint register is as follows:

- 2019= 10
- 2018= 22
- 2017= 17
- 2016= 16

The below schedules for 2016-2019 summarise the nature of the complaints and their outcome.

2019

Nature of complaint	Notes / Outcome
GDPR concern	Not upheld
GDPR concern	Customer advised to close the complaint
FoI Process	Partially upheld
Compliance case – complaints board	Partially upheld by Complaints Board
Planning case – complaints board	Partially upheld by Complaints Board
Planning and Building online submission content	No response required
Planning – question about case office	Complaint partially dismissed and in part partially upheld.
Environmental Health – barking dog complaint	Case open with IOC and they are still investigating
Environmental Health – noise complaint	Customer withdrew complaint
Environmental Protection – fly tipping response	No response required

2018

Subject area	Notes / Outcome
Planning – process inconsistency	CEO has met with complainant and is investigating options to progress issues
Planning – time delay	Complaint linked to existing Complaints Board
Planning – time delay	Complaint upheld. Solution offered.
Planning - accuracy of development completion	Complaints Board
Planning – incorrect advice given	No outcome recorded
Planning – process complaint about committee or officers	Explanation given. Complaint not upheld
Planning – condition compliance, response delay	No response required
Planning – staff attitude	Escalation of complaint to stage 3 complaint.
Planning – concern about plans accuracy	No outcome recorded

Planning – GDPR redaction	Complaint upheld. Redaction applied
Planning – new CLS reception service	No outcome recorded
Planning, building, Compliance – claims of officer conduct	Complaint ongoing
Building control – staff behaviour	Complaint dismissed
Staff – customer service	No outcome recorded
Staff – lack of response	Complaint upheld.
Staff – staff response	Complaint dismissed
Website service	No outcome recorded
Listed Buildings data on website	No outcome recorded
Various – jersey as a whole	Response given, customer withdrew.
Natural Environment – call returning	No outcome recorded
Met – tone of email	No outcome recorded
DVS – taxi drivers	Complaint ongoing
Total	22

2017

Subject area	Notes / Outcome
Planning – decision challenged	Not upheld by Greffe
Planning – general service	Response given to clarify information
Planning – questioned planning committee decision route	Complaint accepted (in part).
Planning – planning application process	No outcome recorded
Planning – gdpr issue	Complaint upheld
Planning – lack of site visit	Complaint dismissed
Planning – system error about notification	Complaints upheld.
Planning – service complaint	Complaint partially upheld.
Planning – compliance case about unauthorised works	Agreement reached
Planning – time delay	Customer emailed the Minister to complain about the lack of response to this complaint. See separate complaint below.
Planning – lack of response	Original complaint was responded to, Chief officer replied.
Planning – time delay	Complaint partially upheld.
Appeal - information sent from 3rd party	Upheld
Planning - response to previous complaint	Ministerial response provided
Staff – staff conduct repeat of previous complaint	All previous complaints dealt with. This correspondence not responded to as already dealt with on other occasions
Listed Buildings – time delay	Complaint upheld

Waste Management – lack of regulation	No outcome recorded
Environmental Health – lack of reply	Complaint partially upheld.
Website changes	Information reply given.
Total	19

2016

Subject area	Notes / Outcome
Complaint – time delay	Partially upheld
Staff	Partially upheld
Staff attitude	Matter logged. No response as anonymous
Staff – not content with advice	No outcome recorded
Staff – time delay	Partially upheld
Staff attitude	Partially upheld
Staff attitude	Partially upheld
Planning – structure of dept	Dismissed
Planning – refusal of consent	Complaints Panel dismissed
Planning – staff attitude	Partially upheld
Planning – complaint about unauthorised use	Complaint not a planning matter
Planning – additional reasons for refusal added	Information provided
Planning – not happy with decision	Dismissed.
Planning - Challenging application and development taking place	Minister response and further information provided to customer
Energy Efficiency Service – work carried out by the scheme	Dismissed
Building – inconsistent application of byelaws	Complaints panel chairman dismissed
Total	16

1.38 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE NUMBER OF CHILDREN ON THE CHILD PROTECTION REGISTER: (WQ.38/2020)

Question

Will the Minister –

- (a) provide a breakdown of the number of children on the child protection register on a yearly basis over the past 5 years; and
- (b) provide an overview of the percentage of children on the Child Protection Register who –
 - (i) live in social housing, rather than in housing owned by their parents;
 - (ii) are from single parent families; or
 - (iii) have Social, Emotional and Behavioural Difficulties (S.E.B.D.) (either with or without a statement of need)?

Answer

- a) The table below gives a snapshot of the number of children on a Child Protection Plan on the 31st December in each of the last 5 years. There was a reduction at the end of 2019 as a number of Child Protection Plans came to an end, but across 2019 more plans were started than were started in 2018. We are currently undertaking a review of cases to quality assure our thresholds and decision-making. There is routine and ongoing audit activity across all categories of children's cases.

Year	Number of children on Child Protection Plans on 31 st December
2015	88
2016	111
2017	102
2018	92
2019	67

bi) The department do not capture this information.

bii) The department do not capture this information.

There would be children subject to Child Protection Plans whose circumstances would reflect all categories of housing status and family composition.

biii) The category of Social, Emotional & Mental Health is used to capture this type of need for pupils from nursery to Year 13. Please note that only the "primary" Special Educational Need is captured in the data, so it's possible that there are other pupils with social, emotional and mental health needs that won't show in the data, where they have another "primary" need.

Of the cohort of pupils on Child Protection Plans at the end of 2019, 23% had identified Social, Emotional, and Mental Health needs. This compares with 3.2% across all pupils.

1.39 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE COST OF SCHOOL MEALS: (WQ.39/2020)

Question

Further to the answer to Written Question 458/2019, will the Minister state –

- what proportion of the relevant school-age children in the Island will be eligible for free meals, and against what criteria these particular children have been identified as being in need of free meals;
- on what basis the cost of £2.50 per meal was decided;
- what assessment she has made of the number of children not eligible for free school meals who will struggle to afford to pay £2.50 per meal, and how she will ensure that no child in need of free school meals will be excluded from this initiative;
- on what date Caring Cooks was chosen to be the provider for the pilot and on what date the exemption from tendering was approved; and

- (e) given that the form completed for an exemption from competitive tendering was approved by the Operations and Finance Director and the Director of Procurement, whether she was aware of this application and what role, if any, she had in approving it?

Answer

- (a) In the 2019-2020 academic year 26% of pupils of compulsory school age, in total 2,680, are in receipt of Jersey Premium and eligible for free meals.

The criteria for eligibility have been based on the same process for eligibility for free Jersey Premium. This is based on children of families receiving income support. This has been used as the best available identification of families who might find affording the price of school meals difficult. The ratios differ in each individual school. In the case of the two schools involved in the pilot programme eligibility was calculated as 53% of the school population.

- (b) £2.50 was a figure that was discussed and agreed collaboratively between Caring Cooks and Government. We researched providers across the UK and their pricing to confirm that figure as it was in line with what most were charging. We also did some research with parents across the Island around the pricing point they thought was affordable.
- (c) Similarly to Jersey Premium, school staff are able to identify families who might not meet the eligibility criteria and have the flexibility of ensuring access where there is evidence of need and benefit. The schools' senior leadership teams, officers from the department and Caring Cooks work closely in this regard.
- (d) The Service Level Agreement and service specification with Caring Cooks was signed on 15th May 2019. As previously stated the exemption form was signed off in September 2018.

The Minister was not aware of the application and did not have any role in approving it.

1.40 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE AFFORDABILITY OF THE PATIENT CONTRIBUTION TO G.P. SERVICES: (WQ.40/2020)

Question

Further to the response to Written Question 546/2019, will the Minister –

- (a) advise what methods he has under consideration to assess the affordability of the current patient contribution to G.P. services for those in financial need; state whether means-testing is being considered and, if so, what form it will take; and indicate what consideration, if any, he has given to using an existing assessment, such as that used for Income Support or for Income Tax thresholds; and
- (b) state what consideration he has given to including in the new care model, in relation to those in medical and social need of affordable primary care, people on Long-Term and Short-Term Incapacity Allowance or who qualify for Impairment components under Income Support?

Answer

- a) As part of our Government Plan commitment to develop a model that improves access to primary care for financially vulnerable people, options are being scoped to identify the financially vulnerable and I anticipate that the merits (or otherwise) of means testing would be considered as part of this.

- b) Work will be undertaken to identify and prioritise the vulnerable groups in most need of affordable access to primary care and I am confident that people who qualify for the Impairment component will be considered.

1.41 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUNDING OF THE DELIVERY OF THE JERSEY CARE MODEL: (WQ.41/2020)

Question

Further to the response to Written Question 546/2019, will the Minister state what funding is in place for the short-term and long-term delivery of the care model?

Answer

Funding options for the Jersey Care Model (JCM) will be considered and modelled in the coming months and accelerate when the work of the Health planners and economists is able to quantify the costs and the opportunities for improved efficiency within the JCM. The independent review of the Care Model must come first. As stated in the answer to WQ 537/2019 in December 2019:

‘Early work indicated that significant costs could be reduced via transferring settings of care out of the hospital and re-invested. During the transformation phase, there will be a need to fund transformation – pump-priming services to get them started – which the Health Insurance Fund may provide.’

2. Oral Questions

2.1 Deputy S.M. Ahier of St. Helier of the Assistant Minister for Economic Development, Tourism, Sport and Culture regarding the decline in Christmas Lottery ticket sales: (OQ.10/2020)

Will the Minister advise the Assembly what measures he will implement in an effort to stop the decline in Christmas Lottery ticket sales, while avoiding the promotion of any gambling formats such as scratch cards that may be addictive?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

Deputy Tadier has responsibility, so will take the question.

Deputy M. Tadier of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

The Deputy will be pleased to know that we are reviewing the Christmas Lottery game with our partners in Guernsey to consider what and whether any adjustments are necessary. Notwithstanding fluctuations in ticket sales this year, the Channel Island Lottery is hugely successful and raises £1.8 million for good causes in our Islands in 2019 and many millions over many years. **[Approbation]** It is a pertinent time to be discussing the merits as 2020 marks the 45th anniversary and we should recognise the millions of pounds raised for good causes in both Islands over the years. We do have some responsibility as a Government to ensure that Islanders play the instant games in the Channel Islands Lottery portfolio responsibly. On the reverse of the tickets there are instructions about how to get in contact with the Gambling Commission’s helpline and about responsible gambling. We do continue to monitor latest research and adopt better practice in this regard.

2.1.1 Deputy S.M. Ahier:

The Christmas Lottery is actively encouraging the purchase of scratch cards which are now available in £10 units. Camelot announced last year that they will no longer sell £10 scratch cards over fears

that they fuel gambling addiction in some players since these games were over indexed among problem gamblers. Camelot are concerned about player protection considerations. Will the Assistant Minister, likewise, remove the sale of £10 scratch cards in Jersey?

Deputy M. Tadier:

I understand the Deputy's concerns. The first thing I would say is a personal comment is that if anyone wants to get rich quick then do not do any form of gambling especially where the returns are vastly less than what you put in. I think most people see the lottery, whether it is the Christmas Lottery or the annual, they run through the year, and it is the scratch cards which are run through the year which are perhaps more of a problem because the Christmas one is clearly half and half and there is a draw prize at the end of that. That is also being up for review as well. I think there is an issue to be looked at but I would say that if somebody is not buying a lottery ticket in a shop they are quite at liberty to buy and to gamble online. They can do that and that will bring no benefit to the Island necessarily tangibly and it certainly will not be helping local charities. I think there is a bigger piece of work to be done around addiction. Whether that is to alcohol, cigarettes, scratch cards, online gambling, *et cetera*, which we need to understand because there are addictive personalities out there who will find a need to fill, and that is probably something we need to co-ordinate with our Health and Social Services Department, which we are very happy to discuss.

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

Is the Assistant Minister aware of the latest report from the U.K. (United Kingdom) authorities which highlights gambling on credit cards as a serious risk but suggests that gambling on lotteries is less so?

Deputy M. Tadier:

I am not specifically aware of what is meant by "gambling on credit cards" but I presume that is related to online gambling and people accruing huge amounts of debts on credit cards which have of course high interest rates in very many cases, which just gets people into a spiral of debt. I think again this needs to be looked at in the round. But what I tend to think is that people need to go into these situations with their eyes wide open, know how much they can afford to lose and what they are likely to get back. The Christmas Lottery, I think people treat it first of all as a little bit of fun which can raise good money for charity and it is unlike other forms of gambling where you are perhaps trying to beat the bank, whoever owns that bank. In the Jersey context the proceeds go to very good causes across both Islands.

2.1.3 Deputy G.P. Truscott of St. Brelade:

I think it was last year that the lottery moved to £3 per ticket and I think the incentive if you bought 100 tickets was taken away as well. Would the Minister be considering reducing the cost of the lottery ticket and perhaps reintroducing that incentive to buy tickets because it was very popular?

Deputy M. Tadier:

I hear absolutely what my fellow Deputy from St. Brelade is saying and that is something which anecdotally we have been told is the case. It is too early and we do not have the information to say categorically why there are fluctuations from year to year. But it sounds like the £3... There is clearly a figure where it becomes too much for people to bear and they will not necessarily buy them. So what I would say is that everything is on the table. We need to look at what has worked well in the past in terms of the lottery. Should we rebalance the scratch card element and the draw elements, perhaps it is favouring one element of the draw, and perhaps consider even getting rid of scratch cards for the Christmas Lottery entirely, even though they are quite popular with people, and leave scratch cards available for the rest of the year? So everything is on the table and we are happy to have feedback from the public and States Members alike.

2.1.4 Deputy M.R. Higgins of St. Helier:

Is the Assistant Minister aware of what the lottery sales were, how bad they were this year? Certainly my own experience was I went into a supermarket, did buy a Christmas Lottery ticket and was offered 2 for one, which considering they were £3 so you are getting them for £1.50 each, it must show that some of the firms are trying to get rid of their tickets.

Deputy M. Tadier:

I am very surprised at that last statement that you could buy 2 for one because I would have certainly been in there myself and it is probably a really good offer. But that notwithstanding, there are going to be yearly fluctuations and we must remember this is not a scheme which benefits Government. Effectively Government is a middle person between the public who want to engage with this game to raise money for charities and then we help distribute the money to charities. There will be yearly fluctuations. I would say the £1.8 million that was raised in 2019 you can look at that as a really bad result relative to another year, which of course was a better year. But these are relatively minor fluctuations over the period of time. I think either way, whatever year you are looking at, these are really valuable causes that are being helped.

2.1.5 Deputy M.R. Higgins:

I did ask the Assistant Minister how many lottery tickets were sold this year in comparison with previous years? He must have the figures by now, surely.

[10:45]

Deputy M. Tadier:

I am happy to distribute all those figures. I have the amount that was raised but not the individual ticket sales. But they are available and I am happy to circulate that to the Deputy and to other Members. The officers who are listening will be on to that straightaway.

2.1.6 Deputy R. Labey of St. Helier:

Would the Assistant Minister, as part of his review, take a look at supermarket staff being put under undue pressure by bosses to hit targets for sales at the tills?

Deputy M. Tadier:

Again, this is just a personal opinion but I vehemently dislike upselling so if I go to a supermarket and they say to me at the counter: "Would you like to buy a lottery ticket?" my instant reaction is that I am thrown because normally I put everything I want to buy in my shopping basket and that is why I go to the till. It perhaps seems unfair that they might be selling like that. But I can understand why they do it. But I do not think that is helpful to badger people unnecessarily. I think the lottery tickets should be on display and then people buy them if they want to. But that is just a personal opinion.

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

One of the things about credit card sales is that you can pay at the till with a credit card so if you wanted to gamble here with a credit card you can do that. So would the Assistant Minister look at that in the review because that can cause problems with people in the future?

Deputy M. Tadier:

Again everything is open for discussion but I think you can put any money on a credit card, you can buy anything on a credit card. The pure problem is whether you can afford it if you are putting money on a credit card and buying a packet of crisps which costs £3 or a lottery ticket which costs £3. I think the problem is affordability and people need to consider about what they can afford to do. I accept that gambling is perhaps slightly different to other resale purchases.

2.1.8 Deputy S.M. Ahier:

Last year a man who was addicted to scratch cards was prosecuted for stealing from his employer in Guernsey's Magistrate Court. It is imperative that oversight of the administration and promotion of

all aspects of the Channel Islands Lottery, including scratch cards, are reviewed by the Assistant Minister's Department. Will the Minister advise the Assembly whether he will conduct such a review?

Deputy M. Tadier:

I have listened to what the Deputy says and that will be put into the review. I would simply add that I have also heard about harrowing cases where people have been before the Magistrate's Court in both Islands where they have been stealing to fund alcohol addictions because they cannot afford to buy the ever-increasing price that is asked for cigarettes due to duty increases by our respective governments. The way that we deal with addiction and those who find themselves in addictive situations, especially when they are on low income and the income support elements do not keep up with the rises in duty for the most addictive substances in our Island, I think those are all bigger questions that we need to take seriously, including lottery tickets.

2.2 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the funding of primary care: (OQ.3/2020)

Will the Minister summarise his plans for funding primary care, including whether there is any intention to move spending from secondary care to primary care, how the Health Insurance Fund will be used and whether any new funding streams are envisaged?

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

The economics of how this part of the healthcare system will work in the future is part of the stress test review that is ongoing at the moment as part of the Jersey Care model. It would be wrong for me at this point to prejudge the outcome of that review. It is looking at activity, that is current activity and future activity, it is looking at funding and commercial approaches in order to ensure that the changes outlined in the Jersey Care model are sustainable. I would urge the Deputy, as I am, to wait for the outcome of that review.

2.2.1 Deputy G.P. Southern:

I think I heard there the hint that outsourcing may be one of the functions by which we can afford this change in emphasis in our health provision; is that the case?

The Deputy of St. Ouen:

I do not know how I hinted at outsourcing or exactly what the Deputy means by that. But the answer is I am not in a position to state categorically any direction that future funding will take. All that is being reviewed by those who know systems far better than I do. It will be the subject of discussion with the Deputy, with Members of this Assembly and will come before this Assembly for debate.

2.2.2 Deputy R.J. Ward:

Has the move from secondary to primary care not already happened by the back door? I refer to, for example, oncology patients who are now having to go to their G.P. (general practitioner) and pay for blood tests when they were not having to do them before. Is that going to be part of the model of the primary healthcare system we look at. If so, is that not a concern?

The Deputy of St. Ouen:

In putting together the Jersey Care model we have certainly envisaged that services presently taking place in secondary care could move into primary care. We believe that is the proper setting for them. But, as I have said, that needs to be stress tested and carefully modelled to come back to this Assembly with the detail of such a move. As to the oncology service; I have heard that from other Members. It should not be the case that anyone is being sent to their G.P. at the moment to pay for their care when that care is available and previously been delivered by the oncology service. Of course there will be occasions in the course of events, regardless of the Jersey Care Model, a G.P. would assume

the care of their patient and I do not know whether that is happening in this case. If the Deputy wishes to give details to me privately about those who have mentioned that to him we can certainly look into it. But it is not the case that we are expecting people to pay for service that is presently offered in secondary care.

2.2.3 Senator K.L. Moore:

The existence of the Health Insurance Fund has been described as a transformational part of the move to primary care. Could the Minister explain and describe how it is intended to be used as a transformational part of this transition and, second, reassure the Assembly that the cash balance in that fund will not be eroded by its use.

The Deputy of St. Ouen:

I cannot describe in detail how it might be used but it has been pointed out in the Jersey Care Model that the Health Insurance Fund has a healthy balance at the moment. That is Islanders' contributions for their primary care costs and therefore it might be appropriate, subject to the stress testing I have spoken about, for that fund to be used, particularly to manage the transition into new systems of care because there will probably be a time when we are double running services and secondary care and, at the same time, trying to upskill primary care services. So it might be appropriate to use the Health Insurance Fund for that element of funding. But, as I say, all these plans will be worked through and will be reported back in due course.

2.2.4 Senator K.L. Moore:

Could the Minister assure us and reassure us that those balances will not be eroded during that process? How would he safeguard against that?

The Deputy of St. Ouen:

Is it necessary to freeze the balances that are in the fund? The fund is there for a purpose. If it is appropriate to use the balances for particular purposes, and that is agreed by this Assembly as a way forward, then it is public funds to be used for the benefit of the public. I do not think they should be frozen funds never to be touched.

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

Given the reduced scale of the proposed hospital is dependent on the success and the adoption of the proposed Jersey Care Model yet we still do not have, as the Minister has said today, any funding concept of the Jersey Care Model, how much it is going to cost or how it is going to work, would the Minister please explain how we are able to decide on whether the reduced scale of the hospital is appropriate or even feasible given we do not know what the cost of the Jersey Care Model is?

The Deputy of St. Ouen:

Work is running in parallel to assess what is needed in a hospital build and to assess how we deliver the Jersey Care Model. It is not without doubt the case that we will have a reduced bed capacity in the hospital. It is true that is what the Jersey Care Model has alluded to and has given a specific figure as a possibility. But that figure is being subject to the testing that I have spoken about and it may work out more because the people who have put together the Jersey Care Model are not qualified as health planners - they are health professionals in other areas - but it is right that we subject that to strict testing and the results will be made available.

2.2.6 Deputy K.F. Morel:

Should the Jersey Care Model costings turn out to be greater than is currently spent on the health service, would the Minister then accept that he would have to ask his officers to find another way forward with care in Jersey?

The Deputy of St. Ouen:

Not necessarily. I think that is a question of conjecture. What might happen in certain circumstances. What is happening now is iterative. We are moving to a new model. We have an aspiration out with some detail but there is a lot of work going on. So of course at this time we cannot buttonhole every process within it and know for certain the precise spending that is going to be needed but we are working on that and I would ask Members to be patient. I feel that frustration too that we have not quite got the answers yet. We know where we would like to be but we have not got the precise roadmap of exactly how we get there. But I know it is coming and hard work is being done and those results will be brought back to the Assembly.

2.2.7 Deputy K.G. Pamplin of St. Saviour:

It is a good moment to remind Members and members of the public listening that our Health Scrutiny Panel are indeed doing a thorough review of the future care model as we speak and we are still calling for evidence. So please do approach us if you would like us to hear your views. It would be a good time I think if the Minister could just give us some timelines with the work that he has mentioned in his answers this morning of those reviews going in and sort of an estimation of when those reviews will be on his desk and we can get a sense of which direction and when we are going to be heading to those decisions.

The Deputy of St. Ouen:

I am advised that the health planners will report at the end of March, maybe the beginning of April, but I am told the end of March has been stipulated. Of course that will need then to be read and digested and discussed among departmental officers and then we need to consider the way forward from there and how we bring matters before the Assembly. I think debates in the Assembly will align closely to any discussions on our hospital. It may be just before the summer recess, or shortly after, I think the Assembly will be dealing with these matters.

2.2.8 Deputy G.P. Southern:

Will the Minister release to Members the terms of reference under which his health economists are operating?

The Deputy of St. Ouen:

As I recall, the Deputy asked that very question in question time before Christmas and I agreed and the document has been released to all Members already.

2.3 Deputy M. Tadier of the Minister for Treasury and Resources regarding the maintenance of derelict properties within the portfolio of Ports of Jersey: (OQ.19/2020)

Will the Minister, as shareholder representative, advise what steps, if any, are being taken to ensure that any derelict properties and amenities within the portfolio of Ports of Jersey, including the La Folie Inn site and the Steam Clock, are maintained and restored?

Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):

Ports of Jersey advises that maintenance work on all their sites is undertaken to ensure they are kept safe and tidy. No specific additional maintenance is carried out on the Steam Clock and there are no current plans to restore it. Furthermore, restoration of La Folie Inn as a standalone proposition is not considered viable by Ports of Jersey but would need to be part of a wider development of that area. In this regard, Ports of Jersey have developed a Harbour Masterplan and are actively engaged with Government to integrate this plan with the Southwest St. Helier Planning Framework published in December 2019. This planning framework includes both the Steam Clock and La Folie sites.

[11:00]

The planning framework was developed with active involvement of a range of individuals and interest groups, including, for example, States Members, local residents, architects, Parish of St. Helier, Save our Shoreline, and Jersey Action Group.

2.2.1 Deputy M. Tadier:

I thank the Minister for the answer. I have seen the plans for the development of the La Folie wider portfolio but I have not seen any plans for the Steam Clock or which extend that far. The first question, I suppose ... is let us focus on a relatively simple issue about the Steam Clock and ask: can we not just get it so that the time works on either or both of those faces on the clock in between what I presume will be a number of years before we see any developments in the wider portfolio?

Deputy S.J. Pinel:

My recollection, there was considered several years ago the cost of restoration of the Steam Clock and I cannot remember exactly nor could I find it but it was considerable and it was considered a non-viable move to make.

2.2.2 Deputy M.R. Higgins:

The Minister has mentioned the Port's plans. Can she tell me if there is anything in the plans to do with the sea cadet headquarters which was mooted for that area and which the States over 10 years has voted considerable sums of money and produced absolutely nothing.

Deputy S.J. Pinel:

I do recollect the move for the sea cadets to move from Fort Regent to that area as well. But this is all being addressed as part of the Southwest St. Helier Masterplan of the whole area of La Folie, South Hill and the Harbour itself.

2.2.3 Deputy K.F. Morel:

Would the Minister agree that perhaps the best use for the Steam Clock is to restore it to its former glory as a memorial to the folly of certain States decision making?

Deputy S.J. Pinel:

Yes, but it would take a considerable amount of money which we do not have.

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

The Minister did not answer Deputy Tadier's question which was: why can she not persuade Ports of Jersey to simply fit an electric clock so that the clocks on the Steam Clock instead of being correct only 4 times a day would be correct all the time at minimal expense. I would ask her to answer that question. If I could just put in one of my own. Does the Minister agree with me that the Steam Clock site is important open space for St. Helier, which is at a premium, not only because of the recreational space it provides but the visual amenities from the Weighbridge?

Deputy S.J. Pinel:

Yes, I will ask Ports of Jersey to look into the electric side of the Steam Clock but, as I have said before, many considerations have been given to getting it working again and it is not financially viable to do so but I will ask again. I do agree with the Connétable that that area of St. Helier is incredibly valuable. It was even looked at, at one stage, as being a potential site for a national gallery.

2.2.5 Deputy D. Johnson of St. Mary:

The Minister will recall that the original M.O.U. (memorandum of understanding) between Ports of Jersey and the Minister, or her predecessor, does provide that the board will bear in mind the continuing interests of the States of Jersey in a property previously owned by the public of the Island and goes on to advise what will happen on any sale. The M.O.U. does not appear to contain any specific reference to maintenance of properties, review of the plans to which she has alluded, would

she agree that it is high time the M.O.U. was updated and could she please advise what the state of play is on that and further confirm that the Scrutiny Panel will be involved with that as they were with the original M.O.U.?

Deputy S.J. Pinel:

Absolutely. All M.O.U.s with arm's length organisations or States-owned entities are being reviewed as we speak. Yes, of course we will consult with Scrutiny once the work is completed.

Connétable M.K. Jackson of St. Brelade

The Connétable of St. Helier asked the question that I was going to pose.

2.2.6 Deputy M. Tadier:

I would suggest if we want a memorial to folly we should redevelop La Folie Inn, which seems to have been named with a certain amount of prescience. I would ask: does the Minister believe that Ports of Jersey have the band width, i.e. the capability and the resources to fully develop the La Folie site when they cannot even fix the 2 faces of a Steam Clock? Do they need help with that and when can we get involved because I am very keen, from a cultural perspective, and I am sure other Islanders are as well, to make sure that these assets do not rot at a time when we need to encourage tourism and investment into that part of St. Helier?

Deputy S.J. Pinel:

Ports of Jersey do and, as I mentioned in my opening remarks, that they are working with all sorts of entities to develop this Government... the Harbour Masterplan and the framework, so that the work is being done, a plan has been produced but when there are so many sites involved it has to be a cohesive move forward.

2.4 Deputy R.J. Ward of the Vice-Chair of the States Employment Board regarding the Joint Council Framework Agreement: (OQ.14/2020)

Following his response to Oral Question 258/2019 that the board intended to "sit down with the unions and discuss the reviving of the joint council agreement, if it is appropriate to the negotiations", will the vice-chair advise whether this meeting has happened and, if so, whether reviving the Joint Council Framework Agreement has been deemed appropriate, and if that is the case, by whom; and if not, why not?

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

I thank the Deputy for his question. Under the direction of the States Employment Board a number of discussions have taken place with unions about the joint council framework and what should replace it. The officers met with the civil service unions on 16th January and a number of topics were discussed but primarily this one. Unions were advised that a meeting of all unions was to be set up to enable dialogue on this and on the next steps of other key priorities, such as the Government Plan and budgets. The invitation of this meeting is going out to all unions within the next week or so. It is intended at this joint meeting that we will also discuss what arrangements should be put in place to strengthen our working relationships with all of the unions following what has been a tough set of pay talks over the last couple of years. What is clear to S.E.B. (States Employment Board) is that there are many parts of the joint council framework that are good. Fundamentally however the council was set up when it was envisaged the workforce modernisation programme would decide with a single paying grading structure. In that situation a forum would have been needed to negotiate pay with all unions around a single table. But this has not happened. Within its text the framework states in appendix 5: "Public sector pay review will be carried out under the auspices of the joint council." Unfortunately with the collapse of W.F.M. (workforce modernisation) this is no longer relevant. This is why the council has not met since June 2017 even under the previous S.E.B. So it

is clear to us that new arrangements are needed. We will not be reinventing the wheel. We will be keeping what is good and what works and formalising this with an agreement that pay negotiations remain within single pay groups, as has historically been the case.

2.4.1 Deputy R.J. Ward:

Can I just confirm the date of the meeting that the Assistant Minister mentioned in his answer, for clarity?

The Connétable of St. Ouen:

I cannot give you an actual date because we are in the process of negotiating the diaries, as the Deputy will appreciate, with the number of parties. I anticipate it will be in the next 3 or 4 weeks. Certainly we are trying to get it done as quickly as we possibly can.

2.4.2 Deputy G.P. Southern:

The Minister mentioned improving relations with the public sector. Surely the essential step that he needs to take is to negotiate in good faith and not rely on imposition. Could the Minister state how much there is in the Government Plan allocated to pay rises for the public sector in the years to come?

The Connétable of St. Ouen:

I think taking the second part of that question first, I do not have the number to hand but I can obviously let the Deputy have it. As far as the good faith question is concerned, I think we always sat down in good faith with the unions and it is unfortunate that with one group we have not been able to reach agreement. But going forward, we are hoping to avoid that problem and we will always start negotiations in good faith and hope to conclude them in the same vein.

2.4.3 Deputy R.J. Ward:

It is clear from the answer that it was at some point deemed that the joint framework agreement was not appropriate so, can I ask, for the final part of my question, who decided that was not appropriate and when was that decision made?

The Connétable of St. Ouen:

I can only answer the question by saying that I will look through the records of the S.E.B. because it was a previous S.E.B. that organised the last meeting. If I am honest, it is probably a practice that deemed that it was no longer appropriate because in the last round of pay negotiations each pay group wanted to negotiate separately so the principal thrust of that agreement fell away. But I will try and find an answer to that particular question because it is not this current S.E.B. that decided that.

2.5 Deputy M.R. Higgins of the Minister for Economic Development, Tourism, Sport and Culture regarding the prospective introduction of restrictions on betting in Jersey (OQ.21/2020)

Although some Members have strayed into the area I will ask the question anyway and follow up on it. Does the Minister plan to follow the curbs introduced by the U.K. Government on betting shops accepting credit cards as a form of payment and the restrictions introduced in the U.K. on fixed-odd betting; and if not, why not?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

The regulations of all commercial gambling in Jersey is the responsibility of the Jersey Gambling Commission and they advise on these issues. To take the first point, the issue of credit cards is not relevant in Jersey as their use has never been allowed in betting shops and there are no plans to change that. On the second point, fixed odd betting. The Commission provided me with a briefing late last year and I can confirm to the Deputy that the stakes and prizes on these betting machines are the same in Jersey as they are in the U.K. This is because the data and systems that make the games

work come from the U.K. so they all follow their codes of practice. Having said that, I am currently considering whether to direct the Commission to change their code to match that of the U.K. but this is a matter of housekeeping in a reality. The important thing is that the protections in place for gamblers in the U.K. are also applied in Jersey now.

2.5.1 Deputy M.R. Higgins:

I appreciate the answer from the Minister that those 2 particular areas have been dealt with. Very good. However, at the present time in the U.K. it is estimated that 55,000 people take their lives because of gambling as a major factor. They have got themselves in debt and take their lives. It is also considered about 430,000 people are problem gamblers. I do not believe we have got any figures here. I have been looking through the Gambling Commission's report and I see they say that they have a website to help people who have a gambling addiction. How many people are going to look at a website and then try and decide whether they can lose their habit by just looking at a website? The Gambling Commission also say they have got £80,000 in their social fund, which is supposed to help gambling, will the Minister speak with the Gambling Commission and the other appropriate authorities in the Island and make sure we have an actual one-to-one personal service for gamblers so we can avoid any loss of life?

Senator L.J. Farnham:

That work is ongoing and we are working closely with education and mental health services and other areas. But the reality of the situation is where there is gambling there is a problem generally speaking. But in Jersey there is no evidence of largescale problems. The important thing to remember is that if people need help in Jersey they can get it not just through the Commission's website and its social responsibility page, which is not just in English but in Portuguese and Polish and other languages, all the routes to assistance that can be obtained to help people that might have a gambling problem here. So I would like to reassure the Deputy and Members that this is an ongoing agenda item for the Commission and my department. We will undertake to ensure that members of the public can gamble in a safe and as well-regulated environment as possible here in Jersey.

2.5.2 Deputy S.M. Ahier:

Will restrictions on the use of credit cards in regard to locally registered betting sites be put in place; those overseen by the Jersey Gambling Commission?

Senator L.J. Farnham:

There are currently no plans to do that but that is a conversation I will have with the Commission.

2.5.3 Deputy G.P. Southern:

The Minister's answer, while appearing comprehensive, avoided the point of the action that is taking place in the U.K. whereby online betting, not in betting shops, will be banned on credit cards; is that not the case? Will he consider doing similar here?

Senator L.J. Farnham:

As I understand it, if gambling websites are not allowed to take a payment by credit card that will apply to Jersey consumers.

[11:15]

2.5.4 Deputy M.R. Higgins:

Will the Minister speak with the Viscount's Department and ask them when he is conducting investigations into the death of people through suicide whether gambling is a problem? I did speak with the [Deputy] Viscount and he is aware of one recently but the question does not really come up. Suicide is caused through many, many reasons but one is financial problems. Those who engage in gambling tend to have financial problems because they are addicted to it and using all their money. Will the Minister speak with the [Deputy] Viscount and ask when he is conducting investigations

into the deaths of people he will enquire whether gambling was a factor and publish something in that regard? Then we will have the facts that the Minister says he does not have.

Senator L.J. Farnham:

Quite simply, the answer to that would be yes and I undertake to make sure further investigations are as thorough as possible.

The Deputy Bailiff:

Question 6, the Deputy of St. Martin will ask of the Minister for Children and Housing.

Deputy R. Labey:

Sorry, Sir, on the Consolidated Order Paper question 6 is my question to the Minister for Education. It was late because of an administrative error or an error on my part but it is there on the Consolidated Order Paper as question 6.

The Deputy Bailiff:

Thank you ever so much, I must have been working from the penultimate version of the Order Paper.

2.6 Deputy R. Labey of the Minister for Education regarding the school spending review: (OQ.23/2020)

Will the Minister agree to publish the terms of reference for the school spending review?

Senator T.A. Vallois (The Minister for Education):

Yes, although it is published as part of the open tender to seek supplies for the review I recognise this is not an easily accessible portal, so I will place on the gov.je and make sure it is sent to all States Members.

2.7 Deputy S.G. Luce of St. Martin of the Minister for Children and Housing regarding the availability of four-bedroom houses through the Affordable Housing Gateway: (OQ.1/2020)

How many vacant 4-bedroom houses are there currently available through the Affordable Housing Gateway?

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

I am not aware of any 4-bedroom properties available through Andium Homes but at the last check I was aware of one 4-bedroom property available through a housing trust.

2.7.1 The Deputy of St. Martin:

Does the Minister consider that enough 4-bedroomed houses are available at his discretion?

Senator S.Y. Mézec:

Absolutely not. This has always been an area of difficulty because there are not that many 4-bedroomed homes in the social rental sector. We are aware through the *Objective Assessment of Housing Needs* report that there is a need to build more 4-bedroom homes. I am slightly surprised by the number that is suggested to us; the number that is suggested to us is 10 new 4-bedroomed homes over the course of the next Island Plan but then when I look at the Housing Gateway where there are currently 28 applications for 4-bedroomed homes I think that probably does not necessarily add up and so some looking has got to be done to see how we can incorporate more of these homes in future social housing developments.

2.7.2 The Deputy of St. Martin:

I share the Minister's enthusiasm for finding 4-bedroom homes. Could I get an assurance from him that he will look at those few homes that he does have at his disposal to make sure that they have been properly used and that the 4 bedrooms are being used for bedrooms and not ... I am aware that there are families desperately in need of this type of accommodation.

Senator S.Y. Mézec:

That is absolutely a good point and one that I am certainly conscious of. There are currently 6 4-bedroom homes where the occupants are looking to downsize and as more of the supply comes online this year, we are onsite currently for 732 homes, that will enable people to move to homes that are most suited to their particular needs and hopefully free up some of those, so those who need to go up can do so. I am also in the process of looking to see if there is some arrangement we can do with the rent situation where there are some anomalies where some people can downsize and end up paying more rent, which is clearly inappropriate. If we can do something with those anomalies we can make it easier for people to downsize when that is appropriate for them without suffering financial penalty essentially for doing so and then people are housed in homes that are best suited to their needs.

2.8 Deputy L.M.C. Doublet of St. Saviour of the Minister for Social Security regarding the implementation of changes to family friendly legislation: (OQ.11/2020)

Will the Minister provide an update on the timescale for implementation of changes to family friendly legislation and on current work in respect of maternity and paternity payments?

Deputy J.A. Martin of St. Helier (The Minister for Social Security):

I thank the Deputy. Family friendly employment legislation was adopted in the Assembly in October and, in November, the Government Plan voted to secure funding for the extension to parental benefits and detailed work on this project is now underway. Regulations to introduce the parental benefit are expected to be lodged before Easter and as soon as I have something that looks like a skeleton I will show it to Scrutiny as well. An Appointed Day Act for the Employment Law changes will be debated at the same time as the benefit regulations and I would like to see the laws implemented in July this year.

2.8.1 Deputy L.M.C. Doublet:

I thank the Minister for her answer. I think it is fair to say that families on the Island are very excited about the new changes that are coming through but also I think there is some confusion. I am not sure about other Members but I have been getting a lot of communications from people asking me what exactly are the changes we have made. People are still unclear about what is in place at the moment. Would the Minister agree to put an outline perhaps on the Social Security page just making it absolutely clear what is in place now and what is coming and roughly when?

Deputy J.A. Martin:

I absolutely will because we pay 18 weeks and actually it is 26 weeks for both parents. This is what we are going to do, 32 weeks; it is going to be a parental benefit. It is about the care of the baby, it is not incapacity or anything like that. I will do that. The added, which is absolutely great news, is some companies are already adopting the new and it was already in the contract so we are behind but we will make it as clear as we can what is in place now because employers need to, it will be breastfeeding breaks, breastfeeding facilities will all be in the new regulations, which as I say, I want to start July this year but I will clarify exactly what is available now and get it on the best forum.

2.8.2 Deputy G.P. Southern:

What attention, if any, has been given to the fact that those parents on income support have no disregard on claiming for parental leave?

Deputy J.A. Martin:

Funny the Deputy should ask that. He might have bugged my Social Security meeting on Friday. This is one thing that Reform did bring up. There is no disregard. If it is a replacement earnings you get earnings disregarded so officers are now taking this into consideration. I do not want it to delay what is going on and apparently it will not. So if it is not introduced at the same time it is definitely being looked at, I can assure the Deputy. If it is a replacement of earnings I want the disregard looked at.

2.8.3 Deputy L.M.C. Doublet:

I appreciate the Minister committing to clarifying that information on her website. Could she just let the Assembly know when that information will be put up on the website?

Deputy J.A. Martin:

I would need to ask the officers where it is at the moment. Obviously the social security/maternity benefits are all on the Social Security site, I often look it up. I looked up my pension leaving date the other day, worked it out very well. But I absolutely will find out for the Deputy. If it is not clear I will then let the Deputy and all the other States Members know. If it needs a press release, so be it, we will get a press release out because it is that transition. I do not want anybody not to know where they are but again if the companies out there feel that they can start doing it before, and are doing it, that is always great news.

2.9 Deputy J.H. Perchard of St. Saviour of the Minister for Infrastructure regarding the availability of free parking to carers when visiting clients: (OQ. 7/2020)

In which scenarios, if any, are carers able to park for free when working and visiting clients?

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

Obviously there are some residences that have private parking onsite for carers and there will be some clients in housing associations such as Andium. I believe that some of these provide permits. I do not believe the Parish issue permits for their roads or their residential parking zones but I am intending to discuss this with the Constable as soon as a meeting can be arranged. Of course, this is a matter for all Constables, not just the Constable from St. Helier.

2.9.1 Deputy J.H. Perchard:

Is it the case that carers who are working, visiting clients on any Andium estate or property, can obtain a parking permit from Andium if they were to go there and request one?

Deputy K.C. Lewis:

I have spoken to Andium and they assure me that if somebody applies for a permit, who is a carer and can provide identification and maybe a reference, they would be more than happy to supply a permit.

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

Art therapist, biomedical scientist, dietician and social worker are just 4 of the 26 registrable occupations under the Health Care Registration (Jersey) Law 1995. The question refers to carers: will the Minister explain whether his definition of carer comes under the registrable occupations?

Deputy K.C. Lewis:

Yes, pretty much outside of my remit but I take the point. I am a great supporter of care in the community. The scope who qualifies for any kind of permit, carers who work full days and get paid, carers who have a quick turnaround and need to move to the next patient, carers who do cleaning or shopping services, and carers or family members who provide free caring services, Meals on Wheels providers, *et cetera*, the validation of who can vouch for those and request permits, the administration of anything of this nature would be quite onerous. I believe any scheme would be very difficult to

implement because the number of carers, I think we are talking possibly in excess of 5,000 people. So I will leave it there but I believe in care in the community and I believe we can find an equitable solution.

2.9.3 The Connétable of St. Lawrence:

I would just like to follow up on the Minister's comments about carers because to me ... I understand that many of the questions that are being asked today have come about because domiciliary care workers have contacted some States Members. I have not been contacted at all. But it is important to recognise, as the Deputy has just mentioned, the carers who care for a wife. The husband who cares for their wife. The wife who cares for their husband. The parents who care for children. I am concerned about this because we have to be able to define clearly what a carer is and at the moment the only registrable occupations do come under the Health Care Registration (Jersey) Law. I would like to ask the Minister how he intends to deal with the family carers, and he has mentioned 5,000, but I am aware from my time as Assistant Minister for Health some years ago there were at least 10,000 carers thought to be providing care for family in the Island. How does the Minister intend to undertake this work?

Deputy K.C. Lewis:

As mentioned previously, I am more than happy to talk to all the Constables who have residences and care homes in their Parishes.

2.9.4 Deputy L.M.C. Doublet:

My question might have been answered. Can the Minister ensure that he considers community midwives and health visitors that are visiting families in his considerations please?

Deputy K.C. Lewis:

Absolutely. It is all part of care in the community.

2.9.5 Deputy J.H. Perchard:

I do appreciate the complexity around the solution to this issue aptly raised by the Connétable of St. Lawrence. The Minister just stated that: "I believe we can find an equitable solution." What steps will he take to reach this equitable solution and by when?

Deputy K.C. Lewis:

I have already spoken briefly to the Constable of St. Helier, a formal meeting will be set up and I will be speaking to the other Constables as and when.

2.10 Deputy K.F. Morel of the Minister for Health and Social Services regarding the cost of domiciliary care services to elderly Islanders: (OQ.4/2020)

Is the Minister aware of any firms offering domiciliary care services to elderly Islanders that have raised their prices this year by more than inflation, citing increases in fuel costs or administrative requirements arising from the Health and Community Services Department; and if so, what measures is the Minister taking to mitigate these costs for vulnerable Islanders?

[11:30]

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

Having consulted with officers of my department we are aware of firms which have raised their prices by more than inflation. However, we believe that those rises are not prompted by actions of my department because my department does not regulate domiciliary care and does not control the prices set by homecare providers. Notwithstanding this however, we recognise that domiciliary care is an important part of the Jersey Care Model and I am acutely aware of the recruitment and retention

challenges facing the sector. We are giving consideration to developing a workforce strategy to help ensure that homecare services can continue to be delivered safely into the future.

2.10.1 Deputy K.F. Morel:

While the Minister may not have direct responsibility for the pricing of these services, given the importance of domiciliary care to the Future Jersey Care Model, and understanding that things like fuel rises and increase in administration regulation fall from the Council of Ministers of which he is a member, will the Minister for Health and Social Services be paying more attention to those actions of the Council of Ministers which have a direct effect on the price of domiciliary care services to Islanders?

The Deputy of St. Ouen:

We will always take all matters into consideration and I am always very ready to hear from those in the care sector and States Members or any interested party on how we can ensure the delivery of care to vulnerable people in the Island. I spoke recently with our head of social care about this issue. I have met with the head of the Jersey Care Federation. It is a matter under constant consideration.

2.10.2 Deputy K.F. Morel:

Given these increases in costs, will the Minister commit to speaking to the relevant Minister, in this case the Minister for Social Security, to analyse how the long-term care benefit can be altered in order to provide Islanders with the requisite recompense for these increases in prices that he has admitted have taken place?

The Deputy of St. Ouen:

I will commit to doing that and I believe Government always has to keep the level of long-term care benefit under review and it is reviewed annually. There has recently been an increase in the levels of payment that are made under the long-term care scheme but it is true that costs can exceed the benefits payable and that the Government must always consider how we address and support people who cannot meet any additional costs.

2.11 Deputy J.M. Maçon of St. Saviour of the Minister for the Environment regarding the consideration to be given to Parish Assembly votes during the development of the Island Plan: (OQ.6/2020)

In relation to the development of the new Island Plan, will the Minister advise what status he will give to Parish Assembly votes; will he only propose land for rezoning that has been approved by a Parish Assembly and, if not, why not?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

As the Deputy will be aware, it is a matter for the States Assembly to decide to approve the Island Plan and the Island Plan will include both spatial information onsite and indeed policies and any proposals to re-zone land. It falls to me as Minister, as my task as set out in the Planning Law to bring forward a comprehensive and sustainable draft development plan which meets the requirements in law, best serves the interest of the community where that community represents the Island at large. So to do that I need to have regard to the planning of the whole Island and not just at a parochial level. Both I and all Members however will need, and I am sure we all are aware that any plan approved by Assembly should be capable of both meeting the Island's need and also being implemented. A degree of support or otherwise for specific proposals in the plan, whether we know that through individual representations or collective expressions of views by Parish Assemblies, clearly will be one of the factors that I and all Members will have regard in considering various aspects of the draft plan when it finally comes before this Assembly for approval.

2.11.1 Deputy J.M. Maçon:

I thank the Minister for his answer. He will appreciate that previous Ministers have tackled this in different ways, some giving more weight into a Parish Assembly or not. From what I interpret from what the Minister said, it sounds like a Parish Assembly will be given minimal waiting. It is just a factor and is the Minister cognisant that in previous Island Plan debates that when other Members have brought amendments to the Island Plan, because the Minister brings the document but of course other Members can bring forward other things, that Parish Assemblies have had much firmer waiting among Members of this Assembly? So is my interpretation what the Minister said initially correct and is he cognisant that the Parish Assembly votes do have a greater weighting in this Assembly if amendments are brought forward?

Deputy J.H. Young:

Obviously this is the first time I have had the role of Minister and the first plan I have brought forward. I am aware it is probably one of the biggest challenges for any Minister to make decisions on whether or not such matters, such sites that have come forward through the various processes and Parish Assemblies, not only just one, are included in the draft plan and put forward. I would say at the moment it is too early to say. I think at the moment my response would be is that any votes in Parishes are possibly no less or no more weight than any other factors. What I need to do as Minister, when the draft plan is published, is to make sure that both the emerging plan and the sites and the zonings that are within it are consistent. So that plan has to be consistent and because we are doing this project in parallel I am not prepared to prejudge that by giving one weight or another. I think it is no more or no less. But nonetheless, the views of.... It is important that people set their views out and Parish Assemblies is just but one consultative process and of course the result is in the draft plan. In the end, of course, there are many other steps, including a planning inquiry. There will be lots of opportunities for sites that are included that people do not want to see, or sites that are not included that they want to see, to be taken into account in the inquiry. So there are plenty of steps on route. It is a complex project. I am sorry about that but at the moment equal weight, I think.

2.11.2 Senator K.L. Moore:

I would be grateful if the Minister would explain what weight he feels a Parish Assembly does hold then and perhaps offer some alternatives as to the other groups of people that he might consider to have an equal weight because the Parish Assembly has long-term standing in the Island and is of great coalface democracy in action.

Deputy J.H. Young:

It obviously has huge weight in the local community but the point is, this is a whole Island Plan and the plan needs to be consistent with the policies for the whole Island. One can imagine all sorts of permutations. You might have Parish proposals that completely contradict and completely fly in the face of draft proposals and therefore not, but equally it is very likely there will be a number of consistencies. I am content that the work that is going on in Parishes is good, it has been properly informed by officers, the issues are coming out and I think rather than prejudge at this moment we should wait and see what comes forward. There is plenty of opportunity. Later on in the day I think you will hear from the Chairman of P.P.C. (Privileges and Procedures Committee) that I am planning to have an in-committee debate on this fairly soon and I think there will be plenty of opportunities for Members to raise those issues. But at the moment, the key point is this is a whole Island Plan and the policies and the zonings need to be consistent and rational. Until we know what comes out of those processes I think equal weight has to stay, as far as I am concerned.

2.11.3 Senator K.L. Moore:

The Minister, one would assume, would be grateful for some local views on particular sites and their suitability as to the needs of that Parish in particular and the feelings of the community that live around it. Does this also mean that the work of the Parish planning committees that have been considering the Island Plan and putting forward proposals to the Assembly and preparing to put forward proposals to the Assembly, is that going to be disregarded or given little weight also?

Deputy J.H. Young:

No, I think this is where, what I would call, village plans come in. I have certainly made it plain that I think one of the expectations that I have in the Island Plan is it will need to address the sustainability of village communities and therefore I think there is ... one of the current rules even under the current policies are we need to have village development plans. Village development plans, if there are to be re-zonings under the current policies. Projects have fallen because there has not been a properly prepared village plan or a plan did not have the support of the local community. So clearly I am not reneging on that commitment. That remains. Village plans are important. But what I am saying to you is that I am being asked here to prejudge during what is effectively a 2-year process as what weight various factors are going to have on the final plan. At the moment I am unwilling to say any more than ... the commitments of the work going on in Parishes is important, it certainly will have weight. Whether that is any more or any less than anything, at the moment I am not prepared to go that far. But I am certainly prepared to give further consideration to that once we know a bit more information of what is coming out of that Parish process. At the moment I have no information from that at all. I know a number of Parishes are working on those but equally I know there are a number of Parishes that are not. But this is a whole Island Plan.

2.11.4 Deputy K.F. Morel:

Given the Minister's comments just now, could he explain why he is willing on the Island's biggest planning matter, that of the Future Hospital, willing to give greater weight to a suitably constituted citizens' assembly as opposed to the publicly constituted and forming an important part of the constitution of the Island, Parish Assemblies?

Deputy J.H. Young:

That is an interesting question. I have had no role whatsoever in the guidance or the processes being adopted for the selection of the hospital site. I think there is an answer in a written question that I have put in - I think it is Deputy Pamplin today - about what guidance I can provide. And what I have agreed... Also I have had correspondence from the hospital group that asked me to produce supplementary planning guidance on that. I am being asked to indicate what weight I am going to give to things. In that written answer I have said I cannot ... to give weight when I do not know what site it is and what factors I am being asked to give weight to frankly is not possible now. But nonetheless there will be a supplementary planning policy on that. That is a complicating factor and I think the Deputy perhaps has misunderstood what the role of that is. It is not a planning process. One final comment, the Island Plan process is prescribed in law. The citizens' assembly and the process of the hospital is completely nothing to do with the Island Plan process.

2.11.5 Deputy J.M. Maçon:

I appreciate the rock and the hard place the Minister is in with regard to this particular aspect. He has been quite right to remain neutral. I raise this not only for the Minister to appreciate the process he is trying to go through in order to tease out all these issues but also to make him aware of the *realpolitik* when it comes to constituency matters when they arrive in this Assembly and, therefore, I wonder what in which case then: will the Minister indicate when he will be in a position to advise the Assembly on the weightings when it comes to the Island Plan?

Deputy J.H. Young:

There are some factors that I am looking to be in place before I am able to give a clearer answer on that. Firstly, I want to have the in-committee debate which, subject to the Chairman of P.P.C. (Privileges and Procedures Committee) and your discussion, will potentially be during March. I am also looking forward to once we know what the population policy is and what the target of housing required is because that is going to set the entire parameters for this piece of work. The Chief Minister has been advised and I am told that the Chief Minister is going to have a report from the migration group at the end of this month. I am looking for a commitment from the Council of Ministers pretty

soon after that to tell me what numbers we are looking at in the Island Plan, so I want that. Also I want a report from my officers on the work that is going on in the Parishes, so I am hoping all that comes together in the spring and in fact it has to because the draft Plan is pretty well scheduled for publication in quarter 2 of next year, so I am sure we will be discussing this matter again.

[11:45]

2.12 Deputy K.G. Pamplin of the Chairman of the States Employment Board regarding the recruitment of outside consultants to work for the States of Jersey: (OQ.17/2020)

Firstly, just to correct the previous speaker, it was the Constable of St. Brelade who was asking that written question. I was just worried... if I asked a question I did not know about! Will the Chair explain what processes are in place for recruiting outside consultants to work for the States of Jersey, including the Government, and state who is responsible and accountable for ensuring that such consultants' contracts are kept under review?

Senator J.A.N. Le Fondré (Chairman, States Employment Board):

Procurement of consultants, and that is as opposed to interim or temporary staff, is treated in the same way as all other procurement expenditure and the procedure does depend on value. These procedures can be found in the procurement procedure policy under supporting documents in the Public Finances Manual, which is available on the gov.je website. There is a further piece of work that is currently underway, it is led by the Chief Operating Office to provide additional guidance and clarification for procurement, for recruitment of all resources to the Government of Jersey, and that is expected to be published within the next couple of months. Responsibility for ensuring that consultants' contracts are kept under review sits with the accountable officer for each department who is specifically responsible for ensuring that departmental resources are used economically, efficiently and effectively, and for promoting good management resources and ensuring that they have the necessary staff with the appropriate balance of skills. There is one matter where processes do not seem to have worked, and I am suspecting that is where the Deputy is taking the question, but that commenced before the present States Employment Board, Council of Ministers and heads and senior management were in place.

2.12.1 Deputy K.G. Pamplin:

He is indeed correct that, as reported over Christmas by the *Bailiwick Express*, there was a highly-paid consultant where there was no information on why this appointment had taken place and any acknowledgement the procurement process had not followed procedure. The nature of the work and the variations to the requirements were not documented as would have been expected. So the question really is, as this work is in train, how many more consultants will there be under previous regimes, this regime, and is he confident that we will get a grip of that number instead of us finding it out via the media?

Senator J.A.N. Le Fondré:

Point one here; we are less than impressed as to what has happened. I make the point, it is not an acceptable excuse, but it is a point that it started before the whole team was in place, and I mean politically and at the operational level as well. I believe the contract was commenced in about 2017 and, because it was a rolling-on contract, it never came through or was identified for the approval process subsequently. So where we are in terms of the individual matter is that S.E.B. (States Employment Board) has asked for a full review. Our first report will be next week on the matter. I emphasise the point, we are less than impressed. There is a review of all contracts going on and I do make the caveat that when we are dealing with individuals and employment matters one has to be very careful, but we will ensure that once we have the relevant information together we will be briefing both P.A.C. (Public Accounts Committee) and, bearing in mind my caveat, we will bring some form of briefing to States Members. In the last 18 months we have actually been doing a lot

around tightening processes up and it is now being apparent for very obvious reasons. Part of that is that we now do have a centralised register, which in theory, as things do get tightened up, will stop this sort of thing happening in the future. To answer the last part of the Deputy's question, which you will appreciate I am trying to keep it short, is can we guarantee there are no others out there? Not at this stage. What is being done, there are 2 things, and they all tie into the Government Plan, one is do not forget we were criticised at some point for the amount of extra money going into H.R. (Human Resources) and systems in H.R. That will start addressing this type of thing once it is implemented. But the other point is, within the efficiencies review, there is a review of contracts, we have known that commercially we have not been doing the best thing. We did not know about this contract but I think this serves to illustrate it. To move away from people, we are already starting to see some savings coming out where there have been existing contracts, they have not been challenged, and when they are challenged you do it differently and you save several hundred thousand pounds. That is probably enough said.

2.12.2 Deputy K.F. Morel:

Moving on to matters that absolutely occurred during the tenure of this Council of Ministers, the recent publication of the consultancy report showed that the majority of consultants engaged in that 6-month period in 2019, those engagements were not subject to a pre-consultancy needs analysis and neither were they subject to a post-consultancy assessment. Both of these were recommended by the Comptroller and Auditor General and certainly a pre-consultancy needs analysis is just about working out whether the consultancy is necessary in the first place. Could the Chief Minister give a timeline or explain why these have not been implemented properly and tell us when they will be implemented properly?

Senator J.A.N. Le Fondré:

I do not have that particular report in front of me, so without going back to those details all I will say is we are tightening up the processes and procedures for various reasons. The question would be is whether, depending on the value of the contract, such a pre-assessment or post-assessment in the formal way was required. I do not know. Also as in around value, because you do not employ a consultant just for the whim of it, you will have made some form of assessment to say that we need to get someone to do the work. But what I will say is that if the Deputy would like to give me some specific examples, I am very happy to go away, find out and come back to him.

2.12.3 Deputy K.F. Morel:

These are not requirements under Financial Directions, which is why they are not taking place, they are recommendations of the Comptroller and Auditor General and should be implemented as a result of that because they were accepted by the Government of Jersey. So would the Chief Minister explain or tell us when those measures will be introduced?

Senator J.A.N. Le Fondré:

I am having a memory issue here, when were they recommendations of the C. and A.G. (Comptroller and Auditor General)?

Deputy K.F. Morel:

In the Comptroller and Auditor General's report on the engagement of consultants in Jersey, by the Government of Jersey, I believe that was 2017 or thereabouts.

Senator J.A.N. Le Fondré:

In which case I will endeavour to find out why those recommendations were not followed through. I was thinking it was a much more recent report and that might have explained why it had not been implemented at that point. If it is not in Financial Directions then that obviously does explain one matter and probably means that Financial Directions need updating. I will find out the position and come back to the Deputy and the Assembly.

2.12.4 Deputy M.R. Higgins:

As this consultant issue was certainly the second of 2 issues relating to [Name redacted], I do not know what her title is so I cannot use it [former Chief Officer for Health and Social Services], she was the person who caused the States a great deal of loss by upgrading members of staff and telling them to keep quiet and not tell others and we have had this one. Is there any legal way that the States can try to recover some money back from her if she has not followed the correct procedures?

The Deputy Bailiff:

You must be careful not to name individuals, Deputy Higgins.

Senator J.A.N. Le Fondré:

The likely position is almost certainly no. Let us do first step one; let us get the information first and then see what actions can or cannot be taken. One has to remember one other action we have taken, and it is the second year running, is that accounting officers have been written to again this month to remind them of their responsibilities and so the position is that accounting officers are directly responsible for these matters and that includes under law. But let us get the facts first and then work our way forward.

2.12.5 Deputy M.R. Higgins:

Can the Chief Minister come back to us and tell us if there is any mechanism where we can try to claw back money from people who have failed us so abysmally?

Senator J.A.N. Le Fondré:

What I did say is I am committed to make sure we give a full briefing to P.A.C. and, bearing in mind about the issues of employment matters, we will give a briefing to States Members in as full a way as we can once we have the information.

2.12.6 Deputy K.G. Pamplin:

In listening to many of the answers, it seems obvious, does it not, this is coming down to a question of accountability and transparency, especially in the view of the public. Will he assure us going through this review process that every appointment is made clear of who appointed it and what the terms of reference are? Again, we have seen recently appointed consultants in the world of health again out of the blue, one would assume. So again it is part of the transparency because, as the time is ticking, we will just keep on this train. We must get accountability of the accountability; would he agree?

Senator J.A.N. Le Fondré:

In short, yes. I remind Members that obviously what we have been doing in the last 18 months is tightening up the approval process. That does not mean one will not employ a consultant and it does not mean, depending on the circumstances, that consultant will not necessarily, and it depends always on peoples' perspectives, will not be perceived as being expensive. But what one has to make sure is that the process does demonstrate value for money and that there is a requirement to do that work. We have had some very good examples of people coming in and doing pieces of work and then leaving and potentially, either because it has been a short-term appointment, short notice tends to be expensive because you need someone in rapidly, or it is a fixed piece of work and then they go, but that generally you get benefits out of that. The intention certainly, from the pieces of work and the way the organisation is starting to change, it is about improvements in culture in terms of the organisational culture, the morale, all those type of areas, and obviously trying to generate savings as well. So we must keep focused on the overall thing. But in this instance particularly it is unclear what the approval process was, it was definitely before our time, that is not an excuse, and therefore we are trying to identify how, what and who did what. Once we have that information we will come

back, both to P.A.C. (Public Accounts Committee) and to Members, as I said, to reiterate my first point, we are less than impressed on this matter in terms of the process.

2.13 Deputy K.F. Morel of the Minister for Infrastructure regarding the cost of parking for carers: (OQ.5/2020)

Apologies for being rather similar to a question that has already been asked by Deputy Perchard. Given that domiciliary care providers have recently contacted States Members about the difficulties with parking in St. Helier, including the cost, what work is the Minister undertaking with his ministerial colleagues and the Connétable of St. Helier to minimise the cost of parking for carers and to ensure they are able to park in locations that provide access to their clients, without fear of being fined?

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

Carers play an important role in the community, however I am unlikely to be the key authority in this matter as the issuing of parking and pricing of parking permits is a responsibility of the relevant roads authority. As the relevant residences are predominantly in Parish roads, resident parking zones and housing associations such as Andium - I did get the email, as did many colleagues here today - we were advised by a carer that in Andium Homes a security company have been operating a scheme for over a year now but I also understand that it is subject to appeal. If somebody feels they have been penalised unfairly, they can appeal to Andium.

2.13.1 Deputy K.F. Morel:

Oh, how the Minister's shoulders do slope. Would the Minister, as the person responsible for infrastructure and parking, having oversight of the entire Island, as he so often reminds us, commit to working with the relevant authorities, including the Connétable of St. Helier, including Andium Homes, including those others, to bring them together to come up with one simple policy that all domiciliary care providers can understand and can then adhere to?

Deputy K.C. Lewis:

No sloping shoulders here. I have already stated quite clearly, more than happy to speak to the Constable of St. Helier and all the other Constables and come to some sensible agreement. The solution in this case must, as always in these situations, be around sensitive and intelligent policing. There is an appeals process for anyone who feels they have received a ticket unfairly.

2.13.2 Deputy J.M. Maçon:

With regard to working with his ministerial colleagues, is the Minister aware that for those working in home care for business purposes that the parking – not fines – but charges, can be written off as a business expense, therefore the cost of parking can be deducted, was the Minister aware of that?

Deputy K.C. Lewis:

Yes.

2.13.3 Deputy K.F. Morel:

With regard to my previous question earlier this morning, it was clear that the costs and the administrative burden on domiciliary care providers is rising. With this in mind, would the Minister commit, not to just being happy, to speaking with the relevant authorities to come up with a system whereby they do not have to rely on an administratively burdensome appeals process, and so have a simpler policy, which enables them to get on with their jobs and does not add to the cost of care in Jersey?

Deputy K.C. Lewis:

As already stated several times, I am more than happy to speak to the Constables, the Comité des Connétables, and come to some equitable agreement with this. I cannot predict what the outcome will be but I will do my best to get the best deal for the carers in Jersey.

[12:00]

2.14 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the classification of States' expenditure in accordance with international best practice: (OQ. 15/2020)

In light of the Assembly's adoption of States' expenditure: classification in accordance with international best practice P.94/2019, will the Minister detail the actions to be taken in quarters one and 2 of this year to implement this decision, given the need to classify expenditure from 2021 in accordance with the Proposition?

Deputy S.J. Pinel (The Minister for Treasury and Resources):

The financial reporting team in the Treasury is currently focused on delivering the faster close and audit of the Annual Report and Accounts 2019 in line with the accelerated timetable. This will publish financial results to Members and the public much earlier than in previous years. Once the accounts are audited and published, officers will shift attention to the initial stages of the classification exercise, which will involve comparing existing budgets and spends of classifications with those identified in the United Nations best practice framework and scoping the work required. I am sure the Deputy appreciates that this is a large piece of work and, as stated in the Amendment to the Proposition, part of the initial phase in late quarter one will be an assessment of the additional resources required and a plan to make them available around other key priorities. Treasury officers will work with colleagues across all departments to agree appropriate classifications and identify any requirements to change the way in which expenditure is recorded.

2.14.1 Deputy R.J. Ward:

I think there was an answer there regards quarter one will be allocating resources. So what is the timescale given that it was agreed that 2021 spending in the Government Plan would be classified in this way and what exactly is so difficult about applying this when, for example, I know the Statistics Unit are very keen to get this to work?

Deputy S.J. Pinel:

As I mentioned in my opening remarks, the team in Treasury are completing the faster close of the accounts. The definition of "faster" being in 2017 the accounts were signed off on 30th May 2018 and published on 11th June. The 2018 accounts were signed off on 18th April 2019 and published on 24th April, so quite a considerable difference in closure, and the intention for the 2019 accounts to be published even earlier, by the end of the first quarter. So, with that in mind, and the lack of resources, there are quite a few vacancies in the Treasury team, then we will be recommending the implementation of the C.O.F.O.G., (Classification of the Functions of Government). Analysis is deferred to the 2020 accounts, allowing a project plan to be fully worked up. The analysis is, accordingly, likely to be first available to support preparation in 2021 for the Government Plan 2023 to 2025.

2.14.2 Deputy G.P. Southern:

I detected there in that mass of words an answer, which suggested that is a year's delay, is that the case?

Deputy S.J. Pinel:

The Proposition, the Amendment to the Proposition, did say that it would be for the 2020 year of assessment, but we have to develop the plan and the expenditure of how to do that.

2.14.3 Deputy R.J. Ward:

Obviously would the Minister share my concerns that when we pass something in the Assembly in quite a reasonable way that one would expect the wishes of the Assembly to be acted on as soon as possible and I still hope that the target for the classification of 2021 Government spend will be classified in this way. Particularly, would the Minister not agree, as it opens up clarity of spend in comparison, for example, the next election on the Island so people have greater clarity and therefore there is greater accountability?

Deputy S.J. Pinel:

Yes, I do agree with the Deputy, and I did say that it would be done as soon as is possible. The C.O.F.O.G. analysis will be presented alongside the Annual Report and Accounts.

2.15 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the consequences of the removal of Low Value Consignment Relief: (OQ. 22/2020)

Will the Minister advise Members what the consequences were of the removal of low value consignment relief for the postal services between the Island and the United Kingdom; and what action, if any, does she propose to take to address those consequences?

Deputy S.J. Pinel (The Minister for Treasury and Resources):

The Assistant Minister will answer this question.

Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - *rappporteur*):

The removal of the L.V.C.R. (Low Value Consignment Relief), which was back in 2012 ... it is probably worth pointing out to Members that Jersey had no say over the operation of L.V.C.R., it was commonly known by most people on the Island as the fulfilment industry, which employed quite a few people. As for the financial loss, Jersey Post, as the shareholder representative - which I am - advised me that the company lost £30 million revenue in 2 years following the removal of the L.V.C.R. This was a result of mail volumes falling from a peak of 91 million in 2010 to 39 million in 2014. As I am sure the Deputy will appreciate, Jersey Post have made strategic changes to its business model to ensure that alternate sources of revenue are identified and these are clearly detailed in the company's annual reports.

2.15.1 Deputy M.R. Higgins:

The Assistant Minister has not mentioned one of the consequences that affects a large number of people in the Island and that is, because the Jersey Government, although it spent £1 million fighting the L.V.C.R. - which was a total waste of money because it did not stand a chance anyway - because they have lost that action means that all mail going from Jersey to the U.K. is sent to one centre and is processed and V.A.T. (Value Added Tax) is being charged on items from Jersey, including items that were bought in the U.K. and V.A.T. was paid, including items that do not fall within the H.M.R.C. (Her Majesty's Revenue and Customs) categories. Sorry, I will come back to that, it is wrong. So, in other words, what I am trying to say is people are having their mail delayed because of this consequence and, secondly, many people are paying V.A.T. when they should not be paying V.A.T. on the goods. The V.A.T. is collected by Jersey Post, who, when you speak to the assistants, try to say: "Would you like to pay the V.A.T. on these items?" and many people not knowing that V.A.T. is not payable on them are paying it, and secondly some of the staff are so ill-prepared they are even trying to charge V.A.T. on items that have gone to the United States and Australia. I can say this from personal experience. I have to tell them that V.A.T. is not applicable in those cases. So what I am trying to say is there have been some serious ...

The Deputy Bailiff:

Can you please move to a question, Deputy?

Deputy M.R. Higgins:

I am coming to it. There are serious consequences to individuals and I would like to know what the Treasury people do to try to stop the U.K. charging V.A.T. on items or Jersey Post charging V.A.T. on items that are not subject to V.A.T.

Deputy L.B.E. Ash:

Obviously the actions of the U.K. Government are out of my control, but I will assure the Deputy that I will speak with Jersey Post to try to ensure that all staff are aware of the V.A.T. implications.

2.15.2 Deputy M. Tadier:

Would the Minister comment on whether the recent regulatory change, which means that a parcel, which is perhaps the same size and weight as a letter, but can no longer be posted for the same tariff as a letter, so for example the differential between 125 gram letter would be £1.15 to the U.K. whereas it is £3.71 for the same format and weight to be sent if it is not a letter, has that had also a negative effect on industries, which might have also been hit by Low-Value Consignment Relief?

Deputy L.B.E. Ash:

I am unable to provide any statistics for that. I really would not know so it would be wrong of me to comment.

2.15.3 Deputy M. Tadier:

Would the Assistant Minister raise that issue with Jersey Post because that is another factor which is affecting people who in the past would have either run commercial or private businesses through eBay, for example, needing to post small weight and small value items to the U.K., which has perhaps been entirely or mostly eradicated now?

Deputy L.B.E. Ash:

I would of course be happy to raise that with Jersey Post. I am happy to raise any issues with any of the shareholder companies should people have concerns.

2.15.4 Deputy M.R. Higgins:

I would also ask the Assistant Minister to rectify lack of information, not only on the part of Jersey Post, but also the public. In a written answer today from the Minister for Treasury and Resources they have said at the end: "The Minister is unable to provide guidance on the application of U.K. import V.A.T. outside the scheme. Instead inquiries relating to U.K. import V.A.T. should be directed at Her Majesty's Revenue and Customs." I can tell you it is a minefield. Why can Jersey Post not produce a guide and tell people, and have it available for people in post offices, telling them what is and what is not subject to V.A.T. so they are not paying this unnecessarily? Will the Minister take that up with Jersey Post?

Deputy L.B.E. Ash:

As I previously stated, I will be happy to take these issues up with Jersey Post. Some of this could be down to staffing and manpower levels, but I will take it up with them.

2.16 The Deputy of St. Martin of the Minister for Children and Housing regarding the access by disabled children to wheelchair-accessible vehicles: (OQ.2/2020)

Is it the Minister's assessment that families with disabled children have adequate access to wheelchair-accessible vehicles; and, if not, what measures will he take to address this?

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

The honest answer to that is that this matter has not come to my attention as Minister and I have not had members of the public raise this with me as being an issue at the moment. I am not entirely sure I understand exactly what context the Deputy is coming from when talking about access. But since he has raised the issue I am more than happy to hear from him if he believes there is a particular issue or if he has spoken to members of the public and I will instruct my officers to explore it in greater depth, depending on what the issue may well be.

2.16.1 The Deputy of St. Martin:

It has come to my attention that families with disabled children are turning up at hospital in vehicles which are not suitably adapted, or worse still not turning up at all because they do not have access to vehicles with which to transport their children. Can I just ask the Minister, I am happy to speak to him afterwards, but would he speak with the Minister for Social Security and the Minister for Health and Social Services to see what can be done about this, because I am aware that in the past charities provided these sort of vehicles but they are becoming increasingly expensive and charities are struggling to meet the considerable expense for the single vehicles.

Senator S.Y. Mézec:

I thank the Deputy for raising that and it is the case that those families would work with their occupational therapists to find solutions and things that would fit in with their particular needs in life and going to charities would have been one option. There is support that comes from the Social Security Department that could also have been used for this. If it is the case that what he said about people travelling in circumstances, which is clearly inappropriate and ending up in a situation where health appointments are being missed, which is clearly wrong, then I would consider that to be a problem and would absolutely want to speak to the Minister for Health and Social Services and Minister for Social Security to see if a better arrangement can be found for those children.

2.16.2 Deputy S.M. Ahier:

Children with disabilities become adults. Will the Minister ensure that it is not left to charities alone to supply wheelchair accessible vehicles to them?

Senator S.Y. Mézec:

If that is to be the case then that would have to be done in consultation with the Minister for Social Security and with the Minister for Health and Social Services. As things stand, access to vehicles is a self-funded issue in that some families will be able to afford it because they can and some families will have to have support from Social Security to be able to afford it. Up until now, I have not had that raised as an issue with me, but if it is an issue then clearly a discussion has to be had to find the most appropriate solution.

2.16.3 Deputy M. Tadier:

Would the Minister undertake to talk to the director of Local Services who was on the radio earlier last week talking about pooling minibuses for the various charities and groups in the Island that need to use them to see if a similar scheme can be used, for want of a better word, for disabled-access vehicles, so that people can, without necessarily needing to buy them or hire them, can use them as and when they need them, perhaps for a small cost?

Senator S.Y. Mézec:

It is already the case that there are some vehicles that are accessible to children who are in wheelchairs for educational purposes, that is one area I am aware of, and I know there are some discussions being had between schools about how that can be best utilised. If there is a discussion to be had about how perhaps they could be utilised for health purposes or if there is an alternative to enable children to get access to health services they need then that is a discussion worth having and since the issue has been raised I will speak to other Ministers about this.

[12:15]

The Deputy Bailiff:

Final supplementary.

The Deputy of St. Martin:

No, thank you. I am grateful to the Minister for taking this on board.

2.17 Deputy J.H. Perchard of the Minister for the Environment regarding prospective restrictions to the size of residential properties: (OQ.16/2020)

What plans, if any, does the Minister have to restrict the size of residential properties, particularly high-value properties, so that they cannot be extended beyond a certain square footage and are in proportion with the number of people dwelling within them?

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

The policies of the current Island Plan do not place any specific limitation on the size of residential properties, either in absolute terms or relative to the number of occupants. Policy NE6 in the Coastal National Park and NE7 in the green zone apply. The scale of any new development, whether that involves redeveloping an existing property or the extension of it, is currently assessed on terms of its visual impact on its surrounding context and its impact on any neighbouring properties. I am aware of concerns - concerns which I do share - at the number of very large-scale properties in the countryside and especially around our coastline where, not only in terms of their visual impact or adverse impact on the character of the Island, but also in their profligate use of our very special land. Because we are a small Island with that limited land quality, I want to explore this further and all of the implications, issues associated with it, consider the introduction of a policy to restrict, in the case of particularly large dwellings where it is appropriate, as part of the Island Plan review. Of course such limits are in use in the U.K., in the U.K. green belt, and in elsewhere.

2.17.1 Deputy J.H. Perchard:

I thank the Minister for his response. Will he commit to restricting the size of high-value properties, both in terms of extensions and new builds, to reasonably accommodate the proportion of people dwelling in them?

Deputy J.H. Young:

The first thing I need to say is that the value of a property is not the material consideration, this has been, and the parameters are in fact, as the Deputy says, is the scale and the size and the disproportionate nature of the development in its surroundings and also part of that is its use, its occupancy levels and so on, the number of people within that. So, if we are to have a policy of that within the draft plan, the task that I would have is to make sure that what comes forward as a draft plan, if it is introduced or is proposed, is a workable policy. That needs quite a bit of work to do. But, nonetheless, we have had examples, I know there are very, very large properties. I can give you an indication, for example, where we know there are 20 single dwellings of 20,000 square feet replacing very, very modest dwellings, and those would of course be not consistent with the local plan requirements of green belt English authorities and in other places. So I want to look at that further.

2.17.2 Deputy J.M. Maçon:

Would the Minister agree that within the Island Plan the difficulty with providing any absolute yes or no are to do with Article 8 of the Human Rights Act - the right to property and family life - in that, to do an absolute no but then contradicts human rights legislation.

Deputy J.H. Young:

Yes, all planning aspects of course have got human rights, but of course if we did not have a planning law people could do as they like with their properties. But of course we have an Island planning law because decisions are made in the public interest and we have a process for that. Obviously how far those powers go, whether they are proportionate, but they are potentially ... I am not a legal expert, I am sure the Attorney General will tell us, they are probably qualified rights that mean that judgments have to be made. Obviously if such a policy is included in the draft plan it would need to have legal opinions that it is sustainable. Of course I am relying on the fact here that of course these policies are used and tested elsewhere in other planning regimes.

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

Going on to the original question about the size of properties: is there any reason why we cannot restrict each bedroom having to have its own bathroom? We have the infrastructure, which is sadly lacking if we have to have these huge mansions built in different places, and it is the Island that suffers. We have just been talking about all sorts of things, but it is the Island that suffers because we are having to have everybody has to have their own bathroom, their own shower, their own toilet, and it is totally unnecessary and can something not be done with the planning where that is concerned?

Deputy J.H. Young:

I congratulate the Connétable. That is not an aspect I personally concentrated on. We have minimum standards, which set out what we require as minimum living standard in new dwellings. We have building regulations that show how those facilities should be constructed; we have that. But at the moment I do not think we have gone as far as to specify whether or not people should have access to a personal shower or not. I will give that thought. It probably sits within the whole issue of sustainability and potentially climate change. As you know, it is argued that one of the things in climate change we should also look at is the bigger impact of over-excessive commercialisation and consumption. That is kind of a very big overarching issue, which I certainly want to give further thought to, but at the moment I could not answer positively to the Constable's question. I see the point but I am afraid I do not feel competent to give a decent answer at the moment.

2.17.4 The Connétable of St. Saviour:

I find it very difficult for you to say you are not competent when this Island is now going to be later on asked in the Island Plan to flood yet another valley for people. We do not have any infrastructure to support huge establishments being built that have to have their own facilities and I will be very annoyed if I am being asked to flood another valley to help wealthy residents come to live here, or other people, who want each to have their own facilities and I do not think that is very, very fair on this Island. The infrastructure of this Island is very important.

The Deputy Bailiff:

What is your question, Connétable?

The Connétable of St. Saviour:

I just do not agree. I am very disappointed with him saying he could not comment.

The Deputy Bailiff:

I do not think there was a question there and I am conscious we have 4 questions left and not a huge amount of time.

Deputy J.H. Young:

I did not misunderstand the Constable's answer and I would like to just clarify my answer if I may. I apologise to the Constable because I think I misunderstood the question. Obviously the issue of water consumption and our requirement for a new reservoir is a material issue in the Island Plan, it is definitely something in which we have Jersey Water involved with us, the Minister for

Infrastructure, and we will have to discuss it, because there are choices between whether we provide for new catchment areas or new catchment facilities or we manage our uses of our water wisely, so the Island Plan is the process for that. At the moment there is no decision or proposal to flood a valley for another reservoir.

2.17.5 Deputy K.F. Morel:

Bearing in mind the commitment the Minister just gave Deputy Perchard that he would ensure there are policies that restrict extensions on particularly large residential properties, would the Minister also commit to looking at it from the other way around, bearing in mind that the Island Plan is known to be a document where you can pick a policy to suit your needs. Will he also commit to ensuring that there are no loopholes or policies that would contradict such restrictions and so allow developers or people to extend homes by using such loopholes?

Deputy J.H. Young:

That is a very good question. It is known that one of the things I want to do is to have sharper, clearer planning policies. The 2 policies that I mentioned, NE6 and NE7; NE7 is the green zone policy, it runs to 6 pages, it defies analysis in terms, it has conditions, maybes, ifs, buts, logical loops, it requires the patience of a saint to work out the details of it. Frankly that has to be improved upon significantly and so I give the assurances to the Deputy that, as far as I am concerned, the draft plan will have to be a much clearer set of draft proposals.

2.17.6 The Deputy of St. Martin:

I share the views about the consumption of water but surely the Minister accepts that, whether you have your own personal shower, share it with 2 people or 10 people, you can only take one shower at a time. [Laughter]

Deputy J.H. Young:

I will just say yes.

The Deputy Bailiff:

Thank you for that succinct response.

2.17.7 Deputy J.H. Perchard:

Does the Minister not agree that very large properties of the scale he described may indeed infringe upon the rights of other people to found a family home, especially given the lack of population restrictions currently in place? Is it right that we are allowing the development of properties of such scale given the ever-increasing population and given the number of people suffering homelessness in the Island?

Deputy J.H. Young:

The question is a good one but it illustrates the difficulty of finding the balance between these competing considerations. There is no question that the Island Plan needs to provide for the homes that we need for our community and trying to make sure they are in the right places. At the moment we have failed in that, so there is an expectation, which the whole community shares, that issue will be addressed in the new Island Plan. But, equally, the issue of very large-scale dwellings in our countryside, which are so prominent that all around, all the community, cannot help seeing it, the issues to me are rather different. They are not about what we might call a jealousy argument, why should they have it if I cannot have it; it is more about the impact on the change in the character of the Island. It does rather emphasise what I would call the severe social divisions in Jersey, which do nothing for the harmony of our community. It is an insensitivity; my personal view, it is rather an insensitivity. In architecture there is a question of manners, buildings that say: "Here I am, look at me." They say things differently to ordinary modest dwellings that sit in harmony in their community. I will say no more.

2.18 Deputy J.M. Maçon of the Chair of the Comité des Connétables regarding Parish parking charges for registered providers of care: (OQ.9/2020)

Will the Comité consider whether, and how, Parish parking charges for registered providers of care could be waived and what scheme could be established to achieve this?

The Connétable of St. Lawrence (Chairman , Comité des Connétables):

We have heard from the Minister for Infrastructure this morning that he intends to work with the Connétable of St. Helier to look at this and I can confirm that no other Parish charges for parking, although across the Island charges are made on behalf of the Infrastructure Department and also Ports of Jersey.

2.18.1 Deputy J.M. Maçon:

The Chairman commented how she had not had the correspondence; I have now shared that with her to reflect upon in time, because States Members have been contacted. One strand, which we have looked at, is cost. Another strand that the carer that contacted me was trying to make the point that the ability for someone to be able to provide the service of care to people without having perhaps to worry about to run off to renew their parking ticket, so there was time in order to properly do that. Under the current system of enforcement there is not the ability to do that. So does the Chairman think that, among the Parishes, there might be worthwhile, particularly in the urban ones, there is some form of policy or permit scheme that could be developed to support those providing these types of services?

[12:30]

The Connétable of St. Lawrence:

The Deputy may well be referring to the potential for carers to be fined if they overstay on say a 3-hour zone. As the Deputy knows, and as the Assembly knows, fines are administered by the Honorary Police and the Chef of course has operational responsibility for that. So, if someone was to be fined, they would be able to appeal against it. The Constable would have no say in that because we are not involved with it. However, Centeniers who are elected and who would have the decision as to whether or not to waive a fine, are known for their common sense and their understanding of the vulnerability of elderly and others and so I am sure that they would take that into account. Whether or not Parishes could set up some way of carers not being fined I think would prove to be very difficult indeed.

2.18.2 Deputy M. Tadier:

Can the Chairman confirm that it is not just the Honorary Police who issue fines, some Parishes employ traffic wardens from the Parish, which are paid by the Parish, and that when fines are issued a proportion of the fines that are collected are kept in Parish coffers, is that correct?

The Connétable of St. Lawrence:

A couple of questions there: if a parking fine is issued by the Honorary Police, that money is retained in the Parish and goes to the general Parish coffers. I am sorry, I have forgotten the other part.

Deputy M. Tadier:

That is the point, so whether it is issued by an Honorary Police officer or a traffic warden employed by the Parish, the Parish retains some of it. May I ask a supplementary because that has been answered?

The Deputy Bailiff:

You are endangering the next question, we are running out of time, and that is your question of the Dean, so it is a matter for you.

Deputy M. Tadier:

I will leave it. [Laughter]

2.18.3 Deputy J.M. Maçon:

I would just like to thank the Connétable for the clarity that she has issued. I did make the Islander who raised this question aware this is far more complex than they have presented it to be and I look forward to the outcome of the discussions between the Minister for Infrastructure and the Comité des Connétables. But does the Chairman agree that, if there is a policy outcome, that consistency across the Parishes would be a useful way forward?

The Connétable of St. Lawrence:

I do.

2.19 Deputy M. Tadier of the Dean regarding marriage by same-sex couples in the Church of England: (OQ.20/2020)

What progress is being made towards allowing same-sex couples in Jersey to be married by the Church of England?

The Very Reverend M.R. Keirle, B.A., Dean of Jersey:

I thank the Deputy for his question. He has just got it in, in time, I think. The simple answer is that there have been no developments in this area. The Deputy will know that the Marriage and Civil Status (Jersey) Law 2001 revised by this Assembly in 2017 provides under part 1, Article 7(1) and (2) a mechanism for those who conduct marriage under religious rites not to be compelled by any means, including by the enforcement of a statutory or legal requirement, to take a marriage of 2 people of the same sex. The Deputy will also understand that there may be a very wide variety of views on this subject within the Church of England and within Jersey itself. But he may or may not be aware that in matters of doctrine, which his question encompasses with regard to human sexuality, the Church of England here in Jersey has no legal powers to revise or amend the official teaching of the Church of England; to make changes like that is not within my gift. That is entirely a matter for its bishops and the governing body, the general synod. I would add however that the bishops of the Church of England are currently producing a report on the subject of human sexuality, which I believe will be published later this year, which may bring greater clarity to their position and indeed to the Deputy's question.

2.19.1 Deputy M. Tadier:

I thank the Dean for his answer. The Dean is obviously in a privileged position being both a Member of this Assembly and the head of the Church of England and its representative in Jersey. Certainly for what concerns us in this Assembly with regard to same-sex marriage is to do with the law that we make and the law that we can change. Could the Dean confirm that, not only does our law not compel the Church of England clergyman to conduct a wedding, but our law expressly forbids that even a clergyman who wants to conduct a same-sex marriage is not allowed to do so under our law and does he think that this could be changed?

The Dean of Jersey:

I can confirm that no clergyman can be compelled to take a marriage of people of the same sex. The second part of the question please, sorry?

Deputy M. Tadier:

Yes, as I understand it, a clergyman is not allowed to perform a same-sex marriage under our law even if he or she wanted to do so.

The Dean of Jersey:

That is a very good question and that applies specifically to the Church of England, other denominations are at liberty to do so if their particular governing bodies or central assemblies decide that to be the case. But at the moment that is correct.

The Deputy Bailiff:

That brings question time to an end.

Deputy G.P. Southern:

That leaves 2 questions to be asked. Could I ask that those Ministers circulate their answers to the questions 20 and 21 so that we can know what the results are?

The Deputy Bailiff:

Will the Ministers in question confirm that they will do so?

The Deputy of St. Ouen:

Will do so.

[Please note that the Minister for Health and Social Services subsequently provided the response below to the oral question from Deputy G.P. Southern of St. Helier:

Question:

Given the goal of improving the access to affordable primary care in, or close to, people's homes, as outlined in the Jersey Care Model, what proposals does the Minister have under consideration to increase the numbers of skilled professionals in place, such as G.P.s, community nurses and social care assistants?: (OQ.8/2020)

Answer:

I intended to respond by saying the question appeared to assume that the Island would need to increase the number of professional workers employed in the delivery of the Jersey Care Model. This is not necessarily so. We anticipate that the work location of many of the professionals involved may change e.g. services presently delivered in institutional settings such as the hospital, or care homes, may instead be delivered in GP surgeries, community hubs, or the homes of patients. As mentioned earlier in the sitting, plans are currently being tested. The work will include the development of a workforce plan, that will explore what resources we currently have and how skills might be moved across the system to ensure the right skills are deployed in the right place. If gaps are identified, the plan would set out how those could be managed, possibly by further training, or recruitment.]

Senator J.A.N. Le Fondré:

Yes.

[Please note that it was subsequently decided by the Deputy Chief Minister that the response that would have been given to the oral question from Deputy K.G. Pamplin of St. Saviour (Further to reported comments of the Assistant Minister for Health and Social Services regarding the site selection process for the new hospital, will the Chief Minister clarify the purpose of the current consultation about the site selection and will he advise when the final sites for consideration will be decided?) was covered by the Statement and follow up questions at item 5 of the current meeting.]

The Deputy Bailiff:

I am grateful for that confirmation. We now move to questions to Ministers with notice, a period of 30 minutes and the first period is the Minister for Home Affairs.

Senator L.J. Farnham:

Would it be permissible for the Assembly to allow an extra 10 minutes or so to try to get the final 2 oral questions dealt with and then we start afresh with questions without notice when we come back at 2.15 p.m.?

The Deputy Bailiff:

No, it is not possible to extend the period of question time. It is possible to extend the period for the questions that you will be facing later on today, but not for these questions.

LUNCHEON ADJOURNMENT PROPOSED

Senator L.J. Farnham:

In that case, looking at the clock, we have 6 minutes until 12.45 p.m. I would propose the adjournment now.

The Deputy Bailiff:

The adjournment proposed.

Deputy M. Tadier:

Before you do that, can I raise a point with you directly? This is your first sitting and we are very pleased to see you. You have survived and done question time very well. Could you meet with P.P.C. to discuss this issue about extending question time, it comes up regularly and it should be within the power of any Parliament, or Assembly, to determine its own timetables and schedules, so if there is a technicality impeding the Assembly from expressing its will, for example in this case, could that be resolved somehow by looking at Standing Orders in the future, so it does not put you in an invidious position or stop the Assembly.

The Deputy Bailiff:

I entirely agree that is a helpful suggestion. So, the adjournment was proposed and the States stands adjourned until 2.15 p.m.

[12:37]

LUNCHEON ADJOURNMENT

[14:17]

The Deputy Bailiff:

We now come to the first period of Questions to Ministers without notice, questions to the Minister for Home Affairs, who is here and we have Deputy Ahier.

3. Questions to Ministers without notice - The Minister for Home Affairs

3.1 Deputy S.M. Ahier:

Will the Minister advise the Assembly how many E.U. (European Union) citizens have signed up to the settled status scheme and what sanctions, or incentives, can be applied to encourage all E.U. citizens to do so?

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

It is anticipated and believed that there are approximately 20,000 E.U. nationals, who will need to apply for the settled status and up to now something just over 10,000 have done so. The Department has the resources and they are encouraging, through the Honorary Consuls, through the Parishes, through charities, the remaining what we think is 10,000, but we do not know, of course, to apply for settled status.

3.2 Deputy M.R. Le Hegarat of St. Helier:

When can the Island anticipate getting a new Deputy Chief Officer of Police?

The Connétable of St. Clement:

That is the sort of question I have been asked a number of times over the last few months and I have been consistent in my response. The Law does require that we have a Deputy Chief Officer, but I have said that the management structure of the States of Jersey Police needs to have input, or the future structure of the management of the States of Jersey Police, needs to have input from the new Police Chief. I think that is the right thing to do and the new Police Chief has been in office for about 2 weeks. He is considering the matter and will be advising me within the next few weeks about his belief, his feelings on this issue and I will make an announcement at that time, when I have had time to consider his advice on what would be appropriate.

3.3 Deputy K.F. Morel:

In a recent Scrutiny hearing about Brexit from the Brexit Review Panel, it was established that there is a 4-month waiting list for applications for the settled status scheme. This backlog is causing uncertainty among those who are applying, so I would like to know from the Minister, what is being done to reduce this backlog and the length of time that Islanders have to wait for their applications to be processed? Does he believe that enough resources are being put towards the problem?

The Connétable of St. Clement:

There are currently sufficient resources, in the sense that we have peaks and troughs of applications. When Brexit was supposed to be last March, in March there were a lot of applications. Then it was October; a lot of applications and it died off again. There has been, leading up to the end of January, a lot of applications, as well. The important thing for applicants is not how long it takes for their settled status to be approved, but they need to have their application in by the end of this year. Nevertheless, 4 months is a long time to get the application approved, although virtually all of them are being approved and I know the Department have made a bid for additional resources in that area. We already have 2 officers dedicated to the service and as part of the service, but I know that the management team at Jersey Customs and Immigration are making a bid for additional resources, so that they can get this job done a little quicker. It all depends on the number of applications that come in at any one particular time.

3.4 The Deputy of St. Martin:

Recently, in Snow Hill Car Park there have been areas sectioned off for the exclusive use of police cars. Is that a temporary, or permanent, arrangement?

The Connétable of St. Clement:

The Deputy reminds me, I noticed this as well and I really do not know. I have not made enquiries about that particular situation. There are dedicated, I think, 4 or 5 areas for people who are visiting the police station, but the Deputy is quite right, I have noticed a number of police cars, or police vehicles, parked at the top end of Snow Hill Car Park, but I honestly do not know the reason why.

3.5 Deputy R. Labey:

Is the Minister, himself, inclined to believe that we should have a Deputy Chief Officer of the Police, or not?

The Connétable of St. Clement:

I will take advice, as I said, from the new Chief and the Jersey Police Authority and will consider their advice before making a decision.

3.6 Deputy R.J. Ward:

To return to the settled status scheme, I had a question there: can the Minister give his explanation and understanding of the consequences of either those who do not apply in time, or those who are refused the status scheme? How does he see the consequences of that, for the Assembly and for the public?

The Connétable of St. Clement:

To the best of my knowledge, I think I can say almost to my certain knowledge, no one has yet been refused settled status. If that situation should arise, there would be extremely serious reasons why it had been refused and probably the deportation rules would come into play; but as I say, there would have to be a very serious situation. Those who do not apply by the end of 2020 will effectively have no immigration status and will have difficulty in leaving the Island, or coming back to the Island and accessing social services, so that is why we are encouraging all of those, who are E.U. nationals, who wish to remain in the Island - and we want them to remain in the Island, they are welcome to remain in the Island - to apply for settled status. If there are exceptional reasons why somebody has not applied, we can extend the period to the middle of 2021, the same as in the United Kingdom.

3.7 The Connétable of St. Lawrence:

We know that the Minister approved recruitment of additional States of Jersey Police officers late last year. Will he tell us how many officers are required in the other front line blue light services, to ensure effective service delivery for public safety?

The Connétable of St. Clement:

When the last Medium Term Financial Plan was brought forward by the previous Council of Ministers and approved by this Assembly, I have discovered it was the States of Jersey Police, of all the emergency services, who took the greatest hit. I do not know why the Minister at the time decided that, why the Council of Ministers approved that. I suppose all of us, who were here at that time, have got to take some of the blame because we, as an Assembly, approved that. I am absolutely delighted that the Council of Ministers approved my request to increase the numbers of States of Jersey Police, the Police numbers and the recruitment has gone extremely well. I do not know if Members, like myself, have noticed already a more obvious police presence in the Town, on patrols. The other services currently are no more than one, 2 or 3 staff short and recruitment processes are continuing. When you have services which have dozens, scores, or even hundreds of staff, you will get people leaving, retiring, going on to other occupations, but all of those services are well-resourced at the present time.

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

Will the Minister kindly give confidence to any of our Islanders, who may be subjected to internet fraud, on the basis that those villains can be anywhere in the world and that they can be brought to task, arrested and the monies potentially recovered?

The Connétable of St. Clement:

Of course I cannot. Any crime that is reported to the States of Jersey Police will be investigated properly and thoroughly, but in these days of cybersecurity risk, people do have to be very careful of how they respond to emails and other types of communication, where people are trying to hack into your bank account, or whatever, but I certainly cannot make any guarantees about repatriation of the monies, which may have been stolen.

3.9 Deputy K.F. Morel:

Returning to the settled status scheme; if an Islander, for instance, applies in November and there is still a 4-month backlog and they, therefore, do not get a response until March, in that intervening period, the U.K. has completely left the E.U., will they have trouble travelling within the Common Travel Area of the U.K.? How will the U.K. authorities know that they have the right to travel freely in that area and, with that in mind, what work is the Department doing to communicate the importance of applying as quickly as possible?

The Connétable of St. Clement:

As I said before, a lot of work is being done through the Honorary Consuls, through charities like Caritas, online, on social media, to advise people accordingly. From the end of 2020, a new computer system will be installed, will be working. I have forgotten what it is called, but it will be able to scan and immediately customs officers, immigration officers, both in Jersey and in the other Crown Dependencies and in the United Kingdom will have the information whether the person is entitled, whether they have settled status, whether they have applied for settled status, so there should be no difficulties in that area. As I say, the important thing for those who require settled status is that they apply before the end of this year.

3.10 Deputy I. Gardiner of St. Helier:

Would the Minister advise when he is planning to bring to the Assembly domestic abuse legislation?

The Connétable of St. Clement:

Later this year is the plan. We have already consulted with a lot of partner agencies for this very important piece of legislation, which is very high on my priorities and that of my Assistant Minister. Work is progressing on that and certainly we will be bringing something later this year. I understand Deputy Gardiner's interest in this and I know there is another Member, as well, who has indicated an interest in this particular subject and I would welcome their input as the law is developed over the next few months.

3.11 Deputy M.R. Higgins:

I am afraid I cannot leave the opportunity of going back on something the Minister has just said. He said if a crime is reported to the Police, they will investigate it. I will ask him: can he see any justification why the Police, who were approached regarding a young lady - 15 years old - who was being groomed and had evidence on her phone, has still not been interviewed 6 months later and the evidence gathered?

The Connétable of St. Clement:

If the young lady, her family, or the Deputy, have concerns, or worries, about the way the crime, or alleged crime, has been investigated then there are proper channels which the Deputy, or the family, or the young lady can go through: through the Professional Standards Department and any claims of improper behaviour, or that the case has not been investigated properly will be dealt with in that way, will be investigated thoroughly and properly. I can tell the Deputy of St. Martin, that the roller door at the police station is being repaired and, therefore, the police vehicles are being stored temporarily in Snow Hill Car Park.

[14:30]

3.12 Deputy K.G. Pamplin:

I think we were all very pleased to see in the Government Plan, last year, the funds secured for Dewberry House and the essential work that it does for those in our community. Can the Minister update us with any further progress in securing it a new premises to operate from?

The Connétable of St. Clement:

I know the officers and those responsible for the S.A.R.C. (Sexual Assault Referral Centre) and for Dewberry House are working very hard on making plans for the future to incorporate a child-friendly

S.A.R.C. and are working to find the right premises, the appropriate premises, that people have access to and a building that can be converted to provide full and proper facilities for a long time to come. I have not got any more details than that yet, but as the work on this progresses I will be quite happy to keep the Deputy informed.

3.13 The Deputy of St. Martin:

Does the Minister agree with me that the inshore rescue facility, provided by his officers at the Fire and Rescue Service, not only is a vital part of our search and rescue on the Island, but also represents very good value for money?

The Connétable of St. Clement:

The short answer is yes. The Fire Service inshore rescue vessel is the only vessel which is available 24/7. It is the only vessel that can be launched from virtually anywhere on the coast of the Island and, therefore, it is a vital and important resource. That is not to say that other options should not be investigated, which might be able to provide an even better service. I doubt that will happen, but I would want to be sure that that is the case. Yes, I agree with the principles of what the Deputy is saying.

4. Questions to Ministers without notice - The Chief Minister

4.1 Deputy R.J. Ward:

Will the Chief Minister advise us when he expects the finding of the consultation on the creation of a Public Service Ombudsman to be published?

Senator J.A.N. Le Fondré (The Chief Minister):

Before I answer that, can I just advise the Assembly of a slight glitch that has happened, just as we were adjourning earlier and, also, Sir, to offer my congratulations to yourself because, obviously, this is your first time in the seat you are in? **[Approval]**. In terms of the consultation on the Ombudsman, I received it as, or just after, the Government Plan had been finalised. There was an issue that was drawn to my attention as part of that consultation, which were the views expressed by at least 2 groups of politicians in this Assembly. I have been endeavouring to meet with those 2 parties but, unfortunately, due to diary commitments not working, their diary commitments did not tie into mine and I have not yet been able to do that. I am hoping to do that imminently and as soon as it is done ... I just want to make sure there are no issues before we release the documentation, essentially. It will be coming forward. We are all very clear there needs to be a change in the complaints process and that consultation will form part of that, as it gets released. That is the only reason for delay. It is due to be released shortly.

4.2 Deputy K.F. Morel:

Following reports today that the citizens' panel, that is being established to aid the hospital site selection process, is 'to work in secret', would the Chief Minister advise the Assembly how he reconciles this secrecy with the Act of the States, passed just under 12 months ago, that requires the Council of Ministers to implement a new, open and transparent process for site selection for the new Jersey General Hospital?

Senator J.A.N. Le Fondré:

To deal with the main issue, there are a few issues in there, but some of them might become clear from the statement that Senator Farnham is going to be making later, or straight after me, so the fewer questions we get for me today, not giving any hints, you can then quiz Senator Farnham more on his time, I am sure. Seriously, the citizens' panel is a new innovation, if you like, from the way we have done things in the past. What we have been very clear about is it is not secret, but what we are trying to do is to keep it free from political interference, or influence. Part of that is around, also, it is

members of the public, who are giving their time up for free. We are also acutely aware that, in today's world, the influence of social media can be quite strong, if people happen to disagree with your particular views. I think we all see it and experience it as politicians; that unfortunately goes with the territory. Members of the public may not be quite so enthused about that idea, so what we try to do is keep it not a secret, but it is about keeping it clear of political influence. I do not know who they are and the point is they can do their work in that process, free of political influence and then feed into the whole process on the hospital.

4.2.1 Deputy K.F. Morel:

With that in mind, how then does the Chief Minister expect Scrutiny to be able to agree that this was an appropriate path for the process that did help in an open and transparent manner? Would the Minister be willing to speak to Scrutiny, to work out the mechanism by which Scrutiny can ensure that that process is appropriate and has not been, as you say, subject to political interference?

Senator J.A.N. Le Fondré:

I believe Scrutiny have asked to observe the process and I believe that the Minister is fully engaged on that front. I will say, just from past experience, to give an example, because we have discussed this with precisely those kind of questions in mind and it is about how to make sure we protect the individuals who are involved. One way it was done in the past was that the officer had access to the information, but not the politicians, but that is a matter for Scrutiny and the Minister to have a discussion on. We do want to make sure that Scrutiny are satisfied with the process, but bearing in mind the point that we are trying to keep it clear in that area of political influence.

4.3 Connétable J.E. Le Maistre of Grouville:

Will the Chief Minister commit to refrain from calling increases in charges, or new charges, for services supplied by the States as efficiencies, when clearly increased charges cannot be described, in any sense of the word, as efficiencies?

Senator J.A.N. Le Fondré:

For future, I will definitely commit to that, because I think that is one of the lessons that we should have anticipated in advance, but, obviously, it came out in the last Government Plan. I will just make the point, which is the argument that was put to me - I am not saying I am biased entirely, but I do understand it in part, as well - is that where, in the past, we have not reclaimed all our costs, we have not covered our costs and, therefore, where it should be a cost recovery exercise, that has been the argument, that yes it is an increase; for members of the public it is an increase in costs on them. From the political side, if Members like, it is recouping what we should have been recouping at some point in the past. We have not been recognising it properly, therefore we have been using those resources inefficiently. That is where the logic came from. I think, for clarity, we will just call it something different and it should not have been called an efficiency at the time.

4.3.1 The Connétable of Grouville:

Would he agree that 'efficiency' means doing something at less cost?

Senator J.A.N. Le Fondré:

It could mean that. It could be doing more with the same money, if that makes sense.

4.4 Connétable P.B. Le Sueur of Trinity:

As Chairman of S.E.B. (States Employment Board) is the Chief Minister aware that, within Children, Young People, Education and Skills, despite almost 2 years of uncertainty, there are several members of staff, who are still waiting on the imminent transformation changes to their employment contracts? Would he agree with me that, as the employer, this is completely unacceptable and must have an adverse impact on their goodwill, mental health and well-being and will he give an undertaking to investigate and resolve this unsatisfactory situation as a priority?

Senator J.A.N. Le Fondré:

I think I need to get some more information from the Constable. I am very happy to talk about it separately, but, in principle, I am very happy to look into it and come back to him.

4.5 Connétable R. Vibert of St. Peter:

Would the Chief Minister confirm how he intends to regain the confidence of those affected by the chaos and concerns created by the recent I.T.I.S. (Income Tax Instalment System) notices issued by the Income Tax Department?

Senator J.A.N. Le Fondré:

I thought this might come up some time in questions without notice and, obviously, the Minister for Treasury and Resources will be delighted to be taking the detailed questions on this point. Seriously, we know it has been a difficult time and what I will say is I will break the response into 2. One is it has been difficult, we know that. That has been part of the issues of dealing with a system that is probably 35 years old, that did have some inherent weaknesses in it, so, on the face of it, has been working quite nicely, but I think has been creaking for quite some time. Those creaks, which included, I think, as I was informed, of up to about 1,000 areas in the old system, have then been magnified by the new system taking it on. That has been part of the issue. On a positive note, the new system has enabled online filing to be taking place and that went live yesterday and, as of today, 100 people have managed to file online successfully and there is a feedback loop in there, which gives a performance measure, a bit of a rating into how it is going. So far, 80 per cent of approval and that even has had a positive remark from a well-known tax consultant, who has made some positive remarks about it. I think the point is, we know there were some issues within the old system. Moving to this new system is difficult; it is being addressed and I hope to see a significant improvement in the service that people see from getting their tax assessments in place. The online filing, so far, is going pretty well. Where there are some errors, they are being looked into.

4.5.1 The Connétable of St. Peter:

Would the Chief Minister agree that while a statement was issued, in an attempt to clarify the issue, it is unlikely to have been positively received by the public, when the statement also claimed that they were partially to blame?

Senator J.A.N. Le Fondré:

Yes, I think the way that was reported in, certainly, the printed media that I looked at over the weekend, did not overly contribute to matters. What I believe has been the case, or what has been coming to light, is that, in certain instances, the underlying data that has been in the system, or has been provided into the system, has not been as good as it could be. The example - and I do emphasise this is one example of a number that are out there - is that when somebody completed the data on their form, they put their total bank deposit balance on there, rather than the bank interest; therefore, funnily enough, the calculation of their tax was wrong. I am not quite too sure exactly how it was communicated, but that was the point the Comptroller was trying to indicate, that in certain instances it has been about the data that has been in the system somewhere. There has also been an issue that under the old system, which, as we said, is 35 years old, was creaking, was probably starting to be pushed beyond its limits with the impact of long-term care and how that impacted on the rates. There have been a myriad of problems. It was starting to be addressed. To be fair, this has been going on for 2 to 3 years in terms of getting the new system in play and I think where we are now I am hoping we are starting to come out of that particular issue that has been the answer.

4.6 Deputy S.M. Ahier:

The upcoming carbon neutral strategy, P.127, proposes the establishment of a citizens' assembly. Will the Chief Minister consider the formation of a climate change policy development board, to be set up instead?

Senator J.A.N. Le Fondré:

I am basically taking the advice from the Minister for the Environment on this matter. I was very happy with his citizens' assembly and I would have thought that would have been the appropriate way of doing it. We are open to any improvements that people consider in that process. I will leave that for the Deputy to discuss with the Minister. I am happy to take part in that discussion, if he wishes me to.

4.7 Deputy M. Tadier:

Notwithstanding the statement that is about to be made on the hospital, I have a question about the hospital to the Chief Minister, which is: he mentioned about avoiding political interference, but does he accept that the vast majority of the public, certainly the ones that I have spoken to, would welcome some political interference in the issue of the hospital site, where it should go and getting it built?

Senator J.A.N. Le Fondré:

Let us be clear, ultimately, it will be a political decision, fairly obviously. What we are trying to do is reduce that political influence, interference, shall we say, in the early stages of this process.

4.7.1 Deputy M. Tadier:

Would the Chief Minister explain, personally, how many viable sites he thinks that there are and will he explain how many sites are being consulted on and what the difference is between those 2 numbers?

Senator J.A.N. Le Fondré:

Sorry, I did not get the second half of the question.

[14:45]

Deputy M. Tadier:

How many viable sites does he think there are and how many sites are being consulted on and what is the difference?

Senator J.A.N. Le Fondré:

I am not going to get drawn into this. We have been very clear that the process is being accelerated. Senator Farnham will be making a statement on that whole issue shortly, or his statement will cover that, as part of his statement, but we are also being quite clear we do not want to compromise the process. It is to keep that process solid, keep it, hopefully, concise and, as I said, we are very clear on making massive improvements in terms of where we are during the course of this year.

4.8 Deputy J.M. Maçon:

It has clearly been a slow year with the media following the investment in Jèrriais being valiantly defended by the Assistant Minister for Economic Development, Tourism, Sport and Culture, but the figures that were being referenced by the media represented the spend over the plan of the period and not the year-on-year spend, which comparatively is much more meagre. Does the Chief Minister agree with that and does the Chief Minister agree that the best thing about this is it shows that there is demand for a voluntary subject for our students, who want to take up Jèrriais at higher levels?

Senator J.A.N. Le Fondré:

To answer the question, yes. I think, as I have said in the past, we took a decision in this Assembly to put Jèrriais in as a language that could be spoken in this Assembly. It was sent as a measure to say we support our Island's language. We are either serious about it, or we are not. The point was made very clear to me, some years ago, by a professor in minority languages, an absolute expert and an enthusiast for Jèrriais that you have, we as an Island, have a living language that is 1,000 years old. If we do not do anything about it, it will die. That is the choice. We either put the resources

into it, to try to see if we can make it viable, or we do not. We have taken a decision to do so and I think that is the right decision.

4.9 The Deputy of St. Mary:

With reference to Deputy Ward's question, as to the progress of the Public Ombudsman consultation, the Chief Minister is aware that the Legislation Advisory Panel was charged with carrying out that function. If only to assure other Members that L.A.P. (Legislation Advisory Panel) has not been idle, would he please confirm that he is fully satisfied that L.A.P. has carried out its work and that consultation is ready to be published, as soon as the Chief Minister agrees that we should do so?

Senator J.A.N. Le Fondré:

Absolutely and, as I said, once we have had that discussion, I was going to get straight back into discussions with the Deputy, with a view to moving things forward.

4.10 Deputy G.J. Truscott:

Fort Regent is in desperate need of investment, is in desperate need of direction and I understand that the able Deputy of Trinity is looking into this matter. When can the Assembly expect a report on the Fort's future?

Senator J.A.N. Le Fondré:

In terms of what I will call big and important projects for the Island, in terms of capital matters, obviously the hospital is one - I should have said 3 - the hospital is one; the office strategy is one and Fort Regent is the other. Therefore, I will be looking for some movement and some progress on Fort Regent during the course of this year.

The Deputy Bailiff:

That brings to an end the time allotted for questions without notice. Going back to the Order Paper, there is nothing under J. Under K, Statements on a Matter of Official Responsibility, I invite Senator Farnham to make a statement regarding the hospital project, after which there will be 15 minutes of questions.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

5. The Assistant Chief Minister made a statement regarding the Hospital project

5.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

Members will recall my commitment, on behalf of the Our Hospital Political Oversight Group, to keep the Assembly updated with the progress of the hospital project. Identifying the hospital site is of the highest priority. We will bring the final preferred site to the States for decision definitely no later than the September target, as outlined in the Chief Minister's report, R.54. I have reason to be confident about this, because, in the past few months, we have built a strong team, with the right skills. The project is being governed by 2 key methodologies, in which members of the internal team are well trained. Prince 2 is an internationally-recognised methodology, used by business to deliver significant construction projects and H.M. Treasury Green Book Guidance, to ensure best practice principles of Government are adhered to. Both ensure visibility, transparency and total control and allow the processes to run in parallel, to enable the fastest possible delivery, without compromising the overall completion of the project. We have recruited Mace – an internationally-renowned project management company – who have already made a significant impact on the rate of progress, reached the final stage of our search for a design and delivery partner. The Chief Minister and I, as I understand the Minister for Health and Social Services and Deputy Raymond have met the 3 bidders – all have excellent credentials, very valid experience and the capability not just to deliver us a new hospital – but a fantastic hospital, the hospital that Jersey people deserve. We have carried out one

last sweep of the Island, to double-check that there are no potential sites that might have been overlooked and we will soon have a citizens' panel in place that truly represents our community and provides a representative voice from a wide cross-section of Islanders. The panel's role is to make sure the views of Islanders are taken into account as we look at where and how the hospital is to be built. The panel will consider a number of factors, including how the new hospital will meet the needs of patients and wider users of healthcare and where certain types of healthcare should be based and the overall accessibility to such facilities. The factors determining the hospital's socioeconomic impacts, such as cost and funding. The impact of sustainability, for example, the natural environment, potential loss of green space and the use of natural and non-renewable resources and the visual impacts in terms of design, landscape, townscape and, of course, historic environment. The panel will meet regularly over the next 6 to 8 weeks' period, to complete this important work. I have offered Scrutiny unfettered access to all areas of the work, as we move the project forward. We meet regularly and I would like to thank the Chair and members of the panel for their constructive, objective and thorough approach to the process. It is essential that the scrutiny is conducted effectively and without compromise and they will have our full co-operation at all times. In parallel, the Minister for Health and Social Services has launched the Jersey Care model, which is a huge leap forward in defining what our healthcare service can be like in the future - with our hospital at the heart of it. Islanders clearly care deeply about their new hospital and more than 300 people responded to the call for sites. 154 offered to be on the citizens' panel so far. If I can just deviate from the statement for one minute, that recruitment process has been extended for a couple of days to ask for more young people to come forward. I know the people that have commented came forward, because they are thinking about their family's futures and looking ahead to their own medical requirements and I would like to thank them all. It is time for us to restore their confidence in this project. We are, at last, seeing the shape of our future hospital emerge. A strong team, with the right skills, is being built to make this happen. We must all, from the Chief Minister, the Political Oversight Group, Scrutiny and indeed all States Members, work hard to rebuild their belief and their confidence. It is vital now that we push through and do not stop pushing, until our new hospital is open. However, when all is said and done, it is actions that speak louder than words. Action is what is now required and action will be delivered. **[Approbation]**

5.1.1 The Deputy of St. Martin:

The Minister was part of the previous Government, that commissioned and received the Gleeds Report, a report that cost many millions of pounds and identified scores and scores of potential sites. When the Minister says he has carried out one last sweep of the Island, to double-check, where does he think he was going to find these new sites?

Senator L.J. Farnham:

The idea of the sweep was to ensure that there was no private, or perhaps commercially private land, that owners had decided might become available. I can say that although the process is continuing, the closing date for the final sweep is the end of this week, the vast majority of suggestions were previously included in the previous site list.

5.1.2 Deputy S.M. Ahier:

Will the Assistant Chief Minister assure the Chamber that People's Park will not be considered in the selection process, as voted for by this Assembly on 13th February 2019?

Senator L.J. Farnham:

All I would say to that is that this States Assembly has made a decision on that process. I think, personally, that it is unlikely that the States would change its mind; however, having said that, it is not impossible for that decision to be rescinded.

5.1.3 Deputy K.F. Morel:

Would the Minister please explain the statement that the citizens' panel will decide on how the new hospital will meet the needs of patients and wider users of healthcare, where these types of healthcare should be based and the overall accessibility to such facilities? Given that this is, clearly, the work of experts, it is clearly the work that was meant to be undertaken by the Jersey Care model, which we do not know any of the finances behind yet at all, is this citizens' panel going to be in receipt of information that even the Chief Executive, or the Director General of Health does not have? Apparently, this is the type of thing that they are going to be asked to decide upon. How on earth can the citizens' panel decide on how the new hospital will meet the needs of patients?

Senator L.J. Farnham:

I would refer the Deputy to the terms of reference of the citizens' panel, which are quite wide, but appropriate. We are not asking the citizens' panel, or expecting them, to give expert qualified and medical advice. That is not what they are there for. The difference with the process that we are running now, from the process that was run previously, is that we are delivering a greatly enhanced amount of public engagement. What we are doing with the citizens' panel is ensuring that we have a cross-section of Islanders, who can consider some of these thoughts in the round, as Islanders with the Island's best interests at heart, with minimal political interference, or interference from other groups that have strong views on individual particular sites. It is also worth adding that we are consulting much more closely with the professional medical practitioners and, again, that is something that was lacking in the previous process.

5.1.4 Deputy R. Labey:

Does the Minister not agree that the citizens' panel will struggle to achieve validity, or credibility, unless it contains some uncomfortable names? Those 'nuisance' names, who ran a concerted campaign against the Gloucester Street debacle and certainly helped me in my Proposition to have it stopped. I just worry that they have been cleansed from the citizens' panel process and that it will damage it, if we do not see one or 2 of them on it.

Senator L.J. Farnham:

I disagree with that, simply because the process is continuing to engage with those Islanders, with valid concerns and valid ideas, in parallel with the citizens' panel, so we are going to continue to listen to other members and other ideas, as well.

5.1.5 Deputy R. Labey:

A brief supplementary, Sir. It is just that a lot of those people have already been told they are out of the running.

Senator L.J. Farnham:

That was not a question, Sir. That was just a statement from the Deputy.

5.1.6 Senator K.L. Moore:

Of the sites that have been proposed by members of the public, following the call for sites, could the Senator please tell us how many sites have not previously been considered by the £41 million process that the Island has already been through?

Senator L.J. Farnham:

Can I just start by referring to my previous answer and making it clear that it is not the intention of the Political Oversight Group to reintroduce the People's Park as a potential option? I just stated that it was, technically, possible for the States to rescind a previous decision, but please do not take that as an indication that we intend to bring it forward.

[15:00]

The process, the call for sites to Islanders, closes at the end of this week and we will publish a list of the sites the Islanders have suggested shortly after that, but I can say that the vast majority of suggestions so far are included in the list of the previous 41 sites that were brought forward by the previous process.

5.1.7 Deputy R.J. Ward:

Would the Minister not agree that the problem with the citizens' panel, that he set up, is that it is not a citizens' panel, in the truest sense of the word? The comparison with the citizens' panel for the climate change initiative is about using the correct method of choice, i.e., sortition. The citizens' panel for the hospital requires people to apply. You will not have a true reflection of the population. You may have an age dynamic, but how are you ensuring you have got another demographic, in terms of just the general random selection of a population? You have not, because people have applied and does that not mean that, therefore, there is a problem with that panel from day one?

Senator L.J. Farnham:

Absolutely not. We did listen to the Deputy's helpful suggestions, when we attended a Scrutiny meeting previously and the process being chaired ably by former States Member, Francis Le Gresley, has taken that into consideration. I do accept that while people asked to apply, that might not mean you are getting all of the potential Islanders coming forward that broaden the demographic, if we were to go out and make some selection. But I am confident in the process and I am confident that we will have a good cross-section of Islanders, with a good gender and age and nationality demographic for this process.

Deputy R.J. Ward:

Supplementary, Sir?

The Deputy Bailiff:

If you do not mind, it is important everyone gets a chance to ask a question. So, if there is time at the end, perhaps you can come back with a further question.

5.1.8 Deputy M. Tadier:

This is slightly wider, perhaps. Does the Deputy Chief Minister agree that wherever is chosen for the hospital, it will open, or close, doors to other uses? For example, cultural, sporting or housing uses. Is there a way, early on, to make sure that those with political responsibility have an input into the wider picture of what the secondary repercussions will be from any selection of that site?

Senator L.J. Farnham:

Yes, I do agree with that statement by the Assistant Minister. It is absolutely right. That is one of the reasons why the search for sites is of the highest priority. I have discussed this briefly with the Minister for Children and Housing. The Minister for Children and Housing is desperate to get on and utilise some of these sites for housing that are currently potentially earmarked for a hospital, as I know the Assistant Minister is deeply involved with looking to expand the culture and heritage brief, in line with the strategies we are working on right now. That is very important and that is one of the reasons why there can be no further pontification and we must get on and deliver the preferred option to the States, to make a decision as quickly as possible.

5.1.9 The Connétable of Grouville:

Could the Minister tell us, once a preferred site is chosen - and we are told it will be by September - how long will the subsequent planning process take and how can the Minister be sure that the chosen site is approved?

Senator L.J. Farnham:

I have a good communication and appropriate communication, I should say, with the Minister for the Environment. We are waiting now for the formal planning guidance for the project, which, I am told, that the Minister is just tweaking slightly, to use his exact words. Once we have that, that will guide the selection process and the selection process is slightly different, because we are moving from a weighted process, which was employed by the previous process, to a sequential process. The sequential process is a test in which applies a long list of fairly technical questions in priority order to list the possible sites and these questions will screen and eliminate inappropriate sites fairly quickly. So, I think the process we are using is going to be far more suitable to the end result. I refer to R.54, the report, it is anticipated that if we present the preferred site to the States Assembly in September, or before if at all possible and the States agree on a site, then we would be looking for planning permission in early 2021.

5.1.10 Deputy G.P. Southern:

I must say that I am terrified by the prospect of what advice the Assistant Minister is getting from his officers if he describes 300 people, who are volunteers, as a citizens' panel. It is not a citizens' panel, a citizens' panel has to be carefully selected to exactly replicate the population. If they want to do that, then by all means do it and call it a citizens' panel. But, what he has at the moment, I am afraid, is the usual suspects.

Senator L.J. Farnham:

I am sorry, I missed the Deputy's question there.

The Deputy Bailiff:

Are these the usual suspects?

Senator L.J. Farnham:

No.

Deputy G.P. Southern:

Well, it is now: have you heard and will you agree?

Senator L.J. Farnham:

I had hoped that Members were not going to try and score political points in this process. 154 members, as of the end of last week, had put their ... well-meaning Islanders had put their names forward to participate in the citizens' panel. Not the 300, that was for the call for site, OK? Out of those people, that have put their name forward, a panel will be selected. As I say, to repeat myself, I have every confidence in the integrity of the process, notwithstanding, of course, Deputy Ward's learned comments about how you can improve the processes, if you go outside a process that involves people having to apply. I do take that on board. But I still believe we will have a good and worthy citizens' panel.

5.1.11 Deputy G.J. Truscott:

I am struggling with this one. This morning we heard from the Minister for Health and Social Services that P.82 is going to be ... care in the community, the hybrid of P.82, is going to be stress-tested and it will not come to the Assembly, if I understood him correctly, until September. P.82, care in the community, the hybrid, will determine the actual size of the hospital going forward. How, therefore, can the Minister now tell us that we will have a decision by September for the new site of the hospital? I am finding that hard to reconcile. We do not know even at this stage how

many beds the hospital is going to have. We do not know, at this stage, how many beds the hospital is going to have, we do not know how many operating theatres there are going to be. I really am struggling with this. We are not talking waiting, we also talk about future case ...

The Deputy Bailiff:

Could you come to your question, please, Deputy? Could you come to your question? I thought you had asked your question, but then you went on.

Deputy G.J. Truscott:

I just did. Yes, future expansion ...

Senator L.J. Farnham:

I am going to help the Deputy with his struggle. I am going to do that by saying that the Care model, the process for deciding a new Care model, will inform the new hospital. It will not dictate as to exactly the size and shape and what facility do we have, it will inform. I very much hope that when we build this new hospital, when we decide the site and we decide the logistics, we will build something that is future-proof. We will build something, a building, that is adaptable for the future. But it is important that the Care model and I know from the Minister's comments this morning ... he was talking about late summer and I am talking about September, by that time his work will have provided enough information to inform the process to bring the site Proposition. I think we will be debating for many years into the future how we shape and refine the Care model, because there are a lot of changes we are proposing to it. Of course, medical technologies are moving at a very advanced rate. But I hope that Members will support a new hospital site that is future proofed in its capacity.

5.1.12 Deputy K.G. Pamplin:

If the Minister's confidence is overflowing and there is a site that stands heads and shoulders above all the rest, can we not just quicken that process and get to it a lot quicker. Bring that site to the Assembly as soon as possible and use the citizens' panel and the medical experts to deliver what we need in our new co-located hospital with all the things that we have talked about time and time over again.

Senator L.J. Farnham:

I think that is probably why the former process went wrong. As tempting as it is for us, or individuals, to propose a site that we might prefer, it is important that we listen to Deputy Morel's Amendment that said this process must not be undermined, must not lose its transparency and openness. That is why we have to do it this way. I understand the Deputy's frustration, I share it, as do many Members, as do many members of the public, but it is worth spending the next few months very carefully working through this process and making sure we engage with the people of Jersey, we engage with the medical professionals and we make sure it is transparent, we make sure that Scrutiny scrutinise it absolutely appropriately. I think we will then come out with a site that will be the right site.

The Deputy Bailiff:

That brings the period of 15 minutes to an end. We now move to Public Business on the Order Paper.

Deputy M. Tadier:

Before we start, can I try and be helpful and advise the Assembly that I will be deferring my Public Holiday Proposition, because I want to consider some Amendments following conversations with various Members. Just so people do not prepare for it.

The Deputy Bailiff:

That has been deferred. You will give us the date later on, will you?

Deputy M. Tadier:

Yes, Sir, at the moment I think we could put it on to 4th February.

The Deputy Bailiff:

Thank you for that.

PUBLIC BUSINESS

6. Draft Banking Business (Depositors Compensation) (Amendment No. 2) (Jersey) Regulations 201- (P.81/2019) - as amended

The Deputy Bailiff:

The first item is the Draft Banking Business (Depositors Compensation) (Amendment No. 2) (Jersey) Regulations, lodged by the Minister for External Relations. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Banking Business (Depositors Compensation) (Amendment No. 2) (Jersey) Regulations 201-. The States make these Regulations under Article 37 of the Banking Business (Jersey) Law 1991.

6.1 The Connétable of St. Ouen (Assistant Minister for External Relations - *rapporteur*):

I am the Minister for External Relations today, because, as you know, he is not present in the Chamber. Before I start on this debate, I would just like to draw the Assembly's attention to the fact that there are 2 Amendments down for this item and to mention that the External Relations Department have agreed to accept those 2 Amendments. I just want to ask the Assembly for consideration as to whether we could debate the Proposition as amended.

The Deputy Bailiff:

Thank you for that. When you say 2 Amendments, they are both Amendments, are they not, for the same Regulation, Regulation 7, made by your Committee, your Panel. Yes, we will deal with that when we come to that Articles, assuming people are content. You can still propose the principles now, though, and make your speech in that regard.

The Connétable of St. Ouen:

Thank you for that guidance. The Draft Banking Business (Depositors Compensation) (Amendment No. 2) (Jersey) Regulations, which I will refer to as 'the Regulations', propose to give the Bank Depositor Compensation Scheme Board the power to collect information from banks and introduce offences under the scheme of Regulations. The scheme exists to ensure that certain deposits are protected, if a Jersey bank should fail. This is a low likelihood event, but the scheme makes sure that if this happens people and charities' deposits are protected to a certain level. Since the 2008 financial crisis, such schemes have become commonplace in well-established jurisdictions. The Jersey scheme was introduced following a recommendation by the International Monetary Fund and was established by this Assembly in 2009. It is a statutory body, that is dependent on the States and Ministers. Currently, the Board does not have the power to collect information from banks regarding deposits that they hold, or the profile of depositors, unless a bank fails. The scheme, therefore, has limited knowledge about the very deposits the scheme exists to protect. This materially reduces the pace at which the scheme would be able to pay out to depositors, if it were ever to be required, as a lengthy manual process would be required to understand what deposits are protected by the scheme and to whom they belong. This could - and almost certainly would - lead to a substantial delay in depositors, potentially including Jersey residents, being given access to their money protected by the scheme. In short, the scheme could struggle to pay out within the deadlines this Assembly has agreed.

[15:15]

The draft Regulations, therefore, grant the Board power to collect information about deposits held by Jersey banks. This would also allow the Board to set a standardised format for the collection of data.

This is ultimately intended to underpin the system whereby if the scheme were ever triggered, information about the protected deposits can be automatically processed. This would ensure that deposits could be returned to depositors much more quickly, irrespective of which bank they were held by. The draft Regulations also include offences into the original 2019 Regulations. The offences would most recently include triennial Regulations, which are spent. The offences described in the triennial Regulations are broad in nature and are, generally speaking, assigned offences where a person has failed to comply with obligations to provide information to the Board. The draft Regulations incorporate the substance of the triennial Regulations in the compensation Regulations, putting offences under the compensation Regulations onto a permanent footing. The information gathering powers, proposed in this Proposition, stem from the Banking Business (Jersey) Law 1991, they are similar to the powers held by the Jersey Financial Services Commission, but narrower, due to the more restrictive remit of the Bankers Compensation Scheme Board. This includes an important provision that the Board cannot share information collected from banks onwards, except for a limited number of prescribed exceptions, which I will discuss shortly. Shared data collected from banks onwards outside of the limited number of exceptions is punishable by 2 years in prison, a fine, or both. These protections are important to the nation's data that it is expected the Board will collect. In order to test the scheme and ensure that they will be able to reimburse depositors with their protected deposit in the hectic scenario of a bank failure, the Board will work with banks to ensure that the information about bank deposits is stored in a prescribed format. The Board will then test the transmission of this data to ensure that the banks can transfer the data in the required format and that the scheme could pay out quickly, if a bank were to fail. While this would be carried out using the most advanced data security measures available, as these files will include information about depositors, protections I refer to in the Banking Business (Jersey) Law are also of utmost importance. It is important that the Board is able to test the scheme, to make sure that it is properly protecting our deposits in the unlikely scenario that a bank fails. Currently, if a bank were to fail, it is unlikely that the data would, or could, be provided to the Board in a format that will be easily transposable into their pay-out tool, or potentially in a format that would make it possible to reconcile. More likely, the Board would need to manually transpose the depositor data from the format provided by the bank into one that they could work with for the Board's purposes. There would also likely be a chunk of depositors for whom data is imperfect, so a substantial remediation process would be initiated, requiring the Board and its agents to access the bank system and manually work out who was due what. Clearly, the Board can only reimburse a depositor when it is satisfied that they are eligible for the reimbursement. This would be at a very difficult time when the bank had failed. Staff with the necessary expertise could, or would, be unlikely to be motivated to assist in this process, as they would probably be looking for another job elsewhere and would be concerned about their futures. The powers proposed here are, therefore, essential. I should also add that any data collected in the testing process, once the tests have been satisfactorily completed, would, of course, be deleted and would not be retained by the Board. Following discussions with the Economic and International Affairs Scrutiny Panel, the Banker Depositor Compensation Scheme has agreed to engage with the Information Commissioner ahead of collecting any personal data. The Information Commissioner has welcomed this approach. The Board is regulated by the Office of the Information Commissioner and are bound by the protections and requirements of the Data Protection (Jersey) Law 2018. I would just like to touch on Scrutiny's Amendments now. In that regard, I am most grateful for the helpful and constructive engagement of the Economic and International Affairs Scrutiny Panel in their scrutiny of this Proposition. They have engaged with me and the Minister for External Relations, as well as my officers, in the Office of the Chief Executive, to propose 2 changes which we believe will further strengthen the protections in this Proposition. Having run a Jersey bank myself, I can assure Members that Jersey banks are not in the business of sharing sensitive data about their customers without the utmost data and cybersecurity in place. I, therefore, welcome the additional protection that the Scrutiny Panel's Amendment brings, by requiring that the data being exchanged must be encrypted and only de-encrypted for its intended use under this statute. I would now like to move to the second aspect of the Panel's Amendment. In introducing the powers to collect data, the

Proposition also creates some limited exceptions to allow the data to be shared onwards, where doing so allows the body to carry out its legal functions, or assist public bodies in the execution of their public functions. As I have already informed the Assembly, no person, which would include the Board and its agents, is permitted to disclose information without the consent of the person to whom it relates and, if different, the person to whom it was received. It is an offence to do otherwise and, as I have indicated, the penalties are 2 years' imprisonment, or a fine, or both. The proposed gateway in the draft Regulation 35(b) creates gateways to allow the sharing of information collected from banks, taken from those allowed to the J.F.S.C. (Jersey Financial Services Commission) under the banking law. This only allows information to be shared with a limited number of prescribed bodies, such as the J.F.S.C., the Viscount, those assisting the Board in discharging its legal functions, those investigating criminal proceedings, the courts and third country schemes. They only allow for information to be shared where there is a specific reason for doing so. For example, the Minister if information concerns the administration and operation of the scheme, the J.F.S.C. to enable or assist the J.F.S.C. to discharge a function and the enactment that gives the Commission a supervisory function. The Amendment from the Economic and International Affairs Panel adds an extra layer of protection, by making it crystal clear that the Board cannot share any personal data about an individual person's deposits with the Minister and, by extension, the Government of Jersey. I entirely agree with this principle. Individual bank balances are not a matter for the Government. While there are many protections to reflect on such data being shared, or being received by the Government, such as the right to privacy and the misconduct in public office protections, this is an additional layer of assurance. I therefore welcome and support these Amendments. If I can just conclude by saying that Jersey is judged by the Regulations that it has and these Amendments will bring the Depositor Protection Scheme very much up to date in the eyes of our investing public and, therefore, I move the principles.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

6.1.1 Deputy M.R. Higgins:

Just a question for the Assistant Minister. I am surprised, in one sense, that the data is not already held by the Financial Services Commission. It should have, obviously, data on the banks and the deposits they have, but does it have the means of obtaining the information? Does it have to come through this particular body?

6.1.2 Deputy J.M. Maçon:

2008 seems like a lifetime ago. I remember one of my first Scrutiny reviews, chaired by Deputy Higgins and the Deputy of Grouville, along with former Deputy Shona Pitman and the Deputy of St. Mary, Daniel Wimberley. Deputy Southern was there, as well; there you go. As I try and blow a few cobwebs off my mind, to remember this scheme and it was brought in in quite a rush, in fact it was the Scrutiny Panel's Amendment of the day that brought this Panel into existence, because it was important to have that split between the political involvement of the time. We got enough stick from even challenging that. But I am glad that the ministerial team is continuing to refine this particular scheme. We did highlight some of the flaws that were highlighted in the system. Now time has moved on and, as I say, I have had a few cobwebs on my mind. But I was interested in what the *rapporteur* said on the last scheme, because, as I understood it at the time, you know, something goes down, we need to have this scheme that reacts quickly, it needs to be supported. We would not have the standard administration law to put it in place and, therefore, it would be officers from the Department that would, therefore, be carrying out the administration of the scheme when the button goes live. So, I was interested when the *rapporteur* said that the Government would not have access to the information regarding the banking details, but, of course, in that situation, the people carrying out that scheme would be the officers from the Department administering it. I wonder if, unless things have changed, or I have forgotten something - which is highly possible - if the *rapporteur* could just explain that to me a bit more. On these particular Regulations what has started to be refined

I absolutely support, but there are some other bigger issues around our compensation scheme which should be borne in mind. But these particular Regulations are certainly a step in the right direction.

6.1.3 Deputy J.H. Young:

Really a question prompted, I think, by the Amendment, which seeks to, in lay terms, put extra disciplines on any exchanges of information about the banks and the deposits they are holding. The issue I would like an assurance on is that in putting in place that Amendment to the law that the public of Jersey, who are - if I have not misunderstood - carrying the risk under the depositors investment scheme at the moment. In other words, the current scheme means that the taxpayer of Jersey, unusually - compared with the U.K. scheme, where the banks do a levy - in Jersey, our taxpayers' money is at risk and of course, ultimately, at its worst, if a big bank went belly up ... sorry, I am not sure that is parliamentary, but, nonetheless, what I mean is if there was a failure, I would like to be sure and confident that notwithstanding these restrictions of exchange, that the public at all time, or the relevant authorities, are going to know what the risk is. What the risk is, what the spread of risk is and the total amount of money that the public are, potentially, liable for at any one time between the different banks and operators, so that we can effectively manage that risk. I think that particularly is the case because, unless I have misunderstood, the final bail out, the body responsible for bail out under the scheme is us. So, I wanted to be sure that I get absolute cast iron assurances from the Deputy Chief Minister on that point before I vote for it.

6.1.4 Deputy K.F. Morel:

Before I get going, I would just like to thank the Assistant Chief Minister and officers, who were responsible for this, for their patience. This was a process started before ... late September, October time but got derailed by our scrutiny of the Government Plan and so was picked up again after that, even though the officers, who had wanted to get this in before January, had to wait until now to do so. But I would like to thank their work and their patience. This is, I think, a piece of legislation which is symptomatic of legislation we are going to see coming before us a lot more in the future and it is legislation which concerns the most private of information that we, as Islanders, have. We will see it with digital health records and we are seeing it here with this banking compensation scheme. In this case, the information is our own private financial information and this law basically seeks to create a carve out from the Data Protection Law, to enable information to be shared, but that is the most personal of information, it is individual amounts of money next to the people who own that money being passed from one body, a bank in this case, to a Board. Most of us do not know what that Board is, or who that Board is, but they are going to be able to get our information. So, it is really important as an Assembly and as Scrutiny we take great care when we look at this legislation and that we do not just think it is another boring piece of financial services legislation. It is legislation which affects every single Islander and could do so in a very difficult way. In this case, I think what you see when you read the law is how interesting it is that what you would think of as your bank account information can suddenly be shared with so many people. This is information, again, that you thought was private, but this legislation means that not only can that information be shared with the Board, the Compensation Board, but the Board employs one of the big 4 accountancy firms to administer the scheme on its behalf. So, your information can be shared with one of the big 4 accountancy firms and that is provided for in this legislation. As the legislation says, they can share it with the Viscount, the Comptroller and Auditor General, the administrator of the banks, so probably another big 4 accountancy firm.

[15:30]

Until our Amendment: the Minister, the commission itself, the police, the J.F.S.C. and various other people. So, suddenly, your personal financial information can be shared with a whole raft of people and it was that which flagged this up to Scrutiny and meant that we realised that we had to give this ... make sure it went through a thorough scrutiny process. Again, one of the reasons we brought Amendments is because, while there is considerable goodwill and the officers and the Board do not intend to misuse this information, the problem is when you share information over a wider and wider

number of people, it becomes harder and more difficult to control and you cannot, looking 20 or 30 years in the future, guarantee that that goodwill, *et cetera*, will still be there. Hence we brought Amendments, which I will speak to a bit later on. I will answer for the Assistant Chief Minister, £100 million is the risk that the Islanders are exposed to, that £100 million is segregated as part of the Strategic Reserve and the J.F.S.C. cannot do this work, because J.F.S.C. only, I believe, has that information in aggregate. As I said, this information is your actual bank deposit data being passed to this Board. From the bank, that you bank with, to this Board. So, it is very deeply personal information and the J.F.S.C. does not have that information, certainly not about all Islanders in Jersey. Now we have scrutinised it, I do believe we are in a position where I think the Assembly should support this legislation. It is important we get it in, it is important that the Board can test their systems and can ensure that the whole idea is that if a bank does fail, they will be able to start refunding people their deposits within 90 days and they need this information. It is understandable why they need that information, but the trade off, in order to test their systems, the trade-off is a lack of privacy for us. What we need to do, as an Assembly, with all these types of legislation in the future is make sure that we pay a great deal of attention to them, with a view to protecting Islanders and making sure that that personal data cannot be misused. So, I do urge you to support this, because it is very important legislation, one way or the other.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call on the Assistant Chief Minister to reply.

6.1.5 The Connétable of St. Ouen:

If I could firstly thank Deputy Morel, most sincerely, for answering some of my questions for me. Clearly, he can do my job better than I can. Taking Deputy Higgins' comments first, Deputy Morel did correctly answer that question. The J.F.S.C. does not collect the information that would be particularly useful to the Depositors Compensation Scheme, because it collects information for different purposes and, therefore, the correct level of granularity would not necessarily be there to run a depositor compensation scheme. They are much more interested in the aggregate and they are also much more interested, at the J.F.S.C, in the risks that a bank is taking and that essentially deposits are safe and they are keeping within the parameters set by the J.F.S.C. Moving on, Deputy Maçon's cobwebs, which do disturb me slightly. When the scheme was set up - and perhaps this might help to leave the cobwebs slightly - it was originally envisaged that the Government would act as the ... do the legwork on it, but that has now been changed and now that work falls firmly in the remit of the Board to pay out deposits and, therefore, there is no need, or purpose, for the Government employees to be involved. Of course, there is no need, or purpose, for any of the information collected to be disclosed to them. Moving to Deputy Young's comments, that also has been answered, I think, in part, by Deputy Morel, but the scheme works ... there are 21 banking groups in the Island, up to 0.3 per cent of their original deposits, a maximum of £10 million is their contribution level that they have to make to the scheme and it is broken down over a period of years that they have contributed in. The Government has a backstop scheme to the tune of £100 million. So, there are substantial funds available, before we get to the Government's share, but the Government is bankrolling it to a certain extent. Like all depositor compensation schemes, in 2008 there was some question mark as to whether they were viable, but in the normal course of events and I think it is extremely important for depositors' confidence in our Island that these schemes exist. I think we accept *in extremis*, with a major crash of banks, they might be difficult to fund, but having them in there, protecting retail deposit accounts is a very important part of our legislation. I would strongly support it. Then turning to Deputy Morel's points, all I can say is agree with you. It is always difficult to share ...

The Deputy Bailiff:

Through the Chair, please.

The Connétable of St. Ouen:

I beg your pardon. It is always difficult to share depositor information with other Boards, but it is also worth mentioning that auditors and other bodies, who audit banks, have sight of that information and, therefore, it is not as uncommon as, perhaps, the Deputy may think. Nevertheless, the banking Regulations contain very stiff penalties for breaches of those Regulations and I am aware that the courts have enforced those Regulations quite strictly, as is only appropriate. Therefore, I move the principles and ask for the *appel*.

Deputy M.R. Higgins:

A point of clarification. I think he said that the money that the Government is putting forward comes after the banks. If I remember correctly, the scheme was that to enable a quick pay out, the money was coming from the States, who would recoup some of the money from the banks, certainly from any liquidation and possibly by way of a levy. But the money was coming from the States first and not the banks, unlike all other schemes.

The Connétable of St. Ouen:

Yes, the Deputy is correct, we are effectively maintaining the cash flow, but the cost will fall on the banks to the extent that I described and if that was insufficient to pay out, then we would be ... the scheme would look to us for the final £100 million to make up any deficit. But the Deputy is quite correct, the cash flow and the pay out of deposits would initially come from us, to enable the banks to have time to liquidate assets from their own balance sheets to pay us back under the rules of the scheme.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
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 R. Labey (H)				
Deputy S.M. Wickenden (H)				

Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. 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)				

The Deputy Bailiff:

I now need to ask whether the Economic and International Affairs Scrutiny Panel wish to scrutinise the matter. It appears you have already.

Deputy K.F. Morel (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

We now move on to the Second Reading and the proposing of the Regulations. Assistant Chief Minister, I note that you now accept the Amendments, made by the Scrutiny Panel, so would you wish to propose the Regulations, as amended?

6.2 The Connétable of St. Ouen:

Yes, I would. I would like to propose them *en bloc* if the Assembly is agreeable.

The Deputy Bailiff:

Does any Member object to the Assistant Chief Minister proposing the Regulations as amended and *en bloc*? Thank you, will you address the Regulations *en bloc*.

The Connétable of St. Ouen:

I propose the Regulations *en bloc* and I ask for the *appel*.

The Deputy Bailiff:

Before you do so, the Regulations need to be seconded as well. **[Seconded]** Does any Member wish to speak on the Regulations?

6.2.1 Deputy K.F. Morel:

Just very briefly, it is just to say - it has been touched on by the Assistant Chief Minister - one of the Amendments is about the encryption and that is purely for safety and to ensure that at no point is the data basically more open to being hacked, *et cetera*. So, if it was hacked by a party outside the Island, particularly, then it would be encrypted; the information they would get would be encrypted. Equally, when it is stored I would expect it to be encrypted. It is fairly unusual for that to be in legislation, but we felt that it was important, because, as much as anything, there have been various Government departments in the U.K., various corporations worldwide that you would expect to hold their information in encrypted format, have not done so, that information has been stolen and been made available. So, we felt it was important and it may be that the Assembly wants to see this as a new

standard going forward, I do not know, but we do seek in these type of laws to ensure that that information is encrypted by legislation. The second Amendment was about the Minister. The Panel found it quite odd that the Minister was included as someone who could receive this information. Last time I checked, whenever Governments wanted personal information on the finances of their citizens, it was usually for nefarious purposes and not for the good of those citizens. So, our proposal ensures that while the Minister can still have information shared with him, no personal information can be shared with the Minister. I think that is really important for the protection of Islanders and, again, something that should be standard in this kind of legislation, going forward. So, that is just purely to explain the Amendments, as has just been accepted by the Assembly. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak on the Regulations? Deputy Pamplin, I did not see your light, I do apologise.

6.2.2 Deputy K.G. Pamplin:

That is all right, I am usually missed over. [**Members: Aah**] Bless you. I just wanted to draw attention to the excellent comments paper by the Scrutiny Panel, which has been followed up with his explanation from the Chair of the Panel in the previous Regulations, because it provides us great insight in knowing what is in front of us today that we are voting on. It drew out a very interesting response from the Minister for External Relations in response to the first Amendment the Chair is referring to, where in his response says: “It is envisioned that data would be encrypted in flight and would only be decrypted where it is necessary to allow the data ...” this is really important information, because ‘envisioned’ in my interpretation is not guaranteed. I know the Chair and the Scrutiny Panel will be keeping a close eye on this and if there is any further information, the Assistant Chief Minister can provide in that, because this is a crucial crux of these Regulations, that this information is secured. Envisioned is one thing and guaranteed is another.

The Deputy Bailiff:

Does any other Member wish to speak on the Regulations? I ask the Minister to reply.

6.2.3 The Connétable of St. Ouen:

Once again, I would like to thank Deputy Morel for his assistance on what has been a very technical and difficult legislation on which the Scrutiny Panel has given us some valuable input. It is always better to have 2 eyes looking at something and they have proved to be a very valuable and helpful 2 eyes in that process. If I can just pick up on the comment about encryption of data that Deputy Pamplin raised, I think that is probably a bit of an assumption on the part of the financial services team and myself in that it was always standard practice that data is encrypted, or held in a format that is unbreakable, by the standard of the financial services industry when transmitting customer data. There have been some obvious slips, as there always will be. I think we just assumed that that would be the industry standard and that would be the way the data was transmitted. It is thanks to the helpful intervention of the Scrutiny Panel that that has been made a much clearer picture in the legislation, for which I thank them. The point I would also make, though, is that industry standards move on and we may need to come back to reflect the latest protection of data standards as time moves forward. I think that is something for the future and not something for today. Once again, I move the Regulations in the Second Reading and ask for the *appel*.

The Deputy Bailiff:

The *appel* has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
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. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. 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)				

The Deputy Bailiff:

Assistant Chief Minister, do you wish to propose the matter in Third Reading?

The Connétable of St. Ouen:

I do, Sir.

The Deputy Bailiff:

Does any Member wish to speak in Third Reading? **[Seconded]** Forgive me, thank you for seconding it. Does any Member wish to speak in Third Reading? Those Members who are in favour of adopting the Regulations in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading. The next item of Public Business was the Public Holiday Designation of

28th September as a public holiday and Deputy Tadier has kindly notified us that is going to be deferred.

[15:45]

7. Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 201- (P.104/2019)

The Deputy Bailiff:

So the next matter is the Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations, lodged by the Minister for Home Affairs. Members will recall that the principles were approved at the meeting on 12th November 2019. Then the matter was referred, under Standing Order 71, to the Education and Home Affairs Scrutiny Panel for review. We, therefore, now continue with the Second Reading of the Regulations. For completeness, I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 20-. The States make these Regulations under Articles 8(5) and 10(3) of the Rehabilitation of Offenders (Jersey) Law 2001.

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

As you said, the principles were approved back in November and the Regulations called in by the Scrutiny Panel. I would like to thank the Scrutiny Panel for its work on this issue and for presenting its comments, which were extremely positive and helpful and am I am grateful for that. The Regulations do what I said they would do. It is to enable and enhance the disclosure and borrowing check to be carried out on anyone who applies for a licence to produce, supply, or possess, a controlled drug, or to cultivate cannabis plants. That would be part of the licensing process and I propose the Regulations.

The Deputy Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations?

7.1.1 Deputy R.J. Ward:

I feel I should say, after we called it in - I refer people to the comments paper we circulated - there were 3 specific things about the relationship, the definition of the genus and the process and we are satisfied, after a second briefing, that those things have been covered and I hope that Members have some clarity on those issues that were raised afterwards, as well.

The Deputy Bailiff:

Does any other Member wish to speak on the Regulations? I call on the Minister to reply.

7.1.2 The Connétable of St. Clement:

I would simply repeat my thanks to Deputy Ward and his Panel for their supportive comments and I maintain the Regulations.

The Deputy Bailiff:

Those Members, who are in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. How do you wish to propose the matter in Third Reading, Minister?

The Connétable of St. Clement:

I simply wish to propose the Regulations in Third Reading, please.

The Deputy Bailiff:

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

8. Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019)

The Deputy Bailiff:

The next matter on the Order Paper is the Public Elections: declaration of donations exceeding the current threshold for declaration in law, lodged by the Connétable of St. Martin and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to make it a legal requirement for donations received by election candidates and third parties in elections which exceed the current threshold for declaration in the law (£120) to be declared and made publicly available (including online) within 2 days of receipt; (b) in relation to donations to political parties of, or worth, £120 and above - (i) the name of the donor and the value of such donations must be declared to the Judicial Greffier within one week of receipt; (ii) the Greffier should maintain a register, published online and available otherwise for public inspection, showing all of the information declared in respect of each donation to each party; and (iii) anonymous donations should be treated in the same way as anonymous donations are currently treated under the Public Elections (Expenditure and Donations) (Jersey) Law 2014; (c) to request the Privileges and Procedures Committee to bring forward for approval the changes to legislation necessary to give effect to this Proposition.

8.1 Connétable K. Shenton-Stone of St. Martin

This is my first Proposition and, depending on how it goes today, I am hoping it is not my last. This Proposition has but one purpose and it is to improve the transparency of our elections. As a democratic institution, it is imperative that we ensure that each election is fought on a fair and level playing field. By strengthening the Public Elections (Expenditure and Donations) (Jersey) Law 2014, the Public Elections Law, I believe that we, as an Assembly, will not only improve the trust between us as elected politicians and the public, but take a leading role in delivering full transparency for our elections, allowing people to know exactly who supports whom and what financial impact they have made on their respective campaigns. This Proposition will make the following changes to our electoral system. Firstly, the time allocated for the declaration of large donations that a candidate, or third party, has received will be restricted to within 2 working days, regardless of the date of the polls. Secondly, donations to political parties and independent candidates of, or worth, £120 and above must be declared to the Judicial Greffier, while treating anonymous donors to political parties in the same way as anonymous donations to candidates are currently treated under the Public Elections (Jersey) Law and registers of donations would be available online, or should be available online. There is a cost associated with this Proposition, due to the need for webpages to be created and maintained to publish donation information online. This matter has been discussed with both the Judicial Greffier and the Greffier of the States and more work must be done, before we can quantify the full cost, although this is expected to be modest and can be accommodated within existing budgets. I will first set out why I believe a 2-day window is suitable for donations. A 2-day window allows Islanders to see donations come in as close to real time as possible, maximising the level of scrutiny that candidates and their supporters may receive. Islanders should be allowed to understand how campaigns are being funded as they progress, not simply after they have potentially achieved their end result. Islanders deserve to know who is funding who. Having spoken to both the States and Judicial Greffiers, I understand this an achievable target and one that would be of huge benefit to our electoral transparency. Moving on, I believe that work should be done to accommodate political parties within our laws on election expenditure and donations. Therefore, I see a requirement

in this Proposition for donations to political parties of, or worth, £120 or above to be declared to the Judicial Greffier and treating anonymous donors to political parties as one would treat a donor to an independent candidate, as common sense. I have chosen the limit of £120 to maintain continuity with Article 6 of the Public Elections (Jersey) Law, regarding the requirement for candidates to make declarations of election expenses following an election. Over the course of this Assembly, we have had several Members stand up and proclaim their interest for official party platforms. In turn, high profile figures, such as the former Bailiff and the former Minister for External Relations, Sir Philip Bailhache, spoke of party politics as a way forward in the run-up to the 2018 general election. If he is correct, then it is only sensible for us to have the legislation ready for when this development comes about. If we are to go down the route of political parties, I wish to discuss the influence that large donations may have on the party and their ability to shape Island politics. To demonstrate this, I would propose a hypothetical. Suppose we had, say, a wealthy donor, who wished to bankroll a political party in Jersey. Under current legislation, the unknown donor would be able to fund the hypothetical party, shape and decide its ideology, policies and platform and place their candidates within a financially advantageous position, through which to be elected to this Assembly, without sufficient public knowledge, or scrutiny. Nobody would know the identity of this undue influence and their potential hold on Island politics. I believe that that is not only unwanted, but anti-democratic. While I have no qualms with people wishing to donate to their chosen political candidates, parties or groups, of whatever side of the Assembly they choose, I believe that they should be able to do so openly, with the public fully aware of both their financial impact and the influence they may seek to gain from their chosen party. This, I believe, is not a controversial view and is a view I believe that the public would want. In short, this is a preventative measure and it is not a hostile action. I would, therefore, like to stress that I do not bring this Proposition to trouble our existing political party and I can assure members of Reform Jersey that this legislation is not to harm them. Reform is not a party that I envisage being impacted negatively from this Proposition. As a part of the centre left, I would be personally surprised if it turns out that they have been secretly going after donors with deep pockets; instead, I believe, they should be in support of this, so that we, as an Assembly, can level the playing field and develop a culture that is open and transparent. Coming to the third stage of this Proposition, I believe that in a modern jurisdiction, such as ours, the requirement for registers of political donations to be placed online is - to quote one of the business cases within the Government Plan - a no-brainer. If we truly wish to be both an Island and a democratic institution that is respondent to developing technologies and the needs of Islanders, we need to make essential information as accessible as we can. By posting donation registers online, anyone will be able to see who has donated, thereby incalculably improving our transparency on this issue. Downloading donations should take a candidate no longer than writing a short email and could be done at any time, day or night, with minimal effort. Now turning to the Amendment, this has been put forward by the Chair of P.P.C. I would urge the Assembly to reject this Amendment. This is a simple matter. This Assembly is elected to decide these matters itself. After all, the public has been consulted before on similar matters and has simply been overridden. This is a classic kick into the long grass, but if the P.P.C. is to include this matter into consultation, if their Amendment does go through, then I would ask: "What is the timeframe of this consultation? What will it consist of? What is the expected cost of your consultation? When will the results be published? When can we expect a Proposition and what alterations would you intend to make, when absorbing this into the wider policy?" Asking for a public consultation is a bad precedent, would this not simply be the Assembly saying that even simple questions are too hard for itself and burying its head in the sand. I believe it is vital for the Assembly to know the answers to these questions, if the Amendment goes through. A lack of clarity risks kicking this Proposition, as I said, into the long grass. Indeed, my chief concern with this Amendment is that it may simply delay a useful addition to Jersey's electoral laws. If the Assembly deems my Proposition good, I argue that we should go ahead and agree to it today. If the Amendment does pass, although I would urge the Assembly to vote against it, for the reasons I have given and these proposals are not to be found in a future Proposition by P.P.C., or are reduced in scope and capability, then I wish to confirm to the Assembly that I will look at bringing this Proposition back

again, unamended. This is not to disqualify the good work P.P.C. do, I simply wish to affirm my commitment to further transparency within our election system and guarantee a more level playing field for future votes. In summary, I believe that this Proposition will ensure a considerable improvement in how our public elections are administered and provide the information, clarity and accessibility that Islanders deserve. Finally, I would like to thank the Greffier of the States and the Judicial Greffe for their extensive and detailed feedback and to the Legislative Drafting Officers for their work on assembling this Proposition. I urge all Members to vote against the Amendment and please vote for this Proposition. Thank you.

The Deputy Bailiff:

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

8.2 Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019) - Amendment (P.120/2019 Amd.)

The Deputy Bailiff:

There is an Amendment lodged in the name of Privileges and Procedures Committee and I ask the Greffier to read the Amendment.

The Deputy Greffier of the States:

Page 2, paragraphs (a) and (b). At the beginning of both paragraphs (a) and (b) insert the words “subject to public consultation”. Page 2, paragraph (c). In paragraph (c) after the word “Committee” insert the words “to incorporate these matters in its forthcoming consultation on election expenditure and, subject to the outcome of the consultation,”.

[16:00]

8.2.1 Deputy R. Labey (Chair, Privileges and Procedures Committee):

I congratulate the Constable on her Proposition. The Amendments are not meant to, in any way, kick what she is asking for into the long grass, at all. It cannot go into the long grass, this issue, it is fundamental. Election expenses, relooking at them and finding a better system is in the recommendations of the Election Observers Mission, it is very much on our list, as I said before Christmas. Work on this is already in train, we are in discussions with the Judicial Greffe and the work has begun. The Greffier has done considerable work on a consultation document, which will go out via email to the people, who are most closely cognisant of the issues here, which is the 49 elected Members of this Assembly, because they have been through the system, some of them several times. Also pertinent are those who have previously been in this Assembly and those who have stood for election to this Assembly and we have all their contact details. So, the consultation document will be emailed to everybody from 1st February. We always designed to do it in February, because it is a better month than before Christmas and January. I do not think it need take more than 3 weeks. It is called a public consultation, but it is largely targeted at Members of the Assembly, former Members of the Assembly, candidates also for their experiences and their advice feeding into it. But there will be a portal for members of the public, if they wish to contribute, to do so. It is effectively a targeted audience for the consultation and very important to get views of every Member of the Assembly on this. It is not a simple matter. There are some tricky things to negotiate and we have already started the discussions. It has always been our plan to consult on this particular one in February. As I say, that consultation need only last 2 or 3 weeks and so this is a very mild Amendment. We have Propositions from Deputy Young and Deputy Maçon on various aspects of election law. Those are feeding into the process on the specifics that they mention. The Constable of St. Martin’s, that will also do so. It is not pushed aside, it is right there in front of us. If the Assembly passes this today, as I am sure they will do, but hopefully amended, just so that we can do the consultation and feed it into that process. It is not going to be pushed aside, it is going to be right there on the desk in front of us, with the results of the consultation. The one thing I think with redrafting the election law in regards to expenses, my preference is to wait - and we do not have long

to wait - to see, at the beginning of next month, if the Assembly is going to vote to change the composition of the States. Depending on those votes, we will have a clear steer as to whether the composition of the States will change, because at the moment we have different categories of expenses and what I would like to do is, if we are having the election law redrafted in this respect, I would like to do it once, to cover what will be going into the system we will have in 2022. If it is going to go on for ever, then we will make provision for that and we will do it a little bit earlier. So, I honestly believe, without hesitation, that this Amendment is just asking that consideration be given in the process to the consultation that we are going to undertake, that is all. We will feed that in, equally, with the Constable's Proposition and it is not going to change the timeframe for this area of our work on the election law, which we are working on very clearly. So, again, I am also acting on the advice of the Greffier. It is procedurally correct that we ask for this Amendment and that we are allowed to take it, but in consultation. Let us not have a consultation and have the red lines drawn before it, because that will disincentivise people for taking part in it. Let us be open and honest and transparent. Let us get all the views we can from people. There are lots of tricky issues with this - lots of them - especially with the party funding and because of our current system it is a nightmare. It may get simpler; either way, we will have to tackle it. We have already had meetings with a representative leader of the political party that we have in the Island at the moment. If there are others burgeoning, they can come and see us confidentially if they wish to have their say on that too; that is an open invitation. So, I just want to do the consultation, but I congratulate the Constable of St. Martin, it gives us a good steer from the Assembly, if this is passed, on what they would like to see. We will take that on board, no question about it, not trying to kick it into the long grass, but let us do the right thing procedurally. If we are going to have a consultation, make it a proper consultation, without the red lines having been drawn beforehand. Thank you.

The Deputy Bailiff:

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

Deputy R.J. Ward:

I wonder if I may, before the debate starts, ask questions of the Attorney General, in order that they have some time to be efficient, maybe if I can use that phrase, for some questions. So, this is not me speaking on the debate, just some questions that I think are relevant and pertinent to both the Amendment and the main Proposition.

The Deputy Bailiff:

Well, if you have got some specific questions that you want to make and not make a speech now, then you can ask those questions now.

Deputy R.J. Ward:

Thank you. I would like to ask, first of all, how are political parties defined in this Proposition, the legal definition? In part (a) it refers to elections, is this the period after the declaration of candidates, the clarity of when that period is? Is part (b) referring to all of the time in terms of the declaration of expenses? Finally, what are the legal consequences of missing the 2-day and one-week deadlines and what are the definitions - I know this sounds particular - but the definitions of 2 days, or one week? Are they working days, does it include bank holidays? Because there does not seem to be that clarity in here as to what they mean. I just think that those questions may help in the long term, whenever they are answered. Thank you.

The Deputy Bailiff:

You can respond to those questions in due course, can you, Mr. Solicitor?

Mr. M.H. Temple Q.C., H.M. Solicitor General:

I can probably respond to them now.

The Deputy Bailiff:

Well, we will give you a little more time.

Deputy J.H. Young:

If I may, since we are highlighting legal questions, may I add to that list, without speaking?

The Deputy Bailiff:

Yes, please do.

Deputy J.H. Young:

Paragraph (a) of the Proposition refers to election candidates and third parties. I wonder what are third parties under the election law that we are dealing with, please.

Deputy M. Tadier:

I have a similar question, but I think that the one that Deputy Ward raised about the 2 days to submit the receipt, that seems to me to be a question that the Chair should answer, rather than the Attorney General, because it is about the interpretation of what would happen if we pass this Proposition unamended. So, if I could ask, at some point, for you to give a ruling, because I have always understood, in my time in the Assembly, that we vote on what the Proposition says, not what it intends.

The Deputy Bailiff:

The meaning of 2 days in (a), is that the question?

Deputy M. Tadier:

Yes, it does not say 2 working days, it says 2 days, so presumably that means ordinary days, 48 hours.

The Deputy Bailiff:

Well, the Solicitor will look at the interpretation law in the time that he has to look at the other questions, but I think you are right. As a general principle, 2 days does mean 2 days.

The Connétable of St. Lawrence:

I had wanted to ask for clarification from the Chairman, but, in the intervening period, I think I have clarified it for myself, so I do not need to ask him.

The Deputy Bailiff:

So you are not making a speech on the Amendment either? I called you to make a speech.

The Connétable of St. Lawrence:

No, he just did not make sense to me. [Laughter] [Approbation]

8.2.2 Deputy J.A. Martin:

Yes and before we get ourselves in a fine web today, I really want this Proposition to succeed. When I read the Constable's Proposition I thought: "Absolutely." Then I read P.P.C.'s Amendment and I thought: "Absolutely", because there are questions in the Proposition which have just been highlighted. This morning I met the Constable in the coffee room downstairs and she said: "I hope you are supporting me" and I said: "Well, I was. I am, I really think it is absolutely sensible, but what is the problem with P.P.C.?" because I need to know all these things. I do not want to be in some debacle next time around where somebody has been elected really well, but they have missed this 2 days. Is it Liberation Day and a day? We have got 3 bank holidays in May. Is it that some kind person puts a nice advertisement in the *J.E.P. (Jersey Evening Post)* for me the night before the election? They have done this, the union did this to me about 5 elections ago, saying: "Support Deputy Martin." I did not ask them to do it, it was not anonymous, where would I stand? I mean,

really, where would I stand? I came to the right authority and told them. I did not know the union were going to put a whole page in and put my name forward. There is too much on this. The Constable said to me she does not want this - as she said in her speech - kicked in the long grass. No way. We have got 2-and-a-bit years and it has to be done in a year and a bit to get this right for the next election, so everyone knows, nobody is caught out. To me, I am sorry, Constable, I absolutely support where you are coming from. I do not want big business, deep pockets to be financing anybody out there, with nobody knowing and I do want them to know before they put their cross in a box. But I am not sure your Proposition does it and the Amendment just gives me clarity to answer these questions, make sure everyone is elected on merit. If there are a few millionaires out there who want to give me a donation **[Laughter]** gratefully received. Thank you.

8.2.3 Deputy J.H. Young:

Deputy Martin and I must have been following the same script, because I had a similar conversation with the Constable this morning. I absolutely see the intention behind the Proposition and fully behind it. We had the same conversation: “Well, why are Scrutiny booting this into the long grass?” I said: “Well, I do not know.” But, of course, having listened to the proposer, my starting point was: “Oh, blimey, my Proposition, that came forward in July, has been delayed until February” but then when I started to look at the detail, we have to get the detail right here, we really do. For example, political parties, a donation of £120 has got to be declared. OK, fine in principle, but what is the practicality? At the moment, after the event, a return is made. We know after the election what the position is, but of course, in reality, the political parties do not stop work during the elections, they are going all the year round. For example, what about members? £10 a month would pay you, for most political parties, £120 a year. So, what are you going to have to do every time somebody pays a membership stump; you have got to put it in, all this kind of thing? Of course, it does not tell you what that is, what the rules are on third parties. Deputy Martin has added to that; a third party might accidentally get you into this. So, there is no question, it has to go to consultation to get the fine detail of the law right and I think that is sensible. If we end up with half a dozen different Propositions to change the electoral law and they do not work together, it is not sensible. I think I go behind the Proposition and the Amendment, both of them.

8.2.4 Deputy J.M. Maçon:

Being yet another member of a P.P.C., or former P.P.C., which unfortunately the Constable has come across, all of us who have sat at some point looking at a tentative Public Elections Law know that when you start getting into the nitty-gritty of the Public Elections Law, what you thought was a very simple matter suddenly becomes a very complicated matter. As a lot of the Constables will know, in running the public elections, when they do them, it is not quite so simple, especially when you are just looking at things like registration. Again, it has been picked up on, because while the Constable helpfully in her speech did mention 2 working days, in her Proposition and in the report it does not say that. Of course, we have come to learn quickly how important a day’s notice, a certain day’s notice in the last election, is important to have that defined and the clarity behind that, because, as already mentioned, over the May period you have got bank holidays. So, if you have got a Liberation Day on the Friday, you have then got a Saturday and a Sunday, well suddenly you are on a 3-day limit on the Monday when any candidate in good faith might make a return. So, these types of nitty-gritty things, which I know will be annoying for certain Members to go: “Why can you not just accept this, it is so simple?” Yes, it is, but the nitty-gritty of the law does need to be looked at. As has been said, when you are looking at Public Elections Law, you do need to work backwards. So, when you know our next election is May 2020, so we know that the best practice is we have the law in place ... no, May 2022, I beg your pardon. **[Laughter]** Calm down, May 2022. Then, of course, the law therefore needs to be in place, approved by Privy Council, approved by the court over here May 2021, which means everything needs to be done beforehand.

[16:15]

As the Chairman has said, if we are going out to consultation with the rest of the aspects of the Public Elections Law that we want to change already, does it not make good sense, instead of wasting the extra money, putting it all together and doing it all at once, which is what the Committee is asking Members to do. So, with that, it is difficult to understand the Constable's hostility towards not being part of that process. Because, of course, the other thing will be: "Well, wait a minute, why are you bringing all these other changes which you have gone out to consultation on, but these few matters you have not?" It just seems that we should be treating everything fairly if we are going to be doing it anyway. Again, as Members have said, we know from the Election Observers' report coming up with the definition about what is a political party, all these other types of things need to be done more robustly. So, there is a huge amount of work on the Public Elections Law and if the Constable of St. Martin wanted to join us in doing that work, I am sure she would be more than welcome in sitting on that Committee, because it is quite a technical and intense piece of work. I know I have done it at least once with Deputy Martin and that was exhausting - always a pleasure to work with Deputy Martin, of course; the work being exhausting, not Deputy Martin, for anyone who wanted to pick that one up - no, so that is why it is not a case of saying: "No, we do not want to do this, Constable" it is just we want to do this in an orderly manner. The Constable's suggestions are sensible, but it just means that the administration underlying what the Constable would like to achieve does need to be looked at properly, because we need to learn lessons from the past and that is why we are where we are. So, I hope the Constable, upon reflection, will be able to accept this Amendment and we can all come together and accept this Proposition as a whole. Hopefully, we will have the Constable of St. Martin sitting on that Committee making sure that her proposals get done and are part of the process. Thank you.

The Deputy Bailiff:

During the course of your speech, Deputy Maçon, you used a phrase which is currently being looked at by P.P.C., because of its connotations. The phrase is 'nitty-gritty'. I think it is best avoided by Members until P.P.C. have made their position clear on that. I see Deputy Labey nodding his head.

Deputy J.M. Maçon:

I am a member of P.P.C.

The Deputy Bailiff:

Yes, I think you missed the relevant meeting where it was discussed. Am I right, Deputy Labey?

Deputy R. Labey:

Yes, indeed. Deputy Maçon did miss the meeting yesterday where it was discussed. 'Nitty-gritty' has connotations and is potentially offensive in terms of its connotations to the slave trade. So P.P.C. is considering writing to the Presiding Officers to ask that Members refrain from using the phrase.

The Deputy Bailiff:

While it is under review, perhaps Members need to be aware of that development. I ask the Solicitor General to deal with the questions of law now, which have been drawn to your attention.

The Solicitor General:

Yes, in relation to Deputy Ward's questions, he asked me how 'political party' was defined in the Proposition. Well, the short answer to that is that it is not defined in the Proposition. In terms of how one interprets it, there are 2 possible interpretations. It could be a political party, who is registered under the Political Parties (Registration) (Jersey) Law 2008, that would be the perhaps more obvious interpretation, so the Proposition applies to registered political parties. Then there is a more nebulous definition of a political party, which might encompass a variety of relationships of persons who are supporting each other in a fairly loose form. So, it is not defined in the Proposition and that is something, perhaps, which further thought could be given to. For my part, I would advise that, on its face, the Proposition is really referring to a registered political party. But, on the other

hand, if that interpretation is adopted, then perhaps it might be seen there is an anomaly in this Proposition in that it will only apply to registered political parties and it will not apply to more loose forms of association. So, I think that was the first of Deputy Ward's questions. I think he then asked me at what point this applies, this Proposition. As I see it, I think part (a) and part (b) are drafted in slightly different terms, because part (a) expressly refers in the second line to "in elections" which seems to imply that it is obviously during an election period, although it is not clear whether it applies from, for example, the date of nomination, or it might extend before that, as the current 2014 law does not extend beyond the nomination date. Part (b) of the law, though, does not expressly refer to elections, so my reading of that is that it is not limited to elections, so, therefore, the 3 parts of part (b) apply beyond an election period. That may not be the intention of the Constable, but in the way that that part (b) is currently worded, to my mind, that is not limited to an election period. In relation to the third question, I think that was posed by Deputy Ward, which was in relation to the 2-day period, Sir, you have already given your view as to the meaning of 2 days, which I agree with. In terms of the second part of what I think Deputy Ward's question was, what are the consequences of not complying with that 2-day period, I think that is a matter for the drafting of the legislation. Clearly, there would need to be a consequence of failure to comply with that 2-day period. Currently the 2014 law provides that there is an offence that is committed if a candidate fails to file a declaration with the Judicial Greffier within 15 days. So, there would need to be a consequence for failure to comply with the 2-day of receipt period and that would need to be the matter expressly dealt with in the legislation. I then think, lastly, I was asked by Deputy Young about what the meaning of "third parties" is. That is already dealt with in the Public Elections (Expenditure and Donations) (Jersey) Law 2014, it is dealt with quite extensively in Article 9 of the Law. So, I think it might be best, rather than my reading all that out, I think perhaps the Deputy could just refer to that; it is quite comprehensively dealt with. I think that covers all the questions that I was asked.

The Deputy Bailiff:

Thank you. Deputy Ward, I am calling upon you for your speech, not to respond to the answers given, the advice.

Deputy R.J. Ward:

I had not put my buzzer on to speak, sorry, yet.

The Deputy Bailiff:

Forgive me, I thought you had.

Deputy R.J. Ward:

Because I need to think that through, to be honest.

8.2.5 Deputy M. Tadier:

I will try and maybe say it for us over here. First of all, congratulations to the Constable on lodging her first Proposition; that is a good thing. Secondly, I think we are all on the same side here. I think everyone recognises that there is a laudable underlying principle here to ascertain that where there is a potential for political influence from a group, or an individual, in society and that involves relatively large sums of money, it is in the public interest that any influence is declared, because there might be *quid pro quos* which are legitimate and there may be some which are not legitimate. But I think the reason that P.P.C. have amended it is because they recognise that, as Deputy Maçon said, the devil is in the detail and the principle is great, but there are problems with this. No one Member in this Assembly,, I think has the monopoly on how it is best to do this, so there were just a couple of issues here. First of all, it will mean that for every election candidate and for every States Member that is successful, but also those who are not successful, whether or not they are in a party - and the vast majority at the moment will not be in a party - will have 2 days, 48 hours, if we vote on this unamended, to submit a donation from the time it is received. Now, that donation could be received at any time. It could be at the beginning of a campaign, it could be as soon as somebody has declared

their candidacy, but some donations could be made after the election is over, because really you do not pay your bills necessarily immediately. There might be a period of a month, or 2, where you settle up with your printer and the various expenses that you had incurred. So, technically, it is possible that somebody might have given you a donation of £120 after your election and you may not have been successful, of course, at which point you are no longer a candidate. So, somebody has given you a donation, which you are going to use to pay off your expenses. You are not an election candidate and you may not be a States Member, if you are unsuccessful, so you are not covered by this wording; that is my reading of it. So, that is the first problem. There is also an issue about the 2 days: is that practicable? Because people will be out on the election campaign, you may not have the luxury of being part of a party to carry and do some of the leg work for you. So, if you are a one-person band and you are, let us say, doing the Senatorial hustings every night, somebody makes you a payment, because you have set up a link on PayPal which says: "Anyone who wants to donate to me, put this in", is it reasonable to expect them, let us say, on a Friday night, when they have just finished the hustings, to be able to check their bank to make sure that that has gone in? Should they be checking their bank every 12 hours, while they are out there campaigning, in order to be able to make a submission by Sunday, so that it can get to the Judicial Greffe? The other question is: why the rush? The important thing is to have the knowledge of who has made a donation and who might be exerting political influence. Surely, it is enough to make sure that that is declared. The other point is that political parties, in a sense, could get an advantage, because they have - and we would have - one week to declare donations in non-election times. The way a political party works is that it is the political party that funds the candidate. So, a party might have anywhere between 5, or 25, candidates and simply the expenses would record that their funding has been made by the party. Of course, it could be that the other donations, which will be declared anyway in the annual accounts, will be made from a combination of personal donations below, or above, £120 through membership fees, which could be a total of £120 throughout the year, but only £10 a month, but somebody might decide that they want to pay their membership in one go. The membership fee is £120 a year, hypothetically speaking, but of course you cannot force a party to declare their list of membership, because that would be something that you might expect in communist Russia. So, there are all these gnarly and knotty issues that need to be looked at. I am not going to go on necessarily with other ones, because I could go through each of these parts. I would say that P.P.C. are doing a favour to the Constable, because she has come up with a good principle here. There are probably sufficient details for pedants in the Assembly to kick this out. I certainly know, if I had been bringing this, it would not get supported, because there are real issues that need to be answered. So, I would ask her to accept the Amendment. I think P.P.C. are doing it to be helpful, so that we can get on at looking at the fine detail in a practical way that does allow for whatever the future complexion of our political landscape, to be able to cope with the quite laudable efforts that the Constable is making.

Deputy J.H. Perchard:

The Solicitor General answered my question.

8.2.6 The Deputy of St. Ouen:

I think we should be aware that this Proposition is not a piece of legislation in asking the questions which Members were, perhaps rightfully, concerned of as of detail that we were perhaps treating it as that piece of legislation. But the Proposition, whether amended or not, requests P.P.C. to bring forward for approval the changes to legislation necessary to give effect to it. Deputy Southern has lodged a Proposition on another matter affecting me, just asking me to bring forward a scheme. A scheme. That is not legislation, that is not anything very definite, it is a Proposition and the detail follows, as in here the detail will follow when P.P.C. does that work and brings forward for approval, changes. So, in that legislation there would be definitions, definitions of terms used in the legislation, there would be calculation of time periods. So, we do not need to get worried now, at this stage, about exactly how that would work, because that would all be brought forward were we to adopt this Proposition in principle. But I think it does show us the complexity of the issue and the points about:

what does it mean, 2 days; what are the pressures on candidates; what exactly is meant by some of the terms?

[16:30]

That is a good reason, I believe, I would say to the Connétable, to submit this to consultation, particularly as other issues are being submitted to that same consultation. I doubt whether this legislation would be drafted in advance of the other issues being submitted to consultation and, therefore, let us do it all together and make sure we have a comprehensive consultation and then we can consider a new Amendment to the electoral law as a whole. Thank you.

8.2.7 The Connétable of St. Martin:

I have listened to the Assembly and obviously gauged the mood of the Assembly and it is paramount to me that we have much more transparency in our election expenses. So, I will be very graceful and accept the Amendment and I would just like to say [**Approbation**] that I will be watching P.P.C. and make sure that I would like the questions I ask answered. If it is not passed in the next few months, if it just drags on, I will be bringing it back, so I am quite happy to accept it with the Amendment. Thank you. [**Approbation**]

The Deputy Bailiff:

Are Members content for the Amendment to be accepted by the proposer at this stage?

Deputy K.F. Morel:

I believe I was due to speak on the Amendment at some point before we ...

The Deputy Bailiff:

Well the Amendment has now been accepted. If Members are content with that, we then proceed ...

Deputy K.F. Morel:

I did not know if mid-debate that was possible.

The Deputy Bailiff:

We will continue the debate and vote on it at the end, but we know from the proposer that she is now accepting the Amendment. I have 3 people left to speak; well certainly 2.

8.2.8 Deputy K.F. Morel:

The reason I still wanted to speak because, well, one, the principle of you cannot stop a debate mid-debate, but was really Deputy Renouf did point to a very important aspect of this: this is not legislation. Too often a proposal brought by a backbencher is viewed as legislation, when that proposal every single time requests either P.P.C., or the Council of Ministers, or another body to go off and do the work in the legislation. I cannot help but feel slightly suspicious when people are suddenly picking holes in something which is common sense in the way it is written and will be, due to part (c) of the Constable's Proposition, to request the Privileges and Procedures Committee to bring forward for approval the changes. So, there is no question that P.P.C.'s Amendment was entirely unnecessary in the first place, because, were this to pass unamended, P.P.C. would then have to go off and work out how best to bring this back and they would do so by entering it into their consultation by sitting down with the Constable to understand whether she meant working days, or did she mean actual days, *et cetera*. So, when people do pick up on this, it looks like they are not really that interested in transparency and it looks like they are trying to pick up on details because they would like to try and stop this, or delay this, in some way, shape or form, because it is quite clear this is not legislation. This is a proposal to request something to be done and that work and the outcome of that piece of work will be the legislation. So, it is obviously within the Constable's rights to accept the Amendment; it is a most unnecessary Amendment, because P.P.C. is already in the original Proposition as being the body that has to go off and do the work on this and decide what

these definitions are. I am sure they would do that in consultation with the Constable herself. So, I just would like to really ask Members to stop looking at backbench Propositions as though they are draft legislation. They are not and it is not and they will never be to the same standard as a piece of draft legislation, drafted by a professional law drafter. Thank you.

Deputy S.M. Wickenden of St. Helier:

Seeing as it is being accepted, I am not going to speak on the Amendment.

The Deputy Bailiff:

Deputy Ward, your light was on. Do you want to speak?

Deputy R.J. Ward:

Can I speak on the Amendment?

The Deputy Bailiff:

Yes, please.

8.2.9 Deputy R.J. Ward:

Sorry, I was focusing on what I was going to say. I would like to congratulate the Constable on bringing the Proposition and it is a really interesting one. I looked at it in detail and I thought about what you have taken, you have grasped the nettle and it is really difficult to do. I looked at Amendments and wondering what I should do and I found it incredibly difficult to think about what I would do to amend it to try and improve. We have had discussions about it, I have had discussions with the Greffe about it, and this is a really difficult topic. I asked the questions earlier, not to raise suspicion, but because I think there was some clarity needed in the implications of the wording of this Proposition and the meaning. It is that detail that is important, because of the consequences of the wording and what it means in the context where we are now, where we are in a changing context of this Assembly, regardless of what happens on 4th February. We have had difficulties in the past and the last thing we want to do is make them more difficult as we move forward. What I would suggest is that level of debate and the level of debate we are having now, it really increases transparencies, because we talk about what it is that we want to have in the future and what it is that it means. So, for example, I would say, as a member of a political party, I am absolutely open to transparency. I would also perhaps flippantly say: "If there is a large donor out there, feel free to contact me, my email is on the website. It would be marvellous and we will declare you." But this is one of the things we have to think about doing in terms of the way we structure ourselves, but that transparency is there. When you register in the Royal Court as a political party, one of the things you have to do each year is submit openly your accounts and they are legal documents. So, there is a level there of transparency, dare I say, that only comes from being in a political party at the moment. The reason I asked about the definition of 'political party' is because I share the Constable's concerns about parties developing that are funded by large investors, who want to perhaps direct the direction of this Assembly. But if it is only those declared in the Royal Court and a group in this Assembly, or any other, who gets together and has that sort of funding without doing that, they will simply not have to declare in the same way and so we need to look at some detail. I hope that this going back to P.P.C. and them looking very clearly and, as I say, within the changing context of where we are in this Assembly, would give us some greater clarity for the future, would give us a really clear Proposition for the future and it would also mean that some of the details, such as the 2 days can be dealt with. I will give you a scenario - and this is perhaps a slight bit of paranoia for all of us here - if you were being naughty, you could make a donation for somebody for £121 last thing on a Friday night. If they are not there by Monday, you could contact the Greffe and say: "They have failed to do this, what are the consequences?" The simple answer is, I find it difficult to vote for something if I do not even know what those consequences are, without being rude about our electoral law. It is difficult enough to understand as to what you are meant to do in election, particularly for those who first come into election. As for individuals doing it on their own, I really do feel for people who do

not have the backing perhaps of a party in how you do it and I commend you for even trying to do it, because it is not an easy thing to do. So, therefore, I think we should adopt the Amendment, because it gives the opportunity to have real clarity. I think it is necessary, because of the wording of the Proposition originally and I think we have to be very careful regards when parties are developed, if and when they are, it is a real important point that membership of those parties is kept anonymous. It is a fundamental democracy and we do not want to lose that; what we do want to do is encourage more people to be involved in our politics, not less. So, I commend the Constable, but I will be supporting the Amendment. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak on the Amendment? I call upon Deputy Labey to reply.

8.2.10 Deputy R. Labey:

I maintain the Amendment.

The Deputy Bailiff:

The *appel* is called for. Members are invited to return to their seats. I ask the Greffier to open the voting. You are now voting on the Amendment. If all Members have had the opportunity to cast their votes ... do not close the voting yet please, Greffier.

Deputy G.C. Guida of St. Lawrence:

Yes, I had understood that the Amendment had been accepted and that we would vote on the Proposition.

The Deputy Bailiff:

But we are still voting on the Amendment. So, I repeat, you are voting on the Amendment. You know the proposer has indicated her view of the Amendment, but nonetheless there has been a debate on the Amendment, so you are now voting on the Amendment. The Greffier has opened the voting.

POUR: 35	CONTRE: 8	ABSTAIN: 0
Senator L.J. Farnham	Connétable of Grouville	
Senator T.A. Vallois	Connétable of St. John	
Senator K.L. Moore	Deputy G.P. Southern (H)	
Senator S.Y. Mézec	Deputy M. Tadier (B)	
Connétable of St. Helier	Deputy L.M.C. Doublet (S)	
Connétable of St. Clement	Deputy K.F. Morel (L)	
Connétable of St. Saviour	Deputy M.R. Le Hegarat (H)	
Connétable of St. Brelade	Deputy S.M. Ahier (H)	
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
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 R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

8.3 Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019) - as amended

The Deputy Bailiff:

We now return to the Proposition, as amended, does any Member wish to speak on the Proposition?
Senator Mézec.

8.3.1 Senator S.Y. Mézec:

I hope Members will indulge me speaking in my Reform Jersey capacity, seeing as a large part of this Proposition only affects us; the other party does not yet have representation, or a spokesperson, in this Assembly, but I will welcome that development, when it eventually happens. The Constable, I think, made a lot of good points in her opening speech and this Proposition is clearly well-intentioned. I think back on the Brexit Party, in the run-up to the European Parliament elections last year, which deliberately incorporated itself as a company, rather than a party, so that it could avoid a whole host of the accountability and transparency rules there are on party funding and I would absolutely never want to be in a situation where that could happen in Jersey. So, I state from the very outset that Reform Jersey want more robust rules to govern party financing. We do not like the fact that our Parties Registration Law and our Election Expenses Law make almost no reference, whatsoever, to party finances beyond the minimal requirements to submit annual accounts to the Royal Court. We would much prefer that there was a piece of legislation, which made clear what limitations there are on what we can do and rules on how we have to act to guarantee that appropriate level of transparency, not least because we have got nothing to hide. Deputy Martin mentioned the union before. It is known that Reform Jersey has received generous donations from Unite the Union before, which some people find to be controversial, but I, personally, am extremely proud of and happy to shout about it from the rooftop, because of what I think it says about our relationship with working people in the Island. I have no problem with transparency there and would welcome more robust rules there. I, and some of my Reform Jersey colleagues, met with the Election Observers Mission during the last election and we made clear to them our concerns about the lack of rules and then they have made their recommendations accordingly, which we wholeheartedly support. The current P.P.C. has undertaken to implement their recommendations and that includes Amendments to the election laws, including the expenses laws. My own experience of these laws is that they are not fit for purpose. People who have worried about ending up in court because of things that have gone on during elections, I think will also agree that the rules are not fit for purpose and need to be changed and I welcome the commitment of the Chair of P.P.C. to deal with this. I have offered to be of any assistance I can be to the Committee as a leader of the only party which has contested elections under these rules. We have met once before and that was a productive meeting. But I will still be voting against this Proposition, because I believe it ties P.P.C.'s hands to consult on some proposals which, if you look at them, are impractical and potentially even harmful to conducting free and fair elections. I would prefer that P.P.C. had a free hand and was not required to entertain bad ideas, just because they are well-intentioned. So, I want to explain why these parts are, in my view, well-intentioned but not practical. So, part (a) which requires donations worth over £120 to be

declared within 2 days during the election campaign. Of course that sounds like a good idea, because the intention is clearly to enable transparency during the election period, so voters know if their candidates have financial backers before they decide who to cast their vote for, but I worry that, in practice, it would achieve nothing. It would be extremely easy to get around this rule if it is introduced and I fear that it would not have the effect of shining any light on these transactions, which already occur.

[16:45]

The Election Expenses Law currently acknowledges that spending on an election can occur after the election has finished and as long as that happens before the deadline for submitting election expenses, that is absolutely fine. It is the case that the most expensive election services, things like leaflet design, production and distribution usually do not require upfront payment and it is perfectly possible that the invoice might not require payment until the election is over. So, in your election expenses, you can log a spend, but not necessarily the corresponding donation to cover that spend, because that donation itself might come later. I, myself, have made substantial donations to election campaigns in the past, mostly my own campaigns, but also to friends and party colleagues who have stood as well. I have personally never decided how much to give until the election has finished and I know how much the campaign has cost and I know how others have contributed to that campaign, as well. I am not going to decide how much of my personal money I put to my own leaflets when it may well be the case that a family member wants to contribute a bit and they only identify themselves later on. You do not know how much you are required to put in and so those donations would not be affected in the slightest by this proposal, because they can still come after the election has taken place. It is perfectly possible to run an election campaign within the financial limits which are set in law in deficit for the whole campaign and only receive the donations to cover it after the election has occurred. Of course, the Amendment makes no references to donations which may come in tranches which are less than £120. So, in my view, it is not practical to set this limit, especially when we are specifying that limit at £120. Why not £110, why not £130? I think it is wrong to tie P.P.C.'s hands at this point, when there is a wider discussion to be had there. Part (b) of the Proposition, which exclusively refers to parties, it has been said already that political parties are already required to submit annual accounts. That provides for some transparency and there is absolutely a debate to be had about whether that can be done better. I think there is an argument that says they could be put online, because they are currently not accessible online. The law currently provides purely for submitting annual accounts. That is literally all it says. It does not say in what format they have got to be, it does not say what details have got to be in it and that, I think, is not a robust enough system and I want that to be improved. So, this Proposition provides for an added requirement for reporting which may, or may not, be reasonable. There is a debate to be had about that, but this Amendment does not deal with the most important issue surrounding this which is: what are the sanctions for not complying with it? Are those sanctions criminal sanctions? If that applies to a party, who is criminally liable? Is it the party itself, as a legal entity, registered in the Royal Court? Well, I do not think that is possible under the current law. So, is it the office holders? The law requires parties to have 3 registered office holders. I am one of those in the case of my party, so are all 3 of them jointly criminally liable, even though, of course, it is possible for the law to not be complied with and it not be the fault of all 3 of those office holders? It could be a rogue office holder that ends up causing trouble, or something like that. That is clearly not reasonable to make them all criminally liable. Is it a strict liability offence? Because my worry - and some have alluded to this previously - is that it is perfectly possible to receive a donation and have no idea that you have received it until days, or even weeks, later. Most people do not check their bank statements every 12 hours. Some people only check their bank statements once a month and that tends to be after pay day, for obvious reasons. Our party bank account is accessible for donations to be transferred to it at any time of night, or day and so somebody could make an electronic transfer and not tell us they have done it and we do not notice until a while later, when somebody then checks the bank statements. So, I ask what happens if somebody makes a donation of above the arbitrary limit prescribed in this Proposition and that

happens to be at a time when our 3 office holders are unavailable? They could coincidentally all be on holiday at the same time, some of them could be ill and therefore unavailable. They then get back and suddenly realise that they have inadvertently broken the law and how can it possibly be in the public interest to prosecute people in that instance, when they have done nothing wrong morally, but that is what the Proposition would possibly lead to. We do not know whether it would lead to that. So, if it is not a criminal sanction, if it is another sort of sanction, what would that be? Would it be that a party is deregistered for not complying with the law? Then you have to ask the question, well is that a first-time offence automatically? Is there a 3 strikes and you are out system? What happens if the law is not complied with purely out of an honest mistake, like one of the ones I have just outlined, as opposed to a deliberate attempt at fraud? If it happens out of mistake, it is clearly not in the interests of democracy to deregister a party for something that was not harmful, clearly an honest mistake, that would clearly be disproportionate. On the point of anonymous donations, if people are making substantial donations to a party, there may, or may not, be an argument to say that there ought to be a higher reporting standard. P.P.C. will be looking at that. But then there is a serious question on enforceability and also the rights of people to keep their membership, or support of political parties, or organisations, private, as long as that is within reason. Deputy Young mentioned party membership fees. This Proposition would clearly limit membership fees to £10 a month, because any higher than that and it would reach the limit and all of a sudden you would have parties *de facto* having to publish their membership lists, which is clearly inappropriate and not right. As it stands, when parties submit their accounts, they are required to provide information on how much they have received in donations and membership fees, but they are not required to provide the names of the people who made those donations, or who it was who paid a membership fee. That last one is absolutely right, that it remains the case that you do not have to publish your membership lists. But that information of who has donated is held by the party, they do not have to submit that to the Royal Court and there is currently no process to require the party to share that information and political parties are required to be data protection registered. So, if a party submits its accounts and they look OK, how do you know if it is accurate? There is no process for determining that. If the accounts do not look suspicious, a party could theoretically get away with anything. If there is a suspicion that there is a problem with the accounts, or that they are inaccurate, or there is a suspicion there may be fraud, who will be empowered to check and take on that private information about donors and members and how can it be guaranteed that those who donated small amounts, or who paid membership fees will continue to be anonymous, as they have the right to be? There are a million questions that could be asked about the application of these well-intentioned, but I think not well thought-out-enough, proposals by the Constable to warrant them being included in a consultation, which is going to happen anyway. It is happening on the guidance that the Election Observers Mission have given P.P.C. in their report, which is an excellent starting point, which enables us to start building Public Elections Laws and Election Expenses Laws which are fit for purpose, which provide a decent level of accountability and transparency for all election candidates and especially political parties, because the law, as it stands now, is completely insufficient. We do not like the law, we want to be subjected to a higher standard in those laws, not least because we do not want to be in a position where we are having to make things up as we go along, because the law says nothing. We would prefer the law to just tell us what we have got to do and we will get on with it and we will comply with it, because we have got nothing to hide. So, I think it is wrong to tie P.P.C.'s hands to some ideas that I think are too full of holes and I think it would be better to let P.P.C. get on with it on its own terms. I have confidence in their ability to deliver a better election regulation system and I, for one, will be of any assistance that I can possibly be in that process. I will, therefore, be voting against this Proposition.

Deputy K.G. Pamplin:

May I ask a point of clarification from the previous speaker? Right at the beginning of his speech, the Minister made reference to another party and I know I was making merry over Christmas and very busy with other duties, but if he could just clarify, because it sounded like there is another official

party. If he could just clarify what he said, because it sounded like he was announcing there was another party when, as we know, there is only one. Just for clarification.

Senator S.Y. Mézec:

There are, of course, no other official parties in this Assembly. There are strong rumours going around about another potential party and I said that I would welcome that development, but I made no assertions of who may, or not, be involved in that.

8.3.2 Deputy S.M. Wickenden:

It was a year and 3 days ago that my nightmare with election expenses was finally over and put to rest, but it does not mean that the issue has not been put to rest. I am very glad that P.P.C. are going to be doing a consultation on election expenses because, as we have said, it is not fit for purpose and it needs a lot of work being done on it. I would like to make sure that, yourself included, is in this from P.P.C. in this consultation, as you have got a lot of experience within the election expenses and we have had some very constructive chats over that law ourselves. But I do think that now amended with this consultation, the Proposition itself is giving some guidelines about what it thinks can happen, but the consultation part of it now says that all parts of what the Constable is putting forward can be consulted on with views, so it does not have to be exactly what it is. So, I think that is a very good thing and I think we are making a bit too much about what it could, or could not, be because now that P.P.C. are doing the consultation that is where it should happen. I would certainly ask the Chair of P.P.C. if I could be part of the working group for the expenses through my experience. I will be supporting this. Thank you.

8.3.3 Deputy K.F. Morel:

In the face of a triple lock of caveat, ensuring that P.P.C.'s hands are tied, willingly tied, to getting on with the electoral expenses, or deciding on new laws for electoral expenses, Senator Mézec still says it is not right and he picks on detail after detail, even though P.P.C. have said they are consulting on this anyway, regardless of what we do today. P.P.C. wants to bring in electoral expenses reform and will do so, I am sure, thinking about everything that Senator Mézec has said already, so I am befuddled as to why Senator Mézec would want to argue so strongly and in such detail against this Proposition. All I can think is that the other 44 Members of this Assembly, who are not party members, just learnt a lot about Reform Jersey's commitment to transparency. That is all I think that that statement did. Because, why on earth would you argue against a Proposition amended by P.P.C.? They want it amended that way, they think it is good, they think it is an excellent idea, so why would he still argue against it? It makes no sense. I will happily support this Proposition. I am pleased that P.P.C. want to do this work. I did not feel it needed amending, but now it is caveated left, right and centre so, to be honest, whatever comes out of P.P.C.'s consultation may not look anything like this Proposition, because we know it is now subject to consultation and it is subject to the work that P.P.C. does. This is why, as I sat and listened to everything that Senator Mézec said, I was just thinking: "But P.P.C. will deal with that. P.P.C. will deal with that. Whatever P.P.C. brings forward will deal with that. That is what this Proposition helps P.P.C. do." So, I am committed to transparency; I am feeling there are 44 other Members of this Assembly committed to transparency and I am sure we will support this Proposition. Thank you.

8.3.4 Deputy M. Tadier:

I am pleased to follow Deputy Morel. First of all, I cannot remember whether he voted for the Amendment from P.P.C. which is going to put this out to public consultation; I did not either.

[17:00]

The first point I would like to make is that I do not think this needs a public consultation and I was a bit confused, because the Chair of P.P.C. said that, in effect, this is not going to be a public consultation, that he wants to be able to consult with former States Members. Of course, he could have done that and the Committee could have done that, without the need for it to be a public

consultation. The concern is today if we ask for a public consultation on this and approve it, we should follow through with that and there should be a public consultation, which means that it needs to be advertised, it means that the public should know that there is a public consultation going on and how they can submit into what is arguably quite an esoteric, but really important, area of States of Jersey Law relating to a candidates' expenses. I do not see why that is being done. To address the points that were made earlier on by Deputy Morel, he said that we were not passing law today; therefore, it does not matter what the Proposition in front of us says. That is what I understood from it. Of course we are not passing law. The way I look at it is we are effectively setting up a Sub-Committee of P.P.C. - which may be P.P.C. itself - to do a body of work and we are setting the terms of reference for that piece of work that they are going to do. Now, it is slightly unusual, because P.P.C. are already doing this piece of work, in a wider sense, so they have got the potential to look at the whole piece that the Constable is already asking them to do. But she has got a very narrow terms of reference, which some have been arguing do not do what they say on the tin and I think that is the whole point. So, I completely understand that we want to be - we are in a good mood today - nice to the Constable and we all know that she has hit on something which is correct and that P.P.C. are already doing this piece of work, but we are setting terms of reference, which I think we can all agree are too narrow, they probably do not do what they say on the tin and others might argue are incorrect. I do not need to repeat what Senator Mézec has said quite comprehensively on the issue. But I am really worried about setting incorrect terms of reference for a group which is going to go away and do the work on behalf of the Assembly, because we would not do that with any other Committee, or Panel, or Policy Board. I think Deputy Morel would be the first one to make sure that if we are setting up a Policy Board and it was the Ministers, he would be absolutely critical that we have the right terms of reference in place, so that we are not wasting any valuable States time, so that is why it is really important. To, I think, besmirch any particular group in this Assembly, I understand that people have strong feelings and I know that there are people who viscerally hate political parties, the idea of it and they viscerally dislike the current set up and the current political leaning of this political party, that is fine, that is their opinion. But I think, objectively speaking, we need to look at what this does and we need to make sure that whether you are in a party, or whether you are an individual candidate, or an individual Member of this Assembly, that you are treated equally. As I have pointed out, there is an inequality of treatment within this Proposition, because it talks about donations to political parties outside of an election time. It does not talk about donations to any other candidate outside of an election time. It does not talk about a group of, let us say, 3, 5 or 7 people, who are now sitting in back, non-smoky, rooms, probably deciding how they are going to campaign at the next election, who might already be getting donations for that, who have got a bank account set up and it could have tens of thousands of pounds in it. When the election date comes in May 2022, a month before, when the nominations are declared, that *de facto* party, who may have registered in the Royal Court, or who may not bother registering in the Royal Court, because what is the incentive for them? They might want their name on the ballot paper, they may not. But they will not have to declare any of that money. They can just say: "This comes out of this one person, or this one bank account that we have set up" and none of that will be declared anywhere. Similarly, is the £120 the right sum to set up as part of the terms of reference? What if somebody gets £100 donation from every member of the I.o.D. (Institute of Directors), or half of them? I do not know how many members. Should that be declared? I would say that is pretty significant, say, if half of the members of the I.o.D., half of the members of the Chamber of Commerce decide that they want to give £100 each to Senator X, Y or Z, who is standing for election; that will not be considered. P.P.C. will not need to think like that, because they are just working on the basis of what we are looking at in front of us in the terms of reference, so that is why we should reject this. We do not need a public consultation on this. We do not need these particular terms of reference. The job that P.P.C. are doing will satisfy, I think, the Constable of St. Martin, who is going to be able to feed into this directly, who is going to be able to make a presentation. If what they come back with is not correct, then we put Amendments to it; that is the time to do it. I think it is a win/win anyway for the Constable, she has raised a really important issue here. She will probably get this through today and

it is nothing personal, but I cannot support this, because I do not think it is the right way to go about it.

8.3.5 Deputy G.P. Southern:

I will be brief because, certainly, my party leader gave an excellent speech and you can tell he is a trained lawyer, could you not? But the starting point is, as has been said by others, that this sets, effectively, terms of reference to steer P.P.C. when I believe that the premises contained in the original Proposition were flawed in the first place. What is not in this document, even when it is amended, is what is the reasoning? What is the logic behind 2 days? I have no idea and reading the Proposition I have no idea. What is the logic behind £120? What constitutes a political party that has not declared it is a party, that calls itself an association, that calls itself a lobby group, whatever? I do not believe we should be setting off P.P.C. to investigate this area when we already have a Commonwealth Parliamentary paper that says: "These are the things you should be considering and should consider acting upon." We have already got a good starting point for P.P.C. We do not want to, I believe, sully it with these ill-researched and ill-thought-out proposals. I look forward to Propositions coming forward from backbenchers. I look forward to a Proposition coming from the Deputy of St. Martin. Unfortunately, I am looking forward to the next Proposition and I hope it is a bit better researched and a bit better in content.

8.3.6 Deputy J.H. Young:

I am going to take a contrary view to the last 2 speakers. I think the Constable has brought us a very important principle, that we need better arrangements for disclosure of donations, not just for political parties but those that are brewing up, if you like, in the wings, pseudo political parties that might become real ones and also any particular arrangements supporting individual Members, or candidates. I think that is the principle. But it is absolutely right and I can absolutely see the points of detail made by Senator Mézec and party members that there are a lot of snags with this. But I think, for once, I am convinced by the arguments of Deputy Morel and Deputy Renouf, that this Proposition is not legislation. I think a consultation process run by P.P.C. across all these issues in election law, I think my expectancy there will be is a lot of these comments that have been mirrored in the detail will be highlighted in that. Out of that process will come a set of law changes and integrated law, which Members can either sign up to, amend, or what have you. Therefore, I am going to stick with the Constable on this one. I think it is important to make change step-by-step. I am a bit reminded years ago when I was ... not years ago, my first term - I have only done 2 terms, sorry, this is my second term - the first term as a backbench Member, I brought in changes about reform to planning law and I put them all into the States and I was cock-a-hoop and I won it and then, lo and behold, when it came back what came out of the machine at the end was entirely different, but the principle was won; the principles changed. I think it is the same thing here, we have a Member bringing forward a positive proposal, which is we should look to the principle and accept the fact the detail is to follow for another day. There are safeguards in there, so I support it.

Deputy R.J. Ward:

Sorry, I thought I had put my light on before, but I had not.

The Deputy Bailiff:

In that case, please speak, yes, Deputy Ward.

8.3.7 Deputy R.J. Ward:

Sorry, I will keep it brief. I just want to make a couple of comments from what we have heard this afternoon. I really do believe that the Constable is not getting at the one declared political party that is here, I know you are not. But I think there is an irony that the only real attack that has been made in speeches is towards the one political party that is here and that is an accusation that we do not want transparency, with no evidence behind it at all. Indeed, I would say our accounts are available each year and I would suggest, how many other Members of this Assembly have their accounts available

each year? We are very keen on transparency and it is there because we have to, because we took the step to declare formally and legally, as a political party and to play that game. I am sure it is not your intention but, unfortunately, that is what has come out because, unfortunately, of the way that we deal with this situation. I think P.P.C. do have a lot of work to do and we have a lot of work to do, as an Assembly, on our election processes. But anything that makes it more difficult for parties to form will only mean that those parties will remain hidden. We do not know the influences of some groups, we do not know what is behind some groups and that, I think, is dishonest to the electorate if we do not really openly, transparently declare. The accusation of lack of transparency, I am not interested in transparency, is extremely unfair and I refute that. I wanted to make that point, because I think it is very important for us to be taken in the way that we want to be, are very serious about what we do as a party. We are not going anywhere and we are willing to work as hard as we can to move things forward. I just wanted to make those points; they are very important.

The Deputy Bailiff:

If no other Member wishes to speak, I invite the Connétable to reply.

8.3.8 The Connétable of St. Martin:

I am an independent and I am very proud of this Proposition. It is not ill-researched and I have been in consultation with the Judicial Greffe and the Greffier and I value their opinions, as I feel we all do. I am simply asking for election expenses to be above board and transparent, which I had assumed would be in the interests of all the Assembly. Senator Mézec's speech has really worried me. He seemed to be deliberately muddying the waters and muddy water does not make for transparency. I have not got at Reform at all, I have spoken to all of them. This was nothing to do with Reform whatsoever and I am sorry if they feel that it is ...

Senator S.Y. Mézec:

Sir, a point of order.

The Deputy Bailiff:

Is this a point of order requiring it from the Chair?

The Connétable of St. Martin:

No.

Senator S.Y. Mézec:

Sir, I apologise if I am ...

The Connétable of St. Martin:

No.

Senator S.Y. Mézec:

It is a point of order, you have to give way to a point of order.

The Bailiff:

It is a point of order, so please sit down, Connétable, while I listen to the point of order.

Senator S.Y. Mézec:

Sir, if I misheard then, of course, I would apologise but I thought I heard the Constable say she had spoken to all of Reform about this.

The Connétable of St. Martin:

No, I did not, no. No.

Senator S.Y. Mézec:

If I got that wrong, then I apologise. It sounded to me like that and we can check Hansard after, but that is not the case if that was what was said.

The Deputy Bailiff:

Please, continue.

The Connétable of St. Martin:

I had mainly spoken to Deputy Ward of Reform and I have spoken to Deputy Tadier, as well and I have made it really clear that this has not come ... in fact, I had not even thought of Reform when I did this. It was only when I sort of shared it with somebody and they said ... all I wanted was election expenses to be above board and transparent, which they are not at the moment. It is also that I am aware that the U.K. Government is hoping to bring in legislation like this. If we can bring it in, we will be ahead of them; this is what the U.K. wants to have. I would like to thank everyone who has contributed, whether they agree with me, or not. I really would urge all Members to vote for this Proposition with the Amendment and I will be watching with interest the progress, if it does go through it is progressed through P.P.C. All I want, as an independent Member, is for more transparency.

[17:15]

The Deputy Bailiff:

The *appel* has been called for, voting on the Proposition as amended. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 41	CONTRE: 5	ABSTAIN: 0
Senator L.J. Farnham	Senator S.Y. Mézec	
Senator J.A.N. Le Fondré	Deputy G.P. Southern (H)	
Senator T.A. Vallois	Deputy M. Tadier (B)	
Senator K.L. Moore	Deputy R.J. Ward (H)	
Senator S.W. Pallett	Deputy C.S. Alves (H)	
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. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
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 R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		

Deputy L.B. 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 K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

9. Draft Employment (Minimum Wage) (Amendment No. 16) (Jersey) Regulations 201-(P.121/2019)

The Deputy Bailiff:

The next item of public business is the Draft Employment (Minimum Wage) (Amendment No. 16) (Jersey) Regulations, lodged by the Minister for Social Security and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Employment (Minimum Wage) (Amendment No. 16) (Jersey) Regulations 201-. The States, having consulted with the Employment Forum, make these Regulations under Articles 17 and 104 of the Employment (Jersey) Law 2003.

9.1 Deputy J.A. Martin (The Minister for Social Security):

These Regulations, if adopted, would amend Regulation 9 of the Employment (Minimum Wage) (Jersey) Regulations 2004. These Regulations set the maximum weekly offset which an employer can make against the wage for providing an employee with accommodation only, or accommodation and 3 meals a day, as part of their employment package. For clarity, I can confirm these Regulations are required, irrespective of the outcome of the debate on P.124 because, in any event, the minimum wage will be increasing to £8.32 on 1st April. It might be that further Regulations would be needed if Members decide that the minimum wage should increase again on 1st October and that is very simple what this P.124 does. I move the principles.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Thank you very much, Deputy Maçon. Does any Member wish to speak on the principles? Those Members in favour of the principles, kindly show. Those against? The principles are adopted. Does the Health and Social Security Scrutiny Panel wish to scrutinise this matter? Thank you. As to Second Reading, how do you propose to propose the Regulations, Minister?

Deputy J.A. Martin:

Yes, thank you, Sir. There are only 2 Regulations, I propose them *en bloc*. They are quite clear that they set out the offsets and if anybody has any questions, I am happy to answer them.

The Deputy Bailiff:

Thank you. Does any Member wish to speak on the Regulations? Those Members that are in favour of the Regulations, kindly show. Those against? The Regulations are adopted. How do you wish to propose the matter in Third Reading, Minister?

Deputy J.A. Martin:

I just propose the Regulations, Sir, thank you. **[Seconded]** Thank you. Those Members in favour of adopting the regulations in Third Reading ... the *appel* is called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

POUR: 45	CONTRE: 1	ABSTAIN: 0
Senator L.J. Farnham	Connétable of St. Brelade	
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
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. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. 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)		

The Deputy Bailiff:

The next item is P.122, Policy Development Boards lodged by Deputy Gardiner.

Deputy R. Labey:

Sir, Deputy Gardiner is wondering if she could start this tomorrow, if we are going to adjourn tonight. We have 2 items left, she has a 15-minute speech. If we are going to adjourn and start tomorrow, which Deputy Gardiner would certainly prefer, I am not sure about Deputy Ward; yes, he would. Then I propose that we adjourn now and we get the Proposition at the beginning of the day.

The Deputy Bailiff:

The adjournment before 5.30 p.m. is proposed, is it seconded? **[Seconded]** Members in favour of adjourning now, please show. Anyone against? The States stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:20]