

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 25th SEPTEMBER 2018

COMMUNICATIONS BY THE PRESIDING OFFICER.....	6
The Bailiff:.....	6
1.1 Welcome to visitor from the St. Helena Government	6
1.2 Welcome to His Excellency The Lieutenant Governor.....	6
APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	6
2. Resignation of Deputy Kevin Glyn Pamplin of St. Saviour from the Economic Affairs Scrutiny Panel.....	6
2.1 The Bailiff:	6
3. Election of a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly.....	6
3.1 Senator J.A.N. Le Fondré:	6
3.2 Senator J.A.N. Le Fondré:	6
QUESTIONS.....	7
4. Written Questions	7
4.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING PLANS TO COMMEMORATE THE 75TH ANNIVERSARY OF LIBERATION DAY: [WQ.150/2018].....	7
4.2 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PAY AWARDS TO EMPLOYEES OF STATES-OWNED BODIES: [WQ.151/2018]	7
4.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING MEASURES TO ENCOURAGE CYCLING IN JERSEY: [WQ.152/2018]	10
4.4 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF ASSISTANT MINISTERS: [WQ.153/2018].....	11
4.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE USAGE OF FOOD BANKS IN JERSEY: [WQ.154/2018].....	13

4.6	DEPUTY R. LABEY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ESTABLISHMENT OF A STERLING-CRYPTOCURRENCY EXCHANGE IN JERSEY: [WQ.155/2018]	14
4.7	SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE IMPACT OF THE BAILIFF AND DEPUTY BAILIFF PRESIDING IN THE STATES ASSEMBLY: [WQ.156/2018].....	15
4.8	SENATOR K.L. MOORE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CONTINGENCY ALLOCATION: [WQ.158/2018].....	16
4.9	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING RECRUITMENT AND RETENTION IN MENTAL HEALTH SERVICES: [WQ.159/2018]	18
4.10	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING A BREAKDOWN OF FUNDING FOR STATES NON-FEE-PAYING SCHOOLS: [WQ.160/2018].....	20
4.11	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING FUNDING FOR AN INCOME DISTRIBUTION SURVEY: [WQ.161/2018].....	20
4.12	SENATOR G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE SALE OF SOCIAL RENTED HOUSING BY ANDIUM HOMES: [WQ.162/2018].....	25
4.13	SENATOR G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PARKING SPACES PROVIDED BY SOCIAL HOUSING PROVIDERS: [WQ.163/2018]	27
4.14	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE USE OF GROUND-BASED PHOTOVOLTACIC ARRAYS: [WQ.164/2018].....	29
4.15	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING STATES-OWNED BUILDINGS IN WHICH ASBESTOS IS PRESENT: [WQ.165/2018].....	37
4.16	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INTRODUCTION OF A DIFFUSE MESOTHELIOMA PAYMENTS SCHEME: [WQ.166/2018].....	39
4.17	DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE LEVEL OF HEADROOM FUNDING IN THE ISLAND'S 11 TO 16 SCHOOLS: [WQ.167/2018].....	39
4.18	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROSPECT OF TOBACCO SALES BEING BANNED IN JERSEY: [WQ.168/2018]	42
4.19	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE BANNING OF SMOKING IN PLACES WHERE CHILDREN ARE PRESENT: [WQ.169/2018].....	42
4.20	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING AIR QUALITY IN THE TUNNEL: [WQ.170/2018].....	43
4.21	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE IMPACT OF THE REMOVAL OF MARGINAL RELIEF FOR NON-RESIDENT PENSIONERS: [WQ.171/2018]	44

4.22	DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE PROVISION OF BREASTFEEDING FACILITIES IN STATES OF JERSEY WORK PLACES: [WQ.172/2018].....	45
5.	Oral Questions.....	47
5.1	Connétable R.A. Buchanan of St. Ouen of the Minister for the Environment regarding plans to engage with bodies such as the Jersey Landlord’s Association to ensure that the Public Health and Safety (Rented Dwellings)(Jersey) Law 2018 is implemented successfully: [OQ.127/2018]	47
	Deputy J.H. Young of St. Brelade (The Minister for the Environment):	47
	5.1.1 The Connétable of St. Ouen:	48
	5.1.2 Deputy M. Tadier of St. Brelade:	48
	5.1.3 Deputy M. Tadier:	48
	5.1.4 Connétable M.K. Jackson of St. Brelade:.....	49
5.2	Deputy R.J. Ward of St. Helier of the Chairman of the States Employment Board regarding public sector pay awards: [OQ.128/2018]	49
	Senator T.A. Vallois (Chairman, States Employment Board):.....	49
	5.2.1 Deputy R.J. Ward:	49
	5.2.2 Deputy G.P. Southern of St. Helier:	50
	5.2.3 Deputy G.P. Southern:.....	50
	5.2.4 Deputy M. Tadier:	50
	5.2.5 Deputy M. Tadier:	50
	5.2.6 Senator S.C. Ferguson:	51
	5.2.7 Deputy R.J. Ward:	51
5.3	Deputy G.P. Southern of the Chief Minister regarding the findings of the Social Metrics Commission’s report <i>A new measure of poverty for the U.K:</i> [OQ...129/2018].....	52
	Senator J.A.N. Le Fondré (The Chief Minister):	52
	5.3.1 Deputy G.P. Southern:.....	52
	5.3.2 Deputy G.P. Southern:.....	52
5.4	Deputy M. Tadier of the Minister for Health and Social Services regarding the date on which the Legislative Drafting Office was given the instructions to amend the Misuse of Drugs (Jersey) Law 1978 to reflect the reclassification of Bedrocan and Tilray medication: [OQ.131/2018].....	52
	Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):	53
	5.4.1 Deputy M. Tadier:	53
	5.4.2 Deputy M. Tadier:	53
	Answer subsequently provided by the Chairman of the Privileges and Procedures Committee:	54
5.5	Senator S.C. Ferguson of the Minister for Health and Social Services regarding any plans the Minister has to review and, if necessary, update the proposals for reform of health and social care services set out in P.82/2012, lodged on 11th September 2012: [OQ.133/2018]	54
	The Deputy of St. Ouen (The Minister for Health and Social Services):	54
	5.5.1 Senator S.C. Ferguson:	54

5.5.2	Senator S.C. Ferguson:	55
5.5.3	Deputy G.P. Southern:	55
5.5.4	Senator K.L. Moore:	56
5.5.5	Deputy M. Tadier:	56
5.5.6	Deputy G.P. Southern:	56
5.5.7	Senator S.C. Ferguson:	57
5.6	Deputy G.P. Southern of the Minister for Infrastructure regarding the outsourcing of cleaning and gardening services to “responsible employers”: [OQ.130/2018].....	57
	Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):	57
5.6.1	Deputy G.P. Southern:	57
5.6.2	Deputy G.P. Southern:	58
5.6.3	Deputy K.F. Morel:	58
5.6.4	Deputy K.F. Morel:	58
5.6.5	Deputy R.J. Ward:	58
5.6.6	Deputy G.P. Southern:	59
5.7	Deputy M. Tadier of the Chief Minister regarding rental housing affordability in the private sector: [OQ.132/2018].....	59
	Senator J.A.N. Le Fondré (The Chief Minister):	59
5.7.1	Deputy M. Tadier:	59
6.	Questions to Ministers without notice - The Minister for the Environment	59
6.1	Deputy J.M. Maçon of St. Saviour:	59
	Deputy J.H. Young (The Minister for the Environment):	59
6.2	Senator S.C. Ferguson:	60
6.3	Deputy M. Tadier:	60
6.4	Deputy G.P. Southern:	60
6.5	Deputy K.F. Morel:	61
6.6	Deputy S.M. Ahier of St. Helier:	62
6.7	Senator K.L. Moore:	62
6.8	Deputy M.R. Le Hegarat of St. Helier:	62
	Information subsequently provided by the Minister for the Environment:	62
6.9	Deputy R.J. Ward:	63
6.10	The Connétable of St. Ouen:	63
7.	Questions to Ministers without notice - The Minister for Treasury and Resources	64
7.1	Senator K.L. Moore:	64
	Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):	64
7.2	Deputy S.M. Ahier:	64
7.3	Connétable R. Vibert of St. Peter:	64
7.4	Deputy G.P. Southern:	64
7.4.1	Deputy G.P. Southern:	65
7.5	Deputy K.F. Morel:	65
7.6	Deputy G.J. Truscott of St. Brelade:	65
7.7	Senator S.C. Ferguson:	66
7.8	Deputy R.J. Ward:	66
7.9	Deputy R. Labey:	66
7.10	Deputy M.R. Higgins of St. Helier:	67
7.10.1	Deputy M.R. Higgins:	67

7.11 Deputy G.J. Truscott:	67
PUBLIC BUSINESS	68
8. Standing Orders of the States of Jersey: rescindment of Standing Order 141A(2)(c) (P.101/2018).....	68
8.1 Deputy R. Labey:.....	68
8.1.1 Deputy J.H. Young:	70
8.1.2 The Connétable of St. Brelade:	71
8.1.3 Deputy G.J. Truscott:	71
Mr. R.J. MacRae, H.M. Attorney General:.....	71
Deputy J.H. Young:	71
8.1.4 Deputy S.M. Wickenden:	72
8.1.5 Deputy J.M. Maçon:	72
8.1.6 Deputy M. Tadier:	73
8.1.7 Senator K.L. Moore:.....	74
8.1.8 Deputy R. Labey:.....	74
ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	75
9. Deputy R. Labey (Chairman, Privileges and Procedures Committee):.....	76
ADJOURNMENT	76

[9:32]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to visitor from the St. Helena Government

First of all, from the Chair, can I welcome in the public gallery Mr Nicholas Yon, the Deputy Financial Secretary from the St. Helena Government? **[Approbation]**

1.2 Welcome to His Excellency The Lieutenant Governor

While Members are in good stamping mood, I welcome also His Excellency, the Lieutenant Governor. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Resignation of Deputy Kevin Glyn Pamplin of St. Saviour from the Economic Affairs Scrutiny Panel

2.1 The Bailiff:

Under F, I give notice to the Assembly that I have received the resignation of Deputy Pamplin from the Economic Affairs Scrutiny Panel and I understand, Chairman, that you are not in a position to propose a replacement at this stage?

Deputy K.F. Morel of St. Lawrence:

Correct, Sir.

3. Election of a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly

The Bailiff:

The other item under F is the election of a member and an associate member to represent the States of Jersey on the British-Irish Parliamentary Assembly, and I invite nominations.

3.1 Senator J.A.N. Le Fondré:

Yes, I would like to nominate the Deputy of St. Mary for the lead member for the British-Irish Parliamentary Assembly. Am I right in saying we are doing these separately?

The Bailiff:

We are doing them separately. Is that seconded? **[Seconded]** Are there any other nominations? There are no other nominations, then I congratulate the Deputy of St. Mary on his appointment as the lead member to represent the States on the British-Irish Parliamentary Assembly. **[Approbation]** We then come to an associate member. Are there any nominations?

3.2 Senator J.A.N. Le Fondré:

I would like to nominate the Connétable of St. Helier for the associate member.

The Bailiff:

Is that seconded? **[Seconded]** Are there any other nominations? Very well, then I declare the Connétable of St. Helier to be duly elected and congratulate him on his appointment.

Senator J.A.N. Le Fondré:

Could I thank both Members for volunteering to take over the roles from myself and Deputy Kevin Lewis, and also just obviously thank Deputy Lewis for his support over the last few years, and will be speaking to the Connétable of St. Helier and the Deputy of St. Mary to brief them because they have some work to do in October.

QUESTIONS

4. Written Questions

4.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING PLANS TO COMMEMORATE THE 75TH ANNIVERSARY OF LIBERATION DAY: [WQ.150/2018]

Question

What plans within the Minister's portfolio, if any, are there to commemorate the 75th anniversary of Liberation Day in 2020; and has the Ministerial team had the opportunity to consider responding to the British Jersey Memorial Campaign and, if not, why not?

Answer

Liberation Day is coordinated and delivered by the Bailiff's Office. The newly appointed Bailiff's Consultative Panel will be meeting in October to discuss the next stage of planning for Liberation 75 in 2020.

I, the Assistant Minister with responsibility for Culture, our Department, and the arm's length organisation we support, including Visit Jersey, are engaged in the planning process led by the Bailiff's Office. Visit Jersey have met with the Bailiff's Office this week. I will ensure that the British Jersey Memorial Campaign is part of the ongoing discussions and planning.

The aim is to create a programme of activities that focus on hope, a celebration of peace, and the creation of a legacy that allows us to learn and grow from the lessons of the past.

4.2 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PAY AWARDS TO EMPLOYEES OF STATES-OWNED BODIES: [WQ.151/2018]

Question

Will the Minister, as shareholder representative, advise –

- (a) what pay rises, if any, have been awarded to States-owned bodies for which the Minister is shareholder representative, such as Ports of Jersey and the States of Jersey Development Company, during the term of the current Medium Term Financial Plan; and
- (b) what pay offers, if any, have been made for 2018 and 2019 by such States-owned bodies?

Answer

The States owned companies were established because of the unique challenges each business faced in delivering their services. The States therefore assigned to each company, under their independent Boards, the responsibility for the direction, strategy and management of the business.

As such, the terms and conditions of employment for the staff of each company are a matter for the Board of Directors, its employees and their representatives in order to meet the needs and the best interests of the businesses taking account of the environment within which each one operates. The shareholder is not involved in the general pay decisions of the company, although the importance of Boards taking into account their ownership by the States and the wider Island economic interests, in their pay settlements, is regularly emphasised and acknowledged

The terms and conditions for staff in each of these companies is different as they reflect the needs of those individual businesses. These terms and conditions mean a simple annual pay increase percentage figure is misleading e.g :-

- Staff can have moved to personal contracts following incorporation, with changed terms and conditions, which may be reflected in pay increases in a particular year.
- Changes in terms and conditions could include additional benefits, changes in remuneration structures and allowances in a particular year.
- Increases may be consolidated or non-consolidated.
- Performance related pay, linked to business improvements and targets may distort particular year(s).
- Other benefits might be non-financial – e.g. linked to annual leave.

However, the general increases relating to each of the companies is set out in the attached table.

The information provided relates only to those 100% States owned companies and excludes Jersey Electricity and Jersey Water. Executive director remuneration is published in the Report and Accounts of each of the companies and these have previously been presented to the States.

Jersey Telecom	<p>2016 – 1% pay pot plus an additional £500 unconsolidated payment made in November 2016.</p> <p>2017 – 1.5% pay pot plus an additional £250 unconsolidated payment made in June 2018.</p> <p>2018 – 2.5% pay pot plus an additional 1% pay pot in October 2018 (subject to hitting EBITDA targets)</p>
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	2019 – 1.5% pay pot plus an additional 1% pay pot in October 2019 (subject to hitting EBITDA targets)
Jersey Post	<p><u>Operational staff</u></p> <p>2016 – (1st January) 0.8% as part of 2015 pay deal.</p> <p>2016 – (1st May) 1.7% plus bonus (changes made to terms and conditions)</p> <p>2017 – (1st May) 2.47% plus bonus</p> <p><u>Managerial and Admin staff</u></p> <p>2016 – (1st January) 0.8% as part of 2015 pay deal.</p> <p>2016 – (1st May) 1.7% plus bonus</p> <p>2017 – (1st May) 2.2% plus bonus</p> <p>2018 – Pay negotiations ongoing</p>
SoJDC	<p>2016 – average basic salary increase of 1.8%</p> <p>2017 – average basic salary increase of 2.5%</p> <p>2018 – average basic salary increase of 1.5%</p> <p>2019 – not yet determined.</p>
Andium Homes	<p>All Andium staff are on personal contracts, so there are not “across the board” awards.</p> <p>2016 – no pay increase</p>

	<p>2017 – in January 2017 all staff were transferred to benchmarked market median contracts on new modernised terms and conditions, with a review date of July 2018, where market median was adjusted by 2%.</p> <p>2018 – increases are consistent and within the 2% policy set by the Board.</p> <p>2019 – has not yet been considered and will be based on market data and within Board policy.</p>
Ports of Jersey	<p>All awards have a performance related element.</p> <p>2016 – 1% consolidated on 1st January plus £500 non-consolidated lump sum to each employee (pro rata to part time and zero hours employees), based on the business reaching agreed targets.</p> <p>2017 – 1.14% on 1st January 2017, plus 1% non-consolidated lump sum based on 2017 profit and business improvement targets, paid in May 2018.</p> <p>2018 – 1% on 1st April 2018, with a 2% non-consolidated lump sum based on agreed profit and business improvement targets. This will be assessed at the end of the financial year. This pay award was part of the implementation of a total new set of terms and conditions for all Ports staff. All staff received a minimum of 1% but others received more, depending upon how the change of terms and conditions impacted on them.</p>

4.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING MEASURES TO ENCOURAGE CYCLING IN JERSEY: [WQ.152/2018]

Question

Will the Minister advise what percentage of commuters cycle to work in St. Helier and what measures (both short and long term) are being taken to improve and encourage day-to-day cycling provision in Jersey?

Answer

Every year in May we collect data on most of the major routes into St Helier to identify the percentage take up of each of the main transport modes. This year, cycling represented 4.5% of trips made into town in the morning peak period. What we cannot say is that all of these trips are for work, as they will contain a mix of leisure, business, education, shopping and other journey purposes. Either way, this represents the highest proportion of cyclists since the introduction of the Sustainable Transport Policy in 2010.

In practice the amount of people cycling is likely to be higher, as the survey does not capture trips made within St Helier e.g. if one were to cycle from the Springfield Area to the Finance Centre on the Esplanade.

This measure is just one survey, we now have permanent cycling counters at Havre Des Pas and First Tower which record cycling levels all year round, while there is seasonal variation, these numbers have increased by 20% between 2016 and 2017.

In terms of measures being made to improve and encourage day-to-day cycling provision in Jersey, we are rolling out schemes as fast as funding allows.

In the past few years we have introduced almost 550 e-bikes, we have completed the St. Peter's Valley path, we have completed the first phase of the harbour heads projects, with the English harbour complete and work due to start on the French imminently. We are consulting on improving facilities for cyclists on the railway path, crossing the difficult stretch of road on Pont Marquet.

Sections of the Eastern Cycle Network have also been delivered, with the route between Le Hocq and Le Rocquier School now open and the Samares Nursery development is due to complete the next phase of the network soon, with further plans being advanced to extend the facility into St Helier to join a town network which is under development.

We have also upgraded significant sections of the cycle track around the airport, with an asphalt surface, and through our development control work secured the provision of hundreds of cycle stands at developments all over Jersey. All major office developments are now being built with cycling facilities at the core of the designs with showers and lockers being provided to help remove some of the barriers to cycling.

We need to get more Islanders using sustainable travel for everyday journeys. Walking and cycling result in a healthier population and reduces the pressure on our Health Department.

4.4 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF ASSISTANT MINISTERS: [WQ.153/2018]

Question

Will the Chief Minister provide a full list of Assistant Ministers, including any delegated responsibilities they may have, as well as the dates on which the decisions to make them Assistant Ministers and to delegate them any responsibilities were signed?

Answer

The Chief Minister consented to the appointment of Assistant Ministers on the 15th June, 2015. This was reported to the States Assembly. The link is as follows:

[https://statesassembly.gov.je/assemblyreports/2018/r.93-2018%20appointment%20of%20assistant%20ministers-%20consent%20of%20the%20chief%20minister%20\[cm\].pdf](https://statesassembly.gov.je/assemblyreports/2018/r.93-2018%20appointment%20of%20assistant%20ministers-%20consent%20of%20the%20chief%20minister%20[cm].pdf)

Where a Minister delegates functions to an Assistant Minister this is presented to the States Assembly, otherwise, appointments are reported on the gov.je. The links in relation to the appointment of all Assistant Ministers, and any delegated functions are as follows:

Chief Minister

[States of Jersey Law 2005: delegation of functions – Chief Minister – Assistant Minister and Officers. - 18 July 2018 - Report \(149 KB\)](#)

Minister for Education

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=9A1DC1E6-AC29-4ECF-8DD9-6469F896F16C>

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=6C575198-CAA8-46D9-A8F9-26E49996CC63>

[States of Jersey Law 2005: delegation of functions – Minister for Education – delegations to Assistant Minister September 2018 - 20 September 2018 - Report \(150 KB\)](#)

Economic Development, Tourism, Sport and Culture

[States of Jersey Law 2005: delegation of functions – Minister for Economic Development, Tourism, Sport and Culture – delegations to Assistant Ministers July 2018 - 26 July 2018 - Report \(151 KB\)](#)

[States of Jersey Law 2005: delegation of functions – Minister for Economic Development, Tourism, Sport and Culture – delegations to Assistant Ministers September 2018 - 18 September 2018 - Report \(152 KB\)](#)

Minister for External Relations

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=7B5E2C64-65DD-498F-8601-D7561623CC35>

Minister for Health and Social Services

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=BC58D80E-90E9-4AC6-B270-A4A2DBADDF5C>

[States of Jersey Law 2005: delegation of functions – Minister for Health and Social Services – delegations to Assistant Minister September 2018 - 19 September 2018 - Report \(152 KB\)](#)

Minister for the Environment

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=03D03496-5F18-44DA-B97D-F3C5A9990DFA>

[States of Jersey Law 2005: delegation of functions – Minister for the Environment – revised delegations July 2018 - 26 July 2018 - Report \(369 KB\)](#)

Minister for Treasury and Resources

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=1D217D6A-784A-4D51-B28D-10A45D1EED19>

[States of Jersey Law 2005: delegation of functions – Minister for Treasury and Resources – revised delegations July 2018 - 25 July 2018 - Report \(238 KB\)](#)

Minister for Home Affairs

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=DA6B0AA8-DF56-4AB6-87FE-5706E32EA056>

[States of Jersey Law 2005: delegation of functions – Home Affairs - 10 July 2018 - Report \(149 KB\)](#)

Minister for Social Security

<https://www.gov.je/government/planningperformance/pages/ministerialdecisions.aspx?docid=E30AF38C-0068-441A-B84A-7D9B14D1FEB5>

Minister for Infrastructure

<https://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=2D1558DE-F521-4CF3-8994-C5AD717BAC23>

4.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE USAGE OF FOOD BANKS IN JERSEY: [WQ.154/2018]

Question

Further to the presentation of ‘Foodbanks in Jersey 2017 – Usage Report’ (R.139/2017), will the Minister advise –

- (a) whether food bank use in Jersey is currently monitored and, if not, why not;
- (b) if such use is monitored, what the current level of food bank use is in Jersey; and
- (c) what measures, if any, will be taken in both the short and long terms to reduce and remove the need for food banks in the Island?

Answer

- a) Foodbank use in Jersey is currently monitored by the individual providers of emergency food provision. The three main providers on-island are The Grace Trust, St Helier Methodist Centre and St Vincent de Paul.

The exact data collected varies by organisation, and may include the following:

Total number of food bags/parcels issued; number of individuals visiting the foodbank; the referring organisation and detail on gender, age and ethnicity of those visiting the foodbank.

Given the variations in data collection by the different providers, previous reports have faced the statistical challenge of deriving meaningful comparisons. Therefore it is felt that continuing to produce a composite data set would not have sufficient merit.

- b) The latest data published by the government is the 'Foodbanks in Jersey 2017 usage report'. This report was published on 20th December 2017, and collates data collected by the three main food bank providers in the first quarter of 2017. A total of 364 visits were recorded during this time period. Some of these visits will be repeat visits and it is not possible to state the number of individual people making use of foodbanks over this period. Individual providers publish their own statistics from time to time.
- c) Since the publication of the first government report in 2016 there has been much effort put into joint working between food banks and government agencies and this collaborative approach continues. This includes encouraging food bank clients to contact government departments to confirm that they are receiving all the benefits and services that they are entitled to.

Common reasons cited by individuals seeking food assistance in the 2017 report were having a long-term health condition, general low income and debt or an unexpected problem that had meant unforeseen costs they could not manage.

The government is committed to supporting vulnerable groups and this includes projects to tackle long-term social issues, including the Disability Strategy, Skills Strategy and Housing Strategy.

4.6 DEPUTY R. LABEY OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ESTABLISHMENT OF A STERLING-CRYPTOCURRENCY EXCHANGE IN JERSEY: [WQ.155/2018]

Question

Will the Chief Minister indicate whether he was consulted prior to the recent decision to sign a Memorandum of Understanding with a leading blockchain operator to set up a Sterling / Cryptocurrency exchange in Jersey and can he advise what compliance research, due diligence or Know Your Customer checks were accomplished; and, if it is not himself, will the Chief Minister advise the Assembly who is accountable for that Memorandum and whether there is any linked current, or future, financial liability for the States of Jersey?

Answer

Digital Jersey signed the Memorandum of Understanding referenced in the Question. Digital Jersey is an independent organisation, so the Memorandum was not entered into by the Government and it was not for me, or my predecessor, to be consulted on, or approve, the Memorandum. There is no current, future or contingent liability for the States of Jersey as a result of the Memorandum, which was also expressed as non-binding on Digital Jersey. My predecessor demonstrated political support for the creation of jobs and digital skills by attending the signing ceremony, but played no other role.

In any event, I am advised that Digital Jersey did liaise with Government officials before signing the Memorandum and I am told that due diligence was completed ahead of the signing. The nature of the due diligence is confidential, but included standard background checks. In the event that the digital asset exchange does commence business in Jersey, it will be required to register with the Jersey Financial Services Commission under the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 as a 'Specified Schedule 2 Business' and engage regulated legal advisers and corporate service providers. All entities incorporated in Jersey to carry on the business of a digital asset exchange will be subject to normal regulatory standards for Jersey incorporated entities including conditions issued by the Jersey Financial Services Commission under the Control of Borrowing (Jersey) Order 1958.

4.7 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE IMPACT OF THE BAILIFF AND DEPUTY BAILIFF PRESIDING IN THE STATES ASSEMBLY: [WQ.156/2018]

Question

Will the Chairman advise how many days in 2017 the Bailiff and Deputy Bailiff each presided in the States Assembly; and will he further advise, following consultation with the Bailiff's Chambers, whether a Commissioner was required to preside in the Royal Court on those days as a result and, if so, what the overall cost of using Commissioners in such circumstances was?

Answer

The Bailiff sat in the States on 22 days in 2017 and presided over the Assembly for 46% of its total sitting time during the year. The comparable figures for the Deputy Bailiff are 17 days and 34%.

I am advised by the Bailiff's Judicial Secretary that while it is very likely that there would have been some days during that year when a Commissioner was only asked to sit in the Royal Court because the Bailiff or Deputy Bailiff were presiding in the States, it is not possible easily to indicate what that figure would be. This is because:

- (a) the use of Commissioners is driven by a number of different factors:
 - Whether there is any reason such as conflict of interest, particular sensitivity of subject matter or specialism which suggests the Bailiff or Deputy Bailiff should not sit
 - Whether the length of case is such that given their other duties outside the States, whether in court or otherwise the Bailiff or Deputy Bailiff should not sit

- The desirability of fixing dates for trial or hearing so that the parties can have access to justice as soon as possible having regard to all the circumstances
- A recognition that in managing the court diary, it is essential to be able to find space for urgent and unforeseeable applications such as a hearing of an application by the Minister for a Secure Accommodation Order, or an application by a party for an interim injunction freezing assets to be set aside, or a commercial or trust application that is driven by a timetable of its own.

(b) once a Commissioner is allocated a particular case, it is often undesirable and not in the interests of justice that a different judge is asked to take over the conduct of that case half way through.

I have been given this example. On 14th February 2017, Commissioner Clyde Smith was sitting and the Deputy Bailiff presided in the States. However, the Commissioner was sitting on a long case which was set down for months. Had the Deputy Bailiff not been presiding, he would not for various reasons have been sitting on Mr Clyde Smith's case. Accordingly it is not possible to say that if the Deputy Bailiff had not been presiding, he would have been able to take the case over which Commissioner Clyde Smith presided.

4.8 SENATOR K.L. MOORE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CONTINGENCY ALLOCATION: [WQ.158/2018]

Question

Further to Summary Table C ('Summary of Approved Central Contingency Allocations for 2017-2019') in the Medium Term Financial Plan Addition 2017-2019 and in light of 'Contingency Allocation: Revised Policy – August 2018' (R.112/2018), will the Minister –

- (a) provide an updated table showing how much of each contingency allocation has been spent to date; and
- (b) explain, in respect of the £13.5 million allocated for the Economic Productivity and Growth Drawdown Provision (EPGDP);:
 - i. what amounts, if any, from the EPGDP have either been spent so far or been moved to other areas of contingency or to the Consolidated Fund; and
 - ii. what the future plans are for the EPGDP?

Answer

- (a) Contingency allocations are carried forward from one year to the next within an MTFP therefore amounts drawn down may exceed allocations in any one year.

Proposed Central Contingency Allocations	2017	2018	2019
	£'000	£'000	£'000
Central Allocation - DEL Contingency	5,000	5,000	5,000
Drawn down	5,753	14,056	
Central Allocation - Pay, PECS and Workforce Modernisation	5,644	12,294	17,607
Drawn down	6,658	4,767	
Central Allocation - Restructuring and Redundancy Provision	12,000	7,600	8,300
less: earmarked carry forwards for committed Redundancy	-5,000	-600	-3,300
less: earmarked carry forwards for Restructuring and Redundancy		-3,836	-3,045
Net Central Allocation - Restructuring Provision and Redundancy Provision	7,000	3,164	1,955
Drawn down	5,099	8,657	
Central Allocation - EPGDP	5,000	5,000	3,548
less: prioritised funding from base budgets	-644	-1,204	-1,548
Net Central Allocation - EPGDP	4,356	3,796	2,000
Drawn down	1,915	1,016	

Central Allocation - Earmarked for Initiatives to support vulnerable children	1,650	1,650	1,650
Drawn down	960	1,671	
Total Proposed Central Allocations	23,650	25,904	28,212

The balance of contingencies are expected to be fully drawn down by the end of 2019.

Under Article 17 of the Public Finances (Jersey) Law 2005 the allocation to contingency expenditure in the MTFP is a single sum, so do not require additional approvals to move that allocation between the areas indicated in the MTFP Addition. All allocations from contingency require the approval of the Minister for Treasury and Resources, in accordance with her published policy.

- (b) As Summary Table C in the Medium Term Financial Plan Addition shows, £13.5 million was not allocated to EPGDP. £10.2 million was allocated after funding was reprioritised.
- (i) The table above shows how much of the funding available has been drawn down in 2017 and 2018 so far. None of the allocation has been moved to other areas of contingency or the Consolidated Fund beyond that shown in the table, as lodged and approved by the Assembly.
- (ii) The need to invest in and support economic growth and productivity growth remains and the intention is to continue to do so. Any business case that is made in support of those needs will be submitted to the Investment Appraisal Board to assess so very little has changed.

4.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING RECRUITMENT AND RETENTION IN MENTAL HEALTH SERVICES: [WQ.159/2018]

Question

In respect of mental health services, will the Minister –

- (a) inform members what targets, if any, he has for increasing the number of mental health nurses, therapists and doctors in child and adult mental health services in Jersey;
- (b) state what vacancies are currently being carried in these services and what the current vacancy rate is; and
- (c) state what measures, if any, he has in place or under consideration to improve recruitment and retention in mental health services, especially such services for children and young people?

Answer

- (a) Workforce supply in this area of practice is challenging and reflects a similar position in the UK for talent and skills in this area. There are no specific targets as recruitment is against funded establishments. Significant efforts continue to source a permanent sustainable workforce within current funded establishments for nurses, doctors and therapists. Recruitment is “always on” to ensure that any interest in vacant posts is responded to quickly.

(b)

Nursing:

There are currently 21.4 nursing posts which are not filled by permanent nursing staff but are filled by temporary staff from either the nurse bank or agency until a substantive appointment is made. There are currently 11 people going through the recruitment process to fill some of these posts on a substantive basis. The current vacancy rate relating to permanent nursing posts stands at 16.8%.

There are currently four students accessing the pre-registration mental health nursing degree programme in Jersey. Two students are in their second year of the three-year degree programme and two students are in their first year. The students attend the theory/classroom component at the University of Chester and return to Jersey for their practice placements, supported by Health and Community Services higher education department staff. At the end of their training we aim to recruit these graduates into our local services.

Doctors:

A national shortage of psychiatrists and the small size of the department requiring generalists rather than subspecialists means that there are currently 5 Consultant posts not filled by permanent doctors, but which are all filled by temporary locum staff. The current vacancy rate relating to permanent doctors stands at 12.7%.

Therapists:

There are currently 9 therapist posts which are not filled by permanent therapy staff but, as with nurses and doctors, we rely on the use of temporary locum/agency staff to cover these posts until a substantive appointment is made. The current vacancy rate relating to permanent therapist posts stands at 9.9%.

(c)

A number of measures are in place currently to address the workforce position. The “always on” campaign provides an online recruitment platform for potential candidates interested in working in Jersey. Enquiries are responded to immediately with timely follow up by the department. In addition, attendance at recruitment fairs in the UK provides opportunities to attract and source potential candidates and an ability to match job offers to existing vacancies at the time. Social media is also used as a measure to advertise posts as well as existing staff using their professional networks to seek out and source potential candidates.

Opportunities for personal development, practice supervision and growth are promoted as part of the recruitment process along with explaining the benefits of living in Jersey. Vacant posts are also analysed to consider if the introduction of new roles and ways of working will address requirements and boost opportunities for filling the post substantively. An attractive relocation package and access to temporary accommodation also assists candidates to transition to employment in Jersey.

Work is also underway to produce an Improvement Plan for Mental Health which will consider and include plans for the mental health workforce in the future.

4.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING A BREAKDOWN OF FUNDING FOR STATES NON-FEE-PAYING SCHOOLS: [WQ.160/2018]

Question

Will the Minister give a full breakdown of departmental funding for 2018 for States non-fee-paying primary and secondary schools, including the A.W.P.U. (age weighted pupil unit) rate and the total per school as well as any additional funding for elements such as the Jersey Premium or S.E.N. (Special Education Needs) / E.S.L. (English as a Second Language) provision?

Answer

The answer is detailed in the table below.

For information;

- ARC – Additionally Resourced Centre
- The AWPU rate for primary schools is calculated based on a per class rate. This is based on a teacher, an element of teaching assistant time and lunchtime supervision. For nursery it is based on a teacher, nursery assistant and lunch supervision.
- The AWPU rate for secondary schools is calculated based on a per pupil rate. This includes an element for teachers, support staff, lunch supervisors, supplies & services, transport and exams.

4.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING FUNDING FOR AN INCOME DISTRIBUTION SURVEY: [WQ.161/2018]

Question

Further to his response to Written Question 118/2018, will the Chief Minister advise whether funding has now been identified to enable Statistics Jersey to run an Income Distribution Survey this year and, if not, will he explain why not?

Answer

A revised business case to fund the Income Distribution Survey has been submitted, as part of a new and streamlined allocation process to more adequately prioritise investment. The funding has not been allocated in advance of this process.

A decision is expected before the end of the year on the business case, which will enable the preparatory work to commence, including recruitment, and the survey could commence in March/April 2019.

Primary Schools	AWPU excluding SEN (£)	SEN (£)	Total AWPU (includes SEN) (£)	Jersey Premium (£)	ARC (£)	Other (£)	2018 Funding (£)	ICT funding (from ICT budget) (£)	Year Group	AWPU Rate / class (based on 26 pupils) (£)
Bel Royal School	1,036,842	59,029	1,095,870	45,800	290,561	29,085	1,461,316		Nursery	120,284
d'Auvergne School	1,889,661	130,356	2,020,016	132,210		2,251	2,154,477	9,900	Reception	89,689
First Tower School	1,584,249	124,044	1,708,293	127,672		5,298	1,841,263	11,500	Year 1	80,267
Grands Vaux School	909,148	67,242	976,390	88,460		0	1,064,850		Year 2	80,267
Grouville School	1,615,283	87,660	1,702,943	66,960		44,126	1,814,029	3,400	Year 3	68,189
Janvrin School	1,556,237	174,643	1,730,880	137,430		-4,251	1,864,059	13,300	Year 4	68,189
La Moye School	1,519,542	81,922	1,601,464	76,500		24,349	1,702,313		Year 5	68,189
Les Landes School	824,195	42,064	866,259	21,805		2,338	890,402	5,300	Year 6	68,189
Mont Nicolle School	1,103,554	40,113	1,143,667	36,045		13,327	1,193,039	4,400		
Plat Douet School	1,662,657	164,124	1,826,781	156,390		30,158	2,013,329	12,400		
Rouge Bouillon School	1,721,361	192,134	1,913,495	163,590	343,739	-48,359	2,372,465			

Samares School	1,097,771	88,061	1,185,832	107,250		33,679	1,326,761	1,500
Springfield School	1,012,472	92,379	1,104,852	121,753		-9,334	1,217,271	
St Clement School	937,580	60,093	997,673	25,500	136,728	11,572	1,171,473	
St John School	944,093	38,629	982,722	31,721		31,065	1,045,508	5,700
St Lawrence School	952,788	39,301	992,088	24,110		3,378	1,019,576	5,900
St Luke School	766,495	69,966	836,461	55,500		111,303	1,003,264	6,300
St Martin School	933,484	42,642	976,125	33,248		11,496	1,020,869	6,000
St Mary School	791,451	48,670	840,121	23,460		8,096	871,677	
St Peter School	956,930	48,788	1,005,717	35,954		10,592	1,052,263	
St Saviour School	949,423	78,348	1,027,771	80,670	265,203	21,237	1,394,881	7,500
Trinity School	942,980	44,947	987,927	25,460		11,158	1,024,545	6,100
Total Primary Schools	25,708,194	1,815,154	27,523,348	1,617,488	1,036,231	342,564	30,519,631	99,200

Secondary Schools	AWPU excluding SEN (£)	SEN (£)	Total AWPU (includes SEN) (£)	Jersey Premium (£)	ARC (£)	Other (£)	2018 Funding (£)	ICT (£)	Year Group	AWPU Rate / Pupil (£)
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Grainville	3,901,419	372,457	4,273,876	140,840	212,913	-5,416	4,622,213	15,600	Year 7	4,582
Haute Vallée	3,688,467	392,526	4,080,993	124,200	187,032	69,288	4,461,513	32,100	Year8	4,582
Hautlieu	5,377,496	169,458	5,546,954	72,719		42,330	5,662,003	33,300	Year9	4,582
Le Rocquier	4,757,232	391,914	5,149,146	177,840	90,789	6,364	5,424,139	43,700	Year10	4,930
Les Quennevais	3,742,164	291,417	4,033,581	89,462	87,487	54,500	4,265,030	31,100	Year11	5,271
Total Secondary Schools	21,466,778	1,617,772	23,084,550	605,061	578,221	167,066	24,434,898	155,800	Year12	6,796
									Year13	6,796

4.12 SENATOR G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE SALE OF SOCIAL RENTED HOUSING BY ANDIUM HOMES: [WQ.162/2018]

Question

Will the Minister inform members of the number of social rental homes sold off from the stock of Andium Homes over the period of its existence in comparison with the number of such homes sold off by the former Department of Housing over the equivalent period of time before incorporation; and will he also provide the financial and political justification for these sales by Andium Homes?

Answer

The number of homes sold by the former Housing Department and Andium Homes (incorporated on 1st July 2014) is as follows:

Year	Total Sales
2010	13
2011	9
2012	12
2013	9
2014	15
2015	17
2016	14
2017	28
2018	29

The above sales programme is based on the following political justification:

- In 2002 the States approved the Housing Committee's Strategic Policy Report 2002 – 2006. That document laid out a number of aims which included support for the principal of home ownership.

- In 2004 the States approved P.19/2004, which authorised the sale to then Housing Committee tenants of certain properties at Le Squez and Le Marais.
- In 2007 the States approved P.6/2007, which authorised the then Housing Department to sell a number of social rented homes, 22 on the open market, and 778 flats and houses on a shared equity basis to tenants.
- In 2013 the States approved P.33/2013, which further supported the ongoing sales of social rented homes to those registered with the Affordable Housing Gateway, as essential to the business case for incorporation.
- The States Strategic Plans 2006-2011, 2009-2014, 2015-2018 have consistently given emphasis on increasing levels of home ownership and introducing more home ownership schemes.
- The “Housing Strategy” published by the Minister for Housing in March 2016, included in its first objective deliverables on the need to develop and promote home ownership initiatives.

Andium Homes publishes a Strategic Business Plan each year, approved by its Guarantor, the Minister for Treasury and Resources and supported by the Minister for Housing. Sales have formed an integral part of those approved plans on an annual basis, targets of 25 per year from existing stock have recently been increased to 40.

Andium Homes’ sales could not, therefore, take place without the ongoing approval of Ministers.

There are several important factors that has been acknowledged as fundamental to the long-term viability of the Andium Homes business model when approving these sales:

1. Current demand for affordable purchase is significantly higher than affordable rental. The Affordable Housing Gateway statistics published at the end of August stated that there is currently a net rental demand of 485 applicants, but for First Time Buyer purchase there are 1132 applicants. Andium Homes is keen to support both markets.
2. Andium Homes is currently on site delivering 752 new additional homes at Samares, Le Squez Phase 4, Summerland, Ann Court, La Collette Low-Rise and the Boiler House, the majority of which will be for affordable rental.

3. Sales of social rented units can only be made to applicants registered with the Affordable Housing Gateway. In most cases, such applicants are currently living in a social rented unit which is subsequently released when they purchase a home – representing a change in tenure rather than a loss of a unit.

Moreover, the sales programme is based on the following financial justification:

1. Andium Homes is a not-for-profit company undertaking a large capital programme to deliver 2,000 new homes by 2025. All income generated from property sales is reinvested into providing more and better homes. This reduces the level of borrowing taken out in the delivery of the much-needed new homes.
2. Without ongoing sales, the Andium Homes business model would not be sustainable without a compensatory reduction in the annual return, currently £28.2 million.
3. Sales identified in the table above generated £41,678,433 income.
4. With a portfolio of over 4,500 properties, sales of between 1 – 2% form part of the Asset Management Strategy which ensures Andium makes the most efficient use of the stock and delivers the right homes and tenure opportunities for clients.

The Andium Homes sales programme (and that of the former Housing Department) was determined by previous Ministers. The present Minister for Housing has not yet reviewed the policy of assisted home ownership and the role that Andium Homes will play in it as part of its strategic business plan.

4.13 SENATOR G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PARKING SPACES PROVIDED BY SOCIAL HOUSING PROVIDERS: [WQ.163/2018]

Question

Will the Minister, as shareholder representative, inform members of –

- (a) the total number, and cost, of parking spaces provided by Andium Homes and other social housing providers, with the information broken down by site / estate showing the number of spaces allocated to residents of the estate, those allocated to others who reside in the locality and those which are rented to the general public; and

(b) what measures, if any, are in place to monitor the performance of G4S in administering and enforcing the parking permits system following the outsourcing of that service on Andium sites?

Answer

The remit of the Minister for Treasury and Resources as guarantor representative for Andium Homes does not include other social housing providers. The following information therefore only relates to Andium Homes and has been provided by them:-

(a)

Appendix 1(attached) provides a list of the number of spaces provided at each estate managed by Andium Homes. The Appendix also identifies the number of permits issued to residents of those estates, and the final column represents paid parkers, the “general public”.

Parking spaces are not allocated, but permits are issued which allow the holder to park on a specific estate. Not all estates require permits as parking may not be in demand in all locations: those without the need for permits are generally out of central St Helier and are indicated on Appendix 1.

There are varying types of permits that are issued: -

- Permits for tenants, renewable on an annual basis, as shown in Appendix 1;
- Permits for the general public, on application, renewable annually and on a paid basis; we are not able to break these down into “others who reside in the locality” and “general public” as there is no distinction drawn in allocating the spaces. We also provide permits to organisations such as Age Concern and Cheshire Homes free of charge. These are shown in Appendix 1;
- Short term permits for care providers, Health & Social Services and contractors working on the estate free of charge.

In regard to cost, paid parking generates an annual income of approximately £200,000, which equates to an average cost per space across all estates of approximately £125. Paid parking is only offered if there is deemed to be spare capacity on the estate, i.e. more spaces available than there are tenant permits issued or required. Under our parking policy, published on our website, parking for tenants takes priority over other permit requests.

(b)

The parking service is fully contracted out to G4S. That contract includes a number of Key Performance Indicators (KPI's):-

Indicator	Min. Performance
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Telephone enquiry – substantive verbal response	Next working day
Formal response to written request/enquiry/appeal	5 working days
Summary report on progress	Monthly, within the first week
Following settlement, time taken to release vehicle from compound	Within 2 hours from payment

Summary progress reports are presented monthly to report on these as well as ad hoc reporting on request where the contract specifies response periods for the different types of requests. Additionally, management of Andium Homes and G4S meet frequently to review matters arising supplemented by the aforementioned ad hoc reporting.

Our complaint policy allows us to also independently handle complaints where the client is unsatisfied with the service provided.

Client Satisfaction Surveys are also carried out periodically as a measure of performance, the last was carried out at the end of July 2018 and sent out to over 150 clients, where satisfaction with the service received from G4S scored an average of 4.1 out of 5 i.e. over 80%.

4.14 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE USE OF GROUND-BASED PHOTOVOLTAIC ARRAYS: [WQ.164/2018]

Question

What plans, if any, does the Minister have for encouraging the use of ground-based photovoltaic (PV) arrays on brown field sites?

Answer

I'm keen to promote the use of renewable energy, including ground-based photovoltaic systems, to support Jersey's Energy Plan and our aim of secure, affordable and sustainable energy.

While we don't currently have any specific policies to encourage PV arrays on particular types of sites, a number of Energy Plan workstreams are being progressed to encourage the uptake of renewable energy.

The Energy Plan – the context for the uptake of renewable energy in Jersey

Pathway 2015: An Energy Plan for Jersey, agreed by the States Assembly in May 2014, outlines a goal of sustainable, affordable and secure energy for the Island. Chapter 4 of the Energy Plan outlines our actions around renewable energy both at the Micro (or domestic/household level) or

the utility scale which includes commercial/community scale or utility scale generation (e.g. marine energy such as wind or tidal power or onshore power generation such as ground based solar).

The spatial planning framework for ground based solar PV

The Island Plan, which has been approved by the States, provides the framework against which any planning applications to install PV arrays would be assessed on any site. These support the delivery of the Energy Plan whilst seeking to ensure that the environmental impact of any development proposals are properly assessed.

The key Island Plan policy is Policy NR6: **Proposals for on-shore renewable energy production as follows:**

Proposals for on-shore renewable energy production will be encouraged where they have produced an Environmental Impact Assessment in accordance with the Planning and Building (Environmental Impact) (Jersey) Order 2006 that demonstrates inter alia:

- 1. detailed engagement with all stakeholders;*
- 2. that there will not be an unacceptable impact on features of ecological, archaeological or historic importance;*
- 3. there will not be an unacceptable visual impact;*
- 4. there will not be an unacceptable impact on the character of the immediate and wider landscape;*
- 5. there will not be an unreasonable impact on neighbouring uses and the local environment by reason of noise, odour, pollution (air, water and soil), visual intrusion or other amenity consideration both during construction, operation and decommissioning;*
- 6. It will not affect the safe operation of shipping and / or Jersey Airport;*
- 7. there will not be any unacceptable impacts as a consequence of any associated infrastructure required to service the site, such as grid connections; and*
- 8. an appropriate monitoring programme specific to the design, scale and type; and,*
- 9. acceptable restoration and maintenance proposals.*

The impact of P.88/2018 on renewable energy policy

Proposition P.88/2018 was adopted by the States Assembly earlier this year. It has initiated several work streams that work in parallel to the Energy Plan objectives and will require Government to further consolidate its' renewable energy policy and may ultimately bring forward for agreement proposals that impact future proposals for ground-based solar PV arrays. The P88 work streams include the following relevant components:

- **An independent assessment of Jersey Electricity's proposed stand by charge.**

This charge is intended to apply to energy generators who rely on the grid for 'back up electricity. Given that stand by charges only apply if the generator relies on back –up electricity from the grid, the implications of this part of the proposition do not necessarily affect ground

based solar PV generators. For example, in the recent call for interest by Jersey Electricity for ground based installations, the model is one of direct export of electricity generation to the grid in which circumstance stand-by charges (and any associated new policy interventions) would not apply. The report on the review of stand by charges is due to be made public in Q3 2018.

- An assessment of the impact of a stand-by charge on the uptake of renewable energy**
 Once the appropriateness of the stand-by charge is assessed, phase two of work will follow whereby the impact of this cost to renewable energy generators will be assessed in the context of how this impacts the overall uptake of renewable energy in Jersey. Given that the Energy Plan aims to support the uptake of renewable energy in the context of sustainability, affordability and affordability, a requirement may thus be highlighted for Government to make further policy decisions to support the uptake of renewable energy. This phase of work will follow the publication of the stand-by charge report in Q3 2018 and will extend into 2019 depending on the scale of the work identified
- A review of the Electricity Law**
 The Minister for Environment in his position as Chair of the Energy Executive has made a commitment to a review of the 1937 Electricity Law to ensure it is fit for purpose and future-proofs the island’s energy aspirations now and as new technology, storage and distribution systems become commercially available.

It is recognised that such a review will require carefully scoping, planning and is a significant piece of work that will require a multi-departmental approach defined by a scope and work plan agreed by all the relevant Ministers. The expectation is that this work will begin later in 2018 and extend into 2019. This a substantial piece of work that touches many areas and whose impacts must be carefully considered, quantified and consulted upon before any final decisions are bought before the States Assembly.

WQ.163/2018 – Appendix 1

Estate	Total Spaces	Tenant Permits	General Public
10 Raleigh Ave / Raleigh House	5	2	0
21 Duhamel Place	2	n/a - non-permitted	n/a
29 Columbus Street	3	2	0
29 Garden Lane	3	1	0

Estate	Total Spaces	Tenant Permits	General Public
3,5,7,7a Wesley St	9	3	0
37 Midvale Road	3	1	0
79 Rough Boullion	2	n/a - non-permitted	n/a
9 - 21 Windsor Road	6	3	0
Albert Villas	5	3	0
Andium Court	82	n/a - non-permitted	n/a
Baren Gaed	5	4	0
Beau Vallon	12	11	0
Belford Place	3	2	0
Belvoir Court	3	2	0
Bingham Court	43	48	0
Brighton Close	24	22	0
Brooklyn Court	11	14	0
Chapel Court	2	1	0
Cherry Orchard Court	26	38	0
Chestnut Court	17	17	0
Clearview Place	6	6	0
Clos De Quennevais	22	16	0
Clos De Roncier	0	n/a - non-permitted	n/a
Clos Du Fort	113	81	36
Clos Du Val	13	n/a - non-permitted	n/a
Clos Gosset	80	65	0
Clos St Andre	57	35	0

Estate	Total Spaces	Tenant Permits	General Public
Convent Court	52	11	7
De Quetteville Court	52	64	1
Dennis Ryan Court	20	19	0
Devonia Close	10	8	3
Don Close	6	4	0
Don Farm	12	10	0
Dorset Mews	12	5	0
Durban House	3	n/a - non-permitted	n/a
Ernest Briard Crescent	44	n/a - non-permitted	n/a
Fauxbie Terrace	10	8	2
Gordon Le Breton Close	35	22	0
Grasset Prk	20	n/a - non-permitted	n/a
Grouville Arsenal	16	n/a - non-permitted	n/a
Halcyon House	15	12	0
Hampshire Gardens	25	29	0
Haut Du Mont	29	30	0
Highbury Court	11	11	0
Hillside Court	5	3	0
Homeville	2	n/a - non-permitted	n/a
Hue Court	81	53	38
Jack Counter Close	9	8	0
Jane Sandemen Court	38	21	2
Jardin De Carreaux	75	n/a - non-permitted	n/a

Estate	Total Spaces	Tenant Permits	General Public
Jardin Du Crocquet	17	16	1
Journeaux Court	43	43	3
Keith Baal Gardens	56	50	17
Kew Gardens	23	16	0
La Cache Pallot	5	6	0
La Carriere	6	n/a - non-permitted	n/a
La Collette	47	34	0
La Place Labey	22	8	0
La Place Noel	8	n/a - non-permitted	n/a
La Selliere Court	13	n/a - non-permitted	n/a
Le Bel D'enton	10	4	0
Le Burons	57	n/a - non-permitted	n/a
Le Clos De Balmain	64	51	0
Le Clos De Petit Felard	31	30	0
Le Clos Du Martin	13	11	0
Le Douet Clement	35	32	0
Le Geyt Flats	40	31	4
Le Marais	105	n/a - non-permitted	n/a
Le Verger	8	8	0
Les Anquetils / Les Petit Anquetils	50	n/a - non-permitted	n/a
Les Cinq Chenes	122	n/a - non-permitted	6
Les Cloches Court	21	13	0
Les Jardins Du Soleil	104	42	12

Estate	Total Spaces	Tenant Permits	General Public
Les Maisonettes	22	21	0
Les Quatre Bras	12	12	0
Les Ronces	8	4	1
Les Vaux	21	17	0
Leslie Sinel Close	26	22	0
Liberation Court	92	77	29
Lord Coutanche Court	22	22	1
Maesteg House	6	6	0
Maison Du Theatre	5	3	0
Maple Grove	33	40	0
Mont Surat	3	1	0
Nicholson Close	22	n/a - non-permitted	n/a
Nicolle Close	19	28	0
Oak Tree Gardens	92	n/a - non-permitted	n/a
Old St John's Court	31	24	17
Orchid Court	32	31	0
Osborne Court	17	12	0
Pear Tree House	4	4	0
Perree Villas	4	3	0
Pierson Court	4	3	0
Pillar Gardens	36	n/a - non-permitted	n/a
Pine Court	28	26	0
Place Le Gallais	12	n/a - non-permitted	n/a

Estate	Total Spaces	Tenant Permits	General Public
Place Nicolle	19	n/a - non-permitted	n/a
Pomme D'or Farm	62	77	0
Pre De Talbot	0	5	2
Princess Place Flats	15	19	0
Rosemount Estate	35	n/a - non-permitted	n/a
Salisbury Crescent	38	24	1
Sandybrook Court	8	9	0
Sherland Close	6	1	0
Sir Walter Benest Court	57	27	0
St Andre's Court	13	n/a - non-permitted	n/a
St Mark's Gate	22	16	1
St Martin's Arsenal	27	n/a - non-permitted	n/a
St Mary's Court	20	16	0
St Simon's Court	5	6	0
Stopford Court	3	2	0
Summerfield	8	7	0
Sutton Court	24	n/a - non-permitted	n/a
Sydenham Villas	3	3	0
The Cedars	55	47	0
Town Mills	14	11	0
Vauxhall Gardens	13	19	0
Vincent Court	21	17	1
Wellington Park	41	n/a - non-permitted	n/a

Estate	Total Spaces	Tenant Permits	General Public
Westley Court	42	38	0
Westmount Park	43	32	0
Whiteley Close	26	n/a - non-permitted	n/a
Wilkes Gardens	39	n/a - non-permitted	n/a
Willows Court	20	12	8
Winchester Court	7	7	0
Windsor Court	36	21	6
Wyvill	2	5	0

4.15 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING STATES-OWNED BUILDINGS IN WHICH ASBESTOS IS PRESENT: [WQ.165/2018]

Question

Will the Minister provide a list of States-owned buildings in which asbestos is present; and will he advise –

- (a) how, if at all, users of, and workers in, these buildings are informed of the location of asbestos; and
- (b) what precautions are put in place to minimise exposure to asbestos by the people within these buildings?

Answer

(a) Attached is a report that lists the 185 Publicly owned buildings that have Asbestos Containing Materials (ACMs) present, which was recently published in response to an FOI Request -

<https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=3825>

Jersey Property Holdings (JPH) have Asbestos Management Plans (AMPs) in place for all known asbestos within buildings under its direct control. These plans contain:-

- Copies of the Asbestos surveys
- Detailed plans of the building, which identify the presence of asbestos.

- Photographs of the relevant areas to aid identification.
- Emergency procedures to follow should asbestos be disturbed.

All Properties constructed prior to 2000 have had an Asbestos Management Survey and where ACMs are found the properties are re-inspected at least annually. Asbestos management plans are available on all sites.

If Asbestos Management Surveys do not find any visible asbestos, this is noted in the Property Log book. Both the log book and AMP's are available in each building and are reviewed by all contractors prior to the commencement of any works to ensure that they are aware of areas where asbestos has been identified. If the work involves any structural breach then a full Refurbishment and Demolition (R&D) survey is completed prior to the commencement of any work.

All relevant JPH staff have undertaken asbestos awareness training and JPH is confident that they have the appropriate knowledge and expertise to be able to recognise and manage the potential presence of asbestos.

Some Public buildings are maintained directly by the user departments, such as the General Hospital and Overdale Site, Fire Service Headquarters, Philip Le Feuvre House and HM Prison La Moye. All departments follow the Approved Code of Practice 8 Revised (ACoP) guidelines, which came into force on 1st October 2009, in connection with asbestos management.

The amount of Asbestos Containing Materials (ACMs) present differs greatly from building to building, and in many cases can consist solely of roofing felt on a building, a redundant gasket within a building, a resin pad beneath a stainless steel sink or thermal insulation within a kiln or boiler room.

(b) All buildings constructed prior to 2000 have an initial "Asbestos Management Survey" to determine the presence of ACM's and the levels of risk presented. Where asbestos is identified as being present, the building is re-inspected at least annually. All types of surveys carried out for the States of Jersey conform to the relevant requirements contained in the "UK Health and Safety Executives" publication, "HSG264 Asbestos – The Survey Guide" which can be found here –

<http://www.hse.gov.uk/pUbns/priced/hsg264.pdf>

JPH has developed emergency procedures to be followed in the event of an ACM being accidentally disturbed. These procedures include steps to be taken to minimise the risk of further exposure to asbestos and the measures in place to carry out emergency repairs. These procedures will be incorporated into the relevant parts of the AMP and the Property Log Book

If there is a suspicion that asbestos has been disturbed the areas is vacated and secured. Specialist contractors are employed to sample the material to confirm the presence and type of asbestos. Air samples may be taken to provide reassurance and the area cleaned. Once further air sampling results are reviewed and show the area to be "clean" the occupants can return to the area.

There is no recognised monitoring schedule for staff who work in a building where asbestos material is present. However, where there has been a potential for exposure to an individual a record of this exposure will be kept within the individual's personal file held by Human Resources.

4.16 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE INTRODUCTION OF A DIFFUSE MESOTHELIOMA PAYMENTS SCHEME: [WQ.166/2018]

Question

Will the Minister consider the introduction of a Jersey equivalent to the U.K.'s 2008 'Diffuse mesothelioma payments scheme' and, if so, can she estimate what the annual cost of introducing such a scheme in the Island would be?

Answer

As I have previously committed, I will consider the provision of an industrial diseases compensation scheme as part of the Social Security Review.

The U.K.'s 2008 'Diffuse mesothelioma payments scheme' was introduced to plug gaps in the 1979 Workers' Compensation scheme.

The 1979 scheme applies to employed earners and provides for a lump sum payment to a person with any of five dust-related diseases, or a dependant of a person with the disease(s), who has died and cannot claim civil damages from their employer through the courts, for example because the employer has gone out of business.

The 2008 scheme provides compensation to people with diffuse mesothelioma only (diagnosed before 25 July 2012), or their dependants, who are not eligible for payment under the 1979 scheme, for example because they are self-employed, have contracted their disease as a result of environmental exposure or through a relative who worked with asbestos and came home with it on their clothes. As the scheme covers the general public its scope is restricted to the most serious asbestos related disease.

If a scheme with lump-sum pay-outs similar to the U.K.'s 2008 'Diffuse mesothelioma payments' were to be introduced in Jersey, the cost would depend on the scale of lump-sum payments available to claimants and whether there were any time-limits on applying (for either the claimants or their relatives). A Jersey scheme would be likely to include employees (as under the UK 1979 scheme) as well as other individuals, whose exposure to asbestos was not associated with employment (as under the 2008 scheme).

The initial cost would depend on the date from which claims would be accepted. Annual on-going costs could be in the region of £150,000 - £200,000 per annum.

The Social Security Review will consider an industrial diseases compensation scheme and any recommendation for a benefit would then be funded by Social Security contributions. Implementing a scheme outside of the Social Security Scheme would require additional tax-funded monies.

4.17 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE LEVEL OF HEADROOM FUNDING IN THE ISLAND'S 11 TO 16 SCHOOLS: [WQ.167/2018]

Question

What is the current level of headroom funding in the Island's 11 to 16 schools?

Answer

The answer is detailed in the table below.

For information;

- The term "Headroom" is understood to mean the elements of the school budget that does not include premises and staffing costs.
- The Total Budget includes Jersey Premium and Additionally Resourced Centres.
- Headroom funding will include income generated by the school.

Based on 2018 Budgets						
11-16 Schools	Staffing (£)	Premises Costs (£)	Income (£)	Other Expenditure (Headroom Funding) (£)	Total Budget (£)	Other Expenditure as a percentage of total budget
Grainville	4,188,968	287,588	-40,000	185,657	4,622,213	4.02%
Haute Vallée	3,973,257	321,142	-35,000	202,114	4,461,513	4.53%
Le Rocquier	4,921,175	309,993	-183,600	376,570	5,424,138	6.94%
Les Quennevais	3,850,327	217,704	0	197,000	4,265,031	4.62%
Total	16,933,727	1,136,427	-258,600	961,341	18,772,895	5.12%

4.18 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROSPECT OF TOBACCO SALES BEING BANNED IN JERSEY: [WQ.168/2018]

Question

Will the Minister explain whether there are any plans to ban the sale of tobacco in Jersey on health grounds and, if not, why not; and will he further explain what is the official advice from his Department as to the safe level of smoking?

Answer

There are no plans to legislate against the sale of tobacco in Jersey although we already have regulations to restrict the sale and supply to under 18s. If tobacco was a new product to market today it would be unlikely to be approved on health grounds. However, tobacco use is now well established although it is increasingly becoming the norm to be a non-smoker. Our most recent rates of tobacco smoking from the [Jersey Annual Social Survey](#) show early signs of a further downward trend – now down to 16% of all adults smoking, with only 11% smoking daily.

There is no safe level of smoking. We know that half of all long-term users of tobacco will die of a smoking-related disease. Most recent evidence has also shown that smokers who reduce their smoking to a minimum do not gain any significant health benefits. This is why we continue to encourage and support all smokers to stop. The best possible way for smokers choosing to stop is through evidence-based treatment services such as [Help to Quit](#), which are accessible in local pharmacies throughout the Island.

With a focus on prevention, the [States of Jersey Tobacco Strategy](#) highlights a variety of evidence-based actions specifically targeted at reducing the uptake of smoking and moving towards a smoke-free generation, where children and young people choose not to smoke. These include reducing the attractiveness, affordability and availability of tobacco products to children and young people, and engaging young people in prevention efforts. In this way, we aim to move towards a future where children and young people see not smoking as the norm.

Legislation can be a very effective tool in protecting the health of the population. We have seen great success, for example, in the [Restriction on Smoking \(Workplaces\) \(JERSEY\) Regulations 2006](#), which reduced the harmful effects of exposure to second-hand smoke, as well as encouraging smokers to stop. However, we must be cautious over the use of legislation to bring about behaviour change and it is not a decision we take lightly. As a first principle we must ensure that any proposed legal change is something that we are confident that a significant majority of the public would support.

4.19 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE BANNING OF SMOKING IN PLACES WHERE CHILDREN ARE PRESENT: [WQ.169/2018]

Question

Further to recent changes to legislation to ban smoking in cars where children are present, will the Minister advise –

- (a) how many convictions there have been to date, if any; and

- (b) whether there any similar plans to protect children from second hand smoke in their own homes, and, if not, why not?

Answer:

(a) Since the [Restriction on Smoking \(Motor Vehicles\) \(Jersey\) Regulations 2015](#) were brought into force on 1st September 2015, there have been no convictions relating to enforcing these regulations. In planning these regulations, it was acknowledged that the risk of being caught and punished by the authorities was unlikely to deter drivers from smoking, however, a growing awareness that smoking in cars is bad for passengers would. The aim of these regulations was to achieve a reduction in second-hand smoke exposure among children in cars through a combination of visible enforcement and voluntary compliance, supported by a campaign informing and reminding people of the risks to children and the benefits of keeping their cars smoke free. The recent [2018 School Survey Report](#) found that 5% of children reported someone smoking in their car, at least occasionally. Detailed analysis of school survey data available from 2014 and 2018 shows that the percentage of children that are regularly exposed to second-hand smoke in cars (daily, most days and once or twice a week) reduced from 9% in 2014 to 2% in 2018.

(b) Smoking in homes is still a major cause of exposure to second-hand smoke for children in Jersey. Passive smoking is strongly linked with asthma and other breathing problems, middle ear infections and cot death in babies. The [2018 School Survey Report](#) indicated that 11% of children have someone smoking in their homes. [Jersey Smoking Profile 2017](#) also reported that 18% of babies at six weeks are living in homes where they are at risk of passive smoking.

It is likely that enforcement of legislation within Islanders' private homes would be unacceptable and considered an infringement of an individual's right to privacy. There is a delicate ethical balance to strike between this and the rights of non-smokers and children to breathe clean air. In striking such a balance, the Strategic Public Health Unit is partnering with healthcare professionals (paediatricians, health visitors, midwives and paediatric and community nurses) to support their work with parents and families. New resources are being provided to support our professionals in awareness raising of associated health harms and on how to prevent them using evidence-based brief interventions within hospital, community and home settings.

4.20 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR THE ENVIRONMENT REGARDING AIR QUALITY IN THE TUNNEL: [WQ.170/2018]

Question

Further to the findings of tests carried out on behalf of the Department of the Environment that showed that levels of NO₂ in the Tunnel were up to 7 times higher than those recorded at Snow Hill, is it the Minister's assessment that people walking and cycling through the Tunnel are safe; and, if not, what action will he take to safeguard the health of these categories of commuters?

Answer

The air quality tests carried out in Jersey's tunnel in June 2017 confirmed the air quality during peak times is poor. However, the Environmental Health team advise me that people walking or cycling through the tunnel are safe.

The tunnel signage warning of poor air quality has recently been replaced and I believe it is for the public to decide if they wish to use the tunnel or use an alternative route that has lower levels of pollution.

To reduce exposure to poor air quality by people using the tunnel, the Environmental Health team advises:

- drivers should close their windows and switch off air vents
- when stationary, drivers should switch off engines
- cyclists and pedestrians should minimise the time they spend in the tunnel
- cyclists and pedestrians with respiratory problems should avoid the tunnel at peak times

Air quality in the tunnel is largely determined by the volume and the nature of traffic using it, although wind direction and wind speed plays a small part.

More specialist air quality monitoring of vehicle emissions has also been carried out, including a near real-time air quality monitoring system. This allowed the emissions from vehicles to be monitored by vehicle make, model and age, and this data will be used to inform future evidence based policy decisions.

I take air quality matters very seriously. Working with other Ministers and Officers I will continue to explore ways to reduce vehicle emissions to benefit the air quality across the island. The proposed legislation necessary for Jersey to meet international standards for vehicle safety and roadworthiness, due to be debated by the States Assembly soon, will also make vehicles more environmentally friendly.

It is important to remember that air quality across the island is generally very good.

4.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE IMPACT OF THE REMOVAL OF MARGINAL RELIEF FOR NON-RESIDENT PENSIONERS: [WQ.171/2018]

Question

Further to the response to Oral Question 102/2018, will the Minister confirm the number of Jersey taxpayers living overseas deemed to have been adversely affected by the removal of marginal relief for non-resident pensioners; and will she advise what steps she is currently taking, if any, to address the concerns raised by this group of people?

Answer

Based on the non-resident tax returns submitted for the 2015 year of assessment (the last year of assessment for which non-residents relief was available), the Taxes Office continues to estimate that a very small number of those non-residents live in jurisdictions where they are legally unable to gain relief against local taxes for taxes paid in Jersey in respect of Jersey-source income (such as pension income arising in Jersey – excluding social security pension which is statutorily exempt in the hands of non-resident individuals). This group has previously been estimated to be approximately 20-30 non-resident taxpayers.

Prior to the 2015 year of assessment the Taxes Office periodically reviewed non-resident taxpayers and determined that a number were no longer required to submit non-resident tax returns on an annual basis to claim non-resident relief; it is not possible to specify the number of individuals in these circumstances however it is considered to be a small group.

As previously indicated I will be seeking to bring forward proposals in my first Budget, which will be lodged on 8 October 2018, to provide targeted reliefs to address some of the concerns raised by non-resident individuals.

4.22 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE PROVISION OF BREASTFEEDING FACILITIES IN STATES OF JERSEY WORK PLACES: [WQ.172/2018]

Question

Further to the previous Chief Minister's response to Oral Question 1(171) of 14th March 2017 regarding the application of policies in States of Jersey work places to assist breastfeeding mothers in their return to work, what States of Jersey workplaces now offer breastfeeding facilities, such as a lockable room with a fridge, comfortable seating, a sink and plug socket?

Please detail in a table all workplaces and state which facilities are available, or 'none'.

Answer

All workplaces are required to provide facilities for a returning mother who wishes to breast feed or express milk. There is limited availability of dedicated rooms which can be allocated on a permanent basis, although this is being addressed wherever possible as buildings are refurbished. Some workplaces offer multi-use rooms which can be used additionally for other medical purposes. Where multi-use rooms are made available the room is given priority use for breastfeeding mothers.

	BREASTFEEDING FACILITIES						
LOCATION	LOCKABLE ROOM	SOCKET	FRIDGE	COMFY CHAIR	LOCKERS	KITCHEN	T
CLMH	Multi purpose wellbeing room (breastfeeding takes priority)	Yes	Yes	Yes	Yes	Same floor nearby	S flo ne
Bellozanne	Multi use room available on request	Yes	No	Yes	No	Same floor nearby	S flo ne
La Collette	Multi use room available on request	Yes	No	No	No	Same floor nearby	S flo ne
Morier House /Law Officers	Multi use room available on request	Yes	No	No	No	Same floor nearby	S flo ne
Eagle House	No						
La Motte Street	Medical Room	Yes	Yes	No	No	Floor above but sink in room	S flo ne
Fort Regent	Public facilities only						
Les Quennervais	Public facilities only						
Springfield	Public facilities only						
Education Offices	Multi use room available on request	Yes	No	Yes	No	Same floor nearby	S flo ne
Schools	Multi use room available on request						
Maritime House	No						
Hospital	Public facilities only	Yes	No	No	No	Nearby	N
Five Oaks	No						

Overdale	Room available on request	Yes	No	No	No	Nearby	N
Durrell	CLMH Facilities						
Lister	CLMH Facilities						
Fire	Multi use room available on request						
Police	Multi use room available on request						
Prison	Multi use room available on request						
Ambulance	No						

[9:45]

5. Oral Questions

The Bailiff:

We now come to Oral Questions and before we start on those, 2 hours is allowed for Oral Questions but question time is for providing answers to questions and it is not a time for debate. I will extend the time slightly per question, I normally aim for something between 6 and 8 minutes and I am now aiming for something between 8 and 10 minutes because we have the time to do it; there are a very short number of questions. But it is still not a question for debate.

5.1 **Connétable R.A. Buchanan of St. Ouen of the Minister for the Environment regarding plans to engage with bodies such as the Jersey Landlord's Association to ensure that the Public Health and Safety (Rented Dwellings)(Jersey) Law 2018 is implemented successfully: [OQ.127/2018]**

What plans does the Minister have to engage with bodies such as the Jersey Landlords' Association to ensure that the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 is implemented successfully?

Deputy R. Labey of St. Helier:

Just a point of clarification. Should the Connétable declare that he is a member of the Jersey Landlords' Association in asking that question? I just ask.

The Connétable of St. Ouen:

My apologies, I forgot to do that. It is not me that is the member, it is my wife who is the chairman of the Association, and my apologies for not declaring that before I asked the question.

The Bailiff:

Thank you, Connétable. You should have declared it, and I am glad you now have.

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

Environmental Health Officers will be engaging with all major stakeholders to ensure the law is implemented successfully. Such engagement has previously happened with the Jersey Landlords'

Association and many others. Four education and awareness sessions have been arranged at the St. Helier Town Hall on 9th October for landlords, agents and other parties. These can be booked online. There are a range of various times in the day and the evening to facilitate as many people as possible. An engagement with agents, housing associations, Parishes are also planned. If more are needed they will be done. Technical training for interested parties are being arranged and all this will be done before the minimum standards come into force. Good landlords with decent properties have nothing to fear from these regulations. Officers will work with landlords to achieve and improve incremental improvement in standards of rented dwellings.

5.1.1 The Connétable of St. Ouen:

Would the Minister agree with my view that legislation such as this is probably best implemented sensibly to start with, but backed up by firm application for those people who do not comply?

Deputy J.H. Young:

Yes, I think the general principle is one of all enforcement procedures need laws, and of course the issue of legal proceedings and enforcement is a final resource. All our efforts will be put into this new law, the same as it is in all the other regulatory law, to try and work with people in partnership by persuasion, education, informing, to try and bring about that standard. But there is no question, when no standard is not achieved then the prospect of enforcement is there and the law will be enforced, if that does not happen.

5.1.2 Deputy M. Tadier of St. Brelade:

In order to convince the landlord population that the motivation for this legislation is one to safeguard standards rather than to make money for the department or to fill a budget cut, which it has had in the past, will the Minister ensure that there is a cost recovery process, and nothing more than that, in regard to the fees that are going to be applied to the registration fees?

Deputy J.H. Young:

The Deputy's question addresses the future situation which would apply if this House approves regulations which are set out in a licensing scheme. At the moment, the law is enforced from 1st October and the minimum standards will be in place as soon as possible after that. The question of fees will not arise at that time. But in prospect, there is this issue, which the department are working on, and there will be consultation on the regulations and the arrangements for licensing, and indeed the fees with the Environment Scrutiny Panel and others before those regulations come to the States. Those decisions are yet to be made. I anticipate that those regulations are likely to be at the House... our aim is to have them here by the end of March next year.

5.1.3 Deputy M. Tadier:

Does the Minister agree that in order for even the first phase to be effective there will need to be a compulsory registration scheme for all landlords? Is he saying that there will be no charge initially for that registration?

Deputy J.H. Young:

I apologise, I cannot have been clear. The law that is in force now, that has been agreed, sets minimum standards. Those minimum standards we will try to progress by a process of education, training and gaining support from landlords, as I just said, but we will be working in a reactive mode, responding to complaints and dealing with known issues about applying those minimum standards. But there is no question in my mind that the principle of registering all rental dwellings is right and it is a fundamental point in the regulations. There are many potential advantages for that, but of

course that cannot be put into effect until the regulations are in place, as I have said. But we do need to consult on the detail of those and, please, I give the Assembly an assurance that that material will be properly consulted on with the Environment Scrutiny Panel, and there will be plenty of opportunities for Members to state their views on the details. But the principle of registration is, I believe, absolutely right.

5.1.4 Connétable M.K. Jackson of St. Brelade:

Would the Minister be able to give Members some idea of how representative the Jersey Landlords' Association is of landlords in the Island in general?

Deputy J.H. Young:

I asked the same question myself. I have looked at their website, finding that it looks very impressive at the front end. There is a picture there of a certain person's very prominent personal hotel. The website links do not work. I do not know how many there are. I have not been able to find out. There is no indication on the website but apparently they do have ... the website says that there are fees, £25 per annum, to join and that fee is determined by the number of rentable units and that Members are allowed to advertise on the site. I am sorry to the chairman of the Scrutiny Panel, I have only got that information. If I can find out more I will let him know.

5.2 Deputy R.J. Ward of St. Helier of the Chairman of the States Employment Board regarding public sector pay awards: [OQ.128/2018]

Will the chairman request the Communications Unit to issue a new public statement about public sector pay awards, taking into account the information contained in the response to Written Question 136/2018?

Senator T.A. Vallois (Chairman, States Employment Board):

The response to Written Question 136/2018, and the reply provided to the Deputy's letter to the States Employment Board, outlines a full and accurate rationale for what was communicated on the pay offers to each bargaining group and why. The response emphasised that the data published both internally and externally was structured to enable different pay groups to understand the value of pay increases, and in some cases unconsolidated lump sum payments over the 2-year period covered by the pay reviews 2018 and 2019. Where the value of increase is represented as an average, this was clearly shown. Equally, where amounts to be paid were unconsolidated lump sum payments, which would not increase pay permanently, this was also clearly shown. Consequently, there is no need for any further press releases to be issued in relation to the statement already published. However, I will confirm what was stated in the written question in (a) and (b) whereby the answer to the number of workers who have been offered a pay award for 2018 below June 2018 R.P.I. (retail price index) of 4.5 per cent was 5,797 States workers, which represents 86.1 per cent.

5.2.1 Deputy R.J. Ward:

I do believe that the statement put out originally to the press was misleading for some who would see that the average pay rises were higher than the majority of people received because a simple average was taken. Plus it included the continuation of a non-consolidated pay rise from the initial year, which would have been removed, therefore the averages were incorrect. I think it is very important that a public statement is put out regarding the percentage of public sector workers who are receiving a below average pay rise. Would you not agree that that would aid transparency in our Government?

Senator T.A. Vallois:

I can only apologise if the information that was put out was seen as misleading. However, the response to the Deputy's question is in the public domain. I am not sure what we are expecting to achieve by putting out another press release and seeking for that information across the media.

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

Surely, the function that Deputy Ward is after is to correct so-called facts as being - I hesitate to use the word - misleading to the public about the size of the awards. The figures were simply wrong. They need correcting for clarity's sake.

Senator T.A. Vallois:

I have just clarified in the first answer to the question by Deputy Ward, clarifying exactly the number of workers who will be receiving a below June 2018 R.P.I. pay award, and I just need clarification in terms of the exact figures that Deputy Southern refers to that are incorrect. Because the figures that are in the table, other than the percentage of the workforce, which I have just clarified now in the public domain, and is on the Government website, I am not sure exactly which figures Deputy Southern is referring to.

Deputy G.P. Southern:

The figures I am referring to are the figures for average increase as being misleading. They are not actual real averages.

Senator T.A. Vallois:

I am happy to remove that part of the press release that is on the gov.je website and confirm that the actual amount is what is stated in the numbers under the consolidated and unconsolidated amounts.

5.2.3 Deputy G.P. Southern:

Will the Minister further review the process by which unconsolidated awards are made in general and report back to the House over the effect that these unconsolidated awards have on overall levels of pay?

Senator T.A. Vallois:

I am happy to take that up at the next States Employment Board meeting to discuss the unconsolidated pay offers.

5.2.4 Deputy M. Tadier:

More generally to do with public sector pay, does the rapporteur believe that in a week when we hear that departments that used to be in-house, which are now arm's length bodies, their directors are receiving in the region of 50 to 60 per cent pay increases and that the bottom-end workers have been outsourced and often working for poverty wages? Does the representative of the S.E.B. (States Employment Board) believe that that sends out a good message to States employees at the current time?

Senator T.A. Vallois:

Quite simply, no, I do not believe it does send out a good message to States employees.

5.2.5 Deputy M. Tadier:

Does the rapporteur support the current offer ...

The Bailiff:

She is the chairman. The Senator is the chairman.

Deputy M. Tadier:

The chairman, sorry, Sir. I appreciate that clarification. Does the chairman support the offer that is being made; the below inflation offer that is being made to States workers in many cases?

Senator T.A. Vallois:

In an ideal world I would like to be able to offer more money. Unfortunately, we are within parameters of the Medium Term Financial Plan and we are trying to do all that we can do, to support the lower-end workers in uplifting their basic pay at this precise time. There are a great deal of legacy issues to deal with, with regards to employment in the States. I recognise the concerns that are expressed by employees but they are valued members of our public sector, all of them are valued. They do a great deal of work and it is not just about pay, it is about the terms and conditions and the working environment that they are in as well.

[10.00]

That comes along with owning a certain amount of money that we have within the Medium Term Financial Plan.

5.2.6 Senator S.C. Ferguson:

Is the chairman of the S.E.B. aware that the Auditor General is commencing a piece of work looking at the procedures and governance of the processes by which the salaries of the executives of these States-owned subsidiaries are made, the levels are decided, and no doubt she will agree that the States Employment Board will read the report with interest?

The Bailiff:

Good try, Senator, but this is about public sector pay awards.

Senator S.C. Ferguson:

Yes, but it was raised in the last question by Deputy Tadier and I felt that perhaps ...

The Bailiff:

I should have stopped it. Are there any other questions relevant to this question?

5.2.7 Deputy R.J. Ward:

May I make a plea to the chairman and the S.E.B. that when communications are made with regards to public sector pay a full detailed picture is given of the actual numbers of workers who are receiving particular pay awards? Because simplistic averages that have been given at this time are not helpful at a time when public sector workers are feeling under pressure and morale is low, as recognised in so many reports made by the States. In terms of money, it is interesting that £3.4 million can be found for what is effectively a P.R. (public relations) firm, when there is not enough money to pay a decent pay rise to our public sector workers, such as teachers, nurses, *et cetera*, who are so vital to our Island.

Senator T.A. Vallois:

I thank the Deputy for his question and his comments are duly noted. I understand the concerns that are expressed and it can only raise more concerns and queries for people when some things can be seen as misleading. The States Employment Board are going through restructuring at the moment so

I would be happy to take on board the communications and the way that we express the information to the public.

5.3 Deputy G.P. Southern of the Chief Minister regarding the findings of the Social Metrics Commission's report *A new measure of poverty for the U.K.*: [OQ...129/2018]

What consideration, if any, has the Chief Minister given to the findings of the Social Metrics Commission's report *A new measure of poverty for the U.K. (United Kingdom)* and their applicability to Jersey; and, if none, will he undertake to review that report and, in particular, the aim of reducing income inequality for children, lone parents and households containing a person with a disability?

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

Yes, I am aware of the report and I am advised that it has merit in recommending improvements in how we measure people's financial circumstances. For example, it takes more into account assets and the cost of children. The chief statistician is considering this and I wonder if the Deputy would like to take it up with him and perhaps his own Minister. Thank you.

5.3.1 Deputy G.P. Southern:

Whether or not the measures advocated in this new report, which refer to poverty and not relative low income and distinguish between those 2 measures... whether or not they are adopted, can the Minister assure Members that the money is in place to perform an early Income Distribution Survey so that he may have a marker on which he and the public can assess his success in reducing poverty levels in the Island?

Senator J.A.N. Le Fondré:

We can never guarantee anything until we have got it in the hand, but I do refer the Deputy to the written question that was given to me earlier which sets out potential timelines and the fact that the revised business case of the Income Distribution Survey, if that is what we want to call it, has been submitted. My view is that it should be prioritised. I do not guarantee it but that is my view because I do not know the other competing requirements; always that case for the moment but we will find out in the next couple of months whether it is in hand. The game plan is that hopefully we can fund it; it is £200,000. It has not been done for 5 years. It will give us the base data that I think we are all looking for and obviously then it can be amended potentially March/April next year. It then has to be processed. That is the timeline. We will obviously have an update towards the end of the year. Thank you.

5.3.2 Deputy G.P. Southern:

Will the Chief Minister give his assurance to the House that he will try his best to make sure that this particular survey comes to the top of his priority list by the end of the year?

Senator J.A.N. Le Fondré:

I will certainly do my best to make sure it comes to the top, yes.

5.4 Deputy M. Tadier of the Minister for Health and Social Services regarding the date on which the Legislative Drafting Office was given the instructions to amend the Misuse of Drugs (Jersey) Law 1978 to reflect the reclassification of Bedrocan and Tilray medication: [OQ.131/2018]

Will the Minister provide the date on which the Legislative Drafting Officer was given the instruction to amend the Misuse of Drugs (Jersey) Law 1978 to reflect the reclassification of Bedrocan and Tilray medication?

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

Drafting instructions were sent to the Law Draftsman's office on 2nd March following the Ministerial Decision on 13th February accepting the advice of the Misuse of Drugs Advisory Council.

The Bailiff:

That was this year, was it?

The Deputy of St. Ouen:

That was this year.

5.4.1 Deputy M. Tadier:

Is it also the case that the Misuse of Drugs Advisory Council wrote to the former Minister for Health and Social Services at the end of last year on 28th December advising that these changes should be made; and does he believe that the delays that have taken place in between then, and also including with the latest drafting instructions, is acceptable and, if not, what reasons can he give for the delay as well as what action will he take to expedite the drafting?

The Deputy of St. Ouen:

I do not have the date when the Council wrote to the previous Minister but I have no reason to disbelieve the dates the Deputy has stated. Yes, I have some concerns about the delays that have arisen, which I understand are down to a combination of issues relating to sickness, annual leave, a pre-election rush for law drafting and of course the ever-looming Brexit - which is making great demands on the Law Officers' Department - and children's matters which have, perhaps rightly, taken a prominent place. So this is progressing, I understand, and I will continue to press for the draft to be placed before me for approval so that I can make the order as quickly as possible.

5.4.2 Deputy M. Tadier:

Does the Minister confirm that another Member and myself have been in constant correspondence, it seems, with the Minister and that he wrote to us on 19th September saying: "I am frustrated with the delay too and I am chasing continually? Will let you know as soon as I can." Does the Minister think that it is a healthy state of play for a small Island jurisdiction, which prides itself on being swift of feet - fleet of feet even - and being able to produce and bring new legislation and amendments to the Assembly, when it is taking such a long time for a very straightforward, it would seem, amendment to drugs legislation to be brought to this Assembly so that many hundreds of our Islanders can find the very best and effective medication that they need to relieve them of their pain?

The Deputy of St. Ouen:

I think there are a number of questions in that but yes, of course, we would all want a sleek service in which once something is decided it can be almost instantly put into action. We have to understand pressures on departments and I cannot speak for pressures that may exist within the Law Draftsman's Department. But the Deputy has quoted the words I used; it has been a frustration for me but I am assured that this is being worked on. It is not perhaps as simple as the Deputy thinks. I am told it is a complex issue and the matter is now in its fourth draft. I can also reassure the Deputy, if he is concerned, that a cannabis-based medicine should be available to Island residents. One is now available on a free prescription available publicly through the hospital pharmacy, known as Sativex,

and that was made publicly available in January. So, the order that will be made will licence some further products but one is already available if prescribed by the clinicians. Thank you.

The Bailiff:

We come to question 5, which we cannot come to because Senator Mézec is not here.

Deputy G.P. Southern:

Could I ask that the Chairman of the Privileges and Procedures Committee circulate the answer that he has prepared in advance for Senator Mézec and that he circulates it to Members as a whole?

The Bailiff:

Mr. Chairman, are you willing to do that?

Deputy R. Labey:

I have not prepared an answer but I will circulate something if the Deputy wishes it.

Answer subsequently provided by the Chairman of the Privileges and Procedures Committee:

With the approval of PPC I have accepted the Chief Minister's invitation to form a working party to consider all matters relating to the future role of the Bailiff. Further details on the composition of the working party will be released to members imminently with the terms of reference to follow after our first meeting scheduled for 9th October. The working party allows PPC to progress its current agenda in tandem with considerations of the speakership and in the timeline afforded by the Bailiff's notice of retirement. It would seem sensible for PPC to bring to the Assembly for consideration the conclusions of the working party in the form of a proposition and in a timeframe that allows for any changes the Assembly may approve to coincide with retirement of the current Bailiff.

5.5 Senator S.C. Ferguson of the Minister for Health and Social Services regarding any plans the Minister has to review and, if necessary, update the proposals for reform of health and social care services set out in P.82/2012, lodged on 11th September 2012: [OQ.133/2018]

What plans does the Minister have to review and, if necessary, update the proposals for the reform of health and social care services set out in P.82/2012, lodged on 11th September 2012?

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

I thank the Senator for her question. My department is working hard and rapidly to review the progress on P.82 and plan for the delivery of more services under that proposal because the principles to deliver safe, sustainable care closer to home, supporting people living healthier lives, are still as important as they ever were.

5.5.1 Senator S.C. Ferguson:

P.82 is quite specific in that it asked for proposals to develop a new model of primary care and it also... it asked for a new hospital, yes, but it also asked for a new model of primary care and proposals for a sustainable funding mechanism for health and social care, and it was asking for them in 2014. Will the Minister explain why we have not had them yet?

The Deputy of St. Ouen:

There are a number of services that we now have which did not exist in 2012. They include Jersey Talking Therapies, community midwives, rapid response and reablement, step-up step-down, oxygen

service, pulmonary rehabilitation; there is work being carried out on the development of multidisciplinary teams centred on patients. My Assistant Minister, Deputy Raymond, and I had the privilege recently of visiting the Child Development and Therapy Centre at Overdale where they now work as multidisciplinary teams rather than having separate speech and language and physiotherapy departments, each of which their clients have to attend. The services are wrapped around a child and one person, among all the professionals, is appointed as the contact for the child. It was an excellent step forward and that sort of development is being planned throughout the health service. Thank you.

5.5.2 Senator S.C. Ferguson:

Yes, but there are a number of technical advances which have not been available through the Health and Social Services Department and one of the most important things is the sustainable funding mechanism, particularly for primary care with doctors. That is the one that is really missing and we were meant to have it by 2014; where is it?

The Deputy of St. Ouen:

Yes, both the Senator and I will know the debates that occurred in the last Assembly around a health charge, which I did not support. Perhaps she did not support, I cannot recall. So there is still that huge issue that will face this Assembly on how to meet the increasing costs of healthcare because it is true, as we will all be aware, that these costs generally outstrip inflation and we want to deliver a safe and efficient service to the residents of the Island. It is fair to say that perhaps that issue has still to be resolved, exactly what sustainable funding looks like. But in respect of primary care, it is the plan to, again, make primary care just the doorway into a seamless service to patients and a more integrated part of the whole health service. There is much that is happening at the moment, there are some excellent discussions taking place with primary care practitioners who are keen to build a sustainable system working closely with the department, particularly in areas such as dermatology and diabetes, mental health and respiratory services.

[10:15]

Discussions are ongoing and I hope, in just a few months, we will be able to report publicly on new initiatives. Thank you.

5.5.3 Deputy G.P. Southern:

The Minister just made reference to mental health as a priority area and talked about seamless provision of services. Does he not accept that his provision is woefully lacking in the essential factor that delivers good health which is staffing? The answers he gives to my written question 10 reveal that one in 6 nursing posts are currently vacant in mental health. One in 8 specialist doctors' posts are vacant and 10 per cent of therapists' posts are also vacant. Does he not accept this is a woeful record currently in place and what measures has he got in hand to improve this lamentable situation?

The Deputy of St. Ouen:

Yes, it is a challenge to recruit to mental health services. The Deputy has quoted the contents of the written answer and the number of vacancies that exist in the establishment posts but that is not to say that those posts are not filled because many of them are filled by bank nurses or agency nurses or locums, so the service is being provided to the extent that we can, though of course they are significant pressures and we would love to have a secure recruitment. As the Deputy knows, there are many issues, one of which is the accommodation of key workers. Others relate to nursery provision for families moving here, which is something I am presently trying to find out more about; how can we staff and fund a nursery provision so it is not a block to retaining good staff here in the

Island. But it is a challenge shared across the Council of Ministers how we retain our key workers and work is being done to address those as soon as we can.

5.5.4 Senator K.L. Moore:

In a previous answer the Minister referred to the debate around a health charge. I would ask the Minister to reassure the Assembly that he will bring a renewed enthusiasm to the work to deliver a sustainable funding mechanism for primary care, which was not the point of the health charge. As Senator Ferguson has said, the sustainable funding mechanism was agreed by a previous Assembly to have been implemented in 2014 and it is way, way behind.

The Deputy of St. Ouen:

I thank the Senator for her question. The whole Council of Ministers is clear about the need to address the issue around primary care and its sustainability and its funding, particularly to make it completely available to vulnerable groups. It is the intent of the Council of Ministers to bring forward proposals to address that. It is equally my intent too, and I have seen that in the last term, the difficulties around our primary care system. I have met primary care practitioners who are anxious to reform the way they work and overcome this issue, and work with the health and community services to provide that integrated service. I believe there is change and a will for change within the professions. It is difficult because they are independent professions. We have a limited control over people who run independent businesses so we must bring them with us and they must equally share the vision for the Island. But I believe so many of them do and I can confirm that they are talking to us in that sort of way and I believe we will make progress and be able to announce initiatives, I really hope, very soon. Thank you.

5.5.5 Deputy M. Tadier:

Following up from written question 10 about mental health services, can the Minister tell us how the vacancy rates in Jersey for mental health compare with those in the U.K.?

The Deputy of St. Ouen:

On an oral question I cannot descend into the detailed comparisons of vacancy rates between jurisdictions. But it is known that all jurisdictions have a challenge to recruit mental health staff, no less so in the U.K. I think that is the best I can do at the moment.

5.5.6 Deputy G.P. Southern:

Does the Minister accept that the reliance on bank nurses and locums is not sustainable or practical in the long term just merely on the basis that such employees cost more than having proper placements; and does he accept, and will he share with his fellow Members of the Council of Ministers, that we can no longer rely on a low-tax low-spend model to provide for the needs of our population? That has to change. In the light of the recent question from Deputy Ward about 80 per cent of States workers having pay awards below the R.P.I., does he not think that is also linked to the absence or the dire need for us to rely on bank nurses and locums to provide our health service?

The Deputy of St. Ouen:

I think there were 3 huge questions in there.

The Bailiff:

They were really huge questions, Minister, and I could tackle 2 of them.

The Deputy of St. Ouen:

There will always be a need for some locums and some bank staff, and indeed many of our staff do value the opportunity to work on the bank. It is perhaps the over-reliance on them that causes the difficulty because teams cannot be built when people are in the workforce as locums or agency staff. So, that is the difficulty. I am sure there will always be such posts filled by locums, *et cetera*. I am unable to commit the Council of Ministers as to a move from a low-tax low-spend system, if that is indeed the correct description of our system, but the Council of Ministers, as I have said, is very well aware of the pressures surrounding health costs and is anxious and is working to try and address these issues.

The Bailiff:

This is a good example of a question time turning into a debate. The question was a very broad question: “Will the Minister review and update proposals?” His answer is basically yes but I think you have asked it in a number of different areas. It is not an opportunity for a debate about the whole of the health service which would be too wide and too unstructured. Deputy Tadier, you had one further question then I am going to have the final supplementary from Senator Ferguson.

Deputy M. Tadier:

Thank you, Sir, I do not need to ask it.

5.5.7 Senator S.C. Ferguson:

I rather thought we were a low-tax high-spend jurisdiction but that is another story. Will the Minister undertake to return to the States with a progress report on parts (b)(ii) and (iii) of P.82 preferably by Easter?

The Deputy of St. Ouen:

Yes, I would certainly hope to report to the States by Easter and hopefully before, so I undertake to do so.

5.6 Deputy G.P. Southern of the Minister for Infrastructure regarding the outsourcing of cleaning and gardening services to “responsible employers”: [OQ.130/2018]

I am sure the Chair will be grateful that this is a very specific question. Will the Minister state what information his department considered when deciding to outsource cleaning and gardening services to “responsible employers”, particularly in respect of whether the terms and conditions offered were “appropriate to the sector they were operating in” and of how these terms related to those found in the States of Jersey?

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

The department does not hold detailed information on pay terms and conditions and staff numbers for each contractor to enable a before and after comparison to be made. However, through the formal tendering process, tenderers were required to indicate pay levels, which were seen to be above the minimum wage, together with employment conditions commensurate with similar private sector undertakings. They were required to consider existing States staff being displaced by the outsourcing when recruiting and informal meet and greet sessions were organised by the department to introduce both parties. Contractors were required to employ locally-qualified staff and no new employment licences were to be issued. Use of zero-hours contract terms was and is not permitted in order to fulfil the normal contract staffing requirements.

5.6.1 Deputy G.P. Southern:

I thank the Minister for his answer, which is not an answer. The question was about, and it was one of the criteria to decide who was a responsible employer to outsource to, were the terms and conditions offered by that company appropriate to the sector they were operating in. So the question is what levels of terms and conditions were they operating in relative to the rest of the sector and how did that compare with the rates within the service already maintained in the States of Jersey? So, what average figure - never mind what particular employers were doing - what average figure did the Minister have to decide that these were responsible employers?

Deputy K.C. Lewis:

As part of the formal tendering process all responses were required to include statements of the number of staff to be engaged in the work, the employment contract type and the general information on pay levels and benefits offered. All contractors appointed stated that the staff to be engaged in fulfilling the contracts would either be full-time or part-time permanent contracts of employment. The department's contract managers have seen no evidence of this not being the case.

5.6.2 Deputy G.P. Southern:

So the Minister has just said that he had some figures for the levels of remuneration existing in these particular groups. Will he release those figures to us today?

Deputy K.C. Lewis:

I do not have the figures today. The Deputy will be aware I was not with the department at the time this action was taken. But I think it is fair to say that the terms were commensurate with existing terms and other private sector employment.

Deputy G.P. Southern:

I will take away the "today" but will the Minister release that information to Members?

Deputy K.C. Lewis:

I will endeavour to get further information for the Deputy.

5.6.3 Deputy K.F. Morel:

The Minister mentioned contract managers had not seen any evidence. Would the Minister explain how often the contract managers review the terms and conditions that these kind of contracted employees are operating under?

Deputy K.C. Lewis:

I do not have that information but I presume on renewal of contracts ... but I will find out for the Deputy.

5.6.4 Deputy K.F. Morel:

Does that mean that in between contracts that the contractor is running, there is no review?

Deputy K.C. Lewis:

I will endeavour to find out that information.

5.6.5 Deputy R.J. Ward:

Can the Minister confirm that all contracted workers who are in schools or with any vulnerable people have been D.B.S. (Disclosure and Barring Service) checked and they are currently up to date?

Deputy K.C. Lewis:

I do not have that information. I would imagine so but I will check on that.

5.6.6 Deputy G.P. Southern:

Yes, final supplementary since the Minister mentioned it. Will he inform Members when these contracts are due for renewal or when there is a break clause in existence so that they can be reviewed?

Deputy K.C. Lewis:

Yes, I will get back to the Deputy with that information.

5.7 Deputy M. Tadier of the Chief Minister regarding rental housing affordability in the private sector: [OQ.132/2018]

Is it the Chief Minister's assessment that the level of support for the recent e-petition on rental price caps highlights the critical nature of housing affordability in the private sector; and will he give an undertaking that all options, including various forms of rent control, will be explored in the work of the future Affordable Housing Policy Development Board?

[10:30]

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

The cost of housing, as we know, is one of the main issues facing Islanders and the petition clearly reflects this. That is why we will be evaluating options to improve the affordability of housing, as has recently been stated. Now, one of those options could be rental caps. I will say, in my view, they do not tend to work in many other jurisdictions where they have been attempted so we really do need to look elsewhere. For me, that is limiting migration, taking the heat out of the local property market, delivering more supply. But the new policy board that is in the process of being established will consider all these issues.

5.7.1 Deputy M. Tadier:

I appreciate that answer, it was perhaps not revolutionary but that was to be expected. We often hear talk about supply but is there any way to control demand?

Senator J.A.N. Le Fondré:

Evolution rather than revolution, thank you. I think the issues around demand have to form part of the review; they have got to, and that goes into whether it is dovetailing and overlapping with the migration side of things, whether it is looking at, what I call, external buy-to-lets, in other words effectively unqualified persons being able to access new developments, that is a demand side as well. So I think there are facets of the demand side that could be looked at. Thank you.

6. Questions to Ministers without notice - The Minister for the Environment

6.1 Deputy J.M. Maçon of St. Saviour:

Could the Minister advise what work is being done to facilitate the new Island Plan; and does he agree with me that perhaps some of the more radical policies that may be within that plan, in principle decisions in this Assembly might be a better way of tackling those issues than to wait for the grand debate when we get to do the whole thing of the Island Plan which lasted 2 weeks last time?

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

The funding is, at the moment, awaited to carry out this project. Scoping work and initial preparation work has begun and at the moment it is currently planned that that will take place during the remainder of this year and next year; the plan will be consulted upon during 2019 and 2020. Now, I personally do agree, and I have asked the officers, to say that I think the current plan is very prescriptive in some areas and inadequate in others. So I am expecting to see quite a major reform in the Island Plan to allow Members to identify the key policy issues and to be able to contribute properly, which I think is behind the question, so that we can get a consensus on those policy issues and make the debate that ends up in this House, to approve the matter, a lot simpler. So it is a big subject, it is going to be the major focus of work. I will wait for supplementaries.

6.2 Senator S.C. Ferguson:

With the prospect of a new Island Plan will the long-term development plan for St. Brelade's Bay, which has been promised to us for 6 years, be part of the new Island Plan; and will the Minister come back to the Assembly and confirm this?

Deputy J.H. Young:

Will I come back? I will be able to advise the Assembly at that time. Members will, of course, know there are a very large number of commitments to development plans all over the Island and for me the urban areas in St. Helier are number one. What I cannot say at the moment is how those resources are going to be allocated but I think it is inevitable that we will have to focus on priorities. I think the Senator will know that my view about St. Brelade's Bay is that the commitment to progressing supplementary planning guidance for particular areas is a subject I want to see happen, but I cannot give the Senator the guarantees at the moment, I am sorry.

6.3 Deputy M. Tadier:

Is the Minister aware of the recent news that there will be a sustainable co-operative opening in his constituency, in fact, at Vermont Farm which aspires to be waste free organic produce among other things; and what words of encouragement does he have for those organisers and members of the public who might subscribe to that?

Deputy J.H. Young:

There is absolutely no question that the issue of waste management is right at the front of the public's mind, which is why it will, I hope, appear and I expect it to be in the Council of Minister's Strategic Plan. But of course at the moment we are certainly working with volunteer groups because without that work there is no question we would not make the progress. I think my role will be to work with the other Ministers, and particularly the Minister for the Environment, to try and work out where we can do positive initiatives and provide resources, and that work will be within the framework of the work we are doing internationally with the British-Irish Council and all the other jurisdictions about waste elimination. So it is an excellent example, and obviously this particular one is focused on agriculture and there is certainly work going on with the rural policy. I met with the farmers the other day, as did my Assistant Minister, and I think we are all working in the same direction. So I give them encouragement but again we are new in office, we focus on our plan, and I expect that we will identify particular actions and make sure that Members are involved and we bring those reports as and when we are able to.

6.4 Deputy G.P. Southern:

The Minister, in his written answer 15 to my question, said that he does not have any specific policies to encourage photovoltaic arrays in particular types of sites in reference to a question about photovoltaic arrays on brownfield sites. Will he commit now to investigate this particular area to see

whether that is a way forward in terms of increasing the amount of renewable electricity on the Island?

The Bailiff:

This is down as Deputy Alves' question not Deputy Southern's question.

Deputy G.P. Southern:

Yes, so it is.

Deputy J.H. Young:

Again, I can be confident that the renewable energy policy will be included within the Council of Ministers' Strategic Plan; it is one of our top priorities. I attended a meeting of the Energy Forum last week, again, with the Assistant Minister and had long discussions with the chairman of the Jersey Electricity Company. I think the question referred to photovoltaic arrays on which the Jersey Electricity Company have launched a bid inviting landowners to submit. At the moment the planning position on that is non-committal. We have to develop a new policy in Government to ensure that the direction where we aim our photovoltaic work is part of a proper policy and I am pleased to report that the Jersey Electricity Company is entirely on board to work with us on that. At the moment my personal preference is for the brownfield sites and existing roofscapes to take preference rather than the proposal for greenfield sites. In fact there is a policy in the Island Plan which sets out some criteria. So I ask the Deputy: address that Island Plan policy, accept the fact this is policy under development, and during my period in office I hope to be able to progress and will work strongly towards a clearer policy.

Deputy G.P. Southern:

Supplementary, if I may?

The Bailiff:

Well, Deputy, there are still another 5 Members to ask questions so I think we may come back to you.

6.5 Deputy K.F. Morel:

What measures is the Minister for the Environment considering to promote or incentivise the adoption of petrol and diesel-free electric cars?

Deputy J.H. Young:

Well, I think our vehicle policy and transport policy at the moment sits within the D.f.I. (Department for Infrastructure) ministry. But of course Members will be pleased that the style of the new Council of Ministers is very much working together, and certainly the Minister for Infrastructure has been present on the working group in working out the environment policy for the Strategic Plan. So there is no question about it in my mind, traffic pollution is a huge issue and I think I answered questions on air quality. Something has to be done, in my view. Specific measures: I think there will need to be a review of the financial structures, for example the V.E.D. (Vehicle Emissions Duty) needs to be reviewed because I think at the moment we have more vehicles than people, and we have very little measures to deal with pollution, and encouraging alternatives of hybrids and electric vehicles. But I am hopeful that the proposals will be under discussion for vehicle testing, which will come here; will address issues of vehicle emission and will in fact add, too, a catalyst to achieve that change the Deputy has asked for. Obviously that will need some financial measures that the Council of Ministers will have to discuss and bring forward.

6.6 Deputy S.M. Ahier of St. Helier:

Will the Minister inform the Assembly whether he has any major plans to limit the importation of single-use plastic into our Island?

Deputy J.H. Young:

I think we would love to wave a magic wand and remove these but of course the end result is I think we would have no food supplies coming into the Island because it is just astonishing the degree of dependence our economy has now created. This was a theme in the British-Irish Council. Certainly myself, the Isle of Man and Guernsey, we all took the view that we are basically consumers. Can we eliminate stuff from the chain? The U.K. are looking at removing them from the manufacturing chain because obviously businesses need time to develop alternative products and so on. But I think that will come forward and the British-Irish Council and I have agreed we will be at the conference next year where we get together to try and get concrete actions. In the meantime there is no question; individual initiatives can be done. The replacement or removal of plastic by supermarkets is excellent. One of the issues that the Eco-Active people have asked me is why could we not have fashion shops in Jersey instead of issuing plastic bags for shopping of clothes, why can we not have some nice paper bags which they have in other communities. That is an example of it.

6.7 Senator K.L. Moore:

What plans does the Minister have to achieve an increase of housing supply, as the Chief Minister suggested in an earlier answer, is one of the key ways of tackling the housing crisis that we are particularly experiencing at the moment; and particularly if the Minister could explain this in light of the recent planning rejections that he has decided on?

Deputy J.H. Young:

It is absolutely right that we are in a housing crisis and that was my position, clearly, at the election when I undertook, as part of my election speech in this Assembly, to bring forward an interim review. I have asked the planning officers to progress that but the current situation is while there is work that has gone on in the last several months to bring that information forward, at the moment where we have a problem is we do not have agreed population targets. Therefore, at the moment the technical position is, and Members will find this surprising, but I am advised that the housing supply is in accordance with the extant States decisions on our population targets. But everybody knows we have not achieved those targets at all, we have massively exceeded them and people are here. So we have to do an interim review, and I am certainly working with the Council of Ministers to encourage them to try, even if we cannot get those answers to the population issues in the short term ... sorry, we can at least have an interim set of policies and agree some interim targets against which the Island Plan interim review can work.

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

Would the Minister like to inform us what his department is doing in relation to the recycling of black plastic which includes the vast quantities that are used within our garden centres?

Deputy J.H. Young:

I apologise, I cannot answer that question. I would need notice of that and I promise to get back to the Deputy and circulate details later.

Information subsequently provided by the Minister for the Environment:

I asked the experts and they have confirmed that these plastic pots are not currently recyclable, as DFI only recycle plastic bottles currently, and therefore many of the pots will be sent for incineration

in the energy from waste plant. A local commercial user of these pots has recently been in contact with DFI officers to discuss possible reuse opportunities and options are being considered. I am told we may have more information on this next week

Hope this information is helpful. I should have advised that I will be bringing the Plastic free parliament proposition via COM (Council of Ministers) very shortly, as you know this is one of the conditions required to obtain this designation. Our Eco active team have been working with the Greffe on the practicalities, I hope to be able to update members once COM have discussed this.

[10:45]

6.9 Deputy R.J. Ward:

Can I ask the Minister for the Environment in Jersey whether he considers that £90,000 is a suitable economic pay-off for the environmental pollution from burning 600 tonnes of Alderney's waste in the heart of Jersey?

Deputy J.H. Young:

First of all, I think I should declare an interest and I am not sure I should be taking advice on this because Members will know that I worked for the States of Alderney for several years. I know the people involved acutely and I know just how much that island needs our help. I also know the politics in Guernsey that has led to that situation. **[Approbation]** Now, in terms of the environmental standards, I am advised that none of the residual risings from the Energy from Waste plant remain in the Island; both the bottom ash and the fly ash, with all the toxins, are exported from the Island for recovery, which is very good news. Also, the operation of the plant; I met yesterday with the Acorn team who were telling me how the timber that has caused some of the problems of too high temperatures in that plant has been solved, and I am also told that the plant has now got the grade one accreditation. So there is no question, at the moment our strategy is that waste is burnt and we recover energy, which gives us a financial gain, and the toxins are removed. But there is no question, in the long run we need to look at waste recycling and, in my opinion, we need to reduce waste reduction; that, I think, should be the strategy for the next few years.

6.10 The Connétable of St. Ouen:

Would the Minister agree to work with the Parish of St. Ouen to re-examine the proposal to build sheltered housing for the aged and first-time buyers' homes in St. Ouen on Field 621, which was rejected by the last Assembly?

Deputy J.H. Young:

I cannot deal with the question of Field 621 because my view about all these housing sites that are, if you like, on the drawing board for Parish communities is a subject for the Island Plan. I think *ad hoc* knee-jerk decisions of agreeing that policy is unwise, it is piecemeal planning. Nonetheless, as a policy issue there is no question, the new Island Plan, in my view, needs to provide for sustainable expansion of the villages. It does not mean whole-scale, large-scale expansions; it means allowing a relaxation of boundaries, I believe, to ensure that the sort of needs that the Constable is highlighting I know exist in a number of Parishes, to help those communities become self-sustaining, otherwise I fear they will ...

7. Questions to Ministers without notice - The Minister for Treasury and Resources

The Bailiff:

Thank you, Minister, the silent bell has gone and the 15 minutes is up, so apologies to Deputy Truscott and the Connétable of St. Brelade who wanted to ask questions. Deputy Southern and Deputy Tadier will realise they cannot have second ones. We now come to the 15-minute period for questions without notice to the Minister for Treasury and Resources.

7.1 Senator K.L. Moore:

The Corporate Services Scrutiny Panel is grateful to the Minister and her team for their commitment to re-address the issue of marginal relief for non-resident taxpayers. Would the Minister also agree now to consider a repayment to the group of non-resident pensioners who have experienced financial hardship as a result of the previous decision to make changes to marginal relief?

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

I thank the Senator for her question and hopefully the good association with the Scrutiny Panel will continue. The marginal relief for non-residential individuals was removed in 2016. There has been a lot of media coverage of this and we are very aware of the few - in fact about 500 in total - but a very few who are in areas where there is not (a) a double-tax agreement or (b) an unspoken tax agreement as there exists in Portugal. For these few people involved who are on low incomes and obviously a detriment in their situation, then the consequence of this is being addressed and will be noted in the budget in December. Thank you.

7.2 Deputy S.M. Ahier:

Will the Minister inform the Assembly whether she has any plans to remove the *de minimis* exemption clause to G.S.T. (Goods and Services Tax) on internet goods purchased under £240?

Deputy S.J. Pinel:

Thank you for the question. Yes, this is something that has been again in the media for a long time. It currently stands, the *de minimis*, at £240 so tax is not paid on anything under £240 of G.S.T. From the retailers' point of view they feel that this is too high and we are looking at it at the moment with a view to reducing it. Again, that will be in the Budget but obviously I cannot reveal Budget explanations now, but it is certainly being looked at and hopefully will be reduced in the coming budget. Thank you.

7.3 Connétable R. Vibert of St. Peter:

Will the Minister confirm if she considers the recent 56 per cent increase in salary for an Andium executive represented good value given that Andium cannot be directly compared to a stand-alone commercial enterprise when considering such pay increases?

Deputy S.J. Pinel:

It is hardly surprising this question came up. The 56 per cent, it must be clarified, is over a 4-year period and it was agreed in 2017 and agreed as median pay. We have been through so many in ... not in my time, but the Treasury have been through so many negotiations with the board about this pay level, and the Assistant Minister and I rather inherited it. However, we have had very robust discussions with Andium and the case that they may have exceeded their Memorandum of Understanding undertakings, and at the moment are in strong negotiations with them between us.

7.4 Deputy G.P. Southern:

In response to Senator Moore's question earlier today, the Minister revealed that only £3 million of £30 million in the E.P.G.D.P. (Economic and Productivity Growth Drawdown Provision) Fund has been spent which is designed to increase productivity in particular sectors. Is she prepared to commit a spend from this fund to improve the productivity in the agricultural industry because moves in that direction are now standing in the way of an overhaul of the minimum wage?

Deputy S.J. Pinel:

Once again, Treasury are on top of it and we are looking at this because there is, as you say, and as Senator Moore pointed out, money sitting there and it is just a matter of where that money is directed. It does need to be directed, it should not be sitting there, and I have taken note of the Deputy's comments that it might be agriculture, but there are many demands on the small amount of funds that we have.

7.4.1 Deputy G.P. Southern:

Is the Minister aware that an absence of productivity award in this area is particularly blocking a major overhaul of the minimum wage?

Deputy S.J. Pinel:

I do not think there is a blocking of the major overhaul of the minimum wage. There is an ongoing discussion, has been for several years, as to whether the minimum wage should be upgraded to the living wage, which of course is not statutory. We have been looking at this for years with the Forum who are an independent board of people who look at it every year and are doing so now, as we speak, for the minimum wage. But certainly, as the Deputy points out, when it comes to agriculture there is a distinct possibility that the agriculture industry is being threatened by the lack of minimum wage in paying their possible workers and the lack of the workers coming in. So, yes, of course it is being addressed.

7.5 Deputy K.F. Morel:

I am being pulled in 2 different directions here. I would like to ask the Minister: can the Minister inform the Assembly how much money is being committed by States-owned companies to the Super League Triathlon and whether those States-owned companies have signed up for the same 5-year period of support that the Minister for Economic Development, Tourism, Sport and Culture has committed £1.25 million for?

Deputy S.J. Pinel:

I do not think States-owned companies have committed money to it as they operate independently and I could not answer the question - I am sure the Minister for Economic Development, Tourism, Sport and Culture could - as to how much money the States have committed.

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

In my first term in office, and very soon into that term, we were informed by the then Minister for Treasury and Resources that this Government was in deficit to the tune of £145 million. I think it would be good for new Members to understand where we are with regard to the deficit and I would like the Minister to explain exactly where we are financially. Thank you.

The Bailiff:

In a couple of minutes, Minister.

Deputy S.J. Pinel:

Thank you to the Deputy for his question. I do not think I can do that in a couple of minutes; I will have to abbreviate. The £145 million was a projected deficit over the term of the Medium Term Financial Plan and due to savings from most departments that was addressed, as the Deputy will know. At the moment it appears on the balance sheet that we have a £23 million surplus but because of the restrictions on the expenditure of the current Medium Term Financial Plan we cannot spend that until the end of 2019. The Finance Transformation Programme is addressing that by not having a 4-year restricted plan but having a year roll-over so that finances can be addressed every year over the period of the financial plan, which does not leave us quite as hampered as we have been with this current one.

7.7 Senator S.C. Ferguson:

Relating to the G.S.T., the fact that so much is not paid, will the Minister consider negotiating with Amazon so that they charge the 5 per cent as part of the original payment and therefore we collect it?

Deputy S.J. Pinel:

Thank you to the Senator. Again, this is one thing that we are looking at but we are also looking at this globally where Amazon have been asked to pick up the cost, be it G.S.T. in our case or V.A.T. (Value Added Tax) in other cases. In Australia, that is exactly what happened. They were asked to pick up the costs of the introduction of goods into Australia and reduced their services considerably as to what they would transport into Australia. So we have to be very aware of that and the reduction of services that may apply to us were we to introduce ... the fact that they would collect the taxes.

7.8 Deputy R.J. Ward:

Can I ask the Minister: will the Treasury take action to address the real concerns of 30-plus firefighters facing a 5 per cent increase in their pension contributions for what is a lower long-term pension that they face when they retire?

Deputy S.J. Pinel:

This again is an ongoing situation, as the Deputy will know, so there is a fair restriction on what can be discussed. The uniform services, the police and ambulance, have already accepted the pay deal that they were offered under the modernisation situation; the firemen have not. They are being removed from the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) fund, as is everybody else, and going into the new C.A.R.E. (Career Average Revalued Earnings) retirement scheme. We have already spoken to the Fire and Rescue Service Association with the chief executive officer and I think they may be taking their claim to the Employment Tribunal, so I am unable, I am afraid, to say anything more on that.

7.9 Deputy R. Labey:

If I could refer the Minister to her written answer number 6 that I received this morning. To make this very brief: does this not completely crystallise policy direction outside political control?

The Bailiff:

Deputy, question 6 for the purposes of those listening, is the Sterling / Cryptocurrency exchange in Jersey.

Deputy S.J. Pinel:

I thought we had answered the question in the written answer.

Deputy R. Labey:

Well, the written answer says this is all down to Digital Jersey and yet Ministers were present and photographed when this Memorandum of Understanding was signed with the cryptocurrency provider, about which large question marks hang. I just wonder if it is potentially damaging to the Island's reputation for integrity and quality potentially and that there should be political control. It seems to be that all the control has shifted to Digital Jersey.

[11:00]

Deputy S.J. Pinel:

Any sort of new introduction of a fairly unknown digital system is going to have potential consequences but I think this is really a matter for the F.S.C. (Financial Services Commission) and we are discussing it with them.

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

Following up on the *de minimis* questions, the Minister has indicated she is planning on bringing something in, does she not recognise that the *de minimis* rule may help some retailers but it is going to certainly damage a lot of poorer families who find it cheaper to buy from outside the Island?

Deputy S.J. Pinel:

Yes, of course, we totally appreciate that but we have got to be able to listen to the retailers here who are complaining furiously about the lack of business on the High Street. I do appreciate the Deputy... we understand of course that people who shop online will then have to pay G.S.T. But we are not abolishing the *de minimis*, just looking at reducing it, which will certainly help retailers. But as far as the E.U. (European Union) go, they would possibly want us to abolish it completely but we are not going that far, but we may have to depending on what happens with Brexit.

7.10.1 Deputy M.R. Higgins:

Can the Minister give us an indication of her thoughts as to how low the *de minimis* rule will be or the figure will be?

Deputy S.J. Pinel:

No, not at this stage. As I said before to a previous question, this will be in the Budget.

7.11 Deputy G.J. Truscott:

I was listening to BBC Radio Jersey - was it Thursday or Friday? - I forget, but we have the Chief Minister being gently grilled by the presenter with regard to the appointment of TDP Group, the U.K. consultancy. He was asked a question by the presenter: where has this money come from? I believe the Chief Minister indicated it had been budgeted for and had been allocated. I would just like the Minister for Treasury and Resources perhaps to confirm where this money has come from: was it budgeted for, or was it from contingency or underspend? Thank you.

Deputy S.J. Pinel:

Yes, both the money for the financial transformation and the cultural change has come from contingencies, not the funds that were already within the budget.

The Bailiff:

Any other questions for the Minister for Treasury and Resources? There is theoretically a minute left. No? Very well, then that brings our question time to an end. There is nothing under J or under K and we come to Public ...

PUBLIC BUSINESS

The Bailiff:

Thank you very much. The first item in Public Business is the Ratification of the Agreement ...

Senator I.J. Gorst:

Perhaps I could interrupt, firstly to say, I am pleased to be back; Members will know why.

The Bailiff:

Always pleased to have you.

Senator I.J. Gorst:

It has been brought to my attention that Scrutiny would like to do further work and have a better understanding of P.97 and therefore I ask for it to be deferred in the first instance until the next States sitting. It may be that it needs to be deferred further but we will leave it to the next States sitting until we have had further conversations with the Scrutiny Panel and hopefully satisfy any questions that they may have. Thank you.

8. Standing Orders of the States of Jersey: rescindment of Standing Order 141A(2)(c) (P.101/2018)

The Bailiff:

Well, thank you, Minister, you arrived back just in time. Excellent. We come to the next item which is P.101 - Standing Orders of the States of Jersey: rescindment of Standing Order 141A(2)(c) - lodged by Deputy Labey 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 to rescind Standing Order 141A(2)(c) to allow a member of the Scrutiny Panel assigned to the topic of the Environment, Housing and Infrastructure to also be the chairman or a member of the Planning Committee.

8.1 Deputy R. Labey:

Members will recall the sitting at which we met to comprise the membership of Scrutiny Panels and of various committees and the nasty surprise for some of us who should have known our Standing Orders better that they preclude a Member from sitting on both the Planning Committee and on the Environment, Housing and Infrastructure Scrutiny Panel, and I am asking for that Standing Order to be removed. While I do so, of course Scrutiny provides a vital function in its role as a check and balance to the work of the Executive and that must not be undermined, it must not be eroded in any way. If anything - if anything - the reach of Scrutiny should be extended to more arms of government. It is just the relationship between Scrutiny and the Planning Committee is difficult to determine. In a way, the work of the Planning Committee is scrutinised already by the public, by the industry, by applicants, by those opposing applications because all our work now, all our work on the Planning Committee, is done in public. Even to the extent that it had been practice for us to perhaps where

there was a difficult situation during our determinations in public to retire to another room to have a difficult discussion out of the public gaze, that practice we have ceased, in fact. So, if we have to have those difficult discussions, everybody, including the press and the public, gets to hear them. When we do site visits, we just hear from the officer of the case and we judge for ourselves; we do not take representation. So we aim to be scrupulously fair so that any applicant will leave the determination feeling at least that they have had a fair hearing. If it goes beyond that, an applicant can, as Members know, begin a third-party appeal process, independent third-party appeal process, with the U.K. inspector, so that is another form of scrutiny for the Planning Committee's work and, then again, there is the final determination by the Minister. But our work on the Planning Committee is probably the most open and transparent of any arm of government. There is no A and B agenda in our work; it is all A agenda and open to the public. Now, the Planning Committee does not formulate planning policy, it implements it, it uses it in its determinations. It is the Minister who implements planning policy. There are occasions when the Planning Committee and the Minister are at odds over a determination and that is perfectly acceptable and quite healthy so long as the Minister and the Planning Committee are working independently of one another. It is never the case that a Minister for the Environment will come to the committee and ask us to consider a point of view in our determination. That would be wrong; it simply does not happen. The Planning Committee will often uncover anomalies while they are going about their duties in planning policy or planning law and make recommendations to the Minister that he or she might want to address those, and that is entirely up to the Minister. But the Planning Committee does not bring forward to this Assembly planning policy or planning law. Now there is one, as I can see it, potential conflict of interest which the Assembly needs to be aware of and needs to think about and it is this, as far as I can see. If the Planning Committee were to have a member of the Environment, Housing and Infrastructure Scrutiny Panel on it and a planning policy was brought to the Assembly by the Minister for the Environment and the Environment, Housing and Infrastructure Scrutiny Panel wanted to call that in and examine it and work on it, it would be wrong, would it not, for a member of the Planning Committee who would later down the line in a quasi-judicial function use that planning policy as part of his or her determinations or adjudications, so they would be implementing the policy in a quasi-judicial function as part of being on the Planning Committee. That is, as I can see, the only possible conflict here. My solution to that conflict would be this, that the Environment, Housing and Infrastructure Scrutiny Panel member who is also sitting on the Planning Committee recuses themselves from that area of work on the Environment, Housing and Infrastructure Scrutiny Panel. So, it does not happen very often, but when it would occur if the Environment, Housing and Infrastructure Scrutiny Panel were to examine policy, call in policy that has been planning policy, then the panel member who is also a member of the Planning Committee would have to say: "I am going to leave that to the rest of the committee" or a sub-committee or what have you, and recuse themselves from that. Once it goes further down the line, I cannot think of a time when the Minister for the Environment has brought in planning policy or new planning law to the Assembly and the entire Planning Committee have had to declare an interest and not vote on that. That happens throughout the Island Plan debate and is standard, so this is the only area. I think the flip side of this is that a member of the Environment, Housing and Infrastructure Scrutiny Panel could gain greater cognisance of the whole planning process and it would be extremely useful to them in their working environment. But where it is examination effectively working with the Minister on policy that they will then in a different role have to determine, then they simply must recuse themselves from it. As far as I can see, that is the only conflict and I present that as the solution to that conflict. When I stood for the role as chair of the Planning Committee it was, I think, Deputy Tadier who asked me in the question and answer session why there was a need for a Planning Committee at all when we have planning law and we have a Planning Department, why did we need a Planning Committee? I suppose that is a bit like

saying: “Well we have laws, and we have the police force, why do we need the courts?” If only life were that simple but, as you know, it is not. The Planning Committee fulfils a function that is absolutely essential. It is a difficult, a difficult function, not everybody wants to do it. I think it is likely that people of an environmental leaning or interest will gravitate both towards the Environment, Housing and Infrastructure Scrutiny Panel and the Planning Committee, as long as that line that I have spoken about is not crossed and people declare their conflict of interest and recuse themselves, as we do day in, day out in our work both in the Assembly and in committees connected with it. We regularly are too close to an argument or are conflicted with different roles and we have to declare that conflict of interest and recuse ourselves. That is, I think, the answer to this. I am not going to labour the point, I move the proposition.

The Bailiff:

So, is it seconded? **[Seconded]**

8.1.1 Deputy J.H. Young:

Yes, I am just trying to be brief. Ever since we had the Planning Law in the 1960s, and maybe before that on the *beautés naturelle*, it has been necessary for planning decisions to be made, probably hundreds of thousands, I would think. Of course, before we had Ministers we had a committee, and the committee dealt with both policy and made planning decisions. Obviously of course we had to make a change when we went to ministerial government that that degree of cross-fertilisation where Members on the old Planning Committee when we had Committee Government, they were acutely aware of all the policy issues, they were well informed, very stoical. When we went to Ministers we could not have a situation, we had to break that, and so the States set up a Planning Applications Committee and that has done sterling work, very successful. There is no doubt about it, that committee has become a cornerstone of our democratic machinery of this area and it was re-called the Planning Committee, I think, in 2015 when this particular restriction was introduced. Sorry, Sir, my phone is buzzing in the box and it is driving me nuts.

The Bailiff:

A self-inflicted fine. **[Laughter]**

[11:15]

Deputy J.H. Young:

I am sorry. I set it on silent but obviously whoever it was would not go away and it just kept buzzing.

The Bailiff:

The Greffier has made a note.

Deputy J.H. Young:

Thank you very much, it has cost me. Anyway, it gives me a chance to think on my feet a bit. So I think we had to make that change in 2015. I think there are major advantages in the proposal here that whereby we can have ... it is important that those that are implementing planning policies by making decisions are also able in some way through the government processes to have a voice when it comes to those times when we set policy. We set policy together as an Island Plan; that is the basis of planning decisions. As the Deputy has pointed out, any Member of this House can bring amendments to the policy and has done. So I fully support the move and I think any issues potentially of any conflict are obscure and distant and, frankly, I think we should just go with it and approve the proposition.

8.1.2 The Connétable of St. Brelade:

As the chairman of the panel, I am aware of the situation and the difficulty also on the other side of getting Members to involve themselves in Scrutiny. I can see lots of ways of getting around the present situation of a conflict. The remit of the panel is broad. If, for instance, we were to go down a route of scrutinising, shall we say, a new Island Plan, I suspect a sub-committee would be formed by the panel so to do, and the Member who may have involvement would of course not be involved with that whatsoever. So, from the panel's point of view, I do not see any difficulty and will be supporting the proposition.

8.1.3 Deputy G.J. Truscott:

Well I hold the record for the fastest resignation in the States Assembly because as you say ... and I did just want to put the record straight, if I may. I did have a conversation with the chair of the Environment, Housing and Infrastructure Scrutiny Panel the night before and conflict did come into the conversation. I did feel that perhaps there was a degree of conflict between the 2 roles and the chairman offered a pragmatic view. He said: "Well if you do feel conflict", and he is absolutely right, "then you would stand down." That is something that I totally agree with. I think my worry is that I have now sat on the Planning Committee for my first term, 3½ years, I am standing there again. I thoroughly enjoy that work. It is one of the reasons I am there, very passionate about what is built in the Island, I am passionate about the environment and the green zones. I do find myself, being a businessman for 27 years, conflicted in some instances; quite a few instances. I am just wondering if there is going to be some ... and this is the bit that worries me and perhaps the Attorney General ... as a Member, because I do find a conflict, whether being a part of Scrutiny would inhibit my work on the Planning Committee. Obviously we do go eventually through to the courts if a decision is taken all the way, and I am just wondering if something like this muddies the water. Deputy Russell Labey of St. Helier, he did indicate that if lines are crossed then that could cause legal issues. So I am just wondering if the Attorney General could clarify that situation and would it inhibit a Member somewhere down the line? Thank you.

Mr. R.J. MacRae, H.M. Attorney General:

Well the Deputy is right, of course, there is a potential for conflict and there is a question about how the conflicts can be managed. Various Members have put forward ways in which conflicts could be managed and the Assembly will need to take a view on whether that is sufficient to deal with the conflicts that may arise in this case; mainly the Standing Order was amended in 2015 in order to avoid any risk of conflict, but the Assembly has heard various suggestions from Members as to how conflict could be managed in particular situations.

The Bailiff:

I think you are really being asked what you think the view of the court would be in relation to a criticism that there was a conflict.

The Attorney General:

It would rather depend on the nature of the conflict and the extent, if any, to which it affected the decision. But various ways in which conflict could be managed have been explored in the course of the debate this morning. I do not think I can go further than that.

Deputy J.H. Young:

Could I ask the Attorney for clarification? Has there ever been an incident since Planning Law was brought in where this issue was challenged between a member of a political committee and a planning decision on that principle of conflict?

The Attorney General:

I am not sure I can answer that question.

The Bailiff:

Deputy Wickenden. For the Attorney?

Deputy S.M. Wickenden of St. Helier:

Not for the Attorney, just for myself.

The Bailiff:

I will come to you in a moment then. Deputy Truscott, have you finished your speech?

Deputy G.J. Truscott:

No, that is fine, he has answered my question. Thank you.

The Bailiff:

All right, thank you.

8.1.4 Deputy S.M. Wickenden:

I have sat on a number of different panels and committees in my time here and the conflict can happen in any committee, certainly even on the Planning Committee if the applicant is in your own District or your own Parish, you are conflicted. You cannot adjudicate over that so there is a conflict, and it is managed by stepping away from that application. If you are on the Public Accounts Committee or somewhere, if you were maybe a Member in the previous Assembly and you were part of the policy that has created it and now you are going to be scrutinising it in the new Assembly there is a conflict, and what you do is you step away. I do not think there is a problem with anyone stepping away from a conflict because it happens in every committee, or it possibly can happen in every committee, so I do not see a problem with changing it and allowing it because we have managed it in every committee. So I do not see any problem and I think we should just move on and accept this.

8.1.5 Deputy J.M. Maçon:

Being on the Planning Committee for 10 years now ... no, and ... [**Approbation**] Thank you. Thank you, I am still there. [**Laughter**] I wanted to just let Members know, to remind them, partly why the change happened is because in the old days we were a committee of the Minister. The Minister used to propose who sat on the panel. Yes, there was that relationship where it could be argued that it was perhaps a bit too cosy about when policy was formed, particularly when we look at how the supplementary planning guidance was changed. But of course nowadays with the change to the Planning Law that was brought, we are now a committee adopted and supported by the Assembly and not the Minister, so that has brought some independence into the system. Therefore, that also explains the reasoning why this block was brought in the first place, just so Members know a bit more of the history around it. What I would have liked to have heard, however, a bit more robustly... because I think perhaps if we do remove the rule here and accept that perhaps maybe it should be better written into the Scrutiny Code somewhere, just so officially somewhere it is to point out. So perhaps the chairman of Scrutiny might want just to ... the president of Scrutiny, I beg your pardon,

might just want to say that that will be taken and noted and then implemented just so it is all clear and above board. But I think provided we tackle it that way, it should not be a problem. Thank you.

8.1.6 Deputy M. Tadier:

I am concerned by the motivation of this, I guess. It is not that I am imputing any underhanded reason, I think there is just a practical reason and it has been quite evident perhaps that it is difficult to recruit people to stand or to sit even on the Planning Committee or it may be difficult certainly in future iterations to do that. It might also be difficult for Members, especially with the Troy Rule, which I am firmly in favour of keeping. I think it is absolutely necessary under our current system of government to have a Troy Rule in place for a formula whereby the Executive is at least technically in the minority and it can theoretically be outvoted by the Assembly. That does propose mathematical restrictions on the composition of our bodies and our committees. I am looking at this thinking about the number who can already serve on the Planning Committee and also the fact that it takes perhaps up to 7 Members away from being able to serve on a particular Scrutiny Panel. I am thinking is it really such a big deal in terms of the balance of that practicality versus the potential and perhaps often real conflicts? They are not conflicts in the same way that we might think of them normally in the sense that: "I run a business, therefore, I have to declare an interest." It is the intellectual somersaults that you may have to perform, the Chinese walls that you will need to put up intellectually as well that you may not be aware of at any one point when you are considering a decision or conversely when you are scrutinising departmental policy in the wider context. It might be different, for example, because we have some very strange groupings of Scrutiny Panels. So in this particular context, the Environment and Department for Infrastructure panels sit very well together and the Housing panel because they look at a similar remit; it is to do with the build and the natural environment. But you have some strange bedfellows in terms of Home Affairs and Education which certainly on the surface do not seem to have the same obvious synergies. If it was a case that we were excluding people from looking at a particular policy area on Scrutiny that had nothing to do with planning, I could understand it. For example, if it was the Environment and Home Affairs Panel, you might not want to exclude people from looking at Home Affairs policies simply because they were on the Planning Committee. But it seems that there is an obvious potential for conflicts here and for needing to remain impartial intellectually. It is for that reason that I think the benefit and the risk has to fall on the side of not rescinding this and saying it is important in any of our States work to make choices about where we direct our energy. Certainly for me, and this may be a false impression that I am labouring under, but it seems to me that there is a quasi-departmental role that any Planning Committee plays in looking at planning applications. Because members of the public will apply to the Planning Department for permission to do something and it is a departmental function which is then, if you like, outsourced to the Planning Committee to say yea or nay and it is on the advice of departmental officers who very much work for the department. That does not mean that the Planning Committee is not independent and that it does not on occasion overturn or disagree with planning directions from the officers, but it is very much a function of the department which I think there needs to be a clear line between. So the public are relying on the department and the Planning Committee to make decisions effectively for government and for the States of Jersey. I think for that reason, for the clear lines of separation to be maintained between the Scrutiny function and the role of government, it is necessary that this remains in place. I am sorry if that is over-simplistic or if for some reason I have got that wrong, but I think that there is a clear line which is being transgressed here and that it is necessary. Both roles are very important and I personally do not think that it is not a case of whether you can do both roles, it is that you should not seek to want to do both roles, and we certainly should not be changing the rules of the States Assembly just to allow some kind of pragmatic solution so that we can all do more work and cross-pollinate. I think

it is right that government work together, it is right that Scrutiny is effective, and that as an Assembly we work for the good of the Island but we do that by often keeping separate roles and clear lines of demarcation. So this is not something I am inclined to support.

8.1.7 Senator K.L. Moore:

It is interesting to follow the Deputy and his explanation of his idea of clear lines because perhaps that is a purely subjective argument, as I think this is exactly what we are debating today. My understanding of those clear lines would be more in line with Deputy Labey and the proposition that he is bringing today. Firstly, Scrutiny is struggling with membership, particularly in light of the policy development boards which certainly blur those clear lines at the moment. It is a hot topic, purely among us parliamentarians I would admit, but it is an interesting and hot topic for us and something that we do all need to be mindful; I would certainly agree with that. Simply, I would suggest that it is important for us to understand and address those clear lines but the Deputy also mentioned directing our energies in our work as parliamentarians. Those energies are often served in a similar way by the members of the committee and the members of the Scrutiny Panel who share an interest in those topics and also would perhaps benefit from the understanding that they derive from membership of the committee and the understanding of themes and trends in planning, as well as those topics that are there for discussion among the Environment Panel. I will leave the point there but I would also like to comment in response to Deputy Maçon's points which were clearly put that, if accepted, the Chairmen's Committee would absolutely consider some changes that were necessary to the Code of Conduct for Scrutiny Panel members. Thank you.

[11:30]

The Bailiff:

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

8.1.8 Deputy R. Labey:

Thank you to those who took part in this debate. The email I most often write and have most often written over the last 4 years begins with the sentence: "I cannot engage you on this subject and I am copying in the Director of Planning to this reply so that it is noted that you made this approach." We are super-scrupulous on the Planning Committee. We are very, very cognisant of the potential for conflict and we run a very tight ship on that issue. I can make those assurances to the Assembly. I think Deputy Maçon has come up with a good suggestion about amending the Scrutiny Code if that needs to happen. We are talking about an instance which will probably crop up very rarely and I just want to underline to the Assembly that we will be super-scrupulous when it does occur. You have that assurance because we are the last people who want any kind of inference of anything other than complete fairness, openness and transparency during the course of our work. I take Deputy Tadier's point. I wish Deputy Tadier had accepted my repeated invitations to join the Planning Committee but that is not his bag and I respect that. But it is difficult to attract people to this committee because it is a difficult job and you are up there and you are never going to make 100 per cent friends. There are always 2 sides or more to a planning story. This Assembly has to, and has done, and has to get to grips with where lines are not to be crossed. We have to do that and we have to be honest and ... there are party lines, interestingly enough, for Deputy Tadier's party. There are party lines that have to be drawn as well and party hat taken off and Assistant Minister hat put on, *et cetera*. This Assembly is capable of doing that, the party is capable of doing that, we are all capable of doing that and we should continue to do that. Being mindful of the potential for conflict here, and being honest with Members in my opening remarks - and I repeat that - I maintain the proposition and I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is whether to adopt proposition P.101 and I ask the Greffier to open the voting.

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
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. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy R.J. Rondel (H)				
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 K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
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)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**The Bailiff**

Now, Chairman, you wish to propose the Arrangement of Public Business for the next Order Paper?

9. Deputy R. Labey (Chairman, Privileges and Procedures Committee):

Gosh, yes, that has come around quickly. I do not have any alterations to the published order of business for the next sitting except of course that we have just heard that P.97 is being deferred until the next sitting.

The Bailiff:

Until at least then, yes. So the next sitting looks like being a very short one as well?

Deputy R. Labey:

Yes, Sir.

9.1 Deputy K.C. Lewis:

Before we break, may I remind Members that we have a very, very important briefing at 1.00 p.m. downstairs regarding Brexit, the Vienna Convention on motor vehicles? Sandwich lunch provided.

9.2 Deputy J.H. Young:

Obviously this gap in our schedule, I think, is a temporary hiatus. I fear with the amount of stuff of work in progress, later on in the year we could pay for the luxury of this. Is there any chance that some of the material for 23rd October, particularly Deputy Guida's propositions, could be brought forward to give us a manageable agenda?

The Bailiff:

No doubt Deputy Guida and the Chairman of P.P.C. (Privileges and Procedures Committee) will discuss that.

9.2.1 Senator J.A.N. Le Fondré:

Sorry, I was going to say the intention is for the Council of Ministers, myself, the Constable of St. John and the Constable of St. Ouen will be sitting down with Deputy Guida to discuss this proposition.

9.2.2 Deputy R. Labey:

Yes, we will take a look at that. As we are just about to adjourn, can I just remind Members of an important meeting with the Commissioner for Standards who we have brought over to talk to Members on 27th September, on Thursday? It is a rare opportunity to put questions to the Commissioner and discuss issues and I would just like to remind Members that that meeting has been arranged and is happening and I hope as many as possible will attend.

The Bailiff:

Thank you. Connétable of St. Ouen, did you wish to say anything or did you not? Well, the States now stand adjourned until 9th October at 9.30 a.m.

ADJOURNMENT

[11:35]